

ORDINANCE NO. -2019

AN ORDINANCE OF THE CITY OF ELECTRIC CITY, WASHINGTON,  
AMENDING CHAPTER 16.10 CRITICAL AREAS REGULATIONS OF THE  
ELECTRIC CITY MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF ELECTRIC CITY, WASHINGTON ORDAINS AS FOLLOWS:

*Section 1. Amendment.* Electric City Municipal Code Chapter 16.10 titled “Critical Areas Regulations” is hereby amended to provide:

## Chapter 16.10 Critical Areas Regulations

### Article I. General Provisions

- 16.10.010 Purpose.
- 16.10.020 Applicability.
- 16.10.030 Exemptions.
- [16.10.035 Public agency and utility exemption.](#)
- 16.10.040 Reasonable use alternatives.
- [16.10.045 General standards.](#)
- 16.10.050 Reference maps and materials.
- 16.10.060 [Application and r](#)Review process.
- 16.10.070 Critical areas report.
- 16.10.080 Mitigation requirements.
- [16.10.083 Drainage and erosion control plan.](#)
- [16.10.085 Geotechnical report.](#)
- [16.10.087 Grading and excavation plan.](#)
- 16.10.090 Agency review.
- 16.10.100 Surety/bonding.
- 16.10.110 Permit conditions.
- 16.10.120 Enforcement.

### Article II. Aquifer Recharge Areas

- 16.10.130 Classification.
- 16.10.140 Designation.
- 16.10.150 Performance standards.

### Article III. Fish and Wildlife Habitat Conservation Areas

[City of Electric City, Washington](#)  
[Ordinance No. 543-2019](#)

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- 16.10.160 Classification.
- 16.10.170 Designation.
- 16.10.180 Standards.

**Article IV. Wetlands**

- 16.10.190 Classification.
- 16.10.200 Designation.
- 16.10.210 Performance standards.

**Article V. Frequently Flooded Areas**

- 16.10.220 Classification.
- 16.10.230 Designation.
- 16.10.240 Standards.

**Article VI. Geologically Hazardous Areas**

- 16.10.250 Classification.
- 16.10.260 Designation.
- 16.10.270 Standards.

**Article I. General Provisions**

16.10.010 Purpose.

The purpose of this title is to ~~designate and classify~~ provide protection for critical areas classified and designated in the Electric City Comprehensive Plan ~~ecologically sensitive and hazardous areas and~~ to protect these areas and their functions and values in a manner that also allows reasonable use of private property. This chapter is intended to:

- (1) Implement the city of Electric City comprehensive plan and the requirements of the Growth Management Act;
- (2) Protect critical areas, in accordance with the Growth Management Act and through the application of best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals;
- (3) Protect the general public, resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, or steep slopes failure;
- (4) Protect unique, fragile and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;
- (5) Prevent cumulative adverse environmental impacts to water quality and availability, wetlands, and fish and wildlife habitat; and
- (6) Provide flexibility and attention to site specific characteristics, so as to ensure reasonable use of property. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)

16.10.020 Applicability.

The provisions of this chapter shall apply to all development activities in designated critical areas outside of shoreline jurisdiction as regulated under the Electric City Shoreline Master

City of Electric City, Washington  
Ordinance No. 543-2019

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Program within the City's incorporated limits. These critical areas regulations ~~shall apply as are an~~ overlay to zoning and other land use regulations established by the city.

(1) All land uses and/or development permit applications on all lots or parcels within the city that lie within critical areas as ~~defined herein~~ designated in the Electric City Comprehensive Plan shall comply with the provisions of this chapter. No action shall be taken by any person that results in any alteration of any critical area except as consistent with the purposes, objectives and intent of this chapter.

(2) Where two or more types of critical areas overlap, requirements for development shall be consistent with the standards for each critical area.

(3) These critical areas regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any conditions required pursuant to this chapter shall be included in the SEPA review and threshold determination. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)

#### 16.10.030 Exemptions.

The activities listed below are exempt from the provisions of this chapter. The final determination of whether an activity is exempt is an administrative function of the City. Exempt activities shall be conducted using all reasonable methods to avoid impacts to critical areas. Exemption from the regulations in this chapter shall not be considered permission to degrade a critical area or ignore risks from natural hazards. Incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated at the responsible party's expense.

(1) Emergency construction necessary to protect life or property from immediate damage by the elements. An emergency is an unanticipated event or occurrence which poses an imminent threat to public health, safety, or the environment, and which requires immediate action within a time too short to allow full compliance. Once the threat to the public health, safety, or the environment has dissipated, the construction undertaken as a result of the previous emergency shall then be subject to and brought into full compliance with this ~~title~~ chapter.

(2) Normal Maintenance or Repair of Existing Legal Buildings, Structures, Roads or Development, Including Damage by Accident, Fire or Natural Elements. Normal repair of buildings and structures involves restoring to a state comparable to the original condition, including the replacement of walls, fixtures and plumbing; provided, that the value of work and materials in any twelve-month period does not exceed twenty-five percent of the value of the structure prior to such work as determined by using the fair market value for such structure as established by an appraisal or realtor's market analysis provided by the applicant if requested by the town and the most recent ICBO construction tables, the repair does not expand the number of dwelling units in a residential building, the building or structure is not physically expanded, and, in the case of damaged buildings and structures, a complete application for repair is accepted by the ~~town~~ City within six months of the event

City of Electric City, Washington  
Ordinance No. 543-2019

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and repair is completed within the terms of the permit. Normal maintenance or repair of existing buildings, structures, roads, utilities, levees, or drainage systems, that do not require construction permits, provided the activity does not further alter, encroach upon, or increase impacts to critical areas or associated buffers.

(3) Existing agricultural activities normal or necessary to general farming conducted according to industry-recognized best management practices, including the raising of crops or the grazing of livestock.

(4) Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, critical area impacts should be minimized and disturbed areas shall be immediately restored.

(5) Passive recreational activities, including, but not limited to: fishing, bird watching, hiking, hunting, boating, horseback riding, skiing, swimming, canoeing, and bicycling provided the activity does not alter the critical area or its buffer by changing existing topography, water conditions or water sources.

(6) Minor safety improvements to state and local transportation facilities with proven minor impacts on critical areas. (Ord. 367 § 2, 2005)

#### **16.10.035 Public agency and utility exception.**

(1) If application of this title would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section. To qualify for an exception the agency or utility must demonstrate the following criteria:

(a) Criteria for Exception.

(i) That there is no other practical alternative to the proposed development which has less impact on critical areas;

(ii) That the application of this title would unreasonably restrict the ability to provide necessary utility services to the public;

(iii) That the proposed use does not pose a threat to the public health, safety or welfare;

(iv) That the proposal protects critical areas functions and values to the extent possible and provides for mitigation in accord with the provisions of this title; and

(v) The proposal is consistent with other applicable regulations and standards.

(2) A request for exception shall be submitted to the City with the application materials for the particular development proposal. The request shall contain explanation as to how the criteria are satisfied. The administrator may require additional information or studies to supplement the exception request.

16.10.040 Reasonable use alternatives.

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(1) The city may modify the requirements of this [title chapter](#) in specific cases when necessary to allow reasonable use of an applicant's property. To qualify for such relief the applicant must demonstrate all of the following:

- (a) That no other reasonable use can be made of the property that will have a lesser adverse impact on the critical area and adjoining and neighboring lands;
- (b) That the proposed use does not pose a threat to the public health, safety or welfare;
- (c) Any alteration is the minimum necessary to allow reasonable use of the property; and
- (d) The inability of the proponent to derive reasonable use of the property is not the result of actions by the applicant after the effective date of the ordinance codified in this chapter.

(2) A request for a reasonable use exception shall be submitted to the city with the application materials for the particular development proposal. The application shall be supplemented with an explanation as to how the reasonable use exception criteria are satisfied. The city may require additional information or studies to supplement the reasonable use exception request.

(3) A reasonable use exception shall be processed according to the provisions of governing a Type I review process. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)

#### [16.10.045 General standards.](#)

[The following standards shall apply to the activity identified below, in addition to the general standards for each critical area.](#)

[\(1\) Boat launch facilities. Construction of a boat launch facility may be authorized subject to the following standards:](#)

- [\(a\) The facility shall be in compliance with the requirements of the Electric City Shoreline Master Program;](#)
- [\(b\) The facility and landward access shall not significantly alter the existing critical area or buffer vegetation; and](#)
- [\(c\) For all land divisions, facilities shall be designed, designated and constructed for joint and/or community use.](#)

[\(2\) Road Repair and Construction. When no other practical alternative exists, public or private road repair, maintenance, expansion or construction may be authorized within a critical area buffer, subject to the following minimum standards:](#)

- [\(a\) The road shall serve multiple properties;](#)
- [\(b\) No unmitigated impacts to the designated critical area or buffer area shall result from the repair, maintenance, expansion or construction of any public or private road;](#)

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(c) The road shall provide for the location of public utilities, pedestrian or bicycle easements, viewing points, etc.; and

(d) Road repair and construction shall be the minimum necessary to provide safe traveling surfaces.

(3) Major Developments. All major developments processed by the city according to the provisions of Title 19 ECMC for permits authorized within a critical area or critical area buffer shall comply with the following minimum standards:

(a) Inundated and/or submerged lands shall not be used in calculating minimum lot area for proposed lots;

(b) Only fifty percent of the total wetlands on the property, other than inundated and/or submerged lands, shall be used in calculating minimum lot area for proposed lots. All wetland buffers may be included in the calculation of minimum lot area for proposed lots;

(c) All plats shall disclose the presence on each residential lot one building site, including access, that is suitable for development and which is not within the designated critical area or its associated buffer;

(d) All designated critical areas and their proposed buffers shall be clearly identified on all final plats, maps, documents, etc.;

(e) Designated critical areas and their associated critical area buffers, when needed for long term protection, shall be designated and disclosed on the final plats, maps, documents, etc., as open space tracts, nonbuildable lots and buffer areas or common areas, with ownership and control transferred to a homeowner's association. Designated critical areas and associated critical area buffers may alternatively be designated and disclosed on the final plats, maps, documents, etc., as an easement or covenant encumbering the property.

(4) Surface Water Management. When no other practical alternative exists, surface water management activities may be authorized within a critical area, subject to the following minimum standards:

(a) Critical areas may be used for retention/detention facilities, subject to all of the following criteria:

(i) The functions and water quality of the critical area or buffer shall not be adversely impacted;

(ii) The rate of flow into or the hydroperiod of a wetland shall not increase above natural flow rates; and

(iii) All surface water discharged from impervious surfaces shall be treated prior to entering a critical area or buffer.

City of Electric City, Washington  
Ordinance No. 543-2019

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(b) New surface water discharges to critical areas from detention facilities, presettlement ponds, or other surface water management structures may be authorized, subject to all of the following criteria:

(i) The discharge does not increase the rate of flow into or the hydroperiod of a wetland above the natural rates;

(ii) All surface water discharged from impervious surfaces shall be treated prior to entering a critical area or buffer; and

(iii) The water quality of the critical area is not decreased.

(5) Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as picnic tables, benches, interpretive centers and signs, viewing platforms and campsites may be authorized within a designated critical area buffer, subject to the following minimum standards:

(a) Trail facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas;

(b) Trail facilities shall minimize the removal of trees, shrubs, snags and important forest and wildlife habitat;

(c) Viewing platforms, interpretive centers, campsites, picnic areas, benches and their associated access shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the designated critical area;

(d) Trail facilities shall be located at least a distance equal to the width of the trail corridor away from the wetland edge, as established by the approved critical area boundary survey; and

(e) All facilities shall be constructed with materials complementary to the surrounding environment.

(6) Utilities. When no other practical alternative exists, construction of utilities within a critical area buffer may be authorized, subject to the following minimum standards:

(a) Utility corridors shall be jointly used;

(b) Corridor construction and maintenance shall protect the designated critical area buffer, and shall be aligned to avoid cutting trees greater than six inches in diameter at breast height when possible;

(c) No pesticides, herbicides or other hazardous or toxic substances shall be used;

(d) Utility corridors, including maintenance roads authorized by the townCity, shall be located at least a distance equal to the width of the utility corridor away from the critical area edge;

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(e) Corridors shall be revegetated to preconstruction densities with appropriate native vegetation immediately upon completion of construction, or as soon thereafter as possible given seasonal growing constraints. The utility purveyor shall provide an assurance device or surety in accordance with this code that ensures such vegetation survives;

(f) Any additional corridor access for maintenance shall be provided as much as possible at specific points rather than by parallel roads. If parallel roads are necessary, they shall be no greater than fifteen feet in width, and shall be contiguous to the location of the utility corridor on the side opposite the wetland; and

(g) Construction of sewer lines within a designated critical area or critical area buffer which are necessary to meet state and/or local health code requirements shall not adversely impact the function and quality of the designated critical area or buffer.

#### 16.10.050 Reference maps and materials.

The city shall maintain reference maps and materials that provide information on the general locations of critical areas. Since boundaries are generalized, the application of this chapter and the actual type, extent and boundaries of critical areas shall be determined and governed by the classification section established for each critical area. In the event of any conflict between the critical area location or designation shown on the city's maps and the criteria and standards established in this chapter, or the site-specific conditions, the criteria, standards and/or site-specific conditions shall prevail. Reference maps and inventories shall include, but are not limited to, the following:

- (1) Wetlands map, based upon U.S. Fish and Wildlife Service National Wetlands Inventory. Map is included in Map Appendix to Electric City Comprehensive Plan;
- (2) Fish and wildlife habitat area maps, based upon Washington State Department of Fish and Wildlife Priority Habitats and Species data. Map and fish & wildlife data pertinent to Electric City included in Map Appendix to Electric City Comprehensive Plan;
- (3) Soils maps, based upon ~~Grant County soils survey~~ NRCS Web Soil Survey. Soils map and data included in Map Appendix to Electric City Comprehensive Plan;
- (4) Steep slopes map. Soils map and data included in Map Appendix to Electric City Comprehensive Plan;
- (5) Potential Aquifer Recharge map. Soils map and data included in Map Appendix to Electric City Comprehensive Plan
- (56) U.S.G.S. 7.5 Minute Series Topographic Quadrangle Maps;
- (67) Aerial photos;
- (78) City of Electric City comprehensive plan;
- (89) City of Electric City shoreline master program (if adopted);

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(910) Washington State Wetlands Identification and Delineation Manual (DOE, 1997), as amended;

(1011) Washington State Wetlands Rating System for Eastern Washington ~~—Revised (Ecology Publication No. 04-06-15) or as revised and approved by Ecology, August 2004, or as amended; and~~

(12) [Federal Wetlands Delineation Manual \(1987\)](#);

(111213) Approved special reports previously completed for a subject property. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)

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16.10.060 Application and rReview process.

Development permit applications shall provide appropriate information on forms provided by the townCity, including without limitation the information described in this section as well as specific requirements of each critical area. Additional reports or information to identify potential impacts and mitigation measures to critical areas may be required if deemed necessary. All land use, business, and building permits shall require that applicants disclose activities within 100 feet of a known or suspected critical area. The provisions of this chapter shall be applied to any such proposals. The review process shall proceed as follows:

- (1) Pre-Application Meeting/Site Visit. Upon receiving a land use or development proposal, the administrator shall schedule a pre-application meeting and/or site visit with the proponent for purposes of a preliminary determination whether the proposal is likely to result in impacts to the functions and values of critical areas or pose health and safety hazards. At this meeting, the administrator shall discuss the requirements of this chapter and other applicable regulations; provide critical areas maps and other available reference materials; outline the review and permitting processes; and work with the proponent to identify any potential concerns with regards to critical areas.
- (2) Application and SEPA Checklist. For all nonexempt proposals, the proponent shall submit all relevant land use/development applications, together with a SEPA checklist.
- (3) Determination of Need for Critical Areas Report. Based upon the pre-application meeting, application materials, and the SEPA checklist, the administrator shall determine if there is cause to require a critical areas report. In addition, the administrator may use critical areas maps and reference materials, information and scientific opinions from appropriate agencies, or any reasonable evidence regarding the existence of critical area(s) on or adjacent to the site of the proposed activity.
- (4) Documentation and Notification. The administrator shall document the pre-application meeting and/or site visit, application and SEPA threshold determination, and any other steps or findings that inform the determination whether a critical areas report shall be required. The applicant shall receive notice of the determination and any findings that support it. (Ord. 367 § 2, 2005)

16.10.070 Critical areas report.

If the administrator determines that the site of a proposed development potentially includes, or is adjacent to, critical area(s), a critical areas report may be required. The purpose of the critical areas report is to inform the administrator of the degree of impact that can be expected from the development and to establish the need for mitigation. The applicant shall avoid all impacts that degrade the functions and values of critical areas. If alteration is unavoidable, all adverse impacts to critical areas and buffers resulting from the proposal shall be mitigated in accordance with an approved critical area's report and SEPA documents. When mitigation is required, as detailed in 16.10.080, the applicant shall submit for approval a mitigation plan as part of the critical areas report. When required, the expense of preparing the critical areas report shall be borne by the applicant. The content, format and extent of the critical areas report shall be approved by the administrator.

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- (1) The requirement for critical areas reports may be waived by city staff if there is substantial evidence that:
- (a) There will be no alteration of the critical area(s) and/or the required buffer(s);
  - (b) The proposal will not impact the critical area(s) in a manner contrary to the purpose, intent and requirements of this chapter and the comprehensive plan; and
  - (c) The minimum standards of this chapter will be met.
- (2) No critical area report is required for proposals that are exempt from the provisions of this chapter as set forth under Article I, General Provisions.
- (3) Critical area reports shall be completed by a qualified professional, approved by the administrator, who is knowledgeable about the specific critical area(s) in question.
- (4) At a minimum, a required critical areas report shall contain the following information:
- (a) Applicant's name and contact information, permits being sought, and description of the proposal;
  - (b) A copy of the site plan for the development proposal, drawn to scale and showing:
    - (i) Identified critical areas, buffers, and the development proposal with dimensions;
    - (ii) Limits of any areas to be cleared; and
    - (iii) A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;
  - (c) The names and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
  - (d) Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area. Delineation of wetlands shall be accomplished using the Washington State Wetlands Identification and Delineation Manual (Publication No. 96-94), March 1997 (as amended or revised);
  - (e) An assessment of the probable cumulative impacts to critical areas resulting from the proposed development of the site;
  - (f) An analysis of site development alternatives;
  - (g) A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas;
  - (h) A mitigation plan, as needed, in accordance with the mitigation requirements of this chapter, including, but not limited to:
    - (i) The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area; and
    - (ii) The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;

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- (i) A discussion of the performance standards applicable to the critical area and proposed activity;
- (j) Financial guarantees to ensure compliance; and
- (k) Any additional information required for specific critical areas as listed in subsequent sections of this chapter.

(5) The administrator may request any other information reasonably deemed necessary to understand impacts to critical areas. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)

16.10.080 Mitigation requirements.

The applicant shall avoid all impacts that degrade the functions and values of critical areas. If alteration is unavoidable, all adverse impacts to critical areas and buffers resulting from the proposal shall be mitigated in accordance with an approved critical areas report and SEPA documents. Mitigation shall be on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.

(1) Mitigation Sequencing. Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- (c) Rectifying the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the historical conditions or the conditions existing at the time of the initiation of the project;
- (d) Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
- (e) Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
- (f) Compensating for the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
- (g) Monitoring the hazard or other required mitigation and taking remedial action when necessary.

(2) Mitigation Plan. When mitigation is required, the applicant shall submit for approval a mitigation plan as part of the critical area report. The mitigation plan shall include:

- (a) A written report identifying mitigation objectives, including:

City of Electric City, Washington  
Ordinance No. 543-2019

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(i) A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the compensation measures, including the site selection criteria; identification of compensation objectives; identification of critical area functions and values; and dates for beginning and completion of site compensation construction activities;

(ii) A review of the best available science supporting the proposed mitigation and a description of the report authors experience to date in critical areas mitigation; and

(iii) An analysis of the likelihood of success of the compensation project.

(b) Measurable criteria for evaluating whether or not the objectives of the mitigation plan have been successfully attained and whether or not the requirements of this chapter have been met.

(c) Written specifications and descriptions of the mitigation proposed, including, but not limited to:

(i) The proposed construction sequence, timing, and duration;

(ii) Grading and excavation details;

(iii) Erosion and sediment control features;

(iv) A planting plan specifying plant species, quantities, locations, size, spacing, and density; and

(v) Measures to protect and maintain plants until established.

(d) A program for monitoring construction of the compensation project, and for assessing the completed project and its effectiveness over time. The program shall include a schedule for site monitoring and methods to be used in evaluating whether performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than 10 years.

(e) Identify potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met. (Ord. 367 § 2, 2005)

16.10.083 Drainage and erosion control plan.

(1) All drainage and erosion control plans shall be prepared by an engineer licensed in the state of Washington in compliance with the city of Electric City Development Standards Manual (as it exists or hereinafter amended). Upon the City's review and approval of the drainage and erosion control plans, the identified measures to prevent contaminated stormwater from being discharged off the construction site must be in place prior to any clearing, grading or construction.

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(2) All drainage and erosion control plans shall address methods to minimize and contain soil within the project boundaries during construction and to provide for stormwater drainage from the site and its surroundings during and after construction. Best management practices (BMPs) must be used to prevent any sediment, oil, gas, pesticide-contaminated soil or other pollutants from entering surface or groundwater.

(3) All drainage and erosion control plans shall be prepared using the Type 2 SCS model (see City of Electric City Development Standards), taking into account a storm event equal to or exceeding two inches of rainfall in ninety minutes.

#### 16.10.085 Geotechnical report.

(1) All geotechnical reports shall be prepared by a consultant team including a geologist and/or geotechnical engineer; or an engineer or an engineering geologist, who is knowledgeable of regional geologic conditions and who derives his/her livelihood from employment in one of these specialized fields.

(2) A geotechnical report shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations on the suitability of the site to be developed. More specifically, the report shall evaluate the actual presence of geologic conditions giving rise to the geologic hazard, including without limitation the following:

(a) Documentation of site history, evidence of past geologically hazardous activities in the vicinity, quantitative analysis of slope stability and available geologic information;

(b) Surface reconnaissance of the site and adjacent areas;

(c) Subsurface exploration of the site to assess potential geologic impacts of the proposal;

(d) Hydrologic analysis of slope and/or soil stability;

(e) Approximate depth to groundwater;

(f) Evaluation of the safety of the proposed project, and identification of construction practices, monitoring programs and other mitigation measures necessary; and

(g) Demonstration of the following:

(i) There will be no increase in surface water discharge or sedimentation to adjacent properties;

(ii) There will be no decrease in slope stability on the site nor on adjacent properties;

(iii) There is no hazard as proven by evidence of no past geologically hazardous activity in the vicinity of the proposed development and a quantitative analysis of slope stability indicates no significant risk to the development proposal and adjacent properties; and

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(iv) The geologically hazardous area can be modified or the development proposal can be designed such that the hazard is eliminated or mitigated, making the site as safe as one without a hazard.

(3) The recommendations from a soils engineering report and the engineering geology report shall be incorporated in a geotechnical report and in the grading plan specifications.

(a) The soils engineering report, prepared according to Chapter 18 of the International Building Code (I.B.C.), shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures if necessary.

(b) The engineering geology report, prepared according to Chapter 18 of the I.B.C., shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading.

#### 16.10.087 Grading and excavation plan.

All grading and excavation plans shall be prepared by an engineer licensed in the state of Washington, and shall meet the standards and requirements set forth in Chapter 33 of the International Building Code, and shall contain the following information:

(1) A cover sheet showing the location of work, the name and address of the owner and the engineer who prepared the plans;

(2) General vicinity of the proposed site;

(3) Property limits and accurate contours of existing ground and details of terrain and area drainage. Contour intervals for slopes ten percent or less shall be no more than two feet, and intervals for slopes exceeding ten percent shall be no more than five feet;

(4) Limits of proposed excavation and fill sites, finished contours to be achieved by the grading, and proposed drainage channels to offset stormwater impacts during grading and excavation (and related construction);

(5) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as part of the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains;

(6) Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within fifteen feet of the property;

(7) Recommendations included in a soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference;

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(8) The dates of the soils engineering and engineering geology reports together with the names, seals, license numbers, addresses and phone numbers of the firms and/or individuals who prepared the reports.

16.10.090 Agency review.

In cases where the administrator does not have adequate knowledge or training to determine the sufficiency and accuracy of information contained within a critical area report or mitigation plan, said reports or plans shall be submitted to qualified agencies for review and recommendations prior to acceptance by the city. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)

16.10.100 Surety/bonding.

If a development proposal is subject to mitigation, maintenance or monitoring plans, the city of Electric City, in a form acceptable to the city attorney, may require an assurance device or surety. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)

16.10.110 Permit conditions.

Through the review process, the city of Electric City shall have the authority to attach such conditions to the granting of any approval under this chapter as deemed necessary to alleviate adverse impacts to critical area(s) and to carry out the provisions of this chapter. Such conditions of approval may include, but are not limited to, the following:

- (1) Specification of allowable lot sizes;
- (2) Provisions for additional buffers relative to the intensity of a use or activity;
- (3) Requirements and/or restrictions on the construction, size, location, bulk and/or height, etc., of structure(s);
- (4) Dedication of necessary easements for utilities, conservation, open space, etc.;
- (5) Imposition of easement agreements, sureties, deed restrictions, covenants, etc., on the future use and/or division of land that run with the land and are filed and recorded in the office of the Grant County auditor;
- (6) Limitations on the removal of existing vegetation;
- (7) Additional measures to address issues such as erosion control, storm water management, filling, grading, etc.;
- (8) Development of a mitigation plan to create, enhance, or restore damaged or degraded critical area(s) on- and/or off-site; and
- (9) Any monitoring and/or maintenance plans necessary to implement the provisions of this chapter. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)

16.10.120 Enforcement.

Violation of the provisions of this chapter, or failure to comply with any of its requirements, shall be subject to enforcement actions by the city of Electric City that are authorized in the

City of Electric City, Washington  
Ordinance No. 543-2019

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zoning ordinance, subdivision ordinance, shoreline master program or any other land use regulation of the city of Electric City. The city attorney, when authorized by the mayor and council, shall seek penalties, remedies, injunctions and other legal sanctions necessary for the enforcement of this title. In addition to costs allowed by these regulations, the prevailing party in an enforcement action may, at the court's discretion, be allowed interest and reasonable attorney's fees. The city attorney shall seek such costs, interest, and the reasonable attorney's fees on behalf of the city of Electric City when the city is the party. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)

## Article II. Aquifer Recharge Areas

### 16.10.130 Classification.

~~The following three level classification scheme is used to determine the level of protection necessary for land areas:~~ Aquifer recharge areas are classified as ~~following in~~ follows in the Electric City Comprehensive Plan:

- (1) Critical Potential. Rivers, creeks, wetlands, lakes and ponds, and lands that have been specifically identified as critical recharge areas based on reliable scientific data.
- (2) High Potential. Lands adjacent to rivers, creeks, wetlands, lakes and ponds that include soils that show permeability ratings in the county soil survey of more than 20 inches per hour within 60 inches of the soil surface.
- (3) Moderate Potential. Lands with soils that show permeability ratings in the county soil survey of more than 20 inches per hour within 60 inches of the soil surface. (Ord. 367 § 2, 2005)

### 16.10.140 Designation.

~~No aquifer recharge areas are known to have been mapped within the city or surrounding planning area. Therefore, aquifer recharge areas in Electric City shall be designated as they are identified in accord with the classification provisions~~ Aquifer recharge areas are designated in the Electric City Comprehensive Plan. Because the classification focuses on ~~areas soil types with the potential for where~~ recharge is generally known to occur, protections shall be broad enough to preserve essential aquifer recharge functions and values. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)

Additionally, if any of the following areas are established within the city's urban growth area, they shall be included on these maps:

- (a) Sole source aquifer recharge areas designated pursuant to the Federal Safe Drinking Water Act;
- (b) Areas established for special protection pursuant to the Washington State groundwater management program;
- (c) Areas designated for wellhead protection pursuant to the Federal Safe Drinking Water Act; and
- (d) Aquifer recharge areas mapped and identified by a qualified groundwater scientist.

City of Electric City, Washington  
Ordinance No. 543-2019

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16.10.150 Performance standards.

In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to aquifer recharge areas:

- (1) Development activities within an aquifer recharge area shall be designed, developed and operated in a manner that will not potentially degrade groundwater resources nor adversely affect the recharging of the aquifer.
- (2) A hydrogeologic study and/or ongoing monitoring may be required to assess impacts of development activities on groundwater resources.
- (3) All proposed activities within aquifer recharge areas must comply with the water source protection requirements of the federal Environmental Protection Agency, State Department of Health and the Grant County health district.
- (4) On-site stormwater facilities shall be designed and installed in all aquifer recharge areas, so as to provide both detention and treatment of all runoff associated with the development.
- (5) All development occurring within aquifer recharge areas shall be required to connect to city sewer and water, and on-site sewage disposal shall be prohibited.
- (6) Landfills, junkyards/salvage yards, mining, wood treatment facilities, or any other activity that could impair the recharge of critical aquifer recharge areas. Such activities may be permitted in areas with high or moderate recharge potential in accord with applicable zoning regulations, providing the applicant can satisfactorily demonstrate that potential negative impacts to groundwater can be prevented.
- (7) All storage tanks, whether above or underground, shall be required to be constructed so as to protect against corrosion for the operational life of the tank, to prevent any release of hazardous substances to the ground, ground waters, or surface waters, and to utilize appropriate containment methods.
- (8) Any agricultural activities conducted within aquifer recharge areas shall incorporate best management practices concerning waste disposal, fertilizer/pesticide/herbicide use, and stream corridor management. If necessary applicants shall seek technical assistance from the Grant County [Conservation District](#) or the WSU cooperative extension office.
- (9) Application of pesticides, herbicides and fertilizers within aquifer recharge areas shall comply with timing and rates specified on product packaging.
- (10) Vehicle repair and servicing activities must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)

(11) Commercial car washes shall be prohibited inside critical potential recharge areas. Car washes may be permitted inside moderate to high potential recharge areas provided they

City of Electric City, Washington  
Ordinance No. 543-2019

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comply with the Department of Ecology's Best Management Standards for Vehicle and Equipment Washwater Discharges/Best Management Practices Manual (as hereinafter amended).

**Article III. Fish and Wildlife Habitat Conservation Areas**

16.10.160 Classification.

Washington State Department of Fish and Wildlife has identified those fish and wildlife resources that are considered a priority for management and conservation. Priority habitats are those with unique or significant value to many fish or wildlife species. Priority species are those which require special efforts to ensure their perpetuation because of their low numbers, sensitivity to habitat alteration, tendency to form vulnerable aggregations or because they are hold commercial, recreational, or tribal importance. Electric City shall use the Washington State Department of Fish and Wildlife Priority Habitat and Species Program to classify all fish and wildlife habitat conservation areas within the city and urban growth boundary. Two The City's classification criteria are presented in the Electric City Comprehensive Plan and include:

Riparian Habitat Conservation Areas: defined as public or privately-owned lands adjacent to Banks Lake that presently contain riparian vegetation.

Upland Habitat Conservation Areas: This classification is intended to take into account that upland habitats that support federal or state identified endangered, threatened or sensitive species, or any habitats which are identified as providing a high level of functions and values must be protected to the extent possible.

classifications shall apply:

(1) Critical. Areas with which state or federally designated endangered, threatened and sensitive species have a primary association, including anadromous fish species and habitats requiring special consideration under RCW 36.70A.172(1).

(2) Awareness. All other priority habitats and species identified by Washington State Department of Fish and Wildlife. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)

16.10.170 Designation.

Fish and wildlife conservation areas are designated in the Electric City Comprehensive Plan using data from ~~under~~ the Washington State Department of Fish and Wildlife Priority Habitat and Species Program. ~~Priority habitats are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitat and species maps prepared by Grant County based on Washington State Department of Fish and Wildlife data show the range of existing habitat by species. (Ord. 367 § 2, 2005)~~

16.10.180 Standards.

City of Electric City, Washington  
Ordinance No. 543-2019

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In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to fish and wildlife habitat conservation areas:

- (1) Critical area reports for fish and wildlife habitat conservation areas shall include a habitat assessment to evaluate the presence or absence of a potential critical species or habitat;
- (2) The Washington State Department of Fish and Wildlife priority habitat and species management recommendations shall be consulted in developing specific measures to protect a specific project site;
- (3) All projects shall comply with the applicable federal, state and local regulations regarding the species and habitats identified to be upon a site;
- (4) Establishment of Buffers. When needed to protect the functions and values of habitat conservation areas, the administrator shall require the establishment of buffer areas for activities in or adjacent to such areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration. Buffer widths shall reflect the sensitivity of the habitat and the intensity of activity proposed, and shall be consistent with the management recommendations issued by the State Department of Fish and Wildlife;
- (5) As determined through the site-specific study, mitigation measures shall be implemented that maintain the base line populations and reproduction rates for the particular species; and
- (6) As determined through the site-specific study, appropriate habitat conservation, management and monitoring plan(s) shall be developed and implemented, with any necessary surety to ensure compliance with such plan(s) being provided as described in this chapter. (Ord. 367 § 2, 2005)

(7) Any approved alteration or development shall be required to minimize impacts to native vegetation. Where disturbance is unavoidable, the applicant shall restore the area to the extent possible using native plants appropriate to the site. New plantings shall be monitored and maintained in good growing condition and kept free of invasive weeds until well established upon the site.

(8) Subdivision of lands, including both short and long plats, within habitat conservation areas shall be subject to the following:

(a) Uplands.

(i) Lot sizes shall conform to the underlying zone. Variances for smaller lots shall not be considered unless a habitat assessment is provided by applicant and a determination that subdivision will not negatively affect habitat quality can be determined.

(ii) Long plats located in upland habitat areas must reserve ample core habitat and connectivity designated as open space on the plat. Open space must connect

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adjacent habitat areas outside the project area. Open space must be landscaped and managed in a manner that protects the habitat area for the priority species.

(iii) Cumulative impacts to habitat fragmentation in uplands from consecutive short plats must be considered prior to approval of the subdivision.

(b) Riparian. Refer to shoreline master program.

#### **Article IV. Wetlands**

##### 16.10.190 Classification.

Wetlands in Electric City are defined as stated in RCW 36.70A.030(20) and shall be classified into the following categories according to the Washington State Wetlands Rating System for Eastern Washington using the criteria provided in the Electric City Comprehensive Plan.:

~~(1) Category I. Category I wetlands are those that score over 70 points on the rating system. They generally are those that:~~

- ~~(a) Represent a unique or rare wetland type;~~
- ~~(b) Are sensitive to disturbance;~~
- ~~(c) Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or~~
- ~~(d) Provide a very high level of functions.~~

~~We do not wish to risk any degradation to these wetlands. Generally, these wetlands are not common and make up a small percentage of the wetlands in Eastern Washington. Category I wetlands include alkali wetlands, bogs, Natural Heritage wetlands, mature and old-growth forested wetlands with slow growing trees, forests with stands of Aspen, and wetlands that perform many functions well, as measured by the rating system.~~

~~(2) Category II. Category II wetlands are those that score between 51 and 69 points on the rating system. They generally are:~~

- ~~(a) Forested wetlands in the channel migration zone of rivers;~~
- ~~(b) Mature forested wetlands containing fast growing trees;~~
- ~~(c) Vernal pools present within a mosaic of other wetlands; or~~
- ~~(d) Those wetlands with a moderately high level of functions.~~

~~These wetlands are difficult, though not impossible, to replace. They provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a high level of protection.~~

~~(3) Category III. Category III wetlands are those that score 30 to 50 points on the rating system. They generally are:~~

- ~~(a) Vernal pools that are isolated; or~~

City of Electric City, Washington  
Ordinance No. 543-2019

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~~(b) Wetlands with a moderate level of functions, as measured by the rating system.~~

~~These wetlands have generally been disturbed in some manner, and are often smaller, less diverse and/or more isolated in the landscape than Category II wetlands. They may not require as much protection as Category I and II wetlands.~~

~~(4) Category IV. Category IV wetlands have the lowest levels of functions, as measured by the rating system, and are often heavily disturbed. They score less than 30 points. These are wetlands that we should be able to replace, and in some cases improve. These wetlands do provide some important functions, and should be afforded some degree of protection. (Ord. 367 S 2, 2005)~~

#### 16.10.200 Designation.

~~Wetlands in Electric City shall be classified in accordance with the provisions of the Electric City Comprehensive Plan using the most current information contained in the National Wetlands Inventory. To date there has been no wetlands mapping done specifically for the Electric City area. To remedy this, the city should pursue an accurate accounting of all wetlands in its planning area based on the Washington State Wetlands Rating System for Eastern Washington and the Washington State Wetlands Identification and Delineation Manual (Publication No. 96-94), March 1997. However, until funding is obtained to conduct a comprehensive inventory of wetlands, the National Wetlands Inventory (NWI) maps shall be used as a base designation. The NWI maps, along with other supportive documentation, shall be used to review development proposals, but because the National Wetlands Inventory was done at such a broad scale, local verification according to the classification criteria shall be part of the standard process for identifying and designating wetlands. (Ord. 456 S 1, 2012; Ord. 367 S 2, 2005)~~

#### 16.10.210 Performance standards.

In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to wetland areas:

~~(1) Activities and uses shall be prohibited from wetlands or wetland buffers unless the applicant can show that the proposed activity will not degrade the functions and values of the wetland or other critical areas, or as otherwise provided in this chapter. The following Table 16.10.210(1) describes the level of impact expected from different land uses:~~

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Table 16.10.210(1)

<u>Types of proposed land use that can result in high, moderate, and low levels of impacts to adjacent wetlands. Level of impact from proposed change in land use</u>	<u>Types of land use based on common zoning designations</u>
<u>High</u>	<ul style="list-style-type: none"> <li>• <u>Commercial</u></li> <li>• <u>Urban</u></li> <li>• <u>Industrial</u></li> <li>• <u>Institutional</u></li> <li>• <u>Retail sales</u></li> <li>• <u>Residential (more than 1 du/acre)</u></li> <li>• <u>Conversion to high intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tillage and raising and maintaining animals)</u></li> <li>• <u>High intensity recreation (golf courses, ball fields, etc.)</u></li> <li>• <u>Hobby farms</u></li> </ul>
<u>Moderate</u>	<ul style="list-style-type: none"> <li>• <u>Residential (1 du/acre or less)</u></li> <li>• <u>Moderate intensity open space (parks with biking, jogging, etc.)</u></li> <li>• <u>Conversion to moderate intensity agriculture (orchards, hay fields, etc.)</u></li> <li>• <u>Paved trails</u></li> <li>• <u>Building of logging roads</u></li> <li>• <u>Utility corridor or right-of-way shared by several utilities and including access/maintenance road</u></li> </ul>
<u>Low</u>	<ul style="list-style-type: none"> <li>• <u>Forestry (cutting of trees only)</u></li> <li>• <u>Low intensity open space (hiking, birdwatching, preservation of natural resources, etc.)</u></li> <li>• <u>Unpaved trails</u></li> <li>• <u>Utility corridor without a maintenance road and little or no vegetation management</u></li> </ul>

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(12) Buffer Widths. Buffer widths are to be determined through the combination of the functional score, generated by the wetland classification system described in the Electric City Comprehensive Plan, and the proposed land use intensity. Guidelines for establishing high, moderate, and low intensity land uses are provided in Table 16.10.210(1). The use of Table 16.10.210(1) along with the Electric City Zoning Code (Title 18 ECMC) development and performance standards set forth in this chapter shall be used as to establish the land use intensity. The following standard buffer widths in Table 16.10.210(2) have been established in accordance with the Department of Ecology’s recommendations and are considered best available science to provide predictability in the regulation of wetlands:

**Table 16.10.210(2)**

(A) <u>Category I</u>	
<u>High intensity</u>	<u>300 feet</u>
<u>Low intensity</u>	<u>200 feet</u>
(B) <u>Category II</u>	
<u>High intensity</u>	<u>200 feet</u>
<u>Low intensity</u>	<u>100 feet</u>
(C) <u>Category III</u>	
<u>High intensity</u>	<u>100 feet</u>
<u>Low intensity</u>	<u>50 feet</u>
(D) <u>Category IV</u>	
<u>High intensity</u>	<u>50 feet</u>
<u>Low intensity</u>	<u>25 feet</u>

The following buffer zones are required adjacent to and outside of all regulated wetlands according to the following schedule, if impacts from land use and wetland functions are not incorporated. The exceptions are Category III and IV wetlands between 1,000 and 4,000 square feet which are excluded from all provisions of this chapter:

Category I: 250 feet

Category II: 200 feet

Category III: 150 feet

Category IV: 50 feet

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The standard buffer widths shall be applied unless the administrator determines through a scientifically supportable method that a greater or lesser buffer width would serve to protect the functions and values of a particular wetland. The standard buffer widths may not be reduced by more than 25 percent or to no less than 35 feet. Greater buffer widths or rehabilitation of an inadequate plant community may be required where necessary to ensure development does not result in adverse impacts to wetlands.

(2) Measurement of Wetland Buffers. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category and the proposed land use. The same buffer widths and measurement criteria shall apply to any wetland created, restored, or enhanced as compensation for approved wetland alterations. Buffers shall be clearly marked on the ground.

(3) Wetland Buffer Width Averaging. The administrator may allow averaging of wetland buffer widths in accordance with an approved critical area's report if it is shown that no alternate configuration for site development exists based on topographical or lot dimensional constraints without averaging, provided the following conditions are met:

- (a) There will be no reduction in wetland functions and values;
- (b) The wetland contains variations in sensitivity due to physical characteristics or the character of the buffer varies in slope, soils, or vegetation such that the wetland would benefit from a wider buffer in some areas and a narrower buffer in other places; and
- (c) The total area contained in the buffer area is no less than would have otherwise been applied under buffer widths in Tables 18.60.160(2) through (5).
- (d) That a minimum buffer of 25 feet be maintained at all points.

(4) Where other critical areas coincide with wetlands, buffers shall be configured so as to protect aggregate functions and values. Particular consideration shall be given to habitat connectivity.

(5) Wetland buffer zones shall be retained in their natural condition. Where buffer disturbances are unavoidable during adjacent construction, re-vegetation with native plant materials will be required.

(6) Wetland alteration proposals shall be approved only if no alternative is available. When no alternative exists, wetlands replacement shall be used to mitigate impacts and shall be based on the functions and values of the particular wetland being impacted. Simplified ratios for wetlands replacement projects shall be as follows:

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Table 16.10.210(3)

<u>Category and Type of Wetland</u>	<u>Creation or Re-Establishment</u>	<u>Rehabilitation</u>	<u>Enhancement</u>
<u>(A) Category I</u>	<u>6:1</u>	<u>12:1</u>	<u>24:1</u>
<u>(B) Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>12:1</u>
<u>(C) Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>8:1</u>
<u>(D) Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>6:1</u>

**Category I: 6:1**

**Category II: 3:1**

**Category III: 2:1**

**Category IV: 1.5:1**

Wetlands enhancement ratios shall be at least double those for replacement.

(47) The following activities are allowed to occur in wetlands and wetland buffer zones subject to conditioning with appropriate best management practices to minimize impacts on the functions and values of wetlands:

- (a) Outdoor recreational activities;
- (b) Existing and ongoing agricultural activities (provided no additional area is added beyond demonstrable historic levels);
- (c) Maintenance of existing facilities, structures, ditches, roads and utility systems.

(58) All projects shall comply with the applicable federal, state and local regulations regarding the species.

(69) As determined through the site-specific study, mitigation measures shall be implemented that maintain the functions and values found in the particular wetland.

(710) As determined through the site-specific study, appropriate mitigation, management and monitoring plan(s) shall be developed and implemented, with any necessary surety to ensure compliance with such plan(s) being provided as described herein above.

(811) A use or structure established prior to the effective date of the ordinance codified in this chapter which does not conform to standards set forth herein is allowed to continue and be reasonably maintained; provided, that such activity or structure shall not be expanded or enlarged in any manner that increases the extent of its nonconformity. (Ord. 367 § 2, 2005)

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**Article V. Frequently Flooded Areas**

16.10.220 Classification.

~~Frequently flooded areas in Electric City shall be classified in accordance with the provisions contained in the Electric City Comprehensive Plan. The following classification system will be used to determine the level of protection necessary for frequently flooded areas:~~

~~(1) Class I. The floodway of any river or stream as designated by FEMA; and draws, alluvials and flood channels that are not mapped by FEMA but are areas of local concern that have a historical reoccurrence of flood events characterized by significant damage from flood flows.~~

~~(2) Class II. All areas mapped by FEMA as 100-year floodplains; and those areas of local concern that experience recurrences of flooding that are characterized by damage due primarily to inundation. (Ord. 367 § 2, 2005)~~

16.10.230 Designation.

The city of Electric City does not contain any areas designated as special flood hazards. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)

16.10.240 Standards.

There are no standards required at this time. (Ord. 367 § 2, 2005)

**Article VI. Geologically Hazardous Areas**

16.10.250 Classification.

Known geologically hazardous areas within the city of Electric City consist of erosion hazard areas, including steep slopes. As more information is obtained that demonstrates the existence of other types and/or areas of geologically hazardous areas, these types and/or areas shall be classified and protected in accordance with the provisions of ~~this chapter~~the Electric City Comprehensive Plan. Geologically hazardous areas are classified in accordance with the provisions of the Electric City Comprehensive Plan based on data from the NRSC Web Soil Survey.

~~(1) The following general classification system will be used to determine the level of protection necessary for geologically hazardous areas, based upon the risk to development:~~

- ~~(a) Known or suspected risk;~~
- ~~(b) No risk;~~
- ~~(c) Risk unknown.~~

~~(2) The following criteria shall be used in determining the status of an area as a particular type of geologically hazardous area:~~

- ~~(a) Erosion hazard areas are those that contain all three of the following characteristics:~~
  - ~~(i) A slope of 30 percent or greater;~~

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~~(ii) Soils identified by the Soil Conservation Service as unstable and having a high potential for erosion; and~~

~~(iii) Areas that are exposed to the erosion effects of wind or water.~~

~~(b) Landslide hazard areas are those that may contain any of the following circumstances:~~

~~(i) All areas that have historically been prone to landsliding;~~

~~(ii) All areas containing soil types identified by the NRCS as unstable and prone to landslide hazard;~~

~~(iii) All areas that show evidence of or are at risk from snow avalanches; or~~

~~(iv) All areas that are potential unstable as a result of rapid stream incision or stream bank erosion. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)~~

#### 16.10.260 Designation.

Geologically hazardous areas in Electric City are designated in the Electric City Comprehensive Plan.

~~(1) Geologically Hazardous Areas. Each type of geologically hazardous area is designated based on different factors. The designation process for each type follows:~~

~~(2) Erosion Hazard Areas. Soil Conservation Service soil erosion hazard ratings are interpretations of the potential for erosion, applied to broadly generalized map units. They do not pinpoint erosion sites, but rather areas that, because of soil properties, availability of water, etc., are more susceptible to severe erosion than others. The Soil Conservation Service maps will be used to identify areas of erosion potential. The soil information needs to be combined with site-specific information (rills, inter-rills, and wind erosion) to determine if erosion hazard is present on the site. The soil types that have erosion hazard potential have been identified within the urban growth area in the county. In Electric City's case, most of the privately held land within the incorporated boundaries is already developed and soil stability has been proven.~~

~~(3) Landslide Hazard Areas. Lands that meet the classification criteria are hereby designated as landslide hazard areas and should be mapped, as resources become available.~~

~~(4) Mine Hazard Areas. Lands that meet the classification criteria are hereby designated as mine hazard areas and will be mapped, as resources become available.~~

~~(5) Seismic Hazard Areas. There are no known active faults in Electric City. The majority of the city is located within Seismic Zone 2B in accordance with the Uniform Building Code (1991 Edition, as amended).~~

~~(6) Volcanic Hazard Areas. There are no volcanic hazard areas in Electric City. There are, however, several active volcanoes that could have impacts on areas of Electric City, particularly the fallout of ash. There is no way to prevent the impacts of fallen ash, but there are ways to respond to the ash that could lessen its impacts. (Ord. 456 § 1, 2012; Ord. 367 § 2, 2005)~~

City of Electric City, Washington  
Ordinance No. 543-2019

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16.10.270 Standards.

In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to geologic hazard areas:

- (1) All projects shall be evaluated through a geotechnical report to determine whether the project is proposed to be located in a geologically hazardous area, and if so, what is the project's potential impact on the geologically hazardous area and the potential impact of the geologic hazard on the proposed project;
- (2) All projects shall comply with the applicable federal, state and local regulations, including the International Building Code;
- (3) As determined through the site-specific study, appropriate buffers shall be maintained between all permitted uses and activities and the designated geologically hazardous area(s);
- (4) The existing native vegetation within the buffer area(s) shall be maintained, except that normal, nondestructive pruning and trimming of vegetation for maintenance purposes is allowed;
- (5) As determined through the site-specific study, appropriate drainage, grading, excavation and erosion control measures shall be implemented in the geologically hazardous area(s);
- (6) As determined through the site-specific study, mitigation measures shall be implemented that maintain the integrity of the geologically hazardous area(s);
- (7) As determined through the site-specific study, appropriate management and monitoring plan(s) shall be developed and implemented to preserve and protect both the geologically hazardous area(s) and the project, with any necessary surety to ensure compliance with such plan(s) being provided as described herein above; and
- (8) A use or structure established prior to the effective date of this chapter which does not conform to standards set forth herein, is allowed to continue and be reasonably maintained; provided, that such activity or structure shall not be expanded or enlarged in any manner that increases the extent of its nonconformity. (Ord. 367 § 2, 2005)

Section 2. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage and publication as provided by law.

PASSED by the City Council of the City of Electric City, Washington, this 10th day of September, 2019.

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John T. Nordine II, Mayor

City of Electric City, Washington  
Ordinance No. 543-2019

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ATTEST:

\_\_\_\_\_  
Russell D. Powers, City Administrator

APPROVED AS TO FORM:

\_\_\_\_\_  
Katherine L. Kenison, City Attorney

PASSED the 10<sup>th</sup> day of September, 2019.

APPROVED the 10<sup>th</sup> day of September, 2019.

PUBLISHED the 18th day of September, 2019.

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