

## **Title 23**

### **CRITICAL AREAS MANAGEMENT**

#### **Chapters:**

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**Chapter 23.04****CRITICAL AREAS MANAGEMENT**

Sections:

- 23.04.010 Authority and title.
- 23.04.020 Purpose and goals.
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**23.04.010 Authority and title.**

This title is established pursuant to RCW 36.70A.060 and shall be known as “Critical Areas Management.” (Ord. 1187 § 1, 1992).

**23.04.020 Purpose and goals.**

This title establishes interim regulations pertaining to the development of critical areas and natural resource lands. The regulations established in this title are intended to protect critical areas and conserve natural resource land features in the city. By regulating development within and adjacent to or abutting critical areas and natural resource lands, this title seeks to implement the following goals:

A. Maintain and enhance natural resource land-based industries, including productive timber, agricultural and fisheries industries;

B. Encourage the conservation of productive forest lands and productive agricultural lands and discourage incompatible uses;

C. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks; and

D. Protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water. (Ord. 1187 § 1, 1992).

**23.04.030 Intent of title.**

Erosion, landslide, seismic, volcanic, mine and flood hazard areas, streams, wetlands, fish and wildlife habitat, and aquifer recharge areas constitute critical areas; agriculture, forest and mineral resource lands constitute natural resource lands. All of these areas are of special concern to the people of the city and the state of Washington. The intent of this title is to pro-

tect critical areas and conserve the natural resource lands of the city by establishing minimum standards for the development of sites which contain or are adjacent to critical areas or natural resource lands and thus promote the public health, safety and welfare by:

A. Mitigating unavoidable impacts by regulating development;

B. Protecting from impacts of development;

C. Protecting the public against losses from costs of public emergency rescue and relief operations where the causes are unavoidable, and degradation of the natural environment and the expense associated with repair or replacement;

D. Preventing adverse impacts on water availability, water quality, wetlands and streams;

E. Protecting unique, fragile and valuable elements of the environment, including fish and wildlife habitat;

F. Providing city officials with sufficient information to adequately protect critical areas and natural resource lands when approving, conditioning or denying public or private development proposals;

G. Providing the public with sufficient information and notice of potential risks associated with development of critical areas; and

H. Implementing the goals and requirements of the Growth Management Act of 1990, the State Environmental Policy Act, the Puget Sound Water Quality Management Plan, and all updates and amendments, functional plans and other land use policies formally adopted or accepted by the city. (Ord. 1187 § 1, 1992).

**23.04.040 Interpretation and application.**

In the interpretation and application of this title, all provisions shall be considered the minimum necessary, liberally construed to serve the purposes of this title, and deemed neither to limit nor repeal any other powers under state statute. (Ord. 1187 § 1, 1992).

**Chapter 23.08**

**CRITICAL AREAS AND NATURAL  
RESOURCE LANDS GENERAL  
REQUIREMENTS**

Sections:

- 23.08.010 Purpose.
- 23.08.020 Definitions.
- 23.08.030 Applicability and mapping.
- 23.08.040 Permitted uses.
- 23.08.050 Regulated uses – Activities.
- 23.08.060 Exemptions – Activities allowed.
- 23.08.070 Reasonable use exception.
- 23.08.080 No issuance of permits except in conformance with title.
- 23.08.090 Variance applications.
- 23.08.100 *Repealed.*
- 23.08.110 *Repealed.*
- 23.08.120 *Repealed.*

**23.08.010 Purpose.**

This chapter establishes general requirements and regulations for the protection of critical areas and the conservation of natural resource lands which shall apply throughout this title. (Ord. 1187 § 1, 1992).

**23.08.020 Definitions.**

For the purpose of this title, the following definitions shall apply:

“Abutting” means bordering upon, touching upon or contacting. Sites are considered abutting even though the area of contact may be only a point.

“Agricultural land” means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable or animal products, or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and which has a long-term commercial significance for agricultural production.

“Applicant” means a person, party, firm, person or corporation who files an application for a permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract

vendee, or the authorized agent of such party, firm, person or corporation.

“Aquifer” means a saturated geologic formation which will yield a sufficient quantity of water to serve as a private or public water supply.

“Aquifer recharge area” means an area where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water.

“Best management plan” means a plan developed for a property which specifies best management practices for the control of animal wastes, storm water runoff, and erosion.

“Buffer” means an area contiguous with a critical area that is required for the integrity, maintenance, function, and structural stability of the critical area.

“Building footprint” means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

“Classification” means defining value and hazard categories to which critical areas and natural resource lands will be assigned.

“Clearing” means the removal of timber, brush, grass, groundcover or other vegetative matter from a site which exposes the earth’s surface of the site.

“Cliff” means a steep vertical or nearly vertical face, rising from the surrounding ground at an angle of 85 degrees or greater.

“Critical areas” means wetlands, flood hazard areas, fish and wildlife habitat areas, aquifer recharge areas and geologically hazardous areas.

“Department” means the city of Pacific public works department.

“Designation” means formal legislative action to adopt classifications, inventories and regulations.

“Development” means any human-induced change to improved or unimproved real property including, but not limited to, the construction of buildings or other structures, placement of manufactured home/mobile home, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, or the subdivision of real property.

“Erosion” means the wearing away of the earth’s surface as a result of the movement of wind, water or ice.

“Erosion hazard areas” means those areas that, because of natural characteristics including vegetative cover, soil texture, slope, gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

“Fish and wildlife habitat areas” means those areas identified as being of critical importance to maintenance of fish, wildlife, and plant species, including:

1. Areas with which endangered, threatened, and sensitive species have a primary association;
2. Habitats and species of local importance;
3. Commercial and recreational shellfish areas;
4. Kelp and eelgrass beds, herring and smelt spawning areas;
5. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;
6. Waters of the state;
7. Lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity;
8. State natural area preserves and natural resource conservation areas.

“Forest land” means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, for commercial purposes and that has long-term commercial significance for growing trees commercially.

“Flood hazard areas” means areas of land located in floodplains which are subject to a one-percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands and the like.

“Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake or other geological events, may pose a risk to the siting of commercial, residential or industrial development consistent with public health or safety concerns.

“Grading” means any excavating, filling, clearing or creating of impervious surfaces or combination thereof.

“Landslide” means the abrupt downslope movement of soil, rocks or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, rockfalls and snow avalanches.

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

“Long-term commercial significance” means the growing capacity, productivity and soil composition of land which makes it suitable for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of land.

“Mine hazard areas” means areas directly underlain by, adjacent to or abutting, or affected by mine workings such as adits, tunnels, drifts or air shafts.

“Minerals” means gravel, sand and valuable metallic substances.

“Mineral resource lands” means lands primarily devoted to the extraction of minerals or which have known or potential long-term commercial significance for the extraction of materials.

“Natural resource lands” means agricultural, forest and mineral resource lands which have long-term commercial significance.

“Public services” include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection and other governmental services.

“Regulated activities” include, but are not limited to, any of the following activities which are directly undertaken or originate in a regulated critical area or resource land or their buffer: building permit, commercial or residential; binding site plan; planned unit development; conditional use permit; shoreline environmental redesignation; shoreline substantial development permit; shoreline variance; short subdivision; special use permit; subdivision; unclassified use permit; utility and other use permit; variance; zone reclassification; or any subsequently adopted permit or

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required approval not expressly exempted by this chapter.

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

“Short subdivision” or “short plat” means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

“Site” means a lot, parcel, tract or combination of lots, parcels or tracts where a development is proposed.

“Subdivision” or “formal subdivision” means the division or redivision of land into five or more lots, tracts, parcels or sites, or division for the purpose of sale, lease or transfer of ownership.

“Urban governmental services” include those governmental services historically and typically delivered by cities and include storm and sanitary sewer systems, domestic water systems, street cleaning services and other public utilities associated with urban areas and normally not associated with nonurban areas.

“Urban growth” refers to growth that makes intensive use of the land for the location of buildings, structures and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. “Characterized by urban growth” refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

“Volcanic hazard areas” means those areas subject to pyroclastic flows, lava flows and inundation by debris flows, mudflows, or related flooding resulting from geologic or volcanic events on Mount Rainier.

“Wetland” or “wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of

vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands generally do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the city of Pacific. (Ord. 1187 § 1, 1992).

### **23.08.030 Applicability and mapping.**

A. This title shall apply to all properties which are designated as critical areas or natural resource lands by the city. When the requirements of this title are more stringent than those of other code provisions, the requirements of this title shall apply.

B. Where a site contains two or more critical areas, the site shall meet the minimum standards and requirements for each identified critical area as set forth in this title. Critical area regulations shall also apply to natural resource lands as set forth in this title.

C. Mapping. Maps may be developed which show the general location of natural resource lands and critical areas for informational purposes. The actual presence of critical areas and the applicability of these regulations shall be determined by the classification criteria established for each critical area. (Ord. 1187 § 1, 1992).

### **23.08.040 Permitted uses.**

Uses permitted on properties designated as critical areas or natural resources lands shall be the same as those permitted in the zone classification shown in this code unless specifically prohibited in this title. (Ord. 1187 § 1, 1992).

### **23.08.050 Regulated uses – Activities.**

Unless the requirements of this title are met, the city shall not grant any approval or permission to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement including but not limited

to the following: building permit, commercial or residential; binding site plan; planned unit development; conditional use permit; franchise right-of-way construction permit; site development permit; master plan development; right-of-way permit; shoreline conditional use permit; shoreline environmental redesignation; shoreline substantial development permit; shoreline variance; short subdivision; special use permit; subdivision; unclassified use permit; utility and other use permit; variance; zone reclassification; or any subsequently adopted permit or required approval not expressly exempted by this chapter. (Ord. 1187 § 1, 1992).

### **23.08.060 Exemptions – Activities allowed.**

The following activities are exempt from the provisions of this title, when undertaken pursuant to best management practices (BMP) to avoid impacts to critical areas:

A. Existing Agricultural Activities. The activities cease to be existing when the area on which they were conducted has been converted to a nonagricultural use or has lain idle more than five years, unless the idle land is registered in a federal or state soils conservation program;

B. Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practice regulations, WAC Title 222, and which are exempt from city jurisdiction;

C. Maintenance or reconstruction of existing roads, bridges and associated storm drainage facilities, provided that reconstruction does not involve expansion of facilities;

D. Maintenance or reconstruction of existing regional storm drainage facilities, provided that reconstruction does not involve expansion of facilities;

E. The following utility line activities;

1. Normal and routine maintenance or repair of existing utility structures or right-of-way,

2. Relocation of electric facilities, lines, equipment, or appurtenances, not including substations, with an associated voltage of 55,000 volts or less only when required by a local government agency,

3. Relocation within improved right-of-way of utility lines, equipment, or appurtenances only when required by a local governmental agency which approves the new location of the facilities,

4. Installation or construction in improved road rights-of-way and replacement, operation, or alteration of all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less, or

5. Installation or construction in improved road rights-of-way and replacement, operation, repair, or alteration of all utility equipment or appurtenances;

F. Reconstruction, remodeling or maintenance of existing single-family residential structures and accessory structures, provided the building footprint does not increase by more than 25 percent and the new construction or related activity does not further intrude into the critical area or related buffer;

G. Reconstruction, remodeling or maintenance of structures, other than single-family structures and accessory structures, provided that such reconstruction, remodeling or maintenance does not increase the floor area nor extend beyond the existing ground coverage;

H. Site investigative work necessary for land use application submittals, such as surveys, soil logs, percolation tests and other related activities;

I. Emergency action necessary to prevent imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation. The mayor or mayor's designee shall review all proposed emergency actions to determine the existence of the emergency and reasonableness of the proposed actions; a BMP may be applied in these cases when the emergency has stabilized; and

J. A residential building permit for a lot which was subject to previous reports and assessments as required under this title; provided that the previous reports and assessments adequately identified the impacts associated with the current development project. (Ord. 1187 § 1, 1992).

**23.08.070 Reasonable use exception.**

Nothing in this title is intended to preclude all reasonable use of property. If the application of this title would deny all reasonable use of a site, development may be allowed which is consistent with the general purposes of this title and the public interest. (Ord. 1505 § 16, 2001; Ord. 1187 § 1, 1992).

**23.08.080 No issuance of permits except in conformance with title.**

The city shall not issue any permit for any regulated activity, including, but not limited to those set forth in PMC 23.08.050, on a site which includes or is adjacent to or abutting one or more natural resource lands or critical areas, except based on findings indicating conformance with this title. (Ord. 1505 § 16, 2001; Ord. 1187 § 1, 1992).

**23.08.090 Variance applications.**

Variance applications shall be considered by the city according to the variance procedures of this code. (Ord. 1187 § 1, 1992).

**23.08.100 Noncompliance procedures.**

*Repealed by Ord. 1505.* (Ord. 1187 § 1, 1992).

**23.08.110 Fees – Administrative and technical review.**

*Repealed by Ord. 1505.* (Ord. 1187 § 1, 1992).

**23.08.120 Appeals.**

*Repealed by Ord. 1505.* (Ord. 1187 § 1, 1992).

**Chapter 23.12**

**FISH AND WILDLIFE HABITATS**

Sections:

- 23.12.010 Purpose and intent.
- 23.12.020 Definitions.
- 23.12.030 Definition, classification and regulation.
- 23.12.040 *Repealed.*

**23.12.010 Purpose and intent.**

Many land use activities can impact the habitats of fish and wildlife. Where areas of critical fish and wildlife habitat are subject to development pressure, all proposed activities in proximity to the habitats should be evaluated to determine whether the proposed land use is compatible with the habitat. It is the intent of this chapter that critical fish and wildlife habitats be preserved so that isolated populations of species are not created and that habitat fragmentation is avoided. The natural geographic distribution of critical fish and wildlife habitat should be maintained. (Ord. 1187 § 1, 1992).

**23.12.020 Definitions.**

For the purposes of this chapter, the following definitions shall apply:

“Aspen stands” means an area predominantly composed of aspen trees.

“Best management plan” means a plan which is developed for the property which specifies best management practices for the control of animal wastes, storm water runoff and erosion.

“Buffer” means an area contiguous with a critical area that is required for the integrity, maintenance, function and structural stability of the critical area.

“Cave” means a natural subterranean chamber.

“Cliff” means a steep vertical or overhanging face of rock or earth.

“Ecotone” means a transition area between two adjacent vegetation communities.

“Fish and wildlife habitat areas” means those areas identified as being of critical importance to maintenance of fish, wildlife



and plant species, including: areas with which endangered, threatened and sensitive species have a primary association; habitats and species of local importance; commercial and recreational shellfish areas; kelp and eelgrass beds; herring and smelt spawning areas; naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; waters of the state; lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity, or private organization; state natural area preserves and natural resource conservation areas.

“Fisheries biologist” means a person with a degree in fisheries, or certification by the American Fisheries Society, or with five years’ experience as a fisheries biologist.

“Habitat assessment” means a report prepared by a wildlife biologist or fisheries biologist, which identifies the presence of fish and wildlife habitat conservation areas in the vicinity of the proposed development site.

“Habitat management plan” means a report prepared by a wildlife biologist or fisheries biologist, which discusses and evaluates the measures necessary to maintain fish and wildlife habitat conservation areas on or near a proposed development site.

“Habitats of local importance” means an area, range or habitat with which a species has a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Examples include areas of high and relative density or species richness, breeding habitat, winter range and movement corridors. These areas may also include habitats that are of limited availability or high vulnerability to alteration, such as cliffs, talus and wetlands.

“Lakes” means impoundments of open water 20 acres or larger in size.

“Lodgepole pine stands” means an area predominantly composed of lodgepole pine trees.

“Oak woodlands and associated prairies” means those areas where Oregon white oak is a dominant species and with which prairies are often found.

“Old growth forests” means a stand of trees generally containing: mature and overmature trees in the overstory; a multilayered canopy

and trees of several age classes; and standing dead trees and down material.

“Ordinary high water” means that mark on all lakes, streams, ponds and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of water are so common and usual and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of the ordinance codified in this chapter or as it may naturally change thereafter; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the mean high water.

“Ponds” means impoundments of open water less than 20 acres in size and larger than 2,500 square feet which maintain standing water throughout the year.

“Ponderosa pine stands” means an area predominantly composed of Ponderosa pine trees.

“Prairies” means land predominantly in native grasses and which contains no more than a 30 percent cover of shrubs or tree.

“Rocky shoreline areas” means areas composed of boulders or exposed bedrock in shoreline areas of Puget Sound.

“Snag-rich areas” means areas which contain concentrations of standing dead trees.

“Species of local importance” means species that are of local concern due to their population status or their sensitivity to habitat manipulation.

“Subalpine meadows” means meadow areas in the subalpine regions of the Cascade Mountains.

“Talus slopes” means an accumulation of rock debris on or at the base of a steep slope or cliff.

“Wildlife biologist” means a person with a degree in wildlife, or certification by the Wildlife Society, or with five years’ experience as a wildlife biologist. (Ord. 1187 § 1, 1992).

### 23.12.030 Definition, classification and regulation.

A. Definition. Fish and wildlife habitat areas are those areas identified as being of critical importance to maintenance of fish, wildlife and plant species, including areas with which endangered, threatened and sensitive species have a primary association; habitats and species of local importance; naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; waters of the state; lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity, or private organization; state natural area preserves and natural resource conservation areas.

#### B. Classification.

1. Criteria. Fish and wildlife habitat areas are those areas identified as being of critical importance to maintenance of fish, wildlife, or plant species, including:

a. Areas with which federally or state listed endangered, threatened or sensitive species of fish, wildlife or plants as specified in 50 CFR 17.11, 50 CFR 17.12, WAC 232-12-011, or WAC 232-12-014, have a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term;

b. Habitats and species of local importance, including the following:

i. Areas with which state listed monitor or candidate species or federally listed candidate species have a primary association, as specified in Washington Department of Wildlife Policies 4802 and 4803, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term;

ii. Special Habitat Areas. These areas include specific habitat types which are infrequent in occurrence in King County and may provide specific habitats which certain animals and plants require, such as breeding habitat, winter range and movement corridors. These areas include but are not limited to the following: (A) Oak woodlands and associated prairies, (B) Prairies, (C) Old growth forests, (D) Rocky shoreline areas, (E) Aspen stands, (F) Ponderosa and lodgepole pine stands, (G)

Subalpine meadows, (H) Caves, (I) Cliffs, (J) Talus slopes, (K) Snag-rich areas;

iii. White River elk herd winter range;

iv. White River spring Chinook;

c. Commercial and recreational shellfish areas;

d. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;

e. Waters of the state, including all water bodies classified by the Washington Department of Natural Resources (DNR) water-typing classification system as detailed in WAC 222-16-030;

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

g. State natural area preserves and natural resource conservation areas.

2. Mapping. Fish and Wildlife Habitat areas are identified in the following documents:

a. Puget Sound Environmental Atlas, Puget Sound Water Quality Authority;

b. Coastal Zone Atlas of Washington, Volume VI, King County and Volume VII, Pierce County, Washington Department of Ecology;

c. Commercial and Recreational Shellfish Areas in Puget Sound, Washington Department of Health;

d. The following Washington Department of Natural Resources documents and data sources:

i. Stream typing maps;

ii. Natural heritage data base;

e. The following Washington Department of Wildlife documents and data sources:

i. Priority Habitats and Species Program,

ii. Non-Game Data Base,

iii. Washington Rivers Information System.

#### C. Regulation.

1. Habitat Assessment. For all regulated activities proposed on a site which contains or is within 1,000 feet of fish and wildlife habitat as identified in subsections (B)(1)(a) and (B)(1)(b) of this section, a habitat assessment,

prepared by a wildlife biologist, shall be submitted. For all regulated activities proposed on a site which contains or is within 200 feet of fish and wildlife habitat as identified in subsections (B)(1)(c) and (B)(1)(d) of this section, a habitat assessment, prepared by a fisheries biologist, shall be submitted. At a minimum, the habitat assessment shall contain:

a. i. For fish and wildlife habitats as identified in subsections (B)(1)(a) and (B)(1)(b) of this section, a discussion and inventory of species or habitats known or expected to be located on or within 1,000 feet of the site, including: state or federal endangered, threatened, or sensitive species; and habitats and species of local importance;

ii. For fish and wildlife habitat as identified in subsections (B)(1)(c) and (B)(1)(d) of this section, a discussion of species or habitats known or expected to be located on or within 200 feet of the site, including: shellfish areas; kelp and eelgrass beds; and smelt and herring spawning areas;

b. A vicinity map showing the general location of the site;

c. A site plan which clearly identifies and delineates critical fish and wildlife habitats found on or within 1,000 feet of the site for habitats identified in subsections (B)(1)(a) and (B)(1)(b) of this section, and found on or within 200 feet of the site for habitats identified in subsections (B)(1)(c) and (B)(1)(d) of this section. Fish and wildlife habitats shall be delineated through the use of existing aerial photography and through field investigations. The site plan shall include:

i. A map of vegetation communities, with a delineation of dominant trees, shrubs and herbs,

ii. A discussion of the quality or amount of degradation for each vegetation community,

iii. A plant species list for each community, organized by vegetation layer (trees, shrubs and herbs),

iv. Identification, evaluation and mapping of all special habitat features such as significant trees, snags, downed logs, riparian zones, caves, wildlife corridors, or ecotones;

d. A detailed description of the methodology used and an identification of the researchers and their qualifications;

e. Techniques for mapping, field work and evaluation shall be based on methodology which is acceptable to the director. The director may require the use of specific manuals and methodologies in preparation of the habitat assessment;

f. The director shall evaluate the habitat assessment to determine whether the proposed development site provides suitable habitat for or adversely impacts fish and wildlife as identified in subsections (B)(1)(a) through (B)(1)(d) of this section.

2. Habitat Management Plan. If the habitat assessment demonstrates to the satisfaction of the director that activities on the site will not adversely impact fish and wildlife habitat as identified in subsections (B)(1)(a) through (B)(1)(d) of this section, or that suitable habitat for fish and wildlife as identified in subsections (B)(1)(a) through (B)(1)(d) of this section is not found, then the development can proceed without further requirement for special wildlife studies. Otherwise, a habitat management plan shall be submitted. Habitat management plans shall be prepared by a wildlife biologist for areas identified in subsections (B)(1)(a) and (B)(1)(b) of this section. Habitat management plans shall be prepared by a fisheries biologist for areas identified in subsections (B)(1)(c) and (B)(1)(d) of this section. The habitat management plan shall contain at a minimum:

a. A discussion of the project's effects on fish and wildlife habitat and its impacts on fish and wildlife. Both direct and indirect causes of fish, wildlife and habitat loss shall be addressed;

b. A discussion of any federal, state or local special management recommendations which have been developed for species or habitats located on the site;

c. A discussion of measures proposed to preserve existing habitats and restore any habitats which were degraded prior to the current proposed land use activity;

d. A discussion of proposed measures which mitigate the impacts of the project to both habitats and species;

e. An evaluation of the effectiveness of the proposed mitigation measures;

f. A discussion of ongoing management practices which will protect fish and wildlife habitat after the project site has been fully developed, including proposed monitoring and maintenance programs; and

g. A detailed description of the methodology used and an identification of the researchers and their qualifications.

Habitat management plans shall be forwarded to the Washington Department of Wildlife and similar appropriate state and federal agencies for their comments. All projects may be conditioned based on comments from agencies and the director's evaluation of the impacts of the project, utilizing a wildlife biologist consultant to provide a review of the applicant's submittals, the cost of the consultant to be borne by the applicant/developer. Projects may be denied if the proposal will result in extirpation or isolation of a critical fish, wildlife or plant species or its habitat.

3. Fish and Wildlife Habitat Buffer. Based on the information provided in the habitat management plan, buffers consisting of undisturbed native vegetation shall be required to insure retention of fish and wildlife habitat areas. The width of the buffers shall be determined on a case-by-case evaluation by the director. Modifications and activities within the buffer shall be limited to those activities listed in subsection (C)(5) of this section.

4. Buffers on Water Bodies.

a. A buffer, consisting of undisturbed native vegetation, shall be required along all streams, lakes, ponds and Puget Sound, as classified by the DNR water typing classification system (WAC 222-16-030), which reads as follows:

WAC 222-16-030 Water typing system. The department in cooperation with the departments of fisheries, game and ecology shall classify streams, lakes and ponds and prepare stream classification maps showing

the location of Type 1, 2, 3 and 4 waters within the various forested areas of the state. Such maps shall be available for public inspection at area offices of the department. The waters will be classified using the following criteria, except that these agencies may approve classifications of water segments which do not follow the criteria when substantiated evidence demonstrates that use of the criteria would result in incorrect classification of such water according to the definitions contained in WAC 222-16-020. When so requested by any affected landowners, applicant or aggrieved person, the department shall make available informal conferences, which shall include the departments of fisheries, game and ecology, and those contesting the adopted water types. These conferences shall be established under procedures established in WAC 222-46-020.

(1) "Type 1 water" means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW, but not including those waters' associated wetlands.

(2) "Type 2 water" classification shall be applied to segments of natural waters which:

(a) Are diverted for domestic use by more than 100 residential or camping units or by a public accommodation facility licensed to serve more than 100 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 2 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 within a federal, state, local, or private campground having more than 30 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;

(c) Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:

(i) Stream segments having a defined channel 20 feet or greater in width between the ordinary high water marks and having a gradient of less than 4 percent.

(ii) Impoundments having a surface area of 1 acre or greater at seasonal low water.

(3) "Type 3 water" classifications shall be applied to segments of natural waters which:

(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 department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 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 used by significant numbers of anadromous fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have significant anadromous fish use:

(i) Stream segments having a defined channel of 5 feet or greater in width between the ordinary high-water marks; and having a gradient of less than 12 percent and not upstream of a falls of more than 10 vertical feet.

(ii) Impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to an anadromous fish stream.

(c) Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use:

(i) Stream segments having a defined channel of 10 feet or greater in width between the ordinary high-water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent.

(ii) Impoundments having a surface area greater than 0.5 acre at seasonal low water.

(d) Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 water are presumed to be significant for 1,500 feet from their confluence with the Type 1 or 2 water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less.

(4) "Type 4 water" classification shall be applied to segments of natural waters which are not classified as Type 1, 2, or 3 and for the purpose of protecting water quality downstream are classified as Type 4 water upstream until the channel width becomes less than 2 feet in width between the ordinary high-water marks.

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(5) "Type 5 water" classification shall be applied to all natural waters not classified as Type 1, 2, 3 or 4; areas of perennial or intermittent seepage, ponds and drainage ways having short periods of spring or storm runoff.

(6) For purposes of this section:

(a) "Residential unit" means a home, apartment, residential condominium unit or mobile home, serving as the principal place of residence.

(b) "Camping unit" means an area intended and used for:

(i) Overnight camping or picnicking by the public containing at least a fire-place, picnic table and access to water and sanitary facilities; or

(ii) A permanent home or condominium unit or mobile home not qualifying as a "residential unit" because of part-time occupancy.

(c) "Resident game fish" means game fish as described in the Washington game code that spend their life cycle in fresh water. Steelhead, Searun cut-throat and Dolly Varden trout are anadromous game fish and should not be confused with resident game fish.

(d) "Public accommodation facility" means a business establishment open to and licensed to serve the public, such as a restaurant, tavern, motel or hotel.

(e) "Natural water" only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.

(f) "Seasonal low flow" and "seasonal low water" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted

hydrologic techniques recognized by the department.

(g) Channel width and gradient shall be measured over a representative section of at least 500 lineal feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States Geological Survey topographic maps.

(h) "Intermittent streams" means those segments of streams that normally go dry. [Order 263, SS 222-16-030, filed 6/16/76.]

b. The buffer shall extend landward from the ordinary high water mark of the water body. The buffer widths shall be as listed below, unless the provisions of subsection (C)(5)(b) of this section are met, in which case reductions to the buffer width may be allowed. The buffer shall be placed in a separate critical areas tract or tracts, protective easement, public or private land trust dedication, or similarly preserved through an appropriate permanent protective mechanism as determined by the city. The buffer widths on all streams and ponds shall be as follows:

DNR Water Type	Buffer Width in Feet
1	200
2	150
3	100
4	50
5	25

c. The buffer widths from all lakes and Puget Sound waters shall be as follows:

<b>Shoreline Environment Designation</b>	<b>Buffer Width in Feet</b>
Urban	50
Rural Residential	50
Rural	50
Conservancy	150
Natural	200

5. Buffer Width Modifications.

a. The director shall review the buffer proposal to determine whether the buffer will adequately protect fish and wildlife habitat. The director may modify the buffer width requirements based on site-specific conditions. The buffer width can be increased based on site-specific conditions which indicate a necessity to have a larger buffer, such as the buffer’s proximity to fish or wildlife habitat areas as classified in subsection (B)(1) of this section.

b. The city should allow buffer reduction for each water type if the applicant prepares and implements the following plans:

i. Best Management Plan. The best management plan addresses the proper handling and control of animal wastes, storm water runoff and erosion on sites proposed for development or the introduction of animals. The plan shall be developed using the most recent applicable guidelines for best management practices. Protection of water quality and fish and wildlife habitat shall be emphasized in the plan.

ii. Buffer Enhancement Plan. The buffer enhancement plan addresses improvements to the functional attributes of the buffer through the use of plantings of indigenous plant species in the buffer area. The plan must clearly demonstrate that the improvements are necessary in the buffer area and that additional protection is provided for the fish and wildlife habitat. The plan shall include:

(A) General plant selection and justification, planting instructions, and

approximate planting sequencing and schedule;

(B) Discussion of location criteria for the trimming of vegetation, shoreline access, and construction of docks and bulkheads, within the buffer, as permitted in subsection (C)(5)(f)(vi) of this section;

(C) A site plan indicating the location of plantings, trimming of vegetation, shoreline access and construction of docks and bulkheads within the buffer, as permitted in subsection (C)(5)(f) of this section;

(D) Maintenance, monitoring and contingency plans;

(E) Other information as deemed necessary by the director.

The director shall evaluate the plans enumerated in this section to determine whether they will provide additional benefits to fish and wildlife habitat. If the director finds that the plans are acceptable, the director may recommend a buffer reduction, at their discretion, to the city council, up to the widths listed below for streams and ponds:

<b>DNR Water Type</b>	<b>Modified Buffer Width in Feet</b>
1	100
2	100
3	75
4	35
5	20

If the director finds that the plans are acceptable, the director may recommend a buffer reduction up to the widths listed below for streams and ponds:

<b>Shoreline Environment Designation</b>	<b>Modified Buffer Width in Feet</b>
Urban	50
Rural Residential	50
Rural	50
Conservancy	100
Natural	100

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c. Building Setback and Construction Near Buffer. A minimum setback of eight feet from the buffer shall be required for construction of any impervious surface(s) greater than 120 square feet of base coverage. Clearing, grading and filling within eight feet of the buffer shall only be allowed when the applicant can demonstrate that vegetation within the buffer will not be damaged.

d. Marking of Buffer Area. The edge of the buffer area shall be clearly staked, flagged and fenced prior to construction. The buffer boundary markers shall be clearly visible, durable and permanently affixed to the ground.

e. Fencing from Farm Animals. Permanent fencing shall be required from the buffer when farm animals are introduced on a site.

f. Allowable Activities in the Buffer. The following alterations may be made within the buffer upon approval of a plan by the director:

i. Noxious weeds, as listed in Chapter 167-50 WAC, shall be removed from or destroyed within the buffer, provided, that the following conditions are met:

(A) Cleared areas created by the removal of noxious weeds shall be revegetated to the satisfaction of the director,

(B) The removal or control of noxious weeds shall occur within an approved time schedule, and the method of removal or control shall be approved by the director, after consultation with other appropriate agencies;

ii. Previously cleared lands may be revegetated. The director may specify the time schedule for planting, specific types of plants, or other requirements related to revegetation. Plantings shall be approved through submittal of a buffer enhancement plan, as set forth in subsection (C)(5)(b)(ii) of this section;

iii. Diseased trees and trees that possess a threat to properties may be removed after approval by the director;

iv. The repairing of fences;

v. The cleaning and maintenance of ditches; provided, that the vegetation is not disturbed beyond that necessary to gaining reasonable access to the water body; and fur-

ther provided, that the water body does not support salmonids;

(A) Drainage ditches which do support salmonids may be maintained; provided, that a best management plan is developed and implemented, to the satisfaction of the director;

vi. The following alterations may be made; provided, that their location and placement are approved in a buffer enhancement plan, as set forth in subsection (C)(5)(b)(ii) of this section:

(A) The construction of docks and bulkheads; provided, that other permits are obtained as required;

(B) The construction of a pervious path for purposes of accessing the shoreline;

(C) Trimming of vegetation for purposes of providing view corridors, provided that trimming shall be limited so that the benefits of the buffer to fish and wildlife habitat are not reduced. Trimming shall be limited to pruning of branches and vegetation. Trimming shall not include felling and removal of trees. (Ord. 1505 § 16, 2001; Ord. 1187 § 1, 1992).

### **23.12.040 Fish and wildlife habitats – Fees.**

*Repealed by Ord. 1505.* (Ord. 1375 § 60, 1998; Ord. 1187 § 1, 1992).



## Chapter 23.16

### AQUIFER RECHARGE AREA

Sections:

- 23.16.010 Purpose and intent.
- 23.16.020 Definitions.
- 23.16.030 Definition, classification, and regulation.

#### 23.16.010 Purpose and intent.

The intent of this chapter is to protect important water supplies from additional degradation or depletion originating from land use activities. Due to the exceptional vulnerability and susceptibility of the aquifer recharge areas to further contamination, it is the intent of this chapter to safeguard ground water resources in the aquifer system from hazardous substance and hazardous waste pollution by controlling or abating future pollution from new land uses or activities. (Ord. 1187 § 1, 1992).

#### 23.16.020 Definitions.

For the purpose of this chapter, the following definitions apply:

“Animal containment area” means a site where two or more animal units of large animals per acre or 0.75 of an animal unit of small animals per acre are kept, and where a high volume of waste material is deposited in quantities capable of impacting ground water resources.

“Animal unit” means the equivalent of 1,000 pounds of animal.

“Aquifer” means a saturated geologic formation which will yield a sufficient quantity of water to serve as a private or public water supply.

“Aquifer recharge area” means areas where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water.

“Contaminant” means any chemical, physical, biological or radiological substance that does not occur naturally or occurs at concentrations and duration as to be injurious to

human health or welfare or shown to be ecologically damaging.

“DRASTIC” means a model developed by the National Water Well Association and Environmental Protection Agency to measure aquifer susceptibility.

“Facility” means all structures, contiguous land, appurtenances and other improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, disposing or otherwise handling a hazardous substance. Use of the term “facility” includes underground and aboveground tanks, and operations which handle, use, dispose of or store hazardous substances.

“Ground water” means all water found beneath the ground surface, including slowly moving subsurface water present in aquifers and recharge areas.

“Hazardous substances” means any liquid, solid, gas or sludge, including any material, substance, product, commodity or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste, and including waste oil and petroleum products.

“Hazardous waste” means and includes all dangerous waste and extremely hazardous waste as designated pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC.

1. “Dangerous waste” means any discarded, useless, unwanted or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

a. Have short-lived, toxic properties that may cause death, injury or illness, or have mutagenic, teratogenic or carcinogenic properties; or

b. Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

2. “Extremely hazardous waste” means any waste which:

a. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of humans or wildlife; and

b. Is disposed of at a disposal site in such quantities as would present an extreme hazard to humans or the environment.

“Hazardous waste treatment and storage facility” means a facility that treats and stores hazardous waste and is authorized pursuant to Chapter 70.105 RCW, Chapter 173-303 WAC. It includes all contiguous land and structures used for recycling, reusing, reclaiming, transferring, storing, treating or disposing of hazardous waste. “Treatment” includes using physical, chemical or biological processing of hazardous wastes to make such waste nondangerous or less dangerous and safer for transport, amenable for energy or material resource recovery. “Storage” includes the holding of waste for a temporary period but not the accumulation of waste on the site of generation, as long as the storage complies with applicable requirements of Chapter 173-303 WAC.

1. “Off-site treatment and storage facility” means a facility that treats or stores hazardous wastes generated on property other than those on which the off-site facility is located.

2. “On-site treatment and storage facility” means a facility that treats or stores hazardous wastes generated on the same geographically contiguous property.

“Hydrogeologic assessment” means a report detailing the subsurface conditions of a site and which indicates the susceptibility and potential for contamination of ground water supplies.

“Impervious surface” means natural or human-produced material on the ground that does not allow surface water to penetrate into the soil. Impervious surfaces may consist of buildings, parking areas, driveways, roads, sidewalks and any other areas of concrete, asphalt, plastic, etc.

“Landfill” means a disposal facility or part of a facility at which solid waste is perma-

nently placed in or on land and which is not a landspreading disposal facility.

“Large animal” means an animal with an average weight of 100 pounds or more.

“Permeable surfaces” means sand, gravel and other penetrable deposits on the ground which permit movement of ground water through the pore spaces and which permit the movement of fluid to the ground water.

“Sludge land application site” means a site where stabilized sludge, septage and other organic wastes are applied to the surface of the land in accordance with established agronomic rates for fertilization of soil conditioning.

1. Sludge land application sites are classified under the following five-category system:

S-1 Sites of less than one acre with an application rate of less than 10 dry tons of sludge per acre per five-year period.

S-2 Sites of less than 40 acres with an application rate of less than 20 dry tons of sludge per acre per 10-year period or less than an annual application rate of two dry tons of sludge per acre.

S-3 Sites with an application rate of more than 20 but less than 43 dry tons of sludge per 10-year period or 4.3 dry tons per acre per year.

S-4 Sites with one-time applications greater than 43 dry tons per acre and cumulative limits for metals greater than state-designated practices for agricultural cropland application.

S-5 Sites which are permanent landfill disposal facilities that meet federal and state criteria for sludge handling.

“Small animal” means an animal with an average weight of less than 100 pounds.

“Underground tank” means any one or a combination of tanks (including underground pipes connected thereto) which are used to contain or dispense an accumulation of hazardous substances or hazardous wastes, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. (Ord. 1187 § 1, 1992).

**23.16.030 Definition, classification, and regulation.**

A. Definition. Aquifer recharge areas are areas where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of ground water resources or contribute to the replenishment of ground water.

B. Classification. For the purposes of this chapter, the city’s aquifer recharge areas identified is the south King County Regional Water Association Map and Guidelines.

C. Regulation.

1. Exemptions. The following uses shall be exempt from the requirements of this chapter:

- a. Sewer lines and appurtenances; and
- b. Water lines and appurtenances.

2. Notification.

a. Title Notification. The owner of any site within an aquifer recharge area as identified in subsection B of this section, on which a development proposal is submitted, shall record a notice with the King County or Pierce County Division of Records in the form set forth below:

**AQUIFER RECHARGE  
AREA NOTICE**

Parcel Number: \_\_\_\_\_

Address: \_\_\_\_\_

Notice: This site lies within an aquifer recharge area as defined by Chapter 23.16 PMC. The site was the subject of a development proposal for \_\_\_\_\_ application number \_\_\_\_\_ filed on \_\_\_\_\_ (date). Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application has provided information on the location of an aquifer recharge area and any restrictions on use.

\_\_\_\_\_  
Signature of Owner(s)  
(NOTARY ACKNOWLEDGEMENT)

b. Plat Notification. For all short subdivision and subdivision proposals within aquifer recharge areas, the applicant shall include a note on the face of the final plat. The note shall be as set forth below:

Notice: This site lies within an aquifer recharge area as defined by Chapter 23.16 PMC. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation.

3. Permeable Surfaces. Uses that are not identified as a threat to the aquifer shall provide as much open permeable space as possible, and impervious surfaces shall be minimized.

4. Hydrogeologic Assessment.

a. The following uses of land shall require a hydrogeologic assessment of the proposed site if the site is located within an aquifer recharge area:

- i. Hazardous substance processing or handling,
- ii. Hazardous waste treatment and storage facility,
- iii. Disposal of on-site sewage and storm water for subdivisions, short subdivisions, and commercial and industrial sites,
- iv. Sludge land application sites categorized as S-3, S-4 and S-5, as defined above,
- v. Animal containment area,
- vi. Landfills;

b. The hydrogeologic assessment shall include, but is not limited to:

- i. Information sources,
- ii. Geologic setting, including well logs or borings used to identify information,
- iii. Background water quality,
- iv. Ground water elevations,
- v. Location/depth to perched water tables,
- vi. Recharge potential of facility site (permeability/transmissivity),
- vii. Ground water flow direction and gradient,

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viii. Currently available data on wells located within 1,000 feet of site,

ix. Currently available data on any spring within 1,000 feet of site,

x. Surface water location and recharge potential,

xi. Water source supply to facility (e.g., high-capacity well),

xii. Any sampling schedules necessary,

xiii. Discussion of the effects of the proposed project on the ground water resource,

xiv. Other information as required by the city;

c. The hydrogeologic assessment shall be submitted by a firm which specializes in hydrogeologic services and is approved by the city;

d. Uses requiring a hydrogeologic assessment may be conditioned or denied based upon the city's evaluation of the hydrogeologic assessment. The hydrogeologic assessment must show that the use does not present a threat to the aquifer system and that the proposed use will not cause contaminants to enter the aquifer.

5. Storage Tank Permits. The city fire marshal specifically regulates and authorizes permits for underground storage tanks, pursuant to the Uniform Fire Code (Article 79) and this chapter. The Washington Department of Ecology also regulates and authorizes permits for underground storage tanks (WAC 173-03-060).

a. Facilities with Underground Tanks – New Underground Tanks.

i. All new underground storage facilities used or to be used for the underground storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

(A) Prevent releases due to corrosion or structural failure for the operational life of the tank;

(B) Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material or designed to include a secondary containment

system to prevent the release or threatened release of any stored substance;

(C) Use material in the construction or lining of the tank which is compatible with the substance to be stored; and

(D) No tanks will be allowed in aquifer recharge areas.

b. Aboveground Tanks.

i. No new aboveground storage facility or part thereof shall be fabricated, constructed, installed, used or maintained in any manner which may allow the release of a hazardous substance to the ground, ground waters or surface waters within an aquifer recharge area.

ii. No new aboveground tank or part thereof shall be fabricated, constructed, installed, used or maintained without having constructed around and under it an impervious containment area enclosing or underlying the tank or part thereof.

iii. A new aboveground tank will require a secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks located within an aquifer recharge area. (Ord. 1505 § 16, 2001; Ord. 1187 § 1, 1992).

**Chapter 23.20****FLOOD CONTROL<sup>1</sup>**

## Sections:

- 23.20.031 Statutory authorization.
- 23.20.032 Findings of fact.
- 23.20.033 Statement of purpose.
- 23.20.034 Methods of reducing flood losses.
- 23.20.035 Definitions.
- 23.20.036 Lands to which this chapter applies.
- 23.20.037 Basis for establishing the areas of special flood hazard.
- 23.20.038 Penalties for noncompliance.
- 23.20.039 Abrogation and greater restrictions.
- 23.20.040 Interpretation.
- 23.20.041 Warning and disclaimer of liability.
- 23.20.042 *Repealed.*
- 23.20.043 *Repealed.*
- 23.20.044 *Repealed.*
- 23.20.045 Duties and responsibilities of the director.
- 23.20.046 *Repealed.*
- 23.20.047 Provisions for flood hazard reduction.
- 23.20.048 Specific standards.
- 23.20.049 Floodways.
- 23.20.0493 Encroachments.
- 23.20.0495 Standards for shallow flooding areas (AO zones).
- 23.20.050 Wetlands management.

**23.20.031 Statutory authorization.**

The Legislature of the state of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (Ord. 1505 § 7, 2001; Ord. 1360 § 1, 1998; Ord. 1072 § 1, 1989. Formerly 17.21.031).

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1. Prior legislation: Ords. 796 and 1041.

**23.20.032 Findings of fact.**

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

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. (Ord. 1505 § 7, 2001; Ord. 1072 § 1, 1989. Formerly 17.21.032).

**23.20.033 Statement of purpose.**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by methods and provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsi-

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bility for their actions. (Ord. 1505 § 7, 2001; Ord. 1072 § 1, 1989. Formerly 17.21.033).

### 23.20.034 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas. (Ord. 1505 § 7, 2001; Ord. 1072 § 1, 1989. Formerly 17.21.034).

### 23.20.035 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

A. "Appeal" means a request for a review of the mayor's interpretation of any provision of this chapter.

B. "Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

C. "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of

flooding in any given year. Designation on maps always includes the letters A or V.

D. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. "Base flood" is also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

E. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

F. "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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

H. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

I. "Elevated building" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

J. "Existing manufactured home park or subdivision" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

K. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of

facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final grading or the pouring of concrete pads).

L. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

M. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

N. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

O. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

P. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at PMC 23.20.048(A)(2).

Q. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

R. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

S. "New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

T. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

U. "Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

V. "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part

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of a building, whether or not that alteration affects the external dimensions of the building.

W. "Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

X. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Y. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Z. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

AA. "Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 1505 § 7, 2001; Ord. 1360 § 2, 1998; Ord. 1072 § 1, 1989. Formerly 17.21.035).

## 23.20.036 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. (Ord. 1505 § 7, 2001; Ord. 1072 § 1, 1989. Formerly 17.21.036).

## 23.20.037 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Pacific" dated June, 1980, with accompanying Flood Insurance Maps is adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at Pacific City Hall. (Ord. 1505 § 7, 2001; Ord. 1072 § 1, 1989. Formerly 17.21.037).

## 23.20.038 Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$5,000 or imprisoned for not more than one year, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 1505 § 7, 2001; Ord. 1072 § 1, 1989. Formerly 17.21.038).

## 23.20.039 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restric-



tions shall prevail. (Ord. 1505 § 7, 2001; Ord. 1072 § 1, 1989. Formerly 17.21.039).

#### **23.20.040 Interpretation.**

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

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 1505 § 7, 2001; Ord. 1072 § 1, 1989. Formerly 17.21.040).

#### **23.20.041 Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 1505 § 7, 2001; Ord. 1072 § 1, 1989. Formerly 17.21.041).

#### **23.20.042 Establishment of development permit.**

*Repealed by Ord. 1505.* (Ord. 1072 § 1, 1989. Formerly 17.21.042).

#### **23.20.043 Application for development permit.**

*Repealed by Ord. 1505.* (Ord. 1072 § 1, 1989. Formerly 17.21.043).

#### **23.20.044 Designation of the mayor.**

*Repealed by Ord. 1505.* (Ord. 1072 § 1, 1989. Formerly 17.21.044).

#### **23.20.045 Duties and responsibilities of the director.**

The duties of the director shall include:

##### **A. Permit Review.**

1. Review all permit applications to determine that the permit requirements of this chapter have been satisfied;

2. Review all permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

3. Review all permit applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of PMC 23.20.049(A) are met.

**B. Use of Other Base Flood Data.** When base flood elevation data has not been provided in accordance with PMC 23.20.037, the director shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer PMC 23.20.048 and 23.20.049.

**C. Information to be Obtained and Maintained.**

1. Where base flood elevation data is provided through the Flood Insurance Study or required as in subsection B of this section, obtain and record 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;

2. For all new or substantially improved structures:

a. Verify and record the actual elevation (in relation to mean sea level); and

b. Maintain the floodproofing certifications required in PMC 23.20.048(B);

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

##### **D. Alteration of Watercourses.**

1. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration; and

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

E. Interpretation of FIRM Boundaries. The director shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location may appeal the interpretation as provided in Chapter 16.36 PMC. Such appeals shall be granted consistent with the standards of Section 1910.6 of the rules and regulations of the National Flood Insurance program (24 CFR 1909, etc.), to the extent such rules and regulations are applicable. (Ord. 1505 § 7, 2001; Ord. 1360 §§ 3, 4, 5, 1998; Ord. 1072 § 1, 1989. Formerly 17.21.045).

### 23.20.046 Variance procedure.

*Repealed by Ord. 1505.* (Ord. 1360 § 6, 1998; Ord. 1072 § 1, 1989. Formerly 17.21.046).

### 23.20.047 Provisions for flood hazard reduction.

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

#### A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

#### B. Construction Materials and Methods.

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

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

3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

E. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (PMC 23.20.045(B)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure

to elevate at least two feet above grade in these zones may result in higher insurance rates. (Ord. 1505 § 7, 2001; Ord. 1072 § 1, 1989. Formerly 17.21.047).

### **23.20.048 Specific standards.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in PMC 23.20.037, basis for establishing the areas of special flood hazard or PMC 23.20.045(B), of other base flood data, the following provisions are required:

#### **A. Residential Construction.**

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation.

2. 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 flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

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

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

**B. Nonresidential Construction.** New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in PMC 23.20.045(B);

4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A)(2) of this section;

5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated as at the base flood level).

**C. Critical Facility.** Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA)(100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to three feet or more above the level of the base flood elevation (100-year) 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 floodplain shall be provided to all critical facilities to the extent possible.

#### **D. Manufactured Homes.**

1. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites:

a. Outside of a manufactured home park or subdivision;

b. In a new manufactured home park or subdivision;

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c. In an expansion to an existing manufactured home park or subdivision;

d. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community’s FIRM that are not subject to the above manufactured home provisions shall be elevated so that either:

a. The lowest floor of the manufactured home is elevated one foot above the base flood elevation level; or

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. At a minimum, a “reinforced pier” would have a footing adequate to support the weight of the manufactured home under saturated soil conditions such as occur during a flood. In addition, if stacked concrete blocks are used, vertical steel reinforcing rods should be placed in the hollows of the blocks and those hollows filled with concrete or high strength mortar. In areas subject to high velocity flood waters and debris impact, cast-in-place reinforced concrete piers may be appropriate.

E. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community’s FIRM shall either:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect

type utilities and security devices, and have no permanently attached additions; or

3. Meet the requirements of subsection (D) of this section and the elevation and anchoring requirements for manufactured homes. (Ord. 1505 § 7, 2001; Ord. 1360 §§ 7, 8, 9, 1998; Ord. 1072 § 1, 1989. Formerly 17.21.048).

### 23.20.049 Floodways.

Located within areas of special flood hazard established in PMC 23.20.037 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;

B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

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

2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (a) before the repair, reconstruction, or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the 50 percent.

C. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard provisions of PMC 23.20.047, provisions for flood hazard reduction. (Ord. 1505 § 7, 2001; Ord. 1072 § 1, 1989. Formerly 17.21.049).

**23.20.0493 Encroachments.**

The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. 1505 § 7, 2001; Ord. 1360 § 10, 1998. Formerly 17.21.0493).

**23.20.0495 Standards for shallow flooding areas (AO zones).**

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

A. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).

B. New construction and substantial improvements of nonresidential structures within AO zones shall either:

1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

2. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in PMC 23.20.048(B)(3).

C. Adequate drainage paths are required around structures on slopes to guide flood

waters around and away from proposed structures.

D. Recreational vehicles placed on sites within AO zones on the community's FIRM shall either:

1. Be on the site for fewer than 180 consecutive days; and

2. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

3. Meet the requirements of subsection (A) of this section and the elevation and anchoring requirements for manufactured homes. (Ord. 1505 § 7, 2001; Ord. 1360 § 11, 1998. Formerly 17.21.0495).

**23.20.050 Wetlands management.**

*Repealed by Ord. 1187.* (Ord. 1072 § 1, 1989. Formerly 17.21.050).

**Chapter 23.24**

**GEOLOGICALLY HAZARDOUS AREAS**

Sections:

- 23.24.010 Purpose and intent.
- 23.24.020 Definitions.
- 23.24.030 Erosion and landslide hazard areas.
- 23.24.040 Seismic hazard areas.
- 23.24.050 *Repealed.*
- 23.24.060 Volcanic hazard areas.

**23.24.010 Purpose and intent.**

The intent of the classification and designation of geologically hazardous areas is to classify and designate areas on which development should be prohibited, restricted or otherwise controlled because of danger from geological hazards. For purposes of this chapter, geologically hazardous areas include erosion and landslide hazard areas, seismic hazard areas, mine hazard areas and volcanic hazard areas. (Ord. 1187 § 1, 1992).

**23.24.020 Definitions.**

For the purposes of this chapter; the following definitions shall apply:

“Adit” means a passage in a mine, nearly horizontal from the surface.

“Alluvial geologic unit” means geologically recent stream, lake, swamp and beach deposits of gravel, sand, silt and peat.

“Buffer” means an area contiguous with a critical area that is required for the integrity, maintenance, function and structural stability of the critical area.

“Clearing” means the removal of timber, brush, grass, groundcover or other vegetative matter from a site which exposes the earth’s surface of the site.

“Critical facilities” means those facilities occupied by populations or which handle dangerous substances, including but not limited to hospitals and medical facilities; structures housing, supporting or containing toxic or explosive substances; covered public assembly structures; school buildings through secondary including day care centers; buildings for colleges or adult education; jails and deten-

tion facilities; and all structures with occupancy of greater than 500 people.

“Debris flow” means the rapid downslope movement of a viscous mass of water-saturated regolith.

“Drift” means a nearly horizontal mine passageway driven on or parallel to the course of a vein or rock stratum.

“Earthflow” means a slow downslope movement in which saturated regolith sags downward in a series of irregular terraces.

“Erosion” means the wearing away of the earth’s surface as a result of the movement of wind, water or ice.

“Erosion hazard areas” means those areas that because of natural characteristics, including vegetative cover, soil texture, slope, gradient and rainfall patterns or manmade changes to such characteristics, are vulnerable to erosion.

“Geologically hazardous areas” means those areas that because of their susceptibility to erosion, sliding, earthquake or other geological events, may not be suited to the siting of commercial, residential or industrial development consistent with public health or safety concerns.

“Geotechnical assessment” means an assessment prepared by an engineer licensed by the state of Washington with expertise in geotechnical engineering, detailing the surface and subsurface conditions of a site and delineating the areas of a property that might be subject to geologic hazards.

“Geotechnical report” means a report prepared by an engineer licensed by the state of Washington with expertise in geotechnical engineering, evaluating the site conditions and mitigating measures necessary to reduce the risks associated with development in geologically hazardous areas.

“Ground amplification” means an increase in the intensity of earthquake induced ground shaking which occurs at a site whereby thick deposits of unconsolidated soil or surficial geologic materials are present.

“Lahar” means a mudflow or debris flow mobilized by water which originates on the slopes of a volcano.

“Landslide” means the abrupt downslope movement of soil, rocks or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthquakes, rockfalls and snow avalanches.

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

“Liquefaction” means a process by which a water-saturated granular (sandy) soil layer loses strength because of ground shaking commonly caused by an earthquake.

“Mine hazard areas” means areas directly underlain by, adjacent to or abutting, or affected by mine workings such as adits, tunnels, drifts or air shafts.

“Mudflow” means a debris flow containing an abundance of fine particles.

“Recessional outwash geologic unit” means sand and gravel materials deposited by melt-water streams from receding glaciers.

“Regolith” means any body of loose, noncemented particles overlying and usually covering the bedrock.

“Seismic hazard areas” means those areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement or soil liquefaction.

“Slump” means the downward and outward movement of a mass of bedrock or regolith along a distinct surface of failure.

“Toe of slope” means a distinct topographic break in slope at the lowermost limit of the landslide or erosion hazard area.

“Top of slope” means a distinct topographic break in slope at the uppermost limit of the landslide or erosion hazard area.

“Volcanic hazard areas” means those areas subject to pyroclastic flows, lava flows and inundation by debris flows, mudflows, or related flooding resulting from geologic or volcanic events on Mount Rainier. (Ord. 1187 § 1, 1992).

### **23.24.030 Erosion and landslide hazard areas.**

#### **A. General.**

1. Erosion hazard areas are those areas that, because of natural characteristics includ-

ing vegetative cover, soil texture, slope, gradient and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

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

#### **B. Classification.**

##### **1. Criteria.**

a. Erosion hazard areas are identified by the presence of vegetative cover, soil texture, slope, and rainfall patterns, or human-induced changes to such characteristics, which create site conditions which are vulnerable to erosion. Erosion hazard areas are those areas that are classified as having moderate to severe, severe or very severe erosion potential by the Soil Conservation Service, United States Department of Agriculture (USDA).

b. Landslide hazard areas are those areas meeting any of the following criteria:

i. Areas of historic failures, including areas of unstable old and recent landslides;

ii. Areas with all three of the following characteristics:

(A) Slopes steeper than 15 percent,

(B) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock, and

(C) Springs or ground water seepage;

iii. Slopes that are parallel or sub-parallel to planes of weakness, such as bedding planes, joint systems and fault planes, in subsurface materials;

iv. Slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking;

v. Areas potentially unstable as a result of rapid stream incision, stream bank erosion and undercutting by wave action;

vi. Areas that show evidence of, or are at risk from, snow avalanches;

vii. Areas located in a canyon or on an active alluvial fan, presently or poten-

tially subject to inundation by debris flows or catastrophic flooding;

viii. Any area with a slope of 30 percent or steeper and with a vertical relief of 10 or more feet. A slope is delineated by establishing the toe and top and measured by averaging the inclination over at least 10 feet of vertical relief; or

ix. Areas which have a "severe" limitation for building site development because of slope conditions, according to the Soil Conservation Service.

2. Mapping. Areas meeting the criteria established above may be delineated in the following documents:

a. Soil Survey of Pierce County Area, Washington, 1979, Soil Conservation Service, United States Department of Agriculture (USDA);

b. Soil Survey of King County Area, Washington, 1973, Soil Conservation Service, United States Department of Agriculture (USDA);

c. Areas designated as slumps, earthflows, mudflows, lahars or landslides on maps published by the United States Geological Survey or Washington Department of Natural Resources Division of Geology and Earth Resources.

C. Regulation. For all regulated activities proposed within landslide and erosion hazard areas, a geotechnical report prepared by an engineer licensed by the state of Washington with expertise in geotechnical engineering shall be submitted; provided, that where an applicant can demonstrate through submittal of a geotechnical assessment (see subsection (C)(3) of this section), that there are no landslide or erosion hazards on site, the requirements for the geotechnical report may be waived, by the planning commission.

1. Geotechnical Reports. The geotechnical report shall address the existing geologic, topographic and hydrologic conditions on a site, including an evaluation of the ability of the site to accommodate the proposed activity. The geotechnical report shall include, as a minimum, the following:

a. Site geology information required:

i. Topographic Data. Submittal must include a contour map of the proposed site, at a scale of one inch equals 200 feet. Slopes shall be clearly delineated for the ranges between 15 and 29 percent, and 30 percent or greater, including figures for areal coverage of each slope category on the site. When site specific conditions indicate the necessity, the director may require the topographic data to be field surveyed.

ii. Subsurface Data. Submittal must include boring logs and exploration methods, soil and rock stratigraphy, ground water levels and seasonal changes of ground water levels.

iii. Site History. Submittal must include a description of any prior grading, soil instability or slope failure.

iv. Seismic Hazard. Submittal of data concerning the vulnerability of the site to seismic events.

b. Geotechnical engineering information required:

i. Slope stability studies and opinion(s) of slope stability;

ii. Proposed angles of cut and fill slopes and site grading requirements;

iii. Structural foundation requirements and estimated foundation settlements;

iv. Soil compaction criteria;

v. Proposed surface and subsurface drainage;

vi. Lateral earth pressures;

vii. Vulnerability of the site to erosion;

viii. Suitability of on-site soil for use as fill;

ix. Laboratory data and soil index properties for soil samples; and

x. Building limitations.

Where a geotechnical report meeting the requirements of this section has been prepared within the last five years for a specific site and where the proposed land use activity and surrounding site conditions are unchanged, the report may be utilized and a new report may not be required. The applicant shall submit a geotechnical assessment detailing any changed environmental conditions associated with the site.



2. Performance Standards. The director shall evaluate all geotechnical reports for landslide and erosion hazard areas utilizing a qualified geotechnical consultant with costs to be borne by the applicant/developer to insure that the following standards are met:

a. Location and extent of development:

i. Development shall be located to minimize disturbance and removal of vegetation; and

ii. Structures shall be clustered where possible to reduce disturbance and maintain natural topographic character;

iii. Structures shall conform to the natural contours of the slope and foundations should be tiered where possible to conform to existing topography of the site; and

iv. Clearing and grading on erosion prone or geologically hazardous soils should be limited to the dry season (May through October) or times specified by affected agencies.

b. Design of development:

i. All development proposals shall be designed to minimize the building footprint and other disturbed areas;

ii. All development shall be designed to minimize impervious lot coverage;

iii. Roads, walkways and parking areas shall be designed to parallel the natural contours;

iv. Access shall be in the least sensitive area of the site.

3. Geotechnical Assessments.

a. Should the applicant question the presence of landslide or erosion hazard areas on the site, the applicant may submit a geotechnical assessment prepared by an engineer licensed by the state of Washington with expertise in geotechnical engineering.

b. The geotechnical assessment shall include at a minimum the following:

i. A discussion of the surface and subsurface geologic conditions of the site;

ii. A site plan of the area delineating all areas of the site subject to landslide and erosion hazards, based on mapping and criteria reference in subsection B of this section. The submittal must include a contour map of the

proposed site, at a scale of one inch equals 200 feet. Slopes shall be clearly delineated for the ranges between 15 and 29 percent and 30 percent or greater, including figures for areal coverage of each slope category on the site. When site-specific conditions indicate the necessity, the director may require the topographic data to be field surveyed.

c. If the geotechnical assessment demonstrates, to the satisfaction of the director that the proposed site is not located in any landslide or erosion hazard areas, based upon the criteria set forth in subsection B of this section, then the requirements of this section shall not apply.

4. Buffer Requirement.

a. A buffer, consisting of undisturbed native vegetation, and measured in a perpendicular direction from all landslide and erosion hazard areas, shall be required from the top of slope and toe of slope of all landslide or erosion hazard areas that measure 10 feet or more in vertical elevation change from top to toe of slope, as identified in the geotechnical report, maps and field-checking. The minimum buffer distance requirements from the top of slope and toe of slope of landslide or erosion hazard areas shall be the same as for setbacks from slopes as identified in the Uniform Building Code, as amended by the State Building Code Council under RCW 19.27.074.

b. To increase the functional attributes of the buffer, the director may require that the buffer be enhanced through planting of indigenous species.

c. The edge of the buffer area shall be clearly staked, flagged and fenced prior to any site clearing or construction. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground. Site clearing shall not commence until the director has determined that buffer requirements of this chapter are met. Fieldmarking shall remain until all construction and clearing phases are completed and final approval has been granted by the director. The buffer shall be placed in a separate critical area tract or tracts, protective easement, public or private land trust dedication, or similarly preserved

**23.24.040**

through an appropriate permanent protective mechanism as determined by the director.

5. Modifications to Buffer Width. When the geotechnical report demonstrates that a lesser buffer distance and design and engineering solutions will meet the intent of this chapter, the reduced buffer and design and engineering solutions may be permitted. Should the geotechnical report indicate that a greater buffer than that required by subsection (C)(4) of this section is needed to meet the intent of this chapter, the greater buffer shall be required.

6. Building Setback and Construction Near Buffer. Eight-foot minimum setback lines shall be required from the buffer area required in subsection (C)(4) of this section for construction of any impervious surface(s) greater than 120 square feet of base coverage. Clearing, grading and filling within eight feet of the buffer shall only be allowed when the applicant can demonstrate that vegetation within the buffer will not be damaged.

7. On-site Sewage Disposal Systems. On-site sewage disposal systems, including drainfields, shall be prohibited within landslide or erosion hazard areas and related buffers as identified in subsection (C)(4) of this section.

8. Erosion Control Plan. Erosion control plans shall be required for all regulated activities in erosion hazard areas. The erosion control plans shall be consistent with the city design and construction standards.

9. Notification.

a. Title Notification. The owner of any site within an erosion hazard or landslide hazard area, as identified in subsection B of this section, on which a development proposal is submitted, shall record a notice with the King or Pierce County Division of Records in the form set forth below.

Form of Notice:

**EROSION OR LANDSLIDE HAZARD  
AREA NOTICE**

Parcel Number: \_\_\_\_\_

Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Present Owner: \_\_\_\_\_

Notice: This site lies within an erosion or landslide hazard area as defined by Chapter 23.24 PMC. The site was the subject of a development proposal for \_\_\_\_\_ application number \_\_\_\_\_ filed on \_\_\_\_\_ (date). Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application has provided information on the location of the erosion or landslide hazard area and any restriction on use.

\_\_\_\_\_  
Signature of Owner(s)

**(NOTARY ACKNOWLEDGEMENT)**

b. Plat Notification. For all short subdivision and subdivision proposals within erosion hazard or landslide hazard areas, the applicant shall include a note on the face of the final plat. The note shall be as set forth below:

Notice: This site lies within an erosion hazard or landslide hazard area as defined in Chapter 23.24 PMC. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation.  
(Ord. 1505 § 16, 2001; Ord. 1187 § 1, 1992).

**23.24.040 Seismic hazard areas.**

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

B. Classification.

1. Criteria. Seismic hazard areas are areas underlain by alluvial and recessional outwash surficial geologic units.

2. Mapping. Seismic hazard areas are alluvial and recessional outwash surficial geologic units, as identified in Groundwater

Occurrence and Stratigraphy of Unconsolidated Deposits, Central Pierce County, Washington, Water Supply Bulletin Number 22, Plates One and Two, U.S. Department of the Interior, Geological Survey, Water Resources Division, or the Water Resources of King County USGS, Water Supply Paper 1852.

C. Regulation. For all regulated activities proposed within seismic hazard areas, except the construction of wood frame structures under 5,000 square feet, a geotechnical report prepared by an engineer licensed by the state of Washington with expertise in geotechnical engineering shall be submitted; provided, that where an applicant can demonstrate through submittal of a geotechnical assessment (see subsection (C)(2) of this section), that there are no seismic hazards on site, the requirement for the geotechnical report may be waived by the director. Wood frame structures under 5,000 square feet shall be exempt from the requirements of subsections (C)(1) and (C)(2) of this section.

1. Geotechnical Report. The geotechnical report shall address the existing geologic, topographic and hydrologic conditions on a site, including an evaluation of the ability of the site to accommodate the proposed activity. The geotechnical report shall include at a minimum the following:

- a. A discussion of the surface and subsurface geologic conditions of the site;
- b. A site plan of the area delineating all areas of the property subject to seismic hazards, based on mapping and criteria referenced in subsection B of this section;
- c. A discussion of mitigation measures which can be taken to eliminate seismic risks associated with the underlying surficial geology; and
- d. An evaluation of the effectiveness of the proposed mitigation measures.

2. Geotechnical Assessments.

a. Should the applicant question the presence of seismic hazard areas on the site, the applicant may submit a geotechnical assessment prepared by an engineer licensed by the state of Washington with expertise in geotechnical engineering.

b. The geotechnical assessment shall include at a minimum the following:

- i. A discussion of the surface and subsurface geologic conditions of the site;
- ii. A site plan of the area delineating all areas of the site subject to seismic hazards, based on mapping and criteria referenced in subsection B of this section.

c. If the geotechnical assessment demonstrates, to the satisfaction of the director, that the proposed site is not located in any seismic hazard areas, based upon the criteria set forth in subsection B of this section, then the requirements of this section shall not apply.

3. Notification.

a. Title Notification. The owner of any site within a seismic hazard area as identified in subsection B of this section, on which a development proposal is submitted, shall record a notice with the King or Pierce County Division of Records in the form set forth below:

Form of Notice:

SEISMIC HAZARD AREA NOTICE

Parcel Number: \_\_\_\_\_

Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Present Owner: \_\_\_\_\_

Notice: This site lies within a seismic hazard area as defined by Chapter 23.24 PMC. The site was the subject of a development proposal for \_\_\_\_\_ application number \_\_\_\_\_ filed on \_\_\_\_\_ (date). Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application has provided information on the location of a seismic hazard area and any restrictions on use.

\_\_\_\_\_  
Signature of Owner(s)

(NOTARY ACKNOWLEDGEMENT)

**23.24.050**

b. Plat Notification. For all short subdivision and subdivision proposals within seismic hazard areas, the applicant shall include a note on the face of the final plat. The note shall be as set forth below:

Notice: This site lies within a seismic hazard area as defined in Chapter 23.24 PMC. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation.

(Ord. 1505 § 16, 2001; Ord. 1187 § 1, 1992).

**23.24.050 Mine hazard areas.**

*Repealed by Ord. 1505.* (Ord. 1187 § 1, 1992).

**23.24.060 Volcanic hazard areas.**

A. General. Volcanic hazard areas are areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from geologic and volcanic events on Mount Rainier.

B. Classification.

1. Criteria. Volcanic hazard areas are areas subject to mudflows of similar magnitude to the historic Electron Mudflow.

2. Mapping. Volcanic hazard areas are those areas having high, moderate or low risk mudflow hazards as identified in Map Showing Potential Hazards from Future Eruptions of Mount Rainier, Washington, U.S. Department of Interior, Geological Survey.

C. Regulation.

1. Notification.

a. Title Notification. The owner of any site within a volcanic hazard area as identified in PMC 23.24.060(B), on which a development proposal is submitted, shall record a notice with the King or Pierce County Division of Records in the form set forth below:

Form of Notice:

**VOLCANIC HAZARD AREA NOTICE**

Parcel Number: \_\_\_\_\_

Address: \_\_\_\_\_

Notice: This site lies within an volcanic hazard area as defined by Chapter 23.14 PMC. The site was the subject of a development proposal for \_\_\_\_\_ application number \_\_\_\_\_ filed on \_\_\_\_\_ (date). Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application has provided information on the location of a volcanic hazard area and any restrictions on use.

\_\_\_\_\_  
Signature of Owner(s)

(NOTARY ACKNOWLEDGEMENT)

b. Plat Notification. For all short subdivision and subdivision proposals within volcanic hazard areas, the applicant shall include a note on the face of the final plat. The note shall be as set forth below:

Notice: This site lies within a volcanic hazard area defined in Chapter 23.14 PMC. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation.

(Ord. 1187 § 1, 1992).

Chapter 23.28

PROPERTY ADJACENT TO DESIGNATED RESOURCE LANDS

Sections:

- 23.28.010 Purpose.
23.28.020 Definitions.
23.28.030 Applicability.
23.28.040 Title notification.
23.28.050 Plat notification.
23.28.060 Regulated activities notification.

23.28.010 Purpose.

The purpose of this chapter is to conserve resource lands by limiting the encroachment of incompatible development into designated resource lands. (Ord. 1187 § 1, 1992).

23.28.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

“Adjacent” means within a radius of 300 feet from the exterior boundaries of designated resource land.

“Resource lands” means lands designated pursuant to Title 23 of this code as agricultural, forest or mineral resource lands. (Ord. 1187 § 1, 1992).

23.28.030 Applicability.

A. General.

1. The provisions of this chapter apply to development proposed on properties within 300 feet of designated resource lands.

2. All plats, short plats, development permits and building permits issued for development activities within 300 feet of lands designated as agricultural, forest, or mineral resource lands shall contain a notice that the property is within 300 feet of agricultural, forest or mineral resource lands on which a variety of commercial activities may occur that is not compatible with residential development for certain periods of limited duration. (Ord. 1187 § 1, 1992).

23.28.040 Title notification.

The owner of any site within 300 feet of lands designated resource lands for which an

application for a regulated activity is submitted, shall record a title notice with the King or Pierce County Division of Records. The notice shall be notarized and shall be recorded prior to approval of any development proposal for the site. Such notification shall be in the form as set forth below:

PROPERTY ADJACENT TO RESOURCE LANDS AREA TITLE NOTIFICATION

Parcel Number: \_\_\_\_\_
Address: \_\_\_\_\_

NOTICE: This parcel lies within 300 feet of land designated resource lands by the City of Pacific. A variety of commercial and industrial activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals or from spraying or extraction, which occasionally generates dust, smoke, noise, and odor. The City of Pacific has established resource uses as priority uses on productive resource lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary commercial resource lands operations.

\_\_\_\_\_  
Signature of Owner(s)

(NOTARY ACKNOWLEDGEMENT)
(Ord. 1187 § 1, 1992).

23.28.050 Plat notification.

The owner of any site within 300 feet of land designated as resource lands, on which a large lot, short subdivision or subdivision is submitted, shall record a notice on the face of the final plat. Such notification shall be in the form as set forth below:

PROPERTY ADJACENT TO  
RESOURCE LANDS AREA PLAT  
NOTIFICATION

This property lies within 300 feet of land designated resource lands by the City of Pacific. A variety of commercial and industrial activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying or extraction, which occasionally generates dust, smoke, noise, and odor. The City of Pacific has established resource uses as priority uses on productive resource lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary commercial resource lands operations.

(Ord. 1187 § 1, 1992).

**23.28.060 Regulated activities notification.**

The department shall require that permits issued for regulated activities, as defined in PMC 23.08.020, within 300 feet of lands designated as resource lands, contain a notice as set forth below:

REGULATED ACTIVITIES  
NOTIFICATION

This property lies within 300 feet of land designated resource lands by the City of Pacific. A variety of commercial and industrial activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying or extraction, which occasionally generates dust, smoke, noise, and odor. The City of Pacific has established resource uses as priority uses on productive resource lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary commercial resource lands operations.

(Ord. 1187 § 1, 1992).

**Chapter 23.32**

**AGRICULTURAL LANDS**

Sections:

- 23.32.010 Purpose.
- 23.32.020 Definitions.
- 23.32.030 Applicability.
- 23.32.040 Title notification.
- 23.32.050 Plat notification.
- 23.32.060 Regulated activities notification.

**23.32.010 Purpose.**

The purpose of this chapter is to assure the conservation of agricultural lands and related activities by limiting encroachment of incompatible development thereon. (Ord. 1187 § 1, 1992).

**23.32.020 Definitions.**

For the purpose of this chapter, the following definitions shall apply:

“Agricultural land” means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and which has commercial significance for agricultural production. (Ord. 1187 § 1, 1992).

**23.32.030 Applicability.**

A. General. Agricultural lands are lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products.

B. Classification.

1. Agricultural lands are those lands meeting all of the following criteria:

- a. Lands in parcels which are 10 acres or larger in size; and
- b. Lands which are on prime or unique soils as identified in:
  - i. United States Department of Agriculture (USDA), Soil Conservation Service, 1973, Soil Survey of King County Area, Washington.

ii. United States Department of Agriculture (USDA), Soil Conservation Service, February 1979, Soil Survey of Pierce County Area, Washington.

iii. USDA, Soil Conservation Service, June, 1981, Important Farmlands of Pierce County, Washington; and

c. Lands which are primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and which have long-term commercial significance for agricultural production; and

d. Lands which are not adjacent to lots of record of one acre or less on more than 50 percent of the perimeter of the parcel. (Ord. 1187 § 1, 1992).

**23.32.040 Title notification.**

The owner of any site within this designation for which an application for a regulated activity is submitted shall record a title notice with the King or Pierce County Division of Records. The notice shall be notarized and shall be recorded prior to approval of any development proposal for the site. Such notification shall be in the form as set forth below.

**AGRICULTURAL LANDS AREAS  
TITLE NOTIFICATION**

Parcel Number: \_\_\_\_\_

Address: \_\_\_\_\_

NOTICE: This parcel lies within an area identified as agricultural lands by the City of Pacific. A variety of commercial agricultural activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers or from spraying, pruning, and harvesting, which occasionally generate dust, smoke, noise, and odor. The City of Pacific has established agriculture as

a priority use on productive agricultural lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary farm operations.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

(NOTARY ACKNOWLEDGEMENT)  
(Ord. 1187 § 1, 1992).

**23.32.050 Plat notification.**

The owner of any site within this designation, on which a large lot, short subdivision, or subdivision is submitted, shall record a notice on the face of the final plat. Such notification shall be in the form as set forth below:

This parcel lies within an area identified as agricultural lands by the City of Pacific. A variety of commercial agricultural activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of agricultural chemicals, including herbicides, pesticides and fertilizers; or from spraying, pruning and harvesting, which occasionally generate dust, smoke, noise and odor. The City of Pacific has established agriculture as a priority use on productive agricultural lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary farm operations.

(Ord. 1187 § 1, 1992).

**23.32.060 Regulated activities notification.**

The director shall require that all permits issued for regulated activities as defined in PMC 23.08.020, within this zone classification contain a notice as set forth below.

REGULATED ACTIVITIES  
NOTIFICATION

This parcel lies within an area identified as agricultural lands by the City of Pacific. A variety of commercial agricultural activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of agricultural chemicals, including herbicides, pesticides and fertilizers; or from spraying, pruning and harvesting, which occasionally generate dust, smoke, noise, and odor. The City of Pacific has established agriculture as a priority use on productive agricultural lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary farm operations.

(Ord. 1505 § 16, 2001; Ord. 1187 § 1, 1992).

**Chapter 23.36**

**MINERAL RESOURCE LANDS**

Sections:

- 23.36.010 Purpose.
- 23.36.020 Definitions.
- 23.36.030 Applicability.
- 23.36.040 Title notification.
- 23.36.050 Plat notification.
- 23.36.060 Regulated activities notification.

**23.36.010 Purpose.**

The purpose of this chapter is to promote the conservation of mineral resource lands through inclusion of known deposits of minerals and materials; to assure that undeveloped mineral and material resources will not be forever lost by prior development of the land for other purposes; and to allow for the necessary processing to convert such minerals and materials to marketable products. (Ord. 1187 § 1, 1992).

**23.36.020 Definitions.**

For the purposes of this chapter, the following definitions shall apply:

A. "Mineral resource lands" means lands primarily devoted to the extraction of minerals or having known or potential long-term commercial significance for the extraction of minerals.

B. "Minerals" means gravel, sand and valuable metallic substances. (Ord. 1187 § 1, 1992).

**23.36.030 Applicability.**

A. General. Mineral resource lands are lands that have long-term significance for the extraction of minerals.

B. Classification.

1. Any area under this chapter presently operating under a valid Washington State Department of Natural Resources (DNR) surface mining permit.

2. Any other area shall be classified mineral resource lands when:

a. A surface mining permit is granted by the DNR; and



b. An unclassified use permit is granted by the city where:

- i. The site does not contain prime agricultural soils,
- ii. The site is not a registered or designated historic or archeological site, and
- iii. The site is not within a shore-line of the state or state-wide significance designated natural. (Ord. 1187 § 1, 1992).

**23.36.040 Title notification.**

The owner of any site within this designation, for which an application for a regulated activity is submitted, shall record a title notice with the King or Pierce County Division of Records. The notice shall be notarized and shall be recorded prior to approval of any development proposal for the site. Such notification shall be in the form set forth below:

**MINERAL RESOURCE LANDS AREA  
TITLE NOTIFICATION**

Parcel Number: \_\_\_\_\_

Address: \_\_\_\_\_

NOTICE: This parcel lies within an area of land designated mineral resource lands by the City of Pacific. A variety of commercial mineral extraction activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of heavy equipment, chemicals, and spraying which may general dust, smoke, and noise associated with the extraction of mineral resources. The City of Pacific has established mineral resource extraction as a priority use on productive mineral resource lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary mineral resource extraction operations.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

(NOTARY ACKNOWLEDGEMENT)  
(Ord. 1187 § 1, 1992).

**23.36.050 Plat notification.**

The owner of any site within this designation, on which a large lot, short subdivision, or subdivision is submitted, shall record a notice on the face of the final plat. Such notification shall be in the form as set forth below:

**MINERAL RESOURCE LANDS AREA  
PLAT NOTIFICATION**

This parcel lies within an area of land designated mineral resource lands by the City of Pacific. A variety of commercial mineral extraction activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of heavy equipment, chemicals, and spraying which may generate dust, smoke, and noise associated with the extraction of mineral resources. The City of Pacific has established mineral resource extraction as a priority use on productive mineral resource lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary mineral resource extraction operations.

(Ord. 1187 § 1, 1992).

**23.36.060 Regulated activities notification.**

The city shall require that all permits issued for regulated activities, as defined in PMC 23.08.020, within this designation contain a notice as set forth below:

**REGULATED ACTIVITIES  
NOTIFICATION**

This parcel lies within an area of land designated mineral resource lands by the City of Pacific. A variety of commercial mineral extraction activities oc-

cur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of heavy equipment, chemicals, and spraying which may generate dust, smoke, and noise associated with the extraction of mineral resources. The City of Pacific has established mineral resource extraction as a priority use on productive mineral resource lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary mineral resource extraction operations.

(Ord. 1187 § 1, 1992).

**Chapter 23.40**

**FOREST LANDS**

Sections:

- 23.40.010 Purpose.
- 23.40.020 Definitions.
- 23.40.030 Applicability.
- 23.40.040 Title notification.
- 23.40.050 Plat notification.
- 23.40.060 Regulated activities notification.

**23.40.010 Purpose.**

The purpose of this chapter is to conserve productive forest lands. (Ord. 1187 § 1, 1992).

**23.40.020 Definitions.**

As used in this chapter:

“Forest land” means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed by RCW 84.33.140, for commercial purposes and having long-term commercial significance for growing trees commercially. (Ord. 1187 § 1, 1992).

**23.40.030 Applicability.**

A. General. Forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber and forest products.

B. Classification.

1. All lands designated as forest land classification as shown on the King or Pierce County zoning atlas; and

2. All lands surrounded by the forest land classification not previously rezoned to the forest land classification. (Ord. 1187 § 1, 1992).

**23.40.040 Title notification.**

The owner of any site within this classification, for which an application for a regulated activity is submitted, shall record a title notice with the King County Division of Records. The notice shall be notarized and shall be recorded prior to approval of any development proposal for the site. Such notification shall be in the form as set forth below:

FOREST LANDS AREA TITLE NOTIFICATION

Parcel Number: \_\_\_\_\_

Address: \_\_\_\_\_

NOTICE: This parcel lies within an area of land designated forest lands by the City of Pacific. A variety of commercial forestry activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals, including herbicides, pesticides and fertilizers; or from spraying, pruning and harvesting, which occasionally generate dust, smoke, noise, and odor. The City of Pacific has established forestry as a priority use on productive forest lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary forestry operations.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

(NOTARY ACKNOWLEDGEMENT)  
(Ord. 1187 § 1, 1992).

**23.40.050 Plat notification.**

The owner of any site within this classification, on which a large lot, short subdivision, or subdivision is submitted, shall record a notice on the face of the final plat. Such notification shall be in the form as set forth below:

FOREST LANDS AREA PLAT NOTIFICATION

This property lies within an area of land designated forest lands by the City of Pacific. A variety of commercial forestry activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals, including spraying,

pruning, and harvesting, which occasionally generate dust, smoke, noise, and odor. The City of Pacific has established forestry as a priority use on productive forest lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary forestry operations.

(Ord. 1187 § 1, 1992).

**23.40.060 Regulated activities notification.**

The city shall require that all permits issued for regulated activities, as defined in PMC 23.08.020, within this classification contain a notice as set forth below:

REGULATED ACTIVITIES NOTIFICATION

This property lies within an area of land designated forest lands by the City of Pacific. A variety of commercial forestry activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals, including spraying, pruning, and harvesting, which occasionally generate dust, smoke, noise, and odor. The City of Pacific has established forestry as a priority use on productive forest lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary forestry operations.

(Ord. 1187 § 1, 1992).

## Chapter 23.44

### WETLAND AREAS

#### Sections:

- 23.44.010 Purpose and intent.
- 23.44.020 Definitions.
- 23.44.030 Applicability.
- 23.44.040 *Repealed.*
- 23.44.050 *Repealed.*

#### **23.44.010 Purpose and intent.**

It is the policy of the city to require site planning to avoid or minimize damage to wetlands wherever possible; to require that activities not dependent upon a wetland location be located at upland sites; and to achieve no net loss of wetlands by requiring restoration or enhancement of degraded wetlands or creation of new wetlands to offset losses that are unavoidable. In addition, it is the intent of the city that activities in or affecting wetland not threaten public safety, cause nuisances, or destroy or degrade natural wetland functions and values. (Ord. 1187 § 1, 1992).

#### **23.44.020 Definitions.**

For the purposes of this chapter, the following definitions shall apply:

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

“Best management practices” means conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins and sediment; and
2. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical and biological characteristics of wetlands.

“Compensation project” means actions necessary to replace project-induced wetland and wetland buffer losses, including land acquisi-

tion, planning, construction plans, monitoring and contingency actions.

“Compensatory mitigation” means replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:

1. “Creation” means actions performed to intentionally establish a wetland at a site where it did not formally exist.

2. “Enhancement” means actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality.

3. “Restoration” means actions performed to re-establish wetland functional characteristics and processes which have been lost by alterations, activities or catastrophic events within an area which no longer meets the definition of a wetland.

“Critical habitat” means habitat necessary for the survival of endangered, threatened, rare, sensitive or monitor species.

“Department” means the Washington State Department of Ecology.

“Developable area” means an area of land outside of wetlands and wetland buffers.

“Emergent wetland” means a regulated wetland with at least 30 percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.

“Existing and ongoing agriculture” includes those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops or livestock; for example, the operation and maintenance of farm and stock ponds or drainage ditches, operation and maintenance of ditches, irrigation systems, including irrigation laterals, canals or irrigation drainage ditches, changes between agricultural activities, and normal maintenance, repair or operation of existing serviceable structures, facilities or improved areas. Activities which bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is mainte-

nance of irrigation ditches, laterals, canals or drainage ditches related to an existing and ongoing agricultural activity. Forest practices are not included in this definition.

“Exotic” means any species of plants or animals that are foreign to the planning area.

“Forested wetland” means a regulated wetland with at least 20 percent of the surface area covered by woody vegetation greater than 20 feet in height.

“Functions,” “beneficial functions” or “functions and values” means the beneficial roles served by wetlands, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, historical and archaeological and aesthetic value protection and recreation. These beneficial roles are not listed in order of priority.

“High-intensity land use” includes land uses which are associated with moderate or high levels of human disturbance, including, but not limited to, medium- and high-density residential, multifamily residential, active recreation, and commercial and industrial land uses.

“High-quality wetlands” are those regulated wetlands which meet the following criteria:

1. No, or isolated, human alteration of the wetland topography;
2. No human-caused alteration of the hydrology or the wetland appears to have recovered from the alteration;
3. Low cover and frequency of exotic plant species;
4. Relatively little human-related disturbance of the native vegetation, or recovery from past disturbance;
5. If the wetland system is degraded, it still contains a viable and high-quality example of a native wetland community; and
6. No known major water quality problems.

“Hydric soil” means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods

described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

“Hydrophytic vegetation” means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

“In-kind compensation” means to replace wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity. It does not mean replacement “in-category.”

“Isolated wetlands” means those regulated wetlands which:

1. Are outside of and not contiguous to any 100-year floodplain of a lake, river or stream; and
2. Have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

“Low-intensity land use” includes land uses which are associated with low levels of human disturbance, including, but not limited to, passive recreation, open space or agricultural or forest management land uses.

“Mitigation” includes avoiding, minimizing or compensation for adverse wetland impacts.

“Native vegetation” means plant species which are indigenous to the area in question.

“Off-site compensation” means to replace wetlands away from the site on which a wetland has been impacted by a regulated activity.

“On-site compensation” means to replace wetlands at or adjacent to the site on which a wetland has been impacted by a regulated activity.

“Out-of-kind compensation” means to replace wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity. It does not refer to replacement “out-of-category.”

“Practicable alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of

overall project purposes, and having less impacts to regulated wetlands.

“Regulated activities” means any of the following activities which are directly undertaken or originate in a regulated wetland or its buffer:

1. The removal, excavation, grading or dredging of soil, sand, gravel, minerals, organic matter or material of any kind;

2. The dumping, discharging or filling with any material;

3. The draining, flooding or disturbing of the water level or water table;

4. The driving of pilings;

5. The placing of obstructions;

6. The construction, reconstruction, demolition or expansion of any structure;

7. The destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland; provided, that these activities are not part of a forest practice governed under Chapter 76.09 RCW and its rules; or

8. Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of wetlands water sources, including quantity, or the introduction of pollutants.

“Regulated wetlands” means ponds 20 acres or less, including their submerged aquatic beds, and those lands defined as wetlands under the federal Clean Water Act, 33 USC 1251 et seq., and rules promulgated pursuant thereto and shall include those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Regulated wetlands generally include swamps, marshes, bogs and similar areas. Wetlands created as mitigation and wetlands modified for approved land use activities shall be considered as regulated wetlands. All Category I wetlands shall be considered regulated wetlands. Regulated wetlands do not include Category II and III wetlands less than 2,500 square feet. Regulated wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but

not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities. The applicant shall bear the burden of proving the site was not previously a wetland.

“Repair or maintenance” means an activity that restores the character, scope, size and design of a serviceable area, structure or land use to its previously authorized and undamaged condition. Activities which change the character, size or scope of a project beyond the original design and drain, dredge, fill, flood or otherwise alter additional regulated wetlands are not included in this definition.

“Scrub-shrub wetland” means a regulated wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

“Serviceable” means presently usable.

“Unavoidable and necessary impacts” are impacts to regulated wetlands that remain after a person proposing to alter regulated wetlands has demonstrated that no practicable alternative exists for the proposed project.

“Water-dependent” means requiring the use of surface water that would be essential to fulfill the purpose of the proposed project.

“Wetlands” for the purposes of inventory, incentives and nonregulatory programs, means those lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands shall be delineated using the Corps of Engineers Wetlands Delineation Manual, January, 1987. For the purposes of this definition, wetlands must have one or more of the following attributes:

1. At least periodically, the land supports predominantly hydrophytes;

2. The substrata is predominantly undrained hydric soil; and

3. The substrata is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

“Wetland buffers” or “wetland buffer zones” are areas that surround and protect a wetland from adverse impacts to the functions and values of a regulated wetland.

“Wetland edge” means the boundary of a wetland as delineated based on the definitions contained in this chapter. (Ord. 1505 § 16, 2001; Ord. 1187 § 1, 1992).

### **23.44.030 Applicability.**

A. General. When any provision of any other chapter of this code conflicts with this chapter, that which provides more protection to wetlands and wetland buffers shall apply, unless specifically provided otherwise in this chapter.

#### **B. Classification.**

1. Criteria. The following King County wetland rating system is hereby adopted:

a. Class I Wetlands: Those wetlands assigned the Unique/Outstanding #1 rating in the King County Wetlands Inventory, 1983, or which meet any of the following criteria:

i. The presence of species listed by the federal government or state as endangered, or threatened, or the presence of critical or outstanding actual habitat for those species;

ii. Wetlands having 40 percent to 60 percent permanent open water in dispersed patches with two or more classes of vegetation;

iii. Wetlands equal to or greater than 10 acres in size and having three or more wetland classes, one of which is open water; or

iv. The presence of plant associations of infrequent occurrence.

b. Class 2 Wetlands: Those wetlands assigned the Significant #2 rating in the King County Wetlands Inventory, 1983, or which meet any of the following criteria:

i. Wetlands greater than one acre in size;

ii. Wetlands equal to or less than one acre in size and having three or more wetland classes;

iii. Wetlands equal to or less than one acre that have a forested wetland class; or

iv. The presence of heron rookeries or raptor nesting trees.

c. Class 3 Wetlands: Those wetlands assigned the Lesser Concern #3 rating in the King County Wetlands Inventory, 1983, or uninventoried wetlands that are equal to or less

than one acre in size and that have two or fewer wetland classes.

#### **2. Wetland Buffer Standards:**

a. The following wetland buffers are adopted as minimum standards:

i. Class 1 Wetlands shall have a 100-foot buffer.

ii. Class 2 Wetlands shall have a 50-foot buffer.

iii. Class 3 Wetlands shall have a 25-foot buffer.

b. This buffer shall provide adequate protection of the wetland and maximum use of the remaining land by the property owner.

c. When both a wildlife buffer and wetland buffer (see PMC 23.12.030(C)(3) and (4)) are required, the greater of the wildlife or wetland buffer shall apply.

3. Mapping. Wetlands are identified in the following documents:

a. Puget Sound Environmental Atlas, Puget Sound Water Quality Authority;

b. King County Wetlands Inventory, 1983, as amended;

c. Coastal Zone Atlas of Washington.

#### **C. Regulation.**

1. Allowed Activities. The following activities are allowed within a wetland or wetland buffer:

a. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife;

b. Outdoor recreational activities, including fishing, birdwatching, hiking, boating, horseback riding, swimming, canoeing and bicycling;

c. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops, and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the wetland by changing the existing topography, water conditions or water sources;

d. Existing and ongoing agricultural activities;

e. The maintenance of drainage ditches;

f. Education, scientific research and use of nature trails;

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g. Navigation aids and boundary markers;

h. Boat mooring buoys;

i. Site investigative work necessary for land use application submittals, such as surveys, soil logs, percolation tests and other related activities. In every case, wetland impacts shall be minimized and disturbed areas shall be immediately restored;

j. Normal maintenance, repair or operation of existing serviceable structures, facilities or improved areas. Maintenance and repair does not include any modification that changes the character, scope or size of the original structure, facility or improved areas and does not include the construction of a maintenance road; and

k. Minor modification of existing serviceable structures within a buffer zone where modification does not adversely impact wetland functions. (Ord. 1505 § 16, 2001; Ord. 1187 § 1, 1992).

**23.44.040 Wetland areas – Fees.**

*Repealed by Ord. 1505.* (Ord. 1375 § 61, 1998; Ord. 1187 § 1, 1992).

**23.44.050 Wetlands review – Fee.**

*Repealed by Ord. 1505.* (Ord. 1375 § 68, 1998).