PART 000 - GENERAL

30.62A.010 - Purpose and applicability.

(1) The purpose of this chapter is to provide critical area regulations pursuant to the Growth Management Act [chapter 36.70A RCW] for the designation and protection of:
   (a) Wetlands, and
   (b) Fish and wildlife habitat conservation areas including:
      (i) streams;
      (ii) lakes;
      (iii) marine waters; and
      (iv) primary association areas for critical species

(2) This chapter applies to:
   (a) Development activities, actions requiring project permits, and clearing, except for the following:
      (i) Non-ground disturbing interior or exterior building improvements;
      (ii) Routine landscape maintenance of established, ornamental landscaping;
      (iii) Exterior structure maintenance, including, but not limited to, painting and roofing;
      (iv) Removal of noxious weeds conducted in accordance with chapter 16-750 WAC;
      (v) Maintenance or replacement that does not expand the affected area of the following existing facilities:
         (A) septic tanks and drainfields;
         (B) wells;
         (C) individual utility service connections; and
         (D) individual cemetery plots in established and approved cemeteries;
      (vi) Data collection and research by non-mechanical means if performed in accordance with state-approved sampling protocols or Endangered Species Act (ESA) Section 10(a)(1)(a), Section 7 consultation (16 USC § 1536);
      (vii) Non-mechanical survey and monument placement; and
      (viii) Quasi-judicial rezones not accompanied by another permit or approval.
   (b) Agricultural activities, which are subject only to Part 600 of this chapter; except that certain agricultural activities as defined in SCC 30.62.015(1) occurring on rural and agricultural resource lands are exempt from this chapter and are subject only to chapter 30.62 SCC.

30.62A.015 - Intent.

It is the intent of this chapter to provide the protection required by chapter 36.70A RCW for wetlands and for fish & wildlife habitat conservation areas while simultaneously protecting property rights. The county council nevertheless recognizes that implementation of some provisions of this chapter 30.62A SCC will inevitably entail some restriction of property rights. It is the intent of the county council that this chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter 36.70A RCW.

30.62A.020 - Relationship to Snohomish County Shoreline Management Program.

Protection of wetlands and fish and wildlife conservation areas located within shorelines of the state, as defined in chapter 90.58 RCW, shall be accomplished through compliance with the provisions of this chapter. Nothing in this section shall be construed to be inconsistent with RCW 36.70A.480.

30.62A.030 - Relationship to chapter 30.61 SCC—Environmental impacts.
Critical area protective measures required by this chapter shall also constitute adequate mitigation of adverse or significant adverse environmental impacts on wetlands, fish and wildlife habitat conservation areas and their buffers pursuant to chapter 30.61 SCC, to the extent permitted by RCW 43.21C.240.


### 30.62A.040 - Rulemaking authority.

The director shall have the authority to adopt administrative rules to implement the provisions of this chapter. Rulemaking authority shall include, but is not limited to, the adoption of best management practices for the regulation of wetlands, fish and wildlife habitat conservation areas and buffers.


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**PART 100 – PROCESS REQUIREMENTS**

### 30.62A.110 - Permit pre-applications.

Project proponents may request a pre-application meeting pursuant to SCC 30.70.020 to obtain a preliminary analysis of how the requirements of this chapter apply to the proposed project.


### 30.62A.120 - Critical area services provided by the department.

The department may provide the following services to applicants for single family residential (SFR) dwellings, duplexes, and accessory structures, and commercial structures of 8,000 square feet or less upon submittal of the application and the payment of fees as required by chapter 30.86 SCC:

1. Identification of fish and wildlife habitat conservation areas;
2. Development of habitat management plans; and
3. Delineation and categorization of streams and wetlands.


### 30.62A.130 - Submittal requirements.

1. For any development activity or action requiring a project permit, the applicant shall submit a site development plan drawn to a standard engineering scale which includes:
   a. Boundary lines and dimensions of the subject property;
   b. Boundary lines and dimensions of the site;
   c. The topography at contour intervals of five feet unless the underlying project permit requires a lesser interval;
   d. Location, size, and type of any existing structures and other existing developed areas;
   e. Location, size and type of all development activity and clearing on the site;
   f. Location and description of all wetlands, fish and wildlife habitat conservation areas and buffers, located on the site within 300 feet of the site boundaries;
   g. Location of all other critical areas regulated pursuant to chapters 30.62B, 30.62C and 30.65 SCC on or within 200 feet of the site; and
   h. Location of structure setbacks as required in SCC 30.62B.340(2) and chapter 30.23 SCC.

2. In addition to a site development plan the following additional information will be required where applicable:
   a. Classification of all streams, wetlands or lakes pursuant to SCC 30.62A.230 (Table 1). Classification is not required if the project permit applicant applies the maximum protection for the specific critical area as specified at SCC 30.62A.320 (Table 2);
   b. Provisions for permanent protection as specified at SCC 30.62A.160;
   c. Provisions for temporary marking on the site of all critical area protection areas, or the limits of the proposed site disturbance outside of the critical area protection areas; and
   d. A critical area study as required by SCC 30.62A.140.
30.62A.140 - Critical area study content requirements.

For any development activity or action requiring a project permit occurring in wetlands, fish and wildlife habitat conservation areas, or within a buffer unless otherwise provided in Part 300, the director may require, where applicable, a survey or map drawn to scale and a report describing the following information:

1. A wetland delineation map and report, including field worksheets in accordance with the manual adopted by the Department of Ecology pursuant to RCW 36.70A.175. (See Wetlands Identification and Delineation Manual, Department of Ecology Publication #96-94, March 1997, or latest edition). This requirement may be waived if a wetland delineation has been performed within the previous five years that was approved by the department, and the department determines after site review that the wetland boundary is the same as the approved delineation;

2. Wetland categorization, including worksheets, documenting the proposed wetland categories, based on the Wetland Rating System for Western Washington, (Hruby, T., August 2004, or latest edition, Department of Ecology Publication #04-06-025);

3. Wetland classes present as defined in the United States Fish and Wildlife Service's Classification of Wetlands and Deep Water Habitats in the U.S. (Cowardin et al., 1979);

4. Stream location, stream name (if named), and stream type pursuant to the typing system contained in SCC 30.62A.230 (Table 1);

5. Lake location, lake name (if named), and lake type pursuant to the typing system contained in SCC 30.62A.230 (Table 1);

6. The ordinary high-water mark of any stream, lake or marine water;

7. A description and illustration of proposed activities within any critical area or buffers;

8. An assessment of the existing functions and values of the critical area(s) or buffers that will be affected by the proposed activity and the methods used to assess those functions and values;

9. An assessment of how the activity meets the protection standards established in SCC 30.62A.310 and SCC 30.62A.450. For applications under SCC 30.62A.350, an assessment of how the proposal protects protection equivalent to the standards established in SCC 30.62A.310 and SCC 30.62A.450. Proposals offering better protection would also be acceptable;

10. A mitigation plan for activities occurring in a critical area or buffer according to the requirements in SCC 30.62A.150;

11. A habitat management plan in accordance with SCC 30.62A.460 for any activity occurring within the primary association area of a critical species;

12. When shoreline or bank stabilization measures and/or flood protection measures are proposed, a geotechnical report investigating alternative structural and non-structural methods pursuant to SCC 30.62B.140; and

13. Any other information necessary to determine compliance with this chapter.


30.62A.150 - Mitigation plan requirements.

Unless otherwise provided by this chapter, project permit applicants must provide a mitigation plan to address impacts to affected wetland, fish and wildlife habitat conservation area, or buffer functions and values as identified in the critical area study required pursuant to SCC 30.62A.140, provided that mitigation for the primary association area of critical species shall also comply with the requirements of Part 400.

1. All mitigation plans shall:

   a. Include a baseline study that describes and evaluates the existing functions and values, the functions and values that will be impacted, and the functions and values after mitigation;

   b. Specify how functions and values lost as a result of the activity will be replaced;

   c. Specify when mitigation will occur relative to project construction and to the requirements of permits required by other jurisdictional entities;

   d. Include provisions for monitoring and maintenance of the mitigation area on a long-term basis to determine whether the plan was successful. The length of time for monitoring and maintenance should be sufficient to determine if mitigation performance standards have been achieved;

   e. Include provisions for performance and maintenance security pursuant to chapter 30.84 SCC to ensure that work is completed in accordance with approved plans; and

   f. Include provisions on a form approved by the department for right of entry to the county for the purpose of inspection for the length of the monitoring and maintenance period.
For development activities that require approval by the hearing examiner or those that receive phased administrative, conditional or preliminary approvals, the director may allow mitigation plans to be submitted in two phases: a conceptual phase and a detailed plan phase.


30.62A.160 - Permanent identification, protection and recording.

The following measures for permanent identification and protection of wetlands, fish and wildlife habitat conservation areas and buffers are required for any development activity or action requiring a project permit, except those occurring in public and private road or utility easements and rights-of-way, or those conducted for the primary purpose of habitat enhancement.

1. Critical Area Site Plan.
   (a) All wetlands, fish and wildlife habitat conservation areas and, buffers shall be designated on a critical area site plan as critical area protection areas.
   (b) The critical area site plan shall be drawn to a standard engineering scale and include at minimum:
      (i) the boundaries of the site;
      (ii) a legal description of the subject property;
      (iii) accurate locations/boundaries of the critical area protection area(s), identified by critical area type;
      (iv) provisions allowing habitat enhancement in wetland(s), fish and wildlife habitat conservation area(s) and buffers; and
      (v) provisions for the permanent protection of the critical area(s) functions and values including, at minimum, the following:
         (A) restrictions on the construction of new structures;
         (B) restrictions on the removal of existing native vegetation; and
         (C) restrictions on other development activities that would adversely affect the functions and values of the wetland(s), fish and wildlife habitat conservation area(s), or buffers.

2. Recording. Critical area site plans shall be recorded with the county auditor. Documentation of recording shall be provided to the department prior to permit issuance.

3. Separate Tracts and Easements. Wetlands, fish and wildlife habitat conservation areas, and buffers shall be located in separate tracts owned in common by all owners of the lots or parcels within any land division or land use permit or decision regulated pursuant to chapters 30.41A, 30.41B, 30.41C and 30.41D SCC. Provided that in urban growth areas, wetlands, fish and wildlife habitat conservation areas and buffers may be contained in an easement on individual lots or parcels in a form approved by the department.

4. Previously approved critical area site plans. For any development activity, action requiring a project permit or clearing occurring consistent with a previously approved critical area site plan shall be governed according to the terms and conditions of the approved site plan, provided that all wetlands, fish and wildlife habitat conservation areas and buffers have been identified and specific permanent protection has been provided.

5. Permanent Marking. Critical area protection area boundaries shall be permanently marked on the site prior to final inspection by the county using methods and materials acceptable to the county, provided that this requirement does not apply to single family residential development occurring on existing lots.


PART 200 – DESIGNATION, FUNCTIONS AND VALUES, AND CLASSIFICATION

30.62A.210 - Designation of wetlands and fish and wildlife habitat conservation areas.

The county has designated wetlands and fish and wildlife habitat conservation areas pursuant to RCW 36.70A.170 by defining them and providing criteria for their identification and establishing the functions and values to be protected. Project proponents are responsible for determining whether a wetland or fish and wildlife habitat conservation area exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of wetlands and fish and wildlife habitat conservation areas identified by project proponents. Specific criteria for the designation of wetlands and fish and wildlife habitat conservation areas are contained in this chapter and chapter 30.91 SCC. While the county maintains some maps of wetlands and fish and wildlife habitat conservation areas, they are for informational purposes only and may not accurately represent all such areas.
30.62A.220 - Functions and values of wetlands, fish and wildlife habitat conservation areas and buffers.

The functions and values listed in this section are included primarily based on their ecological relationship and value to the critical areas subject to this chapter, and include, but are not necessarily limited to, the following elements:

1. Streams. Fish and wildlife habitat; transport of water, sediment and organic material; floodwater storage and attenuation;
2. Wetlands. Fish and wildlife habitat, pollution assimilation, sediment retention, shoreline stabilization, floodwater storage, attenuation and conveyance, wave energy attenuation, stream base-flow maintenance, and groundwater discharge/recharge;
3. Lakes. Fish and wildlife habitat, sediment retention, pollution assimilation, and floodwater attenuation, storage and conveyance;
4. Marine waters. Fish and wildlife habitat; wind, wave and current attenuation; sediment supply; longshore transport of sediment; and pollution assimilation;
5. Primary association areas of critical species. Fish and wildlife habitat; and
6. Buffers. Habitat for water associated and riparian associated wildlife, wildlife movement corridors, noise and visual screening, large woody debris and other natural organic matter recruitment, floodwater attenuation and storage, temperature maintenance, pollution assimilation, streambank stabilization and supply of sediments and nutrients.

30.62A.230 - Classification of streams, lakes, wetlands and marine waters.

(1) Classification of streams, lakes and marine waters shall be established in accordance with the water typing rules contained in WAC 222-16-030, summarized in Table 1. In the event of a conflict between WAC 222-16-030 and the contents of Table 1, the provisions in WAC 222-16-030 will govern.

(2) Classification and scoring of wetlands shall occur pursuant to the rating system and criteria contained in the Wetland Rating System for Western Washington, (Washington State Department of Ecology Publication #04-06-025) summarized in Table 1. In the event of a conflict between the DOE publication and the contents of Table 1, the provisions in the DOE publication will govern.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Classification Criteria Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Streams and Lakes</strong></td>
<td></td>
</tr>
<tr>
<td>Type S</td>
<td>Segments of natural waters within their bankfull width, as inventoried as &quot;shorelines of the state&quot; under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW.</td>
</tr>
<tr>
<td>Type F</td>
<td>Segments of natural waters other than Type S waters, which are within the bankfull widths of defined channels or within lakes having a surface area of 0.5 acres or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following four categories: (a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the Washington State Department of Natural Resources to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type F water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less; (b) Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type F water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality; (c) Waters which are within federal, state, local or private campgrounds with more than 10 camping units: Provided that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement; (d) Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat.</td>
</tr>
<tr>
<td>Type Np</td>
<td>Segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams.</td>
</tr>
</tbody>
</table>
PART 300 – STANDARDS AND REQUIREMENTS

30.62A.310 - General standards and requirements.

(1) This Part establishes specific standards and requirements for protection of wetlands and fish and wildlife habitat conservation areas, and under what circumstances mitigation may be used to address the impacts of development.

(2) Any development activity, action requiring a project permit or clearing occurring within wetlands, fish and wildlife habitat conservation areas, and buffers is prohibited unless conducted in compliance with this chapter.

(3) Except as otherwise provided in Part 500, all development activities, actions requiring a project permit or clearing shall be designed and conducted to achieve no net loss of critical area functions and values and comply with the following general standards and requirements:

(a) The project proponent shall make all reasonable efforts to avoid and minimize impacts to wetlands, fish and wildlife habitat conservation areas, and buffers in the following sequential order of preference:

(i) avoiding impacts altogether by not taking a certain action or parts of an action; or;

(ii) when avoidance is not possible, minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts, and mitigating for the affected functions and values of the critical area;

(b) When mitigation is required it shall be conducted in accordance with the following requirements:

(i) Mitigation Location. Unless otherwise provided in this chapter, mitigation for impacts to the functions and values of wetlands, fish and wildlife habitat conservation areas and buffers shall be in-kind and on-site. Off-site mitigation may be approved only in those situations where appropriate and adequate on-site mitigation can not replace the function(s) of the wetlands, fish and wildlife habitat conservation area(s) or buffers at an equivalent level to the off-site location. Off-site mitigation must occur in the same sub-drainage basin for streams, lakes and wetlands, or drift cell for marine waters;

(ii) Mitigation Timing. Mitigation shall be completed prior to granting of final building occupancy, or the completion or final approval of any development activity or action requiring a project permit for which mitigation measures have been required, except as set forth in chapter 30.84 SCC, and...
(iii) Function Replacement. Unless otherwise provided in this chapter, functions and values shall be replaced at a one to one ratio;

(e) A project proponent may demonstrate compliance with SCC 30.62A.310(3) by:

(i) adhering to the standards and requirements in SCC 30.62A.320(1), .330(1), .340(1) and (2) and .450 of this chapter as applicable; or by

(ii) adhering to the performance standards in SCC 30.62A.320(2) and (3), .330(2), .340(3) and (4), or .350 and mitigating for impacted functions and values as follows:

(A) any development activity, action requiring a project permit or clearing allowed pursuant to SCC 30.62A.320(2), .330(2), .340(3) or .350 shall also comply with general mitigation requirements in SCC 30.62A.350 or Part 500; and

(B) any development activity or action requiring a project permit listed in SCC 30.62A.320(2), .330(2), .340(3) or .350 shall also comply with the critical area study requirements of SCC 30.62A.140, and the mitigation plan requirements of SCC 30.62A.150; and

(d) Permanent identification and protection of wetlands, fish and wildlife habitat conservation areas, and their buffers shall be provided as required by SCC 30.62A.160.


30.62A.320 - Standards and requirements for buffers.

Buffers shall be required adjacent to streams, lakes, wetlands and marine waters to protect the functions and values of these aquatic critical areas.

(1) Buffer Standards and Requirements—No Mitigation Required. All development activities, actions requiring project permits and clearing that comply with the buffer requirements of SCC 30.62A.320(1)(a) through (g) satisfy the avoidance criteria of SCC 30.62A.310(3) and are not required to provide mitigation.

(a) Buffer widths shall be as set forth in Table 2a or 2b below.

<table>
<thead>
<tr>
<th>Table 2a—Stream, Lake and Marine Buffer Width Standards (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Streams and Lakes</strong></td>
</tr>
<tr>
<td>Type S                                                       150</td>
</tr>
<tr>
<td>Type F with anadromous or resident salmonids                  150</td>
</tr>
<tr>
<td>Type F without anadromous or resident salmonids               100</td>
</tr>
<tr>
<td>Type Np                                                     50</td>
</tr>
<tr>
<td>Type Ns                                                     50</td>
</tr>
<tr>
<td><strong>Marine Waters</strong></td>
</tr>
<tr>
<td>Type 1                                                      All marine waters  150</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2b: Wetland Buffer Width Standards (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wetlands</strong></td>
</tr>
<tr>
<td>Buffer w/out mitigation measure 1 or 2 Buffer w/ mitigation measure 1 (*may use measure 1 OR 2) Buffer w/ mitigation measures 1 AND 2</td>
</tr>
<tr>
<td>Wetland Category</td>
</tr>
<tr>
<td>Category I</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
1. High intensity land uses include:
   - commercial or industrial uses
   - nonresidential use in zones where the primary intent is residential use as per SCC 30.21.025
   - Residential use (4 or more units/acre)
   - High-intensity recreation (golf courses, ball fields, ORV parks, etc.)

2. Low intensity land uses include:
   - Forestry (cutting of trees only)
   - Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)
   - Unpaved trails
   - Utility corridor without a maintenance road and little or no vegetation management.

(b) Buffer widths shall be measured as follows:
   (i) the buffer for streams, lakes and marine waters shall be measured from the ordinary high-water mark extending horizontally in a landward direction and for wetlands, the buffer shall be measured from the edge of the wetland extending horizontally in a landward direction; and
   (ii) provided however, where the landward edge of the standard buffer shown in Table 2a or 2b extends on to a slope of 33 percent or greater, the buffer shall extend to a point 25 feet beyond the top of the slope.

(c) Within buffers, the following restrictions on impervious surfaces apply:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>High Level Habitat Function (habitat function score is 29-36)</th>
<th>Moderate Level Habitat Function (habitat function score is 20-28)</th>
<th>Total score 70 or above but not meeting above criteria</th>
<th>Low Level Habitat Function (habitat function score is 20-28)</th>
<th>Moderate Level Habitat Function for Water Quality Improvement and Low for Habitat (water quality function score is 24—32 and habitat function score is less than 20)</th>
<th>Total score 51-69 but not meeting above criteria</th>
<th>Category IV</th>
<th>Total score for all functions less than 30 points</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Estuarine (less than 1 acre)</td>
<td>225</td>
<td>300</td>
<td>262*</td>
<td>225</td>
<td>150</td>
<td>110</td>
<td>150</td>
<td>130*</td>
</tr>
</tbody>
</table>
(i) no new effective impervious surfaces are allowed within the buffer of streams, wetlands, lakes or marine waters; and

(ii) total effective impervious surfaces shall be limited to 10 percent within 300 feet of:

(A) any streams or lakes containing salmonids;

(B) wetlands containing salmonids; or

(C) marine waters containing salmonids.

(d) All development activities, actions requiring project permits or clearing shall be designed to avoid the loss of or damage to trees in buffers due to blow down or other causes.

(e) The following measures for reducing buffer width and area may be used without a critical area study or mitigation plan:

(i) Separate Tract Reductions. Up to a 15 percent reduction of the standard buffer is allowed when the buffer and associated aquatic critical area are located in a separate tract as specified in SCC 30.62A.160(3);

(ii) Fencing Reductions. Up to a 15 percent reduction of the standard buffer is allowed when a fence is installed along the perimeter of the buffer. The fence shall be designed and constructed as set forth below:

(A) the fence shall be designed and constructed to be a permanent structure;

(B) the fence shall be designed and constructed to clearly demarcate the buffer from the developed portion of the site and to limit access of landscaping equipment, vehicles, or other human disturbances; and

(C) the fence shall allow for the passage of wildlife, with a minimum gap of one and one half feet at the bottom of the fence, and a maximum height of three and one half feet at the top; and

(iii) for permanent fencing combined with separate tracts, the maximum reduction shall be limited to 25 percent.

(f) The following buffer reduction methods are only allowed in conjunction with a critical area study, pursuant to SCC 30.62A.140, demonstrating that the methods will provide protection equivalent to the standard requirements contained in Table 2. Proposals offering better protection would also be acceptable:

(i) the width of a buffer may be averaged, by reducing the width of a portion of the buffer and increasing the width of another portion of the same buffer, if all of the following requirements are met:

(A) averaging will not diminish the functions and values of the wetland(s), fish and wildlife habitat conservation area(s) or buffer(s);

(B) the total area of the buffer on the subject property may not be less than the area that would have been required if averaging had not occurred;

(C) the total area of buffer averaging shall be placed between the developed area and the wetland, lake, stream or marine water;

(D) no part of the width of the buffer may be less than 50 percent of the standard required width or 25 feet, whichever is greater;

(E) averaging of a buffer shall not be allowed where the reduction extends into associated sloping areas of 33 percent or greater;

(F) buffers on isolated - wetlands or lakes located in close proximity to other aquatic critical areas shall be connected by corridors of native vegetation where possible using the buffer averaging provisions of this section and the following criteria:

(1) the width of the corridor connection between the aquatic critical areas shall be no less than the combined average of the standard buffers for each of the critical areas, provided that if there is not sufficient buffer area available when using averaging to establish a connection, a connection is not required;

(2) no more than 25 percent of the buffer of the individual critical areas shall be used to make a corridor connection;

(3) the corridor connection shall be established where feasible using the highest quality habitat existing between the critical areas;

(ii) Enhancement Reductions. Up to a 25 percent reduction of the standard buffer width and area is allowed provided the project proponent demonstrates the enhancement complies with all of the following criteria:

(A) a comparative analysis of buffer functions and values prior to and after enhancement, demonstrates that there is no net loss of buffer functions and values;

(B) a full enhancement reduction shall only be allowed where it can be demonstrated that the existing buffer functions and values are non-existent or significantly degraded. Buffers with partial function may receive a partial or prorated reduction; and

(C) the total buffer area after reduction is not less than 75 percent of the total buffer area before reduction;

(iii) reductions may be combined based on the following criteria:
(A) for enhancement combined with permanent fencing, the maximum reduction in width and area shall be limited to 30 percent; and

(B) for enhancement combined with separate tracts, the maximum reduction in both width and area shall be limited to 30 percent.

(g) When averaging is used in combination with any or all of the reduction methods contained in this section, the buffer shall not be reduced to less than half of the standard buffer widths contained in SCC 30.62A.320(1)(a), Table 2.

(2) Buffer Standards and Requirements—Mitigation Required. All actions, structures or facilities listed in this section are allowed only when they are determined to be unavoidable pursuant to SCC 30.62A.310(3) and are conducted according to the standards and requirements identified in this section. When a permit is required, an applicant must also provide a critical area study meeting the requirements of SCC 30.62A.140 and a mitigation plan meeting the requirements of SCC 30.62A.150.

(a) New utilities and transportation structures are allowed within buffers when:

(i) no other feasible alternative exists or the alternative would result in unreasonable or disproportionate costs; and

(ii) location, design and construction minimizes impacts to the buffers pursuant to SCC 30.62A.310.

(b) Stormwater detention/retention facilities are allowed pursuant to the requirements of SCC 30.63A.570.

(c) Access through buffers is allowed provided it is designed and constructed to be the minimum necessary to accommodate the use or activity.

(d) Construction of pedestrian walkways or trails in buffers is allowed when constructed with natural permeable materials and does not exceed 6 feet in width.

(e) Trimming of vegetation for purposes of providing a view corridor in a buffer is allowed provided that:

(i) trimming shall not include felling, topping, or removal of trees and be limited to hand pruning of branches and vegetation;

(ii) trimming and limbing of vegetation for the creation and maintenance of view corridors shall occur in accordance with the pruning standards of the International Society of Arboriculture (See articles published by the International Society of Arboriculture, Consumer Information Program, updated July, 2005);

(iii) trimming shall be limited to view corridors of 30 feet wide or 50 percent of the lot width, whichever is less;

(iv) no more than 30 percent of the live crown shall be removed; and

(v) the activity will not increase the risk of landslide or erosion.

(f) New shoreline and bank stabilization measures or flood protection are allowed pursuant to SCC 30.62A.330(2).

(g) Reconstruction or replacement of buildings may be allowed provided the new building does not encroach further into a critical area or its buffer than did the original building being reconstructed or replaced.

(3) Buffer Standards and Requirements—Mitigation Ratios. To mitigate impacts to functions and values of buffers, the ratios in Table 3 shall be required unless using the provisions of innovative development in SCC 30.62A.350. The ratios are based upon the existing type of vegetative cover and are expressed in terms of the number of acres needed to recover the lost functions and values of one acre of buffer area. For impacts to buffers that permanently remove existing vegetation, functions and values shall be assumed to be replaced by creating or enhancing new buffers at the following ratios:

<table>
<thead>
<tr>
<th>Existing Riparian habitat vegetation type</th>
<th>Creation</th>
<th>Enhancement¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mature forest</td>
<td>6:1</td>
<td>12:1</td>
</tr>
<tr>
<td>Non-mature forest</td>
<td>3:1</td>
<td>6:1</td>
</tr>
<tr>
<td>Shrub</td>
<td>2:1</td>
<td>4:1</td>
</tr>
<tr>
<td>Non-woody vegetation</td>
<td>1.5:1</td>
<td>3:1</td>
</tr>
<tr>
<td>No vegetated cover</td>
<td>1:1</td>
<td>2:1</td>
</tr>
</tbody>
</table>

¹ enhancement of the existing buffer is allowed in lieu of creation for up to one acre of buffer loss.

Comment [s2]: This standard may be superseded by provisions under ADA when applicable [SCC 30.67.060(2)(b)].

Comment [s3]: NOTE: This ordinance changed a % symbol to the word “percent”; added “SCC” ahead of the code cross reference citations; and updated the code citation for stormwater facilities consistent with the new NPDES codes.
Standards and requirements for activities conducted within streams, lakes and marine waters. Protection of streams, lakes and marine waters is inextricably linked to protection of the adjacent buffers. Standards and requirements for buffers adjacent to streams, lakes and marine waters are found in SCC 30.62A.320.

(1) Standards and Requirements for Streams, Lakes and Marine Waters—No Mitigation Required. Any development activity, action requiring project permit or clearing that does not encroach into streams, lakes or marine waters and provides buffers consistent with the requirements of SCC 30.62A.320(1) satisfies the avoidance criteria of SCC 30.62A.310(3) and do not require mitigation.

(2) Standards and Requirements for Streams, Lakes and Marine Waters—Mitigation Required. All actions, structures or facilities listed in this section are allowed only when they are determined to be unavoidable pursuant to SCC 30.62A.310(3), and are conducted according to the standards and requirements identified in this section. When a permit is required, an applicant must also provide a critical area study meeting the requirements of SCC 30.62A.140 and a mitigation plan meeting the requirements of SCC 30.62A.150.

(a) All development activities, actions requiring project permits and clearing shall meet the following requirements:
   (i) the project shall be sited and designed to prevent the need for shoreline or bank stabilization and structural flood hazard protection measures for the life of the development;
   (ii) the project shall be sited and designed to avoid the need for new or maintenance dredging; and
   (iii) the project shall not obstruct the source and movement of sediment from bluffs along marine waters except as necessary pursuant to SCC 30.62A.330(2)(b).

(b) Shoreline and Streambank Stabilization and Flood Protection Measures. Shoreline and streambank stabilization and flood protection measures are only allowed to protect an existing primary structure; new or existing utilities, roads and bridges; agricultural land; or as part of a project where the sole purpose is to protect or restore wetlands, fish and wildlife habitat conservation areas or buffers. Activities allowed under SCC 30.62A.330(2)(b) shall meet the following conditions:
   (i) the applicant shall submit a geotechnical report as required pursuant to SCC 30.62A.140 which establishes that the stabilization or flood protection is necessary;
   (ii) non-structural measures shall be used unless a geotechnical report indicates that the only alternative is use of structural stabilization measures;
   (iii) the activity shall avoid interrupting hyporheic zone continuity; and
   (iv) the activity should be designed and constructed based on the guidance contained in the Integrated Streambank Protection Guidelines (Washington State Department of Fish and Wildlife, April 2003) and the Alternative Bank Protection Methods for Puget Sound Shorelines (Washington State Department of Ecology, May 2000, Publication #00-06-012) as appropriate for the type of critical area impacted.

(c) Utility Construction. For utilities permitted under Title 30 SCC and Title 13 SCC, the following additional requirements shall apply:
   (i) new utility crossings shall be bored beneath types S and F streams, and channel migration zones where feasible;
   (ii) underground utilities shall avoid interrupting hyporheic zone continuity;
   (iii) utilities shall be contained within the developed footprint of existing roads or utility crossings, where feasible;
   (iv) utilities placement shall not increase or decrease the natural rate of shore migration, channel migration or longshore sediment transport within a drift cell;
   (v) utilities placement shall avoid interrupting downstream movement of wood and sediment; and
   (vi) new overhead electrical facilities are allowed when no other feasible alternative exists or the alternative would result in unreasonable or disproportionate costs, and the location, design and construction minimizes impacts to streams, lakes and marine waters pursuant to SCC 30.62A.310.

(d) Road crossings are subject to the following requirements:
   (i) road crossings on fish-bearing streams shall be designed according to the guidelines set forth in Fish Passage Design at Road Culverts (Washington Department of Fish and Wildlife, March 3, 1999); and
   (ii) road crossings shall avoid interrupting natural rates of the downstream movement of woody debris and sediment.

(e) Stream Conveyances. Where feasible, stream conveyances shall avoid interrupting natural rates of the downstream movement of woody debris and sediment.
Docks, piers and floats are subject to the following requirements:

(i) use of toxic or treated materials that will come in contact with the water is prohibited;
(ii) construction timing shall avoid critical life cycle stages of fish and wildlife;
(iii) these structures shall avoid critical saltwater habitats; and
(iv) joint use of docks, piers and floats shall be required where feasible.

(Added Amended Ord. 06-061, § 29 (part), Aug. 1, 2007, Eff date Oct. 1, 2007.)

30.62A.340 Standards and requirements for activities conducted in wetlands.

Protection of wetlands is inextricably linked to protection of the adjacent buffer areas. Standards and requirements for the buffers adjacent to wetlands are found in SCC 30.62A.320. Additional standards and requirements for development activities, actions requiring project permits and clearing within wetlands are in this section.

(1) Standards for Wetlands—Prohibitions. The following actions are prohibited:

(a) Filling of estuarine wetlands, Natural Heritage wetlands, mature forested wetlands and Category I bogs;
(b) Point discharges of stormwater into Category I bogs; and
(c) Septic systems and effective impervious surfaces within 300 feet of Category I bogs.

(2) Standards for Wetlands—No Mitigation Required. All development activities, actions requiring project permits and clearing that do not encroach into wetlands and provide buffers consistent with the requirements of SCC 30.62A.320(1)(a) through (f) and the prohibitions in SCC 30.62A.340(1) satisfy the avoidance criteria of SCC 30.62A.310(3) and do not require mitigation.

(3) Standards for Wetlands—Mitigation Required. The actions, structures and facilities listed in this section are allowed only when they are determined to be unavoidable pursuant to SCC 30.62A.310, are consistent with the prohibitions in SCC 30.62A.340(1), and are conducted according to the standards and requirements identified in this section. When a permit is required, an applicant must also provide a critical area study meeting the requirements of SCC 30.62A.140 and a mitigation plan meeting the requirements of SCC 30.62A.150.

(a) Except for estuarine wetlands, Natural Heritage wetlands, mature forested wetlands and bogs, filling of up to one acre of wetland is allowed provided no other feasible alternative exists.

(b) New utilities and transportation structures are allowed within wetlands provided no other feasible alternative exists.

(c) Stormwater detention/retention facilities are prohibited in Category I bogs pursuant to SCC 30.62A.340(1) but are otherwise allowed pursuant to the requirements of SCC 30.63A.570.

(4) Standards for Wetlands—Mitigation Requirements.

(a) Mitigation ratios - To mitigate total loss of wetland functions, the ratios in Table 4 shall be required unless using the provisions for innovative development in SCC 30.62A.350. The ratios are expressed in terms of the units of area needed to replace the lost functions and values of the wetland.

<table>
<thead>
<tr>
<th>Category/Type of Wetland</th>
<th>Creation</th>
<th>Enhancement 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Category IV</td>
<td>1.5:1</td>
<td>3:1</td>
</tr>
<tr>
<td>All Category III</td>
<td>2:1</td>
<td>4:1</td>
</tr>
<tr>
<td>Category II Estuarine</td>
<td>innovative development only</td>
<td>4:1</td>
</tr>
<tr>
<td>All other Category II</td>
<td>3:1</td>
<td>6:1</td>
</tr>
<tr>
<td>Category I based on score for functions</td>
<td>4:1</td>
<td>8:1</td>
</tr>
<tr>
<td>Category I Natural Heritage site</td>
<td>Innovative development only</td>
<td>Innovative development only</td>
</tr>
<tr>
<td>Category I Coastal Lagoon</td>
<td>Innovative development only</td>
<td>Innovative development only</td>
</tr>
<tr>
<td>Category I Bog</td>
<td>Not allowed</td>
<td>Innovative design only</td>
</tr>
<tr>
<td>Category I Estuarine</td>
<td>Innovative development only</td>
<td>Innovative development only</td>
</tr>
</tbody>
</table>

1 Enhancement is allowed in lieu of creation for up to one acre of wetland fill

(b) To reduce wetland buffer widths from the width required for high intensity land uses, optional mitigation measures and process requirements may be applied to reduce wetland buffer widths as shown in SCC 30.62A.320(1)(a) Table 2b.

(i) Optional Mitigation Measures.
Mitigation Measure 1. All applicable mitigation measures from Table 5 shall be used to mitigate impacts to wetlands from high intensity land uses. When fencing and/or separate tracts are used pursuant to this section additional buffer width reductions for fencing or separate tracts otherwise allowed in SCC 30.62A.320(1) shall not be applied.

Table 5—Mitigation Measures for High Intensity Land Uses

<table>
<thead>
<tr>
<th>Examples of disturbance</th>
<th>Activities and uses that cause disturbances</th>
<th>Examples of measures to minimize impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lights</td>
<td>• Parking lots&lt;br&gt;• Warehouses&lt;br&gt;• Manufacturing&lt;br&gt;• Residential</td>
<td>• Direct lights away from wetland</td>
</tr>
<tr>
<td>Noise</td>
<td>• Manufacturing&lt;br&gt;• Residential</td>
<td>• Locate activity that generates noise away from the wetland</td>
</tr>
<tr>
<td>Toxic runoff*</td>
<td>• Parking lots&lt;br&gt;• Roads</td>
<td>• Route all new untreated runoff away from wetland while ensuring that wetland is not dewatered</td>
</tr>
<tr>
<td></td>
<td>• Manufacturing&lt;br&gt;• Residential areas</td>
<td>• Establish covenants governing use of pesticides within 150 feet of wetland</td>
</tr>
<tr>
<td></td>
<td>• Landscaping</td>
<td>• Apply integrated pest management</td>
</tr>
<tr>
<td>Stormwater runoff</td>
<td>• Parking lots&lt;br&gt;• Roads</td>
<td>• Retrofit stormwater detention and treatment for roads and existing adjacent development</td>
</tr>
<tr>
<td></td>
<td>• Manufacturing&lt;br&gt;• Residential areas</td>
<td>• Prevent channelized flow from lawns that directly enters buffer</td>
</tr>
<tr>
<td></td>
<td>• Commercial&lt;br&gt;• Landscaping</td>
<td></td>
</tr>
<tr>
<td>Change in water regime</td>
<td>• Impermeable surfaces&lt;br&gt;• Lawns&lt;br&gt;• Tilling</td>
<td>• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surface and new lawns</td>
</tr>
<tr>
<td>Pets and human disturbance</td>
<td>• Residential areas</td>
<td>• Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract</td>
</tr>
</tbody>
</table>

* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.
standard buffer for the relevant Category I or II wetland as shown in Table 6, except when the corridor is connecting two Category I or II wetlands each with a habitat score of 20 or more and the corridor maintains an average width of 100 feet, it will fulfill the connection requirement for both wetlands.

Table 6: Average Width for Habitat Corridors (feet)

<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>Description</th>
<th>Standard Buffer Width</th>
<th>High Intensity Buffer Width</th>
<th>Average Habitat Corridor Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category I</td>
<td>Washington Natural Heritage Program/DNR high quality wetlands</td>
<td>190</td>
<td>250</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Bogs</td>
<td>190</td>
<td>250</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Estuarine (at least 1 acre) &amp; Coastal Lagoons</td>
<td>150</td>
<td>200</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>High Level Habitat Function (habitat function score is 29-36)</td>
<td>225</td>
<td>300</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>Moderate Level Habitat Function (habitat function score is 20-28)</td>
<td>110</td>
<td>150</td>
<td>40</td>
</tr>
<tr>
<td>Category II</td>
<td>Estuarine (less than 1 acre)</td>
<td>110</td>
<td>150</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>High Level Habitat Function (habitat function score is 29-36)</td>
<td>225</td>
<td>300</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>Moderate Level Habitat Function (habitat function score is 20-28)</td>
<td>110</td>
<td>150</td>
<td>40</td>
</tr>
</tbody>
</table>

(cc) The corridor shall maintain a width at each connection not less than the required average width as described in (3)(bb) above.
(dd) The director may approve alternative configurations which meet the intent of no net loss of habitat functions and values pursuant to SCC 30.62A.350.

(IV) The following activities are allowed within the habitat corridor:

(aa) If the corridor maintains an average width of 100 feet or more, an unpaved trail—narrow single file walking path no bicycles or motorized vehicles allowed—may be allowed.
(bb) Vegetation management is allowed as follows:

(A) hazardous tree management—creation of snags and down logs is favored over tree removal whenever possible
(B) hand removal of invasive plant species
(C) removal of noxious weeds using BMPs
(D) when trails are allowed as per (4)(aa) above, minimal trail maintenance is also allowed
(E) restorative/enhancement plantings with native species to increase species diversity or replace plants lost to disease or damage; and
(F) planting with native species along outer edge of corridor to increase plant density and discourage disturbance or intrusion.

(ii) Process requirements in Part 100 shall be supplemented with the necessary information to document the mitigation locations and protection requirements, provide an assessment of functions and values and evaluation of the level of protection achieved by the mitigation measures and establish provisions for permanent protection.


30.62A.350 - Innovative development design

(1) A project permit applicant may request approval of an innovative design, which addresses wetland, fish and wildlife habitat conservation area or buffer treatment in a manner that deviates from the standards contained in Part 300. The
applicant shall demonstrate in a critical area study required pursuant to SCC 30.62A.140 how the innovative development design complies with the following requirements:

(a) The innovative design will achieve protection equivalent to the treatment of the functions and values of the critical area(s) which would be obtained by applying the standard prescriptive measures contained in this chapter. Proposals offering better protection would also be acceptable;

(b) Applicants for innovative designs are encouraged to consider measures prescribed in guidance documents, such as watershed conservation plans or other similar conservation plans, and low impact stormwater management strategies that address wetlands, fish and wildlife habitat conservation area or buffer protection consistent with this section;

(c) The innovative design will not be materially detrimental to the public health, safety or welfare or injurious to other properties or improvements located outside of the subject property; and

(d) Applicants for innovative designs are encouraged to consider the use of low impact development best management practices described in SCC chapter 30.63C.

(2) Applicants proposing development activities on properties designated as Urban Center Transit Pedestrian Village on the county’s Future Land Use Map may utilize the innovative design provisions in this section to deviate from the requirements in Part 300. Such deviations may include, but are not limited to provisions related to avoidance of impacts, standard buffer widths, allowed uses in buffers and wetlands, mitigation ratios and use of off-site mitigation. The applicant shall demonstrate in a critical area study required pursuant to SCC 30.62A.140:

(a) Why the deviation is necessary to implement the policies in the county’s comprehensive plan General Policy Plan under objective LU 3.B; and

(b) How the innovative development design achieves protection at least equivalent to the treatment of the functions and values of the critical area(s) which would be obtained by applying the standard prescriptive measures contained in Part 300.


(Amended Ord. 10-024, § 8, June 9, 2010, Eff date Sept. 30, 2010)

PART 400 – CRITICAL SPECIES

30.62A.410 - Purpose.

This Part establishes standards and requirements for the protection of critical species, which includes:

(1) Species listed as threatened or endangered under RCW 77.12.020 and Title 16 United States Code;

(2) Species of local importance designated under SCC 30.62A.470; and

(3) The following species:

(a) Larch mountain salamander;

(b) Common loon;

(c) Peregrine falcon;

(d) Olympic mudminnow;

(e) Pygmy whitefish; and

(f) Gray whale.


30.62A.420 - Applicability.

(1) The provisions of this Part shall apply as of the effective date of the listing to all development activities, actions requiring project permits and clearing occurring on a site containing a primary association area for a critical species. The provisions of this Part shall apply in addition to any other requirements of this chapter.

(2) Actions subject to this chapter not requiring a project permit should consult with state or federal resource agencies with technical expertise and/or regulatory authority over such critical species or necessary protection measures and comply with the administrative rules for the species adopted pursuant SCC 30.62A.430.


30.62A.430 - Administrative rules authorized.

In order to protect critical species and their habitats, the department shall develop administrative rules under chapter 30.82 SCC within 120 days of the species listing that establish protection requirements specific to these species and their habitats.
30.62A.440 - Administrative rules—Minimum protection requirements.

In developing administrative rules under this section, the department shall consider establishing at least the following minimum protections:

1. Establishment of the primary association area;
2. Limitation on development activities within the primary association area;
3. Limitation on access to the primary association area;
4. Provisions for seasonal restrictions on construction activities where appropriate;
5. Preservation of habitat for the critical species; and

30.62A.450 - General standards and requirements.

Proponents for all development activities, actions requiring project permits or clearing shall make all reasonable efforts to avoid and minimize impacts to critical species pursuant to the requirements of this section, in the following sequential order of preference:

1. Avoid impacts altogether by not taking a certain action or parts of an action; or
2. When avoidance is not possible, minimize impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts; and
3. Comply with rules adopted pursuant to SCC 30.62A.430 and a habitat management plan when required pursuant to SCC 30.62A.460.

30.62A.460 - Habitat management plan contents.

For any development activity or action requiring a project permit occurring within the primary association area of a critical species, the director may require all or a portion of the following:

1. A critical area study meeting the requirements of SCC 30.62A.140;
2. A map drawn to scale or survey showing the location and description of the primary association area(s) of the critical species on the subject property;
3. Evidence of use of the site by a critical species, including the location and nature of use;
4. An assessment of how the proposed activities will affect the critical species and/or its habitat, and how the proposal will avoid, minimize or mitigate impacts to those critical species and their habitats pursuant to SCC 30.62A.450. The department shall waive this requirement when a proposed activity is consistent with the protection standards adopted in an administrative rule developed pursuant to SCC 30.62A.430; and
5. In the absence of an adopted administrative rule governing a listed species, the applicant shall provide a habitat management plan consistent with the minimum requirements of SCC 30.62A.440. In addition, the habitat management plan shall contain an assessment of best available science applicable to the species, demonstrating how the proposal will provide sufficient protection of the critical species and its habitat. Applicants are encouraged to consult with the department, and federal and state agencies with technical expertise or regulatory jurisdiction.

30.62A.470 - Species of local importance.

This section provides the process for the designation, nomination and protection of species of local importance. The designation, nomination and protection strategies shall be based on best available science.

1. Designation Criteria.
   (a) Designation of species of local importance must be based on both the following circumstances:
      (i) protection of the native species and its primary association area through existing policies, laws, regulations, or non-regulatory tools is not adequate to prevent degradation of the species in the county; and
the primary association area nominated to protect a particular species is high quality native habitat or has a high potential to be high quality habitat, or provides landscape connectivity which contributes to the designated species’ preservation.

(b) In addition to the requirements in SCC 30.62A.470(1)(a), designation of species of local importance must also be based on one or more of the following circumstances:

(i) local populations of a native species are in danger of extirpation based on existing trends;
(ii) local populations of a native species are likely to become threatened or endangered under state or federal law;
(iii) local populations of a native species are vulnerable or declining;
(iv) the native species has recreational, commercial, or tribal significance; or
(v) long-term persistence of a native species is dependent on the protection, maintenance, and/or restoration of the nominated primary association area.

(2) Petition Contents. The petition to nominate a species of local importance shall contain all the following:

(a) A map showing the nominated primary association area location(s);
(b) An environmental checklist in conformance with SCC 30.61.100;
(c) A written statement that

(i) identifies which designation criteria form the basis of the nomination;
(ii) includes supporting evidence that designation criteria are met; and
(iii) indicates what specific habitat feature(s) or plant communities are to be protected (e.g., nest sites, breeding areas, and nurseries);
(d) Recommended management strategies for the species, supported by the best available science and which meet the minimum requirements of SCC 30.62A.440; and
(e) An economic analysis identifying the cost of implementing a mitigation or protection plan and the financial impact of the requested designation on affected properties or local governments.

(3) Approval Process.

(a) Timing. Nominations for species of local importance will be considered by the council no more than once per year. The department will accept proposals for amendments at any time; however, proposals received after July 31st of each year will be processed in the next annual review cycle.

(b) Process. The county may include a species of local importance for protection pursuant to this section through adoption of legislation by the council. The council considers whether to adopt a motion to list a species of local importance through the following process:

(i) any person may nominate species for designation by submitting a petition meeting the requirements of SCC 30.62A.470(2) and payment of fees as required by chapter 30.86 SCC;
(ii) the department shall complete a SEPA threshold determination and provide notice of the petition as required under SCC 30.70.045 for SEPA threshold determinations associated with a project permit;
(iii) the department shall review the submittal of the petitioner, and coordinate and assemble all available comments of the public, other county departments, and other agencies. Based on the available record, and any other information that may be available, the department shall provide a staff report and recommendation to the council concerning whether the petition meets the requirements for approval;
(iv) the department shall submit to the executive an executive/council approval form (ECAF) containing the staff recommendation, all relevant SEPA documents, and a proposed motion which provides for disposition of the petition; and
(v) upon delivery of an ECAF to the council by the executive, the proposed motion will be subject to the requirements of chapter 2.48 SCC.

(c) Cost of Environmental Studies. Any person submitting a petition to nominate a species of local importance shall pay the cost of environmental review and studies necessary under SEPA, as required under chapter 30.61 SCC. The person may, at his or her own expense and to the extent determined appropriate by the responsible official, provide additional studies or other information.

(4) Establishment of Specific Rules for Protection. Within 120 days of an action by the council, the department shall develop an administrative rule pursuant to chapter 30.82 SCC addressing protection of the species of local importance in compliance with this section.

PART 500 - EXCEPTIONS


(1) Certain minor development activities may occur in wetlands, fish and wildlife habitat conservation areas or buffers provided the project proponent complies with best management practices (BMPs) adopted through rulemaking pursuant to chapter 30.82 SCC and all known and available reasonable technology (AKART) appropriate for compliance with this chapter. Best management practices are physical, structural, or managerial practices which have gained general acceptance by professionals in the appropriate field to minimize and mitigate adverse impacts to the functions and values of critical areas.

(2) All minor development activities authorized in this section shall comply with administrative BMP rules upon adoption. Prior to adoption of such administrative rules, project proponents shall comply with all known and available BMPs as defined in SCC 30.62A.510(1). The director shall use his or her best efforts to adopt BMPs for the minor development activities listed in this section pursuant to the rulemaking provisions of chapter 30.82 SCC within 12 months of the effective date of this chapter.

(3) The following minor development activities may occur pursuant to this section:

(a) Normal maintenance and repair that does not expand the footprint of existing:
   (i) improved public and private road rights-of-way,
   (ii) utility corridors,
   (iii) trails,
   (iv) utility facilities,
   (v) flood protection and bank stabilization structures,
   (vi) stormwater facilities; and
   (vii) structures;

(b) Minor replacement, modification, extension, installation, or construction by a utility purveyor in an improved public road right-of-way;

(c) Survey or monument placement;

(d) Minor replacement or modification of existing facilities by a utility purveyor in an improved utility corridor;

(e) Minor replacement or modification by a utility purveyor of individual utility service lines connecting to a utility distribution system;

(f) Minor replacement, modification, minor installation or construction in an improved road right-of-way by the county or by the holder of a current right-of-way use permit;

(g) All development activities in non-riparian Category II and III wetlands smaller than 5,000 square feet, and non-riparian Category IV wetlands smaller than 10,000 square feet, and their associated buffers;

(h) Removal of invasive weeds;

(i) Felling or topping of hazardous trees based on review by a qualified arborist;

(j) Minor replacement, modification or installation of drainage, water quality or habitat enhancement projects; and

(k) All other on-going lawfully established development activities not specifically addressed in this chapter.


30.62A.520 - Single family residential development exceptions in buffers.

New single family residential development, expansions of existing single family residences and ordinary residential improvements on existing lots are allowed in buffers only as follows:

(1) New single family residential structures and ordinary residential improvements shall not disturb more than 4,000 square feet of the buffer;

(2) To the extent feasible, total effective impervious areas shall be limited to 10 percent within 300 feet of all waters and bogs containing salmonids;

(3) Expansion of an existing single family residence or accessory structure may be allowed within a buffer provided the footprint of the expansion does not exceed fifty percent of the existing structure, and the expansion is set back from the critical area a distance which is greater than or equal to the setback of the original structure;

(4) Development in the buffer shall be the minimum necessary to accomplish the uses described in this section;

(5) For new single family development, there must be no alternate location for the development outside of the buffer;

(6) Development in the buffer shall be located to avoid impacts to critical species;

Comment [s6]: If disturbing over 2,500 square feet of the buffer, a shoreline variance is required [SCC 30.67.060(2)(e)(i)].

Comment [s7]: A shoreline variance is required for expansion of an existing single family home or accessory structure when the structure is located within the buffer [SCC 30.67.060(2)(e)(ii)].
(7) The buffer shall in no case be reduced to less than one half of the standard buffer as provided at SCC 30.62A.320(1)(a) SCC or 25 feet, whichever is greater;

(8) To the maximum extent feasible, the development shall be designed to avoid the removal of existing native vegetation with emphasis on preservation of conifers greater than or equal to 24 inches diameter at breast height (dbh), and hardwoods greater than or equal to 20 inches dbh;

(9) New sewage distribution lines may be allowed in areas of the buffer containing native vegetation provided that the lines are installed without the aid of mechanical equipment, and the removal of any vegetation within the buffer shall be the minimum necessary to install the lines;

(10) A permanent fence shall be installed along the edge of the reduced buffer;

(11) Mitigation for any encroachment into the buffer shall include, where beneficial, enhancement of existing buffers on the site based on the following criteria:

(a) The enhanced buffer should be located between the residential structures and improvements and the aquatic critical area; and
(b) The ratio of the area of buffer enhanced to the area of the buffer encroached upon should be 2 to 1.


**30.62A.530 - Emergency activities.**

Emergency activities necessary to prevent an immediate threat to public health, safety, welfare, or property, or to prevent an imminent threat of serious environmental degradation, are allowed without prior approval in wetlands, fish and wildlife habitat conservation areas or buffers, based on the criteria set forth in this section:

(1) The activity must be the minimum necessary to alleviate the emergency;

(2) The project proponent shall notify the department prior to any action taken to remedy an emergency. If prior notification is not feasible, the project proponent shall notify the department within 48 hours of the action; and

(3) Applications for any required project permits necessary to satisfy compliance with this chapter are submitted to the department within 120 days of the start of the action taken. For actions not requiring permits, compliance with this chapter shall occur within a reasonable time period not to exceed twelve months.


**30.62A.540 - Reasonable use.**

(1) A project permit applicant who is unable to comply with the specific standards of this chapter without forfeiting all economically viable use of the property may seek approval of a “reasonable use” allowance under this section. The application must be made on a form provided by the department and accompany a project permit application.

(2) To qualify as a reasonable use, the director shall find that the proposal meets the following criteria:

(a) Application of this chapter will deny all economically viable use of the subject property. In making this determination, the director shall also determine that:

(i) the subject property is an existing legal lot and the inability to derive reasonable use of the subject property is not the result of actions by the applicant in segregating, dividing or creating a condition on the site after April 1, 1995; and

(ii) the inability to derive all reasonable use of the subject property is not the result of prior actions taken in violation of this title or any other local, state or federal law or regulation; and

(b) The proposed activity is the minimum necessary to alleviate a nuisance or pose a threat to public health, safety, and welfare on or off the site.

(3) If the director determines that a project permit application meets the requirements of SCC 30.62A.540(2), the project permit application may be approved where the director finds:

(a) The applicant has complied with Part 100 of this chapter;

(b) After review of the project under this chapter, there is no other permitted use of the property with less impact on wetlands, fish and wildlife habitat conservation areas or buffers;

(c) The proposed alteration of a wetland, fish and wildlife habitat conservation area or buffer is the minimum necessary to allow for reasonable use of the property. Activities shall be located as far away as possible from wetlands, fish and wildlife habitat conservation areas and buffers and low impact development techniques shall be used to the maximum extent possible. In all cases, disturbance of a wetland, stream, marine water or lake may only occur if no reasonable use can be achieved by disturbance of a buffer associated with that feature;

(d) The proposed activity is located to minimize impacts to critical species;

(e) If a reasonable use of a parcel cannot exist without modification of the required front, side or rear setbacks or other bulk standards, the department may consider modifying those standards only to the extent necessary to provide for a reasonable use, while providing as much protection as is possible under the circumstances to critical areas, while maintaining the public health, safety and welfare. This section shall not relieve an applicant...
from the obligation of complying with applicable variance procedures set forth in chapters 30.43B and 30.43E SCC or other applicable modification procedures adopted under this title; and

(f) To the greatest extent feasible, the project includes compensation and mitigation for unavoidable impacts to the functions and values of critical areas regulated under this chapter in accordance with the requirements of SCC 30.62A.150.


30.62A.550 - Mitigation banking.

(1) The director may approve the establishment and use of a wetland, fish and wildlife habitat conservation area or buffer mitigation bank to provide mitigation required by this chapter. The director's approval may allow for deviations from the requirements of Parts 100 through 400 with respect to the treatment of wetlands, fish and wildlife habitat conservation areas or buffers.

(2) Criteria for approval of use of mitigation banks:

(a) The following must have been approved by the County and the federal, state and local agencies with jurisdiction:

(i) a memorandum of agreement (MOA) defining guidelines for establishing a wetland, fish and wildlife habitat conservation area or buffer mitigation banking program and an implementation manual establishing a mitigation bank at a specific site; and

(ii) the MOA and/or implementation manual shall include, but not necessarily be limited to, provisions for the following:

(A) the categories of development activities that may use the mitigation bank;

(B) specific criteria and standards for use of the mitigation bank;

(C) methods for tracking credits;

(D) an interagency oversight committee composed of representatives from each of the agencies with jurisdiction for the purpose of regulatory review and approval of banking activities;

(E) permanent management and maintenance to assure the long-term viability of the bank site;

(F) professional construction oversight to ensure successful construction of the mitigation bank site;

(G) quantitative and qualitative performance standards;

(H) systematic compliance and performance monitoring to determine the degree to which the site meets performance standards;

(I) a schedule and timeline for compliance and performance monitoring;

(J) contingency plans;

(K) methods to be used to determine the functions and values of replacement wetlands, fish and wildlife habitat conservation area or buffers;

(L) provisions for assuring the funding of long-term maintenance of the bank and performance of mitigation and monitoring requirements;

(M) a description of wetland, fish and wildlife habitat conservation area or buffer mitigation ratios to be used and justification for these ratios based upon best available science. Mitigation ratios will be based upon consideration of factors including but not limited to the likelihood of success of the mitigation, the types and quality of wetland, fish and wildlife habitat conservation areas or buffers involved, research results, and monitoring results;

(N) the mitigation plan requirements contained in SCC 30.62A.150; and

(O) provisions for mitigation sequencing that requires at minimum that all proposals using a mitigation bank shall have made reasonable efforts to avoid and minimize impacts to wetlands and fish and wildlife habitat conservation areas.

(b) The use of the mitigation bank will result in equivalent treatment of the functions and values of the wetland, fish and wildlife habitat conservation area or buffer to offset the impacts to critical areas functions and values on the project site such that the total net impact will be no net loss of critical area functions and values in the watershed in which the impacts will occur. Proposals offering a net gain of functions and values would also be acceptable. For the purposes of this section, "watershed" means an area identified as a state of Washington water resource inventory area (WRIA) under WAC 173-500-040.

(c) The creation and operation of the mitigation bank and development activity which utilizes the wetland, fish and wildlife habitat conservation area or buffer bank, shall not create unmitigated long term or permanent adverse impacts to the critical functions and values of the wetlands, fish and wildlife habitat conservation areas or buffers in the sub-drainage basin in which the impacts will occur. Critical functions and values listed at SCC 30.62A.220 are those that are important to the long-term ecological viability of the wetlands, fish and wildlife habitat conservation areas or buffers in the sub-drainage basin.

(3) The director shall make MOAs and mitigation banking implementation manuals available for public review and comment prior to approval.
PART 600 - AGRICULTURE

30.62A.605 - Purpose.

In accordance with RCW 36.70A.020, the Growth Management Act (GMA) goals require the county to maintain and enhance natural resource-based industries, including commercial agriculture. This Part implements the necessary balance between goals 8 and 10 of the GMA relative to commercial agriculture and the protection of critical areas.

30.62A.610 - Applicability.

This Part applies to agricultural activities as defined in SCC 30.91A.090, but not meeting the definition of agricultural activities in SCC 30.62.015(1), occurring on lands where agriculture is a legal use, where critical areas defined as wetlands or fish and wildlife habitat conservation areas, or their buffers are present on the site.

30.62A.620 - General agricultural standards.

Except as provided in SCC 30.62A.630, normal agricultural activities as defined in SCC 30.32B.230 or SCC 30.91A.090 subject to this Part 600 are in compliance with this chapter when those activities are performed in accordance with (1), (2) or (3) below:

1. The best management practices contained in the latest edition of the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG);
2. Other recognized best management practices for such activity that protect the functions and values of critical areas, where the NRCS FOTG does not provide specific guidance or a best management practice; or
3. A farm conservation plan that includes provisions addressing critical areas protection specific to the farm site approved by the NRCS or the Snohomish Conservation District (SCD) and signed by the landowner. Any confidential or proprietary information contained in a farm conservation plan may be redacted prior to public disclosure.

30.62A.630 - Special agricultural conditions.

(1) Notwithstanding SCC 30.62A.620, agricultural activities as defined in SCC 30.32B.230 or SCC 30.91A.090 subject to this Part 600 that meet one or more of the following special conditions shall comply with SCC 30.62A.630(2):

(a) Agricultural activities that require a county permit or project approval except for a flood hazard permit required pursuant to chapter 30.43C SCC;
(b) In certain special flood hazard areas designated by the Federal Emergency Management Agency (FEMA) as specified in SCC 30.65.040, the construction of agricultural access or service roads greater than six inches average and twelve inches maximum height above grade;
(c) Agricultural activities that bring land into agricultural use by removal of native woody vegetation or alteration of surface or ground water flows, other than that which results from normal cultivation.

(2) The agricultural activities listed in SCC 30.62A.630(1) are in compliance with this chapter when those activities are performed as follows:

(a) The activity complies with Parts 000 through 500 of this chapter;
(b) The activity is done in compliance with a farm conservation plan, as described in SCC 30.62A.620(3); or
(c) The director issues a written decision finding that the landowner's compliance with other state or federal regulations or permits provides sufficient protection on the site to satisfy related critical areas requirements of this chapter.

Comment [s10]: This section is superseded by SCC 30.67.060(2)(c) which requires that all agricultural activities within shoreline jurisdiction which are subject to regulation under the SMA must meet the requirements in SCC 30.62A, Part 600.
PART 700 – MONITORING AND ADAPTIVE MANAGEMENT

30.62A.710 - Monitoring and adaptive management program.

The Executive shall develop and implement a monitoring and adaptive management program to establish a baseline and provide performance measures to determine whether the County is achieving no net loss through its policies and programs affecting wetlands and fish and wildlife habitat conservation areas, in conformance with the Natural Environment Element of the General Policy Plan of the comprehensive plan. The program along with a budget shall be submitted for approval to the County Council within six months of the effective date of this ordinance.

30.62A.720 - Monitoring and adaptive management program—Contents.

1. Monitored critical areas shall include wetlands and fish and wildlife habitat conservation areas.

2. The purpose of the monitoring and adaptive management program is to
   (a) Identify and collect meaningful data concerning the effectiveness of the county's programs and policies concerning protection of wetlands and fish and wildlife habitat conservation areas; and
   (b) Identify corrective actions in response to a clear indication that the county's programs are not sufficient to actually protect wetlands and fish and wildlife habitat conservation areas.

3. The monitoring and adaptive management program shall be based on best available science, and shall incorporate the following:
   (a) Benchmarks that describe the state of existing functions and values of the monitored critical areas and that are tied to the protective measures being assessed;
   (b) Data collection methods that provides accurate measurements of the functions and values of the monitored critical areas and that are tied to the protective measures being assessed, including appropriate time periods for collection of data;
   (c) Threshold levels for addressing management practices, regulations and other measures that are determined through data collection and monitoring to be negatively affecting functions and values of monitored critical areas. Thresholds are to be set in light of the benchmarks for existing conditions and in accordance with scientifically-based habitat minimums; and
   (d) Strategies for adaptive management or addressing change to provide for expeditious action in reaction to reaching a threshold level. The monitoring and adaptive management program may provide for different strategies for action, depending on the critical area being monitored, the cause of the negative impacts to functions and values, and other variables.


1. Starting in December, 2008, and each year following, the executive shall report to the council on the monitoring and adaptive management program, using best available science, and provide data and conclusions regarding the effectiveness of the county in achieving no net loss of critical area functions and values. If net loss is detected, using scientifically valid techniques, the executive shall report and recommend strategies for adaptive management.

2. At any point when the monitoring program identifies a significant decline in functions and values of a critical area or areas, the executive shall provide a report to the council as required in SCC 30.62A.730(1).

Chapter 30.62 – GEOLOGICALLY HAZARDOUS AREAS

PART 000 - GENERAL

30.62B.010 - Purpose and applicability.

(1) The purpose of this chapter is to provide regulations for the protection of public safety, health and welfare pursuant to the Growth Management Act (chapter 36.70A RCW), in geologically hazardous areas, including: erosion hazard, landslide hazard, seismic hazard, mine hazard, volcanic hazard, and tsunami hazard areas.

(2) This chapter applies to:

(a) Development activities, actions requiring project permits, and clearing except for the following:
   (i) Non-ground disturbing interior or exterior building improvements;
   (ii) Routine landscape maintenance of established, ornamental landscaping;
   (iii) Exterior structure maintenance, including, but not limited to, painting and roofing;
   (iv) Removal of noxious weeds conducted in accordance with chapter 16-750 WAC;
   (v) Maintenance or replacement that does not expand the affected area of the following existing facilities:
      (A) septic tanks and drainfields;
      (B) wells;
      (C) individual utility service connections; and
      (D) individual cemetery plots in established and approved cemeteries;
   (vi) Data collection and research by non-mechanical means if performed in accordance with state-approved sampling protocols or Endangered Species Act (ESA) Section 10(a)(1)(a), Section 7 consultation (16 USC § 1536);
   (vii) Non-mechanical survey and monument placement;
   (viii) Soils testing or topographic surveying of slopes for purposes of scientific investigation, site feasibility analysis, and data acquisition for geotechnical report preparation provided it can be accomplished without road construction; and
   (ix) Quasi-judicial rezones not accompanied by another permit or approval.

(b) Agricultural activities, which are subject only to Part 500 of this chapter; except that certain agricultural activities as defined in SCC 30.62.015(1) occurring on rural and agricultural resource lands are exempt from this chapter and are subject only to chapter 30.62 SCC.


30.62B.015 - Intent.

It is the intent of this chapter to provide the protection required by chapter 36.70A RCW for wetlands and for fish & wildlife habitat conservation areas while simultaneously protecting property rights. The county council nevertheless recognizes that implementation of some provisions of this chapter 30.62B SCC will inevitably entail some restriction of property rights. It is the intent of the county council that this chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter 36.70A RCW.


30.62B.020 - Relationship to Snohomish County Shoreline Management Program.

Regulation of geologically hazardous areas located within shorelines of the state, as defined in chapter 90.58 RCW, shall be accomplished through compliance with the provisions of this chapter. Nothing in this section shall be construed to be inconsistent with RCW 36.70A.480.


30.62B.030 - Relationship to chapter 30.61 SCC—Environmental impacts.

Critical area protective measures required by this chapter shall also constitute adequate mitigation of adverse or significant adverse environmental impacts on geologically hazardous areas pursuant to chapter 30.61 SCC, to the extent permitted by RCW 43.21C.240.

30.62B.040 - Rulemaking authority.

The director shall have the authority to adopt administrative rules to implement the provisions of this chapter. Rulemaking authority shall include, but is not limited to, the adoption of best management practices for the regulation of geologically hazardous areas.


PART 100 – PROCESS REQUIREMENTS

30.62B.110 - Permit pre-applications.

Project proponents may request a pre-application meeting pursuant to SCC 30.70.020 to obtain a preliminary analysis of how the requirements of this chapter apply to the proposed project.


30.62B.120 - Critical area services provided by the department.

The department may provide the following service upon submittal of an application and the payment of fees as required by chapter 30.86 SCC: identification of erosion and landslide hazard areas for single-family residential (SFR) dwellings, duplexes, and accessory structures, and commercial structures of 8,000 square feet or less.


30.62B.130 - Submittal requirements.

For any development activity or action requiring a project permit, the applicant shall submit a site development plan drawn to a standard engineering scale which includes:

1. Boundary lines and dimensions of the subject property;
2. Boundary lines and dimensions of the site;
3. Topography at contour intervals of five feet unless the underlying project permit requires a lesser interval;
4. Location, size, and type of any existing structures and other existing developed areas;
5. Location, size and type of all proposed structures and development activity on the site;
6. Location of all geologically hazardous areas on and within 200 feet of the site, to the extent possible;
7. Location of all other critical areas regulated pursuant to chapters 30.62A, 30.62C and 30.65 SCC on and within 200 feet of the site; and
8. Location of structure setbacks as required in SCC 30.62A.320(1)(d), SCC 30.62B.340(2) and chapter 30.23 SCC.


30.62B.140 - Geotechnical report requirements.

(1) A geotechnical report will be required for any development activity or action requiring a project permit proposed within:
   a. An erosion hazard area;
   b. A landslide hazard area or its setback;
   c. Two hundred feet of a mine hazard area; or
   d. Two hundred feet of any faults.

(2) The geotechnical report shall be prepared, stamped, and signed by a licensed engineer or geologist and contain the following information relevant to the geologically hazardous area:
   a. The topography at contour intervals of five feet unless the underlying project permit requires a lesser interval;
   b. Significant geologic contacts, landslides, or downslope soil movement on and within 200 feet of the site;
   c. A channel migration zone study when required pursuant to SCC 30.62B.330(2);
   d. Impervious surfaces, wells, drain fields, drain field reserve areas, roads, easements, and utilities on site;
(e) The location or evidence of any springs, seeps, or other surface expressions of groundwater;
(f) The location or evidence of any surface waters;
(g) Identification of all existing fill areas;
(h) The location and extent of all proposed development activity;
(i) A discussion of the geological condition of the site including:
   (i) a description of the soils in accordance with the Natural Resource Conservation Service indicating
      the potential for erosion;
   (ii) engineering properties of the soils, sediments, and rocks on the subject property and adjacent
        properties and their effect on the stability of the slope;
   (iii) a description of the slope in percent gradient; and
   (iv) the location or evidence of seismic faults and soil conditions indicating the potential for
        liquefaction;
(j) The proposed method of drainage and locations of all existing and proposed surface and subsurface
    drainage facilities and patterns, and the locations and methods for erosion control;
(k) The extent and type of existing vegetative cover;
(l) A vegetation management and restoration plan prepared by persons experienced in vegetation
    management and restoration plans such as botanists, landscape architects and certified arborist, or other
    means for maintaining long-term stability of slopes;
(m) Analysis of erosion rates, slope recession rates and potential impacts to existing or proposed development
    from wave cutting, stream meandering, or other erosional forces to determine the recommended solution for
    bank or shoreline stabilization or flood protection in conformance with SCC 30.62B.320(2); and
(n) Any other information necessary to determine compliance with this chapter.


30.62B.150 - Independent consultant review.

If the department lacks the necessary expertise, the department may require independent consultant review of
the application by a qualified professional to assess compliance with this chapter. If independent consultant review is
required, the applicant shall make a deposit with the department to cover the cost of the review pursuant to the
requirements of chapter 30.86 SCC. Unexpended funds will be returned to the applicant following final decision on the
application.


30.62B.160 - Permanent identification, development restrictions, and recording.

The following measures for permanent identification, development restrictions and disclosure of geologically
hazardous areas are required for any development activity or action requiring a project permit, except those occurring in
public and private road or utility easements and rights-of-way, or those conducted for the primary purpose of habitat
enhancement.

(1) Critical Area Site Plan.
   (a) All erosion, landslide, and mine hazard areas and seismic faults shall be designated on a critical area site
       plan.
   (b) The critical area site plan shall be drawn to a standard engineering scale and include at minimum:
       (i) the boundaries of the site;
       (ii) a legal description of the subject property;
       (iii) accurate locations of the geologically hazardous area(s), identified by hazard type; and
       (iv) visual and written documentation of any permanent restrictions on development activities in the
           geologically hazardous area occurring as a result of compliance with this chapter, including, but not
           limited to: structural setbacks and vegetation retention requirements or other restrictions as may be
           required pursuant to this chapter.

(2) Recording. Critical area site plans or disclosure notices as required pursuant to SCC 30.62B.160(1) or (3) shall be
    recorded with the county auditor. Documentation of recording shall be provided to the department prior to permit issuance.

(3) Disclosure requirements for buildings in volcanic and tsunami hazard areas. A disclosure notice acknowledging that
    the development is occurring on or within 200 feet of a volcanic or tsunami hazard area. The notice shall include the
    following disclosure text, as appropriate:
    (a) For volcanic hazard areas, “This property is on or within 200 feet of the Glacier Peak Volcanic Hazard Area,
       which is subject to periodic and potentially life-threatening destructive mud, water, and debris flows.”;
    (b) For tsunami hazard areas, “This property is on or within 200 feet of a tsunami hazard area, which could be
        subject to potentially life-threatening destructive waves.”
(4) Previously approved critical area site plans. For any development activity, action requiring a project permit or clearing occurring consistent with a previously approved critical area site plan shall be governed according to the terms and conditions of the approved site plan, provided that all erosion, landslide, mine and seismic hazard areas have been adequately identified and appropriate measures for the protection of public safety have been established.


30.62B.170 - Security devices and insurance requirements.

(1) The director shall require a security device pursuant to chapter 30.84 SCC or insurance pursuant to SCC 30.63A.940 when the depth of any proposed excavation will exceed four (4) feet and the bottom elevation of the proposed excavation will be below a one hundred (100) percent slope line originating from the elevation of any adjacent property lines.

(2) The director may require a security device pursuant to chapter 30.84 SCC or insurance pursuant to SCC 30.63A.940 adequate to cover potential claims for property damage which may arise from or be related to development activities within a landslide hazard area or in other circumstances where there is potential for significant harm to a wetland, fish and wildlife habitat conservation area or buffer or a public right of way during the construction process.


PART 200 – DESIGNATION

30.62B.210 - Designation of geologically hazardous areas.

The county has designated geologically hazardous areas pursuant to RCW 36.70A.170 by defining them and providing criteria for their identification. Project proponents are responsible for determining whether a geologically hazardous area exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of geologically hazardous areas identified by project proponents. Specific criteria for the designation of geologically hazardous areas are contained in this chapter and chapter 30.91 SCC. While the county maintains some maps of geologically hazardous areas, they are for informational purposes only and may not accurately represent all such areas.


PART 300 – STANDARDS AND REQUIREMENTS

30.62B.310 - Purpose of Part 300.

Part 300 of this chapter establishes specific standards and requirements for the treatment of erosion, landslide, seismic, mine, volcanic and tsunami hazard areas.


30.62B.320 - General standards and requirements for erosion and landslide hazard areas.

(1) Any development activity, action requiring a project permit or clearing occurring in an erosion or landslide hazard area:

(a) Shall be designed to:

(i) Comply with the requirements in an approved geotechnical report when required pursuant to SCC 30.62B.140;

(ii) Utilize best management practices (BMPs) adopted by the department pursuant to chapter 30.63A SCC and all known and available reasonable technology (AKART) appropriate for compliance with this chapter;

(iii) Prevent collection, concentration or discharge of stormwater or groundwater within an erosion or landslide hazard area, except as otherwise provided in this chapter;

(iv) Minimize impervious surfaces and retain vegetation to minimize risk of erosion or landslide hazards; and
(b) Shall not:

(i) result in increased risk of property damage, death or injury;
(ii) cause or increase erosion or landslide hazard risk;
(iii) increase surface water discharge, sedimentation, slope instability, erosion or landslide potential to adjacent or downstream and down-drift properties beyond pre-development conditions; or
(iv) adversely impact wetlands, fish and wildlife habitat conservation areas or their buffers.

(2) For shoreline and bank stabilization and flood protection measures proposed in erosion or landslide hazard areas, the project proponent shall make all reasonable efforts to avoid and minimize impacts to wetlands and fish and wildlife habitat conservation areas and their buffers pursuant to the requirements of chapter 30.62A SCC, in the following sequential order of preference:

(a) Utilize setbacks sufficient to ensure that shoreline stabilization or flood hazard reduction measures will not be necessary to protect development for its projected design life, or;
(b) When sufficient setbacks are not possible, utilize other non-structural measures unless the applicant demonstrates through a geotechnical report required pursuant to SCC 30.62B.120 that new or enlarged structural stabilization or flood protection is necessary to protect:
    (i) existing primary structures, utilities, roads and bridges;
    (ii) new utilities or public bridges and transportation structures allowed pursuant to 30.62B.330(3);
    (iii) agricultural land; or
    (iv) projects where the sole purpose is to protect or restore wetlands, fish and wildlife habitat conservation areas or their buffers.


30.62B.330 - Erosion hazard areas—Channel migration zones.

(1) This section establishes specific standards and requirements for development activities, actions requiring a project permit or clearing in channel migration zones adjacent to the following rivers:

<table>
<thead>
<tr>
<th>River name</th>
<th>River sections (mi)</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Fk Skykomish River</td>
<td>0.00 - 8.64</td>
</tr>
<tr>
<td>North Fk Stillaguamish River</td>
<td>0.00 - 35.18</td>
</tr>
<tr>
<td>Pilchuck Creek</td>
<td>0.00 - 6.96</td>
</tr>
<tr>
<td>Pilchuck River</td>
<td>0.00 - 36.17</td>
</tr>
<tr>
<td>Sauk River</td>
<td>All</td>
</tr>
<tr>
<td>Skykomish River</td>
<td>0.00 - 29.15</td>
</tr>
<tr>
<td>Snohomish River &amp; Sloughs</td>
<td>All</td>
</tr>
<tr>
<td>Snoqualmie River</td>
<td>0.00 - 5.41</td>
</tr>
<tr>
<td>South Fk Skykomish River</td>
<td>0.00 - 6.71</td>
</tr>
<tr>
<td>South Fk Stillaguamish River</td>
<td>0.00 - 43.07</td>
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<td>Stillaguamish River &amp; Sloughs</td>
<td>All</td>
</tr>
<tr>
<td>Sultan River</td>
<td>0.00 - 7.64</td>
</tr>
<tr>
<td>Wallace River</td>
<td>0.00 - 7.71</td>
</tr>
</tbody>
</table>
The department may require a channel migration zone study when a development activity or action requiring a project permit is proposed to occur in areas where evidence indicates channel migration is likely, in accordance with the following requirements:

(a) The study shall be conducted in accordance with Section 2 of the Forest Practices Board Manual (Title 222 WAC), Standard Methods for Identifying Bankfull Channel Features and Channel Migration Zones, November, 2004, except that areas behind natural or manmade features which limit channel migration that allow fish passage shall not be included in the channel migration zone;

(b) The study shall be performed under the direction of a qualified professional with experience in fluvial geomorphology or river hydraulics;

(c) The study shall contain the following:
   (i) a determination of the presence of channel migration, and if present, the delineation of the channel migration zone;
   (ii) an analysis of the impacts of potential channel migration on the proposed development activity; and
   (iii) an analysis of the impacts of the proposed development activity on the channel migration zone.

Channel Migration Zone (CMZ) standards and requirements.

(a) All development activities, actions requiring a project permit and clearing are prohibited in the channel migration zone, except as provided below:
   (i) removal of hazardous trees;
   (ii) new utility facilities based on the following requirements;
      (A) pipelines shall be bored 10 feet beneath the thalweg scour depth of the river within the CMZ;
      (B) surface utilities such as power transmission lines shall be located away from the current channel if feasible; and if not feasible, foundations within the CMZ shall be designed as in-channel structures if determined by the department to be necessary;
   (iii) new public bridges and transportation structures when no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs;
   (iv) normal maintenance or repair of existing flood control and bank stabilization structures, buildings, roads, bridges and utilities; and
   (v) shoreline and bank stabilization and flood protection measures pursuant to the general requirements contained SCC 30.62B.320(2).


30.62B.340 - Landslide hazard areas.

(1) Development activities, actions requiring project permits and clearing shall not be allowed in landslide hazard areas or their required setbacks unless there is no alternate location on the subject property.

(2) Structures shall be setback from landslide hazard areas unless the department approves a deviation as provided below.

(a) Setbacks shall be established as follows:
   (i) the minimum top of slope setback shall be equal to the height of the slope divided by three, or 50 feet, whichever is greater;
   (ii) the minimum toe of slope setback shall be 50 feet or the height divided by two whichever is greater; and
   (iii) slope setbacks shall be no less than the minimum necessary to ensure that structural shoreline stabilization measures will not be necessary to protect the development.

(b) Deviations from setbacks may be allowed when the applicant demonstrates that the following conditions are met:
   (i) there is no alternate location for the structure on the subject property; and
   (ii) a geotechnical report demonstrates that:
      (A) the alternative setbacks provide protection which is equal to that provided by the standard minimum setbacks; and
      (B) the proposal meets the requirements of SCC 30.62B.320.


(3) In addition to the requirements in SCC 30.62B.320 the following standards and requirements apply to development activities, actions requiring project permits and clearing in landslide hazard areas:

(a) Vegetation shall not be removed from a landslide hazard area, except for hazardous trees based on review by a qualified arborist or as otherwise provided for in a vegetation management and restoration plan;

(b) The factor of safety for landslide occurrences shall not be decreased below the limits of 1.5 for static conditions or 1.1 for dynamic conditions. Analysis of dynamic conditions shall be based on horizontal acceleration as established by the current version of the International Building Code.
(c) Tiered piles or piers shall be used for structural foundations where possible to conform to existing topography;

(d) Retaining walls that allow for the maintenance of existing natural slope area shall be used wherever possible instead of graded artificial slopes;

(e) Provided there is no practical alternative, utility lines and pipes may be constructed in landslide hazard areas under the following conditions:
   (i) the line or pipe shall be located above ground and properly anchored or designed so that it will continue to function in the event of an underlying slide; and
   (ii) stormwater conveyance systems shall be designed with high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equivalent; or
   (iii) alternatively, utilities may be bored below landslide hazard areas provided they are located beneath the depth of potential slope failure.

(f) Point source discharge of stormwater may be allowed in landslide hazard areas under the following conditions:
   (i) the stormwater is conveyed via continuous storm pipe downslope to a point where it does not increase risk to landslide hazard areas or other properties downstream from the discharge;
   (ii) the stormwater is discharged at flow durations matching predeveloped conditions with adequate energy dissipation into existing channels; or
   (iii) discharge upslope of the landslide hazard area may only occur if:
      (A) it is dispersed onto a low-gradient undisturbed setback adequate to infiltrate all surface and stormwater runoff; and
      (B) the discharge will not decrease the stability of the slope.


30.62B.350 - Seismic hazard areas.

(1) Development activities or actions requiring a project permit occurring within 200 feet of a seismic hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development.

(2) Development activities or actions requiring a project permit occurring in a seismic hazard area shall meet applicable standards of the International Building Code and chapter 30.51A SCC.


30.62B.360 - Mine hazard areas.

(1) Development activities or actions requiring a project permit occurring on or within 200 feet of a mine hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development or action.

(2) For any reclamation activity under the jurisdiction of the county pursuant to SCC 30.63B.360, the applicant must submit as-built drawings in a form specified by the director that reflect the final grades on-site, proper site stabilization and vegetative cover.


30.62B.370 - Volcanic hazard areas.

Development activities or actions requiring a project permit occurring on or within 200 feet of a volcanic hazard area shall comply with the identification, disclosure, and recording requirements of SCC 30.62B.160.


30.62B.380 - Tsunami hazard areas.

Development activities or actions requiring a project permit occurring on or within 200 feet of a tsunami hazard area shall comply with the identification, disclosure, and recording requirements of SCC 30.62B.160 as evidence becomes available. In Tsunami Hazard Areas, project proponents are encouraged to follow the recommendations from “Designing for Tsunamis: Seven Principles for Planning and Designing for Tsunami Hazards.”

PART 400 – EXCEPTIONS

30.62B.410 - Minor development activity exceptions.

(1) Certain minor development activities may occur in geologic hazard areas or setbacks provided the project proponent complies with best management practices (BMPs) adopted through rulemaking pursuant to chapter 30.82 SCC and all known and available reasonable technology (AKART) appropriate for compliance with this chapter. Best management practices are physical, structural, or managerial practices which have gained general acceptance by professionals in the appropriate field to minimize and mitigate adverse impacts to the functions and values of critical areas.

(2) All minor development activities authorized in this section shall comply with administrative BMP rules upon adoption. Prior to adoption of such administrative rules, project proponents shall comply with all known and available BMPs as defined in SCC 30.62A.510(1). The director shall use his or her best efforts to adopt BMPs for the minor development activities listed in this section pursuant to the rulemaking provisions of chapter 30.82 SCC within 12 months of the effective date of this chapter.

(3) The following minor development activities may occur pursuant to this section:

(a) Normal maintenance and repair that does not expand the footprint of existing:
   (i) improved public and private road rights-of-way,
   (ii) utility corridors,
   (iii) trails,
   (iv) utility facilities,
   (v) flood protection and bank stabilization structures,
   (vi) stormwater facilities; and
   (vii) structures;

(b) Minor replacement, modification, extension, installation, or construction by a utility purveyor in an improved public road right-of-way;

(c) Survey or monument placement;

(d) Minor replacement or modification of existing facilities by a utility purveyor in an improved utility corridor;

(e) Minor replacement or modification by a utility purveyor of individual utility service lines connecting to a utility distribution system;

(f) Minor replacement, modification, minor installation or construction in an improved road right-of-way by the county or by the holder of a current right-of-way use permit;

(g) Removal of invasive weeds;

(h) Felling or topping of hazardous trees based on review by a qualified arborist;

(i) Minor replacement, modification or installation of drainage, water quality or habitat enhancement projects; and

(j) All other on-going lawfully established development activities not specifically addressed in this chapter.


30.62B.420 - Emergency activities.

Emergency activities necessary to prevent an immediate threat to public health, safety, welfare or property, or to prevent an imminent threat of serious environmental degradation, are allowed without prior approval in geologically hazardous areas, based on the criteria set forth in this section:

(1) The activity must be the minimum necessary to alleviate the emergency;

(2) The project proponent shall notify the department prior to any action taken to remedy an emergency. If prior notification is not feasible, the project proponent shall notify the department within 48 hours of the action; and

(3) Applications for any required project permits necessary to satisfy compliance with this chapter are submitted to the department within 120 days of the start of the action taken. For activities not requiring permits, compliance with this chapter shall occur within a reasonable time period not to exceed twelve months.

PART 500 – AGRICULTURAL ACTIVITIES

30.62B.505 - Purpose.

In accordance with RCW 36.70A.020, the Growth Management Act (GMA) goals require the county to maintain and enhance natural resource-based industries, including commercial agriculture. This Part implements the necessary balance between goals 8 and 10 of the GMA relative to commercial agriculture and the protection of critical areas.


30.62B.510 - Applicability.

This Part applies to agricultural activities as defined in SCC 30.91A.090, but not meeting the definition of agricultural activities in SCC 30.62.015(1), occurring on lands where agriculture is a legal use, where critical areas defined as erosion hazard areas are present on the site. Provided however, that proposals for building construction in channel migration zones must comply with the requirements in SCC 30.62B.330(3).


30.62B.520 - General agricultural standards.

Except as provided in SCC 30.62B.530, normal agricultural activities as defined in SCC 30.32B.230 or SCC 30.91A.090 subject to this Part 500 are in compliance with this chapter when those activities are performed in accordance with (1), (2) or (3) below:

(1) The best management practices contained in the latest edition of the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG);

(2) Other recognized best management practices for such activity that protect the functions and values of critical areas, where the NRCS FOTG does not provide specific guidance or a best management practice; or

(3) A farm conservation plan that includes provisions addressing critical areas protection specific to the farm site approved by the NRCS or the Snohomish Conservation District (SCD) and signed by the landowner. Any confidential or proprietary information contained in a farm conservation plan may be redacted prior to public disclosure.


30.62B.530 - Special agricultural conditions.

(1) Notwithstanding SCC 30.62B.520, agricultural activities as defined in SCC 30.32B.230 or SCC 30.91A.090 subject to this Part 500 that meet one or more of the following special conditions shall comply with SCC 30.62B.530(2):

(a) Agricultural activities that require a county permit or project approval except for a flood hazard permit required pursuant to chapter 30.43C SCC;

(b) In certain special flood hazard areas designated by the Federal Emergency Management Agency (FEMA) as specified in SCC 30.65.040, the construction of agricultural access or service roads greater than six inches average and twelve inches maximum height above grade;

(c) Agricultural activities that occur in a wetland, except where:

(i) The activity is exempt from wetland regulation under Section 404(f) of the federal Clean Water Act;

(ii) The activity is occurring in a non-riparian Category II or III wetland that is no greater than 5,000 square feet in size; or

(iii) The activity is occurring in a non-riparian Category IV wetland that is no greater than 10,000 square feet in size; and

(d) Agricultural activities that bring land into agricultural use by removal of native woody vegetation or alteration of surface or ground water flows, other than that which results from normal cultivation.

(2) The agricultural activities listed in SCC 30.62B.530(1) are in compliance with this chapter when those activities are performed as follows:

(a) The activity complies with Parts 000 through 400 of this chapter;

(b) The activity is done in compliance with a farm conservation plan, as described in SCC 30.62B.520(3); or

(c) The director issues a written decision finding that the landowner's compliance with other state or federal regulations or permits provides sufficient protection on the site to satisfy related critical areas requirements of this chapter.

(Added Amended Ord. 06-061, § 30 (part), Aug. 1, 2007, Eff date Oct. 1, 2007)
Chapter 30.62C – CRITICAL AQUIFER RECHARGE AREAS

PART 000 – GENERAL

30.62C.010 - Purpose and applicability.

(1) The purpose of this chapter is to designate and protect critical aquifer recharge areas pursuant to the Growth Management Act (chapter 36.70A RCW) in order to safeguard the public health, safety, and welfare and to protect groundwater resources. Critical aquifer recharge areas include: sole source aquifers, Group A wellhead protection areas and areas sensitive to groundwater contamination.

(2) This chapter applies to:

(a) development activities and actions requiring projects permits;
(b) agricultural activities as defined in SCC 30.91A.090 where critical aquifer recharge areas are present on the site; except that certain agricultural activities as defined in SCC 30.64.010 occurring on rural and agricultural resource lands are exempt from this chapter and are subject only to chapter 30.64 SCC; and
(c) other activities or uses that have the potential to harm water quality or quantity within critical aquifers recharge areas.


30.62C.015 - Intent.

It is the intent of this chapter to provide the protection required by chapter 36.70A RCW for wetlands and for fish & wildlife habitat conservation areas while simultaneously protecting property rights. The county council nevertheless recognizes that implementation of some provisions of this chapter 30.62C SCC will inevitably entail some restriction of property rights. It is the intent of the county council that this chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter 36.70A RCW.


30.62C.020 - Relationship to Snohomish County Shoreline Master Program.

Protection of critical aquifer recharge areas located within shorelines of the state, as defined in chapter 90.58 RCW, shall be accomplished through compliance with the provisions of this chapter. Nothing in this section shall be construed to be inconsistent with RCW 36.70A.480.


30.62C.030 - Relationship to 30.61 SCC—Environmental impacts.

Critical aquifer recharge area protective measures required by this chapter shall also constitute adequate mitigation of adverse or significant adverse environmental impacts pursuant to chapter 30.61 SCC, to the extent permitted by RCW 43.21C.240.


30.62C.040 - Rulemaking authority.

The director shall have the authority to adopt administrative rules to implement the provisions of this chapter. Rulemaking authority shall include, but is not limited to, the adoption of best management practices for the protection of critical aquifer recharge areas.


PART 100 – PROCESS REQUIREMENTS

30.62C.110 - Permit pre-applications.
Project proponents may request a pre-application meeting pursuant to SCC 30.70.020 to obtain a preliminary analysis of how the requirements of this chapter apply to the proposed project.


30.62C.120 - Critical area services provided by the department.

The department may provide the following services to applicants upon submittal of the application and the payment of fees as required by chapter 30.86 SCC:

1. Review geotechnical, geologic, hydraulic, or groundwater reports; and
2. Designate critical aquifer recharge areas on site for single family residential (SFR) dwellings, duplexes, and accessory structures, and commercial structures of 8,000 square feet or less.


30.62C.130 - Submittal requirements.

1. When a project permit is required for any development activity or action subject to this chapter, the applicant shall submit a site development plan drawn to a standard engineering scale which includes:
   a. Boundary lines and dimensions of the subject property;
   b. Topography at contour intervals of five feet unless the underlying project permit requires a lesser interval;
   c. Location, size, and type of any existing structures and other existing developed areas;
   d. Location, size and type of all proposed structures and development activity on the site;
   e. Location of all other critical areas regulated pursuant to chapters 30.62A, 30.62B and 30.65 SCC on and within 200 feet of the site; and
   f. Location of structure setbacks as required in SCC 30.62A.320(1)(d), SCC 30.62B.340(2) and chapter 30.23 SCC; and
2. A hydrogeologic report as required pursuant to SCC 30.62C.140.


30.62C.140 - Hydrogeologic report.

1. A hydrogeologic report is required for any activity or use requiring a project permit regulated in Part 300, and proposed within a sole source aquifer, Group A wellhead protection area or critical aquifer recharge area with high or moderate groundwater sensitivity.
2. The hydrogeologic report shall be prepared by a qualified professional who is a geologist, hydrogeologist, engineering geologist, or engineer, who is licensed by the State of Washington and who has experience preparing hydrogeologic assessments.
3. The hydrogeologic report shall contain the following information relevant to the critical aquifer recharge area:
   a. The surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and the permeability of the unsaturated zone;
   b. Groundwater depth, flow direction, and gradient based on available information;
   c. Currently available data on wells and springs within one fourth mile of the site;
   d. Currently available information on the location of surface waters within one fourth mile of the site;
   e. Historic water quality data for the area to be affected by the proposed activity or use compiled for at least the previous five-year period;
   f. Discussion of the effects of the proposed project on the groundwater quality and quantity, including:
      i. Predictive evaluation of groundwater withdrawal effects on nearby wells and surface water features; and
      ii. Predictive evaluation of contaminant transport based on potential releases to groundwater;
   g. Best management practices relevant to the proposed activity or use;
   h. Provisions to monitor the groundwater quality and quantity;
   i. A spill plan that identifies equipment and structures that could fail, resulting in an impact to the critical aquifer recharge area. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment with the potential to fail;
   j. Salt-water intrusion addendums shall be required for withdrawals of groundwater or reductions in available recharge within one fourth mile of any part of Puget Sound, or a greater distance inland where there is evidence that chloride (bicarbonate + carbonate) ratio exceeds 1.5 equivalent parts per million at any time of the year.
The addendum shall include an assessment of the likelihood and extent of seawater intrusion into a critical aquifer and a description of probable impact on wells on adjacent or nearby parcels;

(k) An assessment of how the development activity meets the protection standards established in SCC 30.62C.320;

(l) If the hydrogeologic report identifies impacts to critical aquifer recharge areas, the project applicant will be required to:

(i) identify and provide an analysis of alternatives by which such impacts could be avoided or prevented; and

(ii) provide a detailed mitigation plan for any unavoidable impacts. The mitigation plan should include preventative measures, monitoring, process control and remediation and a contingency plan, as appropriate;

(m) Recommendations for implementation and operation of activities, including size limitations, monitoring, reporting and best management practices (bmp);

(n) An evaluation of potential nitrate impacts on the aquifer, including cumulative impacts of adjacent or surrounding developments and activities, and provide recommendations for monitoring and bmps of nitrate generating activities; and

(o) Any other information necessary to determine compliance with this chapter.


30.62C.150 - Notification to purveyors of Group A public water supply systems.

The department shall provide notification as required by chapter 30.70 SCC of any proposed development activity or actions requiring a project permit subject to Part 300 to purveyors of Group A public water supply systems established pursuant to WAC 246-290.


PART 200 – DESIGNATION AND CLASSIFICATION

30.62C.210 - Designation of critical aquifer recharge areas.

The county has designated critical aquifer recharge areas pursuant to RCW 36.70A.170 by defining them and providing criteria for their identification. Project proponents are responsible for determining whether a critical aquifer recharge area exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of critical aquifer recharge areas identified by project proponents. Specific criteria for the designation of critical aquifer recharge areas are contained in this chapter and Chapter 30.91 SCC. While the county maintains some maps of critical aquifer recharge areas, they are for informational purposes only and may not accurately represent all such areas.


30.62C.220 - Classification of critical aquifer recharge areas.

The county has established the following three classifications of critical aquifer recharge areas (CARAs):

(1) Sole source aquifers designated by the U.S. Environmental Protection Agency in accordance with the Safe Drinking Water Act of 1974 (Public Law 93-523);

(2) Areas within the 10-year travel zone of Group A wellhead protection areas, determined in accordance with delineation methodologies specified by the Washington Department of Health under authority of chapter 246-290 WAC; and


PART 300 – STANDARDS AND REQUIREMENTS

30.62C.310 - Purpose of Part 300.
Part 300 of this chapter establishes specific standards and requirements for the protection of critical aquifer recharge areas.


30.62C.320 - General requirements.

(1) The project proponent shall make all reasonable efforts to avoid and minimize impacts to critical aquifer recharge areas pursuant to the requirements of this section, in the following sequential order of preference:
   (a) Avoiding impacts altogether by not taking a certain action or parts of an action; or when avoidance is not possible,
   (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts; and
   (c) mitigation for the impacts to the critical aquifer recharge area;

(2) Any activity or use specifically listed in Part 300 shall comply with the best management practices and mitigation plan identified in the hydrogeologic report, and any additional requirements contained in SCC 30.62C.340.

(3) All development activities shall comply with the groundwater quality standards contained in WAC chapter 173-200 and RCW chapter 90.48.

(4) Where the department determines that an activity or use not specifically listed in this Part 300 has the potential to harm water quality or quantity within critical aquifer recharge areas, the applicant shall comply with Part 100 and apply best management practices and all known and available reasonable technology (AKART) appropriate to protect critical aquifer recharge areas.


30.62C.330 - Prohibited uses.

The following activities and uses are prohibited in sole source aquifers, Group A wellhead protection areas and critical aquifer recharge areas with high sensitivity:

(1) Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, woodwaste, and inert and demolition waste landfills;
(2) Underground injection wells;
(3) Mining of metals and hard rock;
(4) Wood treatment facilities occurring over permeable surfaces (natural or manmade); and
(5) Facilities that store, process, or dispose of radioactive substances.


30.62C.340 - Uses and development activities subject to special conditions.

The following activities and uses shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations and recommendations from an approved hydrogeologic report required pursuant to SCC 30.62C.140.

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Chapter 30.65 – SPECIAL FLOOD HAZARD AREAS

30.65.010 - Purpose and applicability.

The purpose of this chapter is to protect the public health, safety and welfare in those areas subject to periodic inundation due to flooding, and to minimize losses due to flood conditions in the specific areas subject to this chapter by utilizing the methods and provisions set forth herein. The regulations set forth herein shall apply to all development in special flood hazard areas as defined in this title within the jurisdiction of the county.


30.65.020 - Intent.

This chapter restricts uses and regulates structures to those that are consistent with the degree of flood hazard. The intent of this chapter is:

(1) To minimize loss of life and property by restricting uses and regulating development in special flood hazard areas;
(2) To alert the county assessor, appraisers, owners, potential buyers and lessees to the natural limitations of the flood plain;
(3) To meet the minimum requirement of the national flood insurance program; and
(4) To implement state and federal flood protection programs.


30.65.030 - National Flood Insurance Program.

This chapter incorporates the minimum flood plain management standards and regulations of the National Flood Insurance Program (NFIP). The enactment of this chapter is a necessary prerequisite for the county's continued eligibility in the NFIP.


30.65.040 - Special flood hazard areas established.

The special flood hazard areas designated by the federal emergency management agency in a scientific and engineering report entitled "the flood insurance study for unincorporated Snohomish County", dated September 16, 2005, and with the flood insurance rate maps (FIRMS)* for Snohomish County, Washington and incorporated areas revised September 16, 2005, or as amended* and issued by FEMA on paper or digital format, together with the corresponding U.S. army corps of engineers river study maps, are adopted herein by reference and declared to be a part of this chapter and are hereby established as special flood hazard areas for the purposes of this chapter.

(Added Ord. 02-064, § 19 (part), Dec. 9, 2002; Amended Ord. 05-068, § 3, Sept. 7, 2005, Eff date Sept. 24, 2005).

Editor's note.—¹ Code Reviser Note: The text shown above in 30.65.040 in italic font was added by Amended Ord. 05-068 but was not indicated with addition marks.

30.65.050 - Identification on official zoning maps.

In order to assist the public in identifying those properties within special flood hazard areas, the geographic extent of the areas shall generally be depicted upon the county's official zoning maps. Said depiction shall be provided for informational purposes only.

(Added Ord. 02-064, § 19 (part), Dec. 9, 2002; Amended Ord. 05-068, § 4, Sept. 7, 2005, Eff date Sept. 24, 2005).

30.65.100 - Floodproofing—Use of available data.

(1) In all special flood hazard areas where base flood elevation data has been provided in accordance with SCC 30.65.040, or where the county can reasonably utilize base flood elevation data available from federal, state or other sources, the specific flood hazard protection standards of SCC 30.65.120 and SCC 30.65.230 shall be required.
(2) In all special flood hazard areas where base flood elevation data has not been provided, the County shall review all development proposals in accordance with SCC 30.65.110 general standards and SCC 30.65.120 specific standards and

Comment [s16]: This chapter applies within Shorelines of the State [SCC 30.67.060(1)].

Where there are conflicts between this chapter and the provisions in SCC 30.67, the most ecologically protective provision applies [SCC 30.67.000(4)].
shall require compliance with the standards of said sections as necessary to assure that development will be reasonably safe from flooding. The test of reasonableness shall include use of historic data, high water marks, photographs of past flooding, etc., where available.

(3) When a regulatory floodway for a stream has not been designated, the county may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3(b)(3) and (4) and (C)(10) of the National Flood Insurance Program regulations.

(Added Ord. 02-064, § 19 (part), Dec. 9, 2002; Amended Ord. 07-005, § 7, Feb. 21, 2007, Eff date Mar. 4, 2007).

30.65.110 - Floodproofing—General standards.

The following regulations shall apply in all special flood hazard areas.

(1) Anchoring and construction techniques.
   (a) All new construction and substantial improvements shall be:
      (i) anchored to prevent flotation, collapse or lateral movement of the structure;
      (ii) constructed using materials and utility equipment resistant to flood damage; and
      (iii) constructed using methods and practices that minimize flood damage.
   (b) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement. Minimum anchoring requirements shall be those established by chapter 30.54A SCC.

(2) Utilities.
   (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
   (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
   (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(3) Subdivision proposals. All subdivision, short subdivision, binding site plan, planned residential development, or rural cluster subdivision proposals shall:
   (a) Be consistent with the need to minimize flood damage;
   (b) Have roadways, public utilities, and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
   (c) Have adequate drainage provided to reduce exposure to flood damage; and
   (d) Include base flood elevation data.

(4) Watercourse alterations. The flood carrying capacity within altered or relocated portions of any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a watercourse in riverine situations, the department shall notify adjacent communities and the State Department of Ecology, and submit evidence of such notification to FEMA of the proposed development.


30.65.120 - Floodproofing—Specific standards.

In all special flood hazard areas where base elevation data has been provided as set forth in SCC 30.65.100, the following regulations shall apply, in addition to the general regulations of SCC 30.65.110:

(1) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are permanently affixed to a structure and which may be subject to floodwater damage shall be elevated a minimum of one foot above the base flood elevation or higher (unless within an approved watertight structure).

(2) Residential construction.
   (a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation, except as provided in subsection (c) for residential accessory structures.
   (b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters except as provided in subsection (c) for residential accessory structures.

   Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
      (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
(ii) the bottom of all openings shall be no higher than one foot above the interior and exterior lowest grades;

(iii) openings may be equipped with screens, louvers, or other coverings or devices only if they permit the automatic entry and exit of floodwaters.

(c) New construction and substantial improvement of a residential accessory structure, including but not limited to storage buildings, detached garages, sheds, and small pole buildings, together with attendant utility and sanitary facilities may as an alternative to the provisions of SCC 30.65.120(1) and (2), be wet floodproofed in accordance with the following:

(i) The structure must have a low potential for structural flood damage and shall not exceed a maximum assessed value for the cost of construction of $25,000. The market value of construction shall be determined by the department in accordance with the valuation procedure utilized in conjunction with the setting of building permit fees;

(ii) Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage;

(iii) Not be used for human habitation;

(iv) Include adequate hydrostatic flood openings;

(v) Use flood resistant materials below the base flood elevation;

(vi) Must offer minimum resistance to the flow of floodwater (i.e., must not be in the floodway);

(vii) Must be anchored to prevent flotation, collapse or lateral movement; and

(viii) Must have elevated all electrical, plumbing and heating equipment one foot above the base flood elevation.

(d) Wet floodproofing will trigger higher flood insurance premiums.

(3) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that any portion of a structure below a minimum of one foot elevation above base flood level is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Must also comply with SCC 30.65.120(2)(b).

(4) Agricultural construction. New construction and substantial improvement of any agricultural structure except farmhouses and farmhouse mobile homes which are regulated by SCC 30.65.120(2) above shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; and meet the floodproofing requirements of SCC 30.65.120(3). In the alternative, new construction and substantial improvement of any agricultural structure shall, together with attendant utility and sanitary facilities:

(a) Have a low potential for structural flood damage; and shall not exceed a maximum assessed value for the cost of construction of $65,000. The market value of construction shall be determined by the department in accordance with the valuation procedure utilized in conjunction with the setting of building permit fees;

(b) Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage;

(c) Not be used for human habitation;

(d) Include adequate hydrostatic flood openings;

(e) Use flood resistant materials below the base flood elevations;

(f) Must offer minimum resistance to the flow of floodwater (i.e., must not be in the floodway);

(g) Must be anchored to prevent flotation, collapse or lateral movement;

(h) Must have elevated all electrical, plumbing and heating equipment one foot above the base flood elevations; and

(i) Be subject to higher flood insurance premiums associated with wet floodproofing.

(5) Mobile homes.

(a) Installation of mobile homes and substantial improvements to mobile homes shall be elevated on a permanent foundation and shall be securely anchored to an adequately anchored foundation system in accordance with SCC 30.65.110(1)(b) to resist flotation, collapse and lateral movement, and shall have the lowest floor elevated a minimum of one foot above the base flood elevation."

(6) Critical facilities as defined in SCC 30.91C.360 shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.

(7) Recreational vehicles, when otherwise permitted by county code, shall:

(a) Be on the site for fewer than 180 consecutive days; and
(b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; and

(c) Be limited in the floodways to day use only (dawn to dusk) during the flood season (October 1 through March 30) with the following exceptions:

(i) Recreational vehicle use associated with a legally occupied dwelling to accommodate overnight guests for no more than a 21-day period;

(ii) Temporary overnight use by farm workers on the farm where they are employed subject to SCC 30.22.130(19)(a) and (b) above; and

(iii) Subject to SCC 30.22.120(7)(a) and (b), temporary overnight use in a mobile home park which has been in existence continuously since 1970 or before, that provides septic or sewer service, water and other utilities, and that has an RV flood evacuation plan that has been approved and is on file with the Department of Emergency Management and Department of Planning and Development Services.

(8) When fill is permitted to be used as an elevation/floodproofing technique, it shall be designed and installed so that it is properly compacted, sloped and armored to resist potential flood velocities, scouring and erosion during flooding.

(9) Flood hazard permits issued for wet floodproofing of any structure or for elevated structures having enclosures below the elevated structure that are wet floodproofed shall be subject to a standard permit condition prohibiting human habitation. The conditions shall be recorded on title on a form approved by the department.

(Added Amended Ord. 02-064, § 19 (part), Dec. 9, 2002; Amended Ord. 05-068, § 5, Sept. 7, 2005; Amended Ord. 07-005, § 8, Feb. 21, 2007, Eff date Mar. 4, 2007).

Editor’s note—Code Revisor Note: Amended Ordinance No. 07-005 deleted SCC 30.65.120(5)(b) in its entirety but failed to show the following text of SCC 30.65.120(5)(b)(i) as stricken: “(A) lots large enough to permit steps, (B) piling foundations placed in stable soil no more than 10 feet apart, and (C) reinforcement provided for pilings extending more than six feet above the ground level”. This material has been omitted pursuant to SCC 1.02.030(2)(g).

30.65.125 - General requirements for all crawlspace construction.

(1) Crawlspace may be used to elevate a building in a special flood hazard area to or above the base flood elevation if the space is designed to meet the following National Flood Insurance Program requirements, which apply to all crawlspaces that have enclosed areas or floors below the base flood elevation:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings discussed in SCC 30.65.125(b) below.

(b) The crawlspace is an enclosed area below the base flood elevation and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the lowest adjacent interior and exterior grade.

(c) Portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the base flood elevations. The recommended construction practice is to elevate the bottom of joists and all insulation above base flood elevation. Insulation is not a flood-resistant material. When insulation becomes saturated with floodwater, the additional weight often pulls it away from the joists and flooring. Ductwork or other utility systems located below the insulation may also pull away from their supports.

(d) Any building utility systems including ductwork within the crawlspace must be elevated above base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork must either be placed one foot above the base flood elevation or sealed from floodwaters.

(Added Amended Ord. 05-068, § 6, Sept. 7, 2005; Amended Ord. 07-005, § 10, Feb. 21, 2007, Eff date Mar. 4, 2007).

30.65.130 - Elevation and floodproofing certification.

Certification shall be provided to verify that the minimum floodproofing and elevation standards of SCC 30.65.110 and 30.65.120 flood hazard protection standards have been satisfied. Certification shall be required only for the new construction or substantial improvement of any residential, commercial, industrial or non-residential structure located in a special flood hazard area, except that agricultural structures constructed in accordance with the wet floodproofing standards of SCC 30.65.120 (4) (a), (b) and (c) shall not require certification. A completed FEMA elevation certificate form 81-31 shall be required in accordance with National Flood Insurance Program regulations and standards.
30.65.140 - Certification form.

The form of the elevation and floodproofing certificate shall be specified by the department and shall be generally consistent with that required by FEMA for the administration of the national flood insurance program.

30.65.150 - Information to be obtained.

Surveyed existing ground elevations of the four corners of the proposed development shall be submitted with the plan review application. The elevation or floodproofing certificates shall verify the following flood hazard protection information:

1. Surveyed existing ground elevations of the four corners of the proposed development; and
2. The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement; and
3. The actual elevation (in relation to mean sea level) of floodproofing of all new or substantially improved floodproofed structures, and that the floodproofing measures utilized below the base flood elevation render the structure watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

30.65.160 - Certification responsibility.

The project proponent shall be responsible for providing required certification data to the department prior to the applicable construction inspections specified in the certification form. All elevation data specified in SCC 30.65.150 must be obtained and certified by a registered professional land surveyor. Other floodproofing data specified in SCC 30.65.150 must be obtained and certified by a registered professional engineer or architect. The elevation and floodproofing certification shall be permanently maintained by the department.

30.65.200 - Floodway fringe areas—Permitted uses.

The following uses are permitted in the floodway fringe areas:

1. Any use permitted by the applicable zone in accordance with chapter 30.22 SCC when in compliance with all applicable provisions established in this chapter unless prohibited by SCC 30.65.210.
2. Utility transmission lines. Utility transmission lines shall be permitted when consistent with chapter 30.22 SCC and where not otherwise inconsistent with this chapter. When the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway fringe or special flood hazard area en route to another destination, as opposed to serving customers within a floodway fringe or special flood hazard area, such transmission line shall conform to the following:
   a. Electric transmission lines shall cross floodway fringe and special flood hazard areas by the most direct route feasible. When support towers must be located within floodway fringe or special flood hazard areas, they shall be placed to avoid high flood water velocity and/or depth areas, and shall be adequately flood proofed.
   b. Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four feet below the maximum scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained within the floodway fringe or special flood hazard area to the maximum extent of potential channel migration as determined by hydrologic analyses. All such hydrologic analyses shall conform to requirements of SCC 30.65.220(c).
   c. Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and non-hazardous materials shall be buried below existing natural and artificial drainage features. Burial depth in all agricultural areas requiring or potentially requiring subsurface drainage shall be a minimum of six feet as measured from ground surface to the top of the transmission line, or at other such depth as deemed necessary by on-site investigations performed by a qualified soils expert familiar with Snohomish County soils. Burial depth in all other agricultural and non-agricultural floodway fringe or special flood hazard areas shall be determined on the basis of accepted
engineering practice and in consideration of soil conditions and the need to avoid conflict with agricultural tillage.

(d) All buried utility transmission lines shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.

(e) Above ground utility transmission lines not including electric transmission lines shall only be allowed for the transportation of non-hazardous materials. In such cases, applicants must demonstrate that line placement will have no appreciable effect upon flood depth, velocity, or passage. Such lines shall be adequately protected from flood damage.

(f) Above ground utility transmission line appurtenant structures including valves, pumping stations, or other control facilities shall not be permitted in floodway fringe or special flood hazard areas except where no other alternative is available or in the event a floodway fringe or special flood hazard location is environmentally preferable. In such instances, above ground structures shall be located so that no appreciable effect upon flood depth, velocity or passage is created, and shall be adequately flood proofed.

(3) Critical facilities. Construction of new critical facilities shall be allowed only if no feasible alternative site is available outside of the flood hazard area.


30.65.210 - Floodway fringe areas—Prohibited uses.

New mobile home parks and the expansion of existing mobile home parks shall be prohibited in floodway fringe areas.


30.65.220 - Floodways—Permitted uses.

The following uses are allowed in the floodway when permitted by the applicable zone in accordance with chapter 30.22 SCC, provided the use is in compliance with the applicable general and specific floodproofing standards of SCC 30.65.110 and 30.65.120, and other applicable provisions of this chapter and will have a negligible effect upon the floodway in accordance with the floodway encroachment provisions of SCC 30.65.230(1):

(1) Agriculture;

(2) Forestry, including processing of forest products with portable equipment;

(3) Preserves and reservations;

(4) Park and recreational activities;

(5) Removal of rock, sand and gravel, when the applicant can provide clear and convincing evidence that such uses will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of chapter 30.31D SCC and the county shoreline management master program;

(6) Utility transmission lines when allowed in underlying zones unless otherwise prohibited by this chapter. When the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway en route to another destination, as opposed to serving customers within a floodway, such transmission lines shall conform to the following:

(a) All utility transmission lines shall cross floodways by the most direct route feasible as opposed to paralleling floodways;

(b) Electric transmission lines shall span the floodway with support towers located in flood fringe areas or beyond. Where floodway areas cannot be spanned due to excessive width, support towers shall be located to avoid high flood water velocity and/or depth areas, and shall be adequately floodproofed;

(c) Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four feet below the maximum established scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. In the event potential channel migration extends beyond the hydraulic floodway, conditions imposed upon floodway fringe and special flood hazard areas shall also govern placement. All hydrologic analyses are subject to acceptance by the county, shall assume the conditions of a 100-year frequency flood as verified by the U.S. Army Corps of Engineers, and shall include on-site investigations and consideration of historical meander characteristics in addition to other pertinent facts and data. The use of riprap as a meander containment mechanism within the hydraulic floodway shall be consistent with the Snohomish County shoreline management master program;
(d) Buried utility transmission lines transporting non-hazardous materials including water and sewage shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated;

(g) Above ground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of non-hazardous materials where an existing or new bridge or other structure is available and capable of supporting the line. When located on existing or new bridges or other structures with elevations below the level of the 100-year flood, the transmission line shall be placed on the down-stream side and protected from flood debris. In such instances, site specific conditions and flood damage potential shall dictate placement, design and protection throughout the floodway. Applicants must demonstrate that such above ground lines will have no appreciable effect upon flood depth, velocity or passage, and shall be adequately protected from flood damage. If the transmission line is to be buried except at the waterway crossing, burial specifications shall be determined as in SCC 30.65.220(6)(d).

(h) All floodway crossings by utility transmission lines transporting hazardous materials shall be equipped with valves capable of blocking flow within the pipeline in the event of leakage or rupture. All floodway crossings shall have valves unless otherwise indicated by standard engineering review of the site and type of transmission line as acceptable to the county with locations determined by other provisions of this chapter;

(i) Above ground utility transmission line appurtenant structures including valves, pumping stations, or other control facilities shall not be permitted in the floodway; and

(j) Where a floodway has not been determined by preliminary Corps of Engineers’ investigations or official designation, a floodway shall be defined by qualified engineering work by the applicant on the basis of a verified 100-year flood event;

(7) Repairs, reconstruction, replacement, or improvements to existing farmhouse structures which are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170, subject to the following:

(a) The new farmhouse is a replacement for an existing farmhouse on the same farm site;

(b) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;

(c) The farm being replaced shall be removed, in its entirety, including foundation, from the floodway within 90 days after occupancy of the new farmhouse;

(d) For substantial improvements, and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is one foot higher than the base flood elevation;

(e) New and replacement water supply systems, are designed to eliminate or minimize infiltration of flood waters into the system;

(f) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood waters into the system and discharge from the system into the flood waters;

(g) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage;

(h) The replacement farmhouse shall not exceed the total square footage of encroachment of the structure which it is replacing.

(8) Replacement of single family dwellings, other than farmhouse replacement pursuant to SCC 30.65.220(7), when the flood depth, flood velocity, and flood-related erosion of the site is evaluated in order to identify a building location that offers the least risk of harm to life and property. A suitable building location for a replacement structure shall be approved for structures damaged by flooding or flood-related erosion only when the following are met:

(a) The State Department of Ecology, pursuant to RCW 86.16.041(4) and (5), assesses the risk of harm to life and property posed by the specific conditions of the floodway at any proposed building site, and based upon scientific analysis of depth, velocity, and flood-related erosion recommends to
the county that a waiver to the floodway prohibition of RCW 86.16.041(2)(a) for repair, replacement or relocation of such structures is authorized for a specific building location.

(b) Repair, replacement or relocation of such structures is permitted only when authorization required pursuant to 30.65.220(8)(a) is given in writing by the state department of ecology pursuant to RCW 86.16.041(4) and (5).

(9) Repair, reconstruction, or improvement of residential structures, where repair, reconstruction, or improvement of a structure does not increase the ground floor area, and is not a substantial improvement.

(10) Water-dependent utilities and other installations which by their very nature must be in the floodway. Examples of such uses are: Dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; structural and nonstructural flood damage reduction facilities, and stream bank stabilization structures and practices. The applicant shall supply convincing evidence that a floodway location is necessary in view of the objectives of the proposal and that the proposal is consistent with other provisions of this chapter and the shoreline management master program. In all instances of locating utilities and other installations in floodway locations, project design must incorporate floodproofing.

(11) Dikes, when the applicant can provide clear and convincing evidence that:

(a) Adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood occurrences;

(b) Natural drainage ways are minimally affected in that their ability to adequately drain floodwaters after a flooding event is not impaired; and

(c) The proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented.

(12) Public works, limited to roads and bridges.


30.65.230 - Floodways—Prohibited uses.

(1) The following uses/development are prohibited in the floodway:

(a) Any structure, including mobile homes designed for, or to be used for, human habitation of a permanent nature (including temporary dwellings authorized by SCC 30.22.130 except as provided by SCC 30.65.220(7), (8), and (9).

(b) All encroachments, including fill, new construction, and other development unless verification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the effect of the subject encroachment together with the cumulative effects of all similar potential encroachments shall not materially cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, reduce the carrying capacity of the floodway, or result in any increase in flood levels during the occurrence of the base flood discharge.

(c) The construction or storage of any object subject to flotation or movement during flood level periods;

(d) The following uses, due to their high degree of incompatibility with the purpose of establishing and maintaining a functional floodway are specifically prohibited:

(1) the filling of marshlands,

(2) solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials,

(3) damming or relocation of any watercourse that will result in any downstream increase in flood levels during the occurrence of the base flood discharge; and

(iv) critical facilities as defined in this title.

(2) The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited.

(Added Ord. 02-064, § 19 (part), Dec. 9, 2002; Amended Ord. 07-005, § 12, Feb. 21, 2007, Eff date Mar. 4, 2007).

30.65.240 - Density fringe area.

(1) SCC 30.65.240 through 30.65.285 provide specific criteria to be used in regulating development in areas of high flood damage potential where conventional floodway areas cannot be established. In order to foster the continued agricultural use of prime farmlands in these flood plain areas, and maintain an acceptable level of flood hazard protection, the development criteria outlined by this chapter shall apply to all development in the density fringe area. The development criteria contained in SCC 30.65.250 and 30.65.255 shall be utilized to prevent a cumulative increase in the base flood elevation of more than one foot.

(2) The density fringe area shall consist of the following:
Areas designated on the Floor Insurance Study (FIS) for Snohomish County and Incorporated Areas, and the Flood Insurance Rate Maps (FIRMS) dated September 16, 2005, and as amended in paper or digital format.

Stillaguamish River special flood hazard area (100-year flood plain) located between the mouth of said river and river mile 11.1; also corresponding to the Corps of Engineers study E-2-10-138 as modified by Snohomish County, sheets 1 through 8 or FIRMS as amended in paper or digital format by FEMA.

Stillaguamish River special flood hazard area (100-year flood plain) located between the mouth of said river and river mile 11.1; also corresponding to the Corps of Engineers study E-2-10-138 as modified by Snohomish County, sheets 1 through 8 or FIRMS as amended in paper or digital format by FEMA. (Added Ord. 02-064, § 19 (part), Dec. 9, 2002; Amended Ord. 05-068 § 9, Sept. 7, 2005, Eff date Sept. 24, 2005).

Editor's note — *Code Reviser Note: The text shown about in subsection (2)(a) in italic font was added by Amended Ord. 05-068 but was not indicated with addition marks.

### 30.65.250 - Density fringe area—Maximum allowable density.

The land area occupied by any use or development permitted by this chapter that will displace floodwaters shall not exceed two percent of the land area of that portion of the lot located in the density fringe area. The limitations of this section shall not apply to those uses listed in SCC 30.65.260.


### 30.65.255 - Density fringe area—Maximum allowable obstruction.

The maximum width (sum of widths) of all new construction, substantial improvements or other development shall not exceed 15 percent of the length of a line drawn perpendicular to the known floodwater flow direction at the point where the development(s) is located. The length of said line shall not extend beyond the property boundary or the edge of the density fringe area, whichever is less. The limitations of this section shall not apply to those uses listed in SCC 30.65.260.


### 30.65.260 - Density fringe area—Exceptions to maximum allowable density and obstruction limitations.

The following uses shall be exempt from the maximum allowable density and obstruction limitations of SCC 30.65.250 and 30.65.255:

(1) Water-dependent utilities;
(2) Dikes;
(3) Utility facilities; and
(4) Public works, when the project proponent demonstrates that the floodwater displacement effects of the proposal when considered together with the maximum potential floodwater displacement allowed by SCC 30.65.250 and 30.65.255 shall not cause a cumulative increase in the base flood elevation of more than one foot. Floodwater displacement information shall be obtained and certified by a professional engineer.


### 30.65.265 - Density fringe area—Recording required when density and obstruction allowances are increased.

When the density and/or the allowable obstruction area in a density fringe designation is increased pursuant to SCC 30.65.250 and 30.65.255, the property owner shall record with the Auditor's office a notice in a form approved by Planning and Development Services describing the related flood hazard permit number, subject property assessor number(s) and structures included in the density fringe area calculations.


### 30.65.270 - Density fringe area—General provisions.

The following regulations shall apply to all development in the density fringe area:

(1) Identified natural drainage channels that are secondary to the river channel(s) in discharging floodwaters downstream during flood periods shall be preserved or maintained as open space.
All structures and development shall be oriented parallel to known floodwater flow directions in order to minimize flow obstruction. Determination of such orientation shall be based upon topographical and historical flood data. When such information is not available, orientation shall be in an upstream-downstream direction, parallel with the adjacent river channel except that such orientation shall not be required for utility transmission lines permitted by SCC 30.65.280(6), and roads permitted by SCC 30.65.280(13).

(3) All new construction and substantial improvements shall comply with the flood hazard protection standards of SCC 30.65.120.

(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003)

### 30.65.280 - Density fringe area—Permitted uses.

The following uses are permitted in the density fringe area:

1. Agriculture, including:
   a. Accessory agricultural structures such as but not limited to barns, milking parlor, silos, manure tanks, and loafing sheds that provide direct support for primary agricultural activities including tilling of the soil, raising of crops, horticulture, small livestock, poultry, pasturing, dairying and/or animal husbandry; and
   b. Livestock protection mounds, when the mounds do not consist of solid waste as defined by this title; and
   c. Manure pits and lagoons;
2. Forestry, including processing of forest products with portable equipment;
3. Preserves and reservations;
4. Parks and recreational activities;
5. Removal of rock, sand and gravel providing that the applicant can provide clear and convincing evidence that such a use will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flood threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of chapter 30.31D SCC and the county shoreline management master program;
6. Utility transmission lines, under the same terms and conditions of SCC 30.65.200(2);
7. Water-dependent utilities. Examples of such uses are dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; and structural and non-structural flood damage reduction facilities, and stream bank stabilization structures and practices;
8. Improvements to existing residential structures that do not exceed the maximum allowable density and obstruction requirements of SCC 30.65.250 and 30.65.255;
9. Single family farmhouse structures including modular homes and mobile homes placed on permanent concrete foundations, if the following conditions are met:
   a. The structure is constructed to building code standards;
   b. The farmhouse is necessary to the operation of a commercial farm engaged in agriculture;
   c. A potential building site for the farmhouse on the same farm site is not available outside the density fringe area;
   d. Earthfill utilized for building foundation shall be emplaced and stabilized in a manner that will prevent erosion from flood water flow;
   e. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
   f. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood waters into the system and to eliminate or minimize discharge from the system into the flood waters;
   g. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage;
   h. An egress plan for vacating the structure during the base flood occurrence shall be provided;
10. Marinas;
11. Dikes, if the applicant can provide clear and convincing evidence that:
   a. Adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood occurrences;
   b. Natural drainage ways are minimally affected in that their ability to adequately drain floodwaters after a flooding event is not impaired; and
   c. The proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented;
12. Utility facilities;
Public works, limited to:
(a) Roads,
(b) Bridges,
(c) Docks, and
(d) Port facilities; and

In urban growth areas only, sawmill storage yards when located adjacent to existing sawmill uses.

(Added Ord. 02-064, § 19 (part), Dec. 9, 2002; Amended Ord. 05-068, § 10, Sept. 7, 2005, Eff date Sept. 24, 2005).

30.65.285 - Density fringe area—Prohibited uses.
The following uses shall be prohibited in the density fringe area:

(1) Any structure, including mobile homes, designed for, or to be used for human habitation of a permanent nature (including temporary dwellings authorized by SCC 30.22.130, except as provided by SCC 30.65.280(8) and (9);
(2) The construction or storage of any object subject to flotation or movement during flooding;
(3) The filling of marshlands;
(4) Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials;
(5) Damming or relocation on any watercourse that will result in any downstream increase in flood levels during the base flood;
(6) Critical facilities;
(7) The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited.


30.65.300 - Continuation of nonconforming uses and structures.
Any nonconforming use or nonconforming structure may be continued subject to the provisions of this chapter. The provisions of SCC 30.65.310 through 30.65.340 shall be applied in place of other provisions in chapter 30.28 SCC relating to nonconforming uses and structures.


30.65.310 - Nonconforming uses.
Nonconforming uses shall not be expanded and may be changed only to other uses which are allowed by this chapter; except that nonsubstantial improvements to the structural portions of nonconforming uses are allowed as provided in SCC 30.65.330(1).


30.65.320 - Discontinuance.
If the nonconforming use is discontinued for a period of 12 consecutive months or more, the nonconforming status of the use is terminated and any future use of the land or structures shall be in conformity with the provisions of this chapter. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment or material is actually being occupied or employed in maintaining such use.


30.65.330 - Restoration.
(1) Nothing in this shall be deemed to prohibit the restoration of the structural portions of a nonconforming use located outside a designated floodway within six months from the date of its accidental damage by fire, explosion, natural disaster, or act of public enemy; provided that the applicable elevation and/or floodproofing requirements of this title shall be adhered to if the structure is destroyed. A structure shall be considered to be destroyed if the restoration costs exceed 75 percent of the market value; provided further that restoration of nonresidential structures in the floodway shall be allowed when the applicable provisions of SCC 30.65.220 and 30.65.230 are met.
30.65.340 - Nonconforming structures.

(1) Nonconforming structures may be structurally altered or enlarged and nonconforming structures accidentally damaged or destroyed by fire, explosion, act of God, or act of public enemy may be reconstructed; provided that the degree of nonconformance shall not be increased and the applicable elevation and/or floodproofing requirements of this title shall be observed when proposed construction is a substantial improvement provided further that, construction in the floodway (nonsubstantial and substantial improvements) shall be subject to the limitations of SCC 30.65.220 and 30.65.230.

(2) Nonconforming structures that are also the structural portions of a nonconforming use shall also be subject to the provisions of SCC 30.65.330.