COMMUNITY DEVELOPMENT COMMITTEE & COMMITTEE OF THE WHOLE MEETING AGENDA

Monday, January 06, 2025, at 6:00 PM

Snoqualmie City Hall, 38624 SE River Street & Zoom

COMMITTEE MEMBERS
Chair: Louis Washington
Councilmembers Jolyon Johnson and Robert Wotton

This meeting will be conducted in person and remotely using Zoom.

Join by Telephone: To listen to the meeting via telephone, please call **253.215.8782** and enter Webinar ID **860 6728 7531** and Password **1730040121** if prompted.
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4) Please confirm that your audio works prior to participating.

CALL TO ORDER & ROLL CALL

AGENDA APPROVAL

PUBLIC COMMENTS (online public comments will not be taken).

MINUTES

1. Approval of the minutes dated December 2, 2024.

AGENDA BILLS

2. **AB24-096**: Transportation Impact Fee Program.
3. **AB24-130:** Ordinance Amending SMC Titles 15.12 and 19.12 Critical Areas and Best Available Science.

DISCUSSION ITEMS

ADJOURNMENT

UPCOMING ITEMS
(The following items reference either upcoming projects or issues pertaining to matters of the Community Development Council Committee. There will be no discussion of these items unless there is a change in status.)

COMMUNITY DEVELOPMENT COMMITTEE & COMMITTEE OF THE WHOLE MEETING MINUTES DECEMBER 2, 2024

This meeting was conducted in person at Snoqualmie City Hall and remotely using Zoom.

CALL TO ORDER & ROLL CALL: Councilmember Johnson called the meeting to order at 6:00 pm.

Committee Members:
Councilmembers Jo Johnson and Rob Wotton were present. Councilmember Louis Washington's absence was excused.

Mayor Katherine Ross was also present.

City Staff:
Mike Chambless, City Administrator; Dena Burke, City Attorney; Emily Arteche, Community Development Director; Deana Dean, City Clerk; Mona Davis, Senior Planner; and Andrew Jongekryg, IT Support.

AGENDA APPROVAL - The agenda was approved as presented.

PUBLIC COMMENTS – There were no public comments.

MINUTES - The minutes dated November 18, 2024, were approved as presented.

AGENDA BILLS

2. **AB24-098**: Ordinance adopting the City of Snoqualmie Comprehensive Plan 2044 Periodic Update. This item was introduced by Director Arteche who provided an overview of the steps taken over the past two years to update each element of the comprehensive plan. Committee comments and questions followed. This item is on the December 9, 2024, City Council agenda for Public Hearing, second reading and proposed adoption of the ordinance.

DISCUSSION ITEMS – There were no discussion items.

ADJOURNMENT
The meeting was adjourned at 6:14 pm.

Minutes taken by Deana Dean, City Clerk.
Recorded meeting audio is available on the City website after the meeting.
Minutes approved at the _____ Community Development Committee Meeting.

BUSINESS OF THE CITY COUNCIL
CITY OF SNOQUALMIE

AB24-096
January 13, 2025
Ordinance

AGENDA BILL INFORMATION

TITLE:	**AB24-096**: Transportation Impact Fee Program	☐ Discussion Only ☒ Action Needed:
PROPOSED ACTION:	Move to approve Ordinance 1301 amending the Snoqualmie Municipal Code to add Title 20.09 Transportation Impact Fees and associated Rate Study.	☐ Motion ☒ Ordinance ☐ Resolution

REVIEW:	Department Director	Emily Arteche	9/25/2024
	Finance	n/a	Click or tap to enter a date.
	Legal	David Linehan	11/14/2024
	City Administrator	Choose an item.	11/21/2024

DEPARTMENT:	Community Development	
STAFF:	Emily Arteche	
COMMITTEE:	Community Development	**COMMITTEE DATE:** November 18, 2024
EXHIBITS:	1. AB24-096x1 Traffic Impact Fees Ordinance and Title 20.09 Draft Code Amendments 2. AB24-096x2 2024 Rate Study	

AMOUNT OF EXPENDITURE	$ n/a
AMOUNT BUDGETED	$ n/a
APPROPRIATION REQUESTED	$ n/a

SUMMARY

INTRODUCTION
SMC Title 20.09, Transportation Impact Fees, will allow the City to capture a fair and proportionate share of the costs of new transportation facilities needed to serve new growth and development within the City of Snoqualmie.

LEGISLATIVE HISTORY
None.

BACKGROUND
In 1994 Washington State's Growth Management Act, or GMA, authorized counties, cities, and towns planning under the GMA to impose impact fees pursuant to RCW 82.02.050 to help pay for certain types of public facilities including public streets and roads. Since that time many cities in Western Washington have adopted

transportation impact fee programs. Snoqualmie has adopted a school impact fee program but has not yet adopted a transportation impact fee program.

ANALYSIS

Transportation impact fees are defined fees required of all developers to pay for "system improvements" to the transportation network. Growth in residents and workers from new development is expected to increase travel demand on public facilities, and the purpose of the impact fee is to fund improvements and expansion to the City's transportation infrastructure to manage this additional demand.

The City retained Fehr & Peers to conduct a rate study to determine an appropriate transportation impact fee to charge applicants for new development in the City. The Snoqualmie Traffic Impact Fee Rate Study, dated December 30, 2024 ("2024 Rate Study") is attached as Exhibit 2. To calculate the impact fee rate for Snoqualmie, a project list was developed using the 2025-2030 Six-Year Transportation Improvement Program, Snoqualmie Riverwalk Master Plan, Snoqualmie Mills EIS, and the list of transportation mitigation projects identified in the Snoqualmie Comprehensive Plan Update 2044. After determining the eligible contribution of each project to the impact fee calculation, this total was divided by the expected growth in PM peak hour person trips over the next 20 years.

Due to the multimodal nature of much of the city's transportation network, which includes trails, sidewalks and bicycle facilities, and the potential increase in demand that new development will incur on these, multimodal projects were included in the impact fee calculation, and growth in "person trips" were determined, instead of growth in "vehicle trips," as is common in other jurisdictions. This multimodal impact fee structure was designed to determine the fair share of multimodal transportation improvement costs that may be charged to new development.

The final transportation impact fee rate calculated for Snoqualmie is $5,733.29 per person trip, based on the methodology explained in the 2024 Rate Study (see attachment). The 16 eligible projects are summarized in the Rate Study, along with a rate table that compares the anticipated cost of various development projects to those incurred in other jurisdictions.

Exemptions are included in proposed SMC 20.09.080 A-I, including the constructing, reconstructing or remodeling of any assisted senior living where medical services are provided on site. The City Council can agree to include this development as an exemption from transportation impact fees for assisted living, the City will have to backfill 100% the impact fee on such projects with general City funds (i.e., the City would have to use other public funds to pay the exempted fee amount into the transportation impact fee fund).

This requirement comes from RCW 82.02.060(2). Senior assisted living doesn't fall into the other carve-outs for "early learning facilities" or "low-income housing" in 82.02.060(4).

BUDGET IMPACTS

City sponsored projects will need to comply with the Transportation Impact Fee provided they generate additional trips.

NEXT STEPS

Propose a "motion to substitute" for the Transportation Impact Fee Program, AB24-096x1 draft code amendments as there were minor non-substantive updates to the draft ordinance made by both CD and Finance Departments since the last committee meeting.

A first reading of the ordinance to adopt SMC Chapter 20.09 Transportation Impact Fees and the associated Rate Study occurred on November 25, 2024, followed by a second reading and adoption of the ordinance on January 13, 2025.

PROPOSED ACTION

Public Hearing, Second Reading and Proposed Adoption – January 13, 2025; move to approve Ordinance 1301 amending the Snoqualmie Municipal Code to add Title 20.09 Transportation Impact Fees and associated Rate Study.

ORDINANCE NO. 1301

AN ORDINANCE OF THE CITY OF SNOQUALMIE, WASHINGTON, AMENDING TITLE 20 OF THE SNOQUALMIE MUNICIPAL CODE TO ESTABLISH A NEW CHAPTER 20.09 ENTITLED "TRANSPORTATION IMPACT FEES"; ADOPTING A RATE STUDY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has authority to adopt impact fees to address the impact on transportation facilities caused by new development, pursuant to Ch. 82.02 RCW; and

WHEREAS, Growth in residents and workers from new development is expected to increase travel demand on public facilities, and the City Council desires to ensure that transportation facilities necessary to support development will be adequate to serve the development at the time the development is available for occupancy and use, or within the period provided by law, without decreasing the current service levels below established minimum standards for the City; and

WHEREAS, the City Council approved the development of a transportation impact fee program, including preparation of a rate study, at its regular scheduled City Council meeting on April 22, 2024; and

WHEREAS, the City retained Fehr & Peers to prepare a rate study analyzing the anticipated costs of transportation system improvements, using the 2025-2030 Six-Year Transportation Improvement Program, Snoqualmie Riverwalk Master Plan, Snoqualmie Mills EIS, and the list of mitigation projects identified in the Snoqualmie Comprehensive Plan Update 2044; and

WHEREAS, the Snoqualmie Impact Fee Rate Study conducted by Fehr & Peers and dated November 13, 2024 ("2024 Rate Study") analyzed the anticipated costs of the transportation system improvements included on the project list, including multimodal transportation improvements; established a methodology for determining the portion of each project that is eligible to be collected through assessment of impact fees; and calculated the fee to be imposed per PM peak-hour person-trip; and

WHEREAS, the Rate Study includes an Impact Fee Rate Schedule (Table 6), which translates the recommended impact fee rate into a cost per unit of development for a variety of land uses included in the ITE *Trip Generation Manual*, which will assist project applicants in estimating their impact fee (although the City reserves the right to request a detailed trip generation analysis for any development proposal); and

WHEREAS, the City Council concludes that it is in the best interest of the City to approve the methodology by which transportation impact fees were calculated in the 2024 Rate Study and implement a traffic impact fee program to collect such fees; and

WHEREAS, the City Council held a public meeting on November 25, 2024, and a Public Hearing on this Ordinance was held during its regular City Council meeting on December 9, 2024;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Snoqualmie, Washington, as follows:

Section 1. New Municipal Code Chapter. Title 20 of the Snoqualmie Municipal Code is amended to add a new Chapter 20.09, entitled "Transportation Impact Fees," containing the provisions shown in Exhibit A attached hereto.

Section 2. Adoption of Rate Study. The City Council hereby adopts the Snoqualmie Transportation Impact Fee Rate Study, dated November 13, 2024, prepared by Fehr and Peers and attached hereto as Exhibit B.

Section 3. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five days after publication.

Section 5. Corrections by the City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations, or ordinance numbering and section/subsection numbering.

PASSED by the City Council of the City of Snoqualmie, Washington this 13th day of January 2025.

_____
Katherine Ross, Mayor

ATTEST:

_____
Deana Dean, City Clerk

APPROVED AS TO FORM:

_____
Dena Burke, City Attorney

EXHIBIT A

Chapter 20.09
TRANSPORTATION IMPACT FEES

20.09.010 Authority and Purpose.

A. This Chapter is enacted pursuant to the Growth Management Act as codified in chapter 36.70A RCW and the provisions of RCW 82.02.050 through 82.02.100.

B. The purposes of this Chapter are to:

1. Develop a program consistent with the City's Comprehensive Plan for joint public and private financing of transportation facilities as such facilities are necessitated in whole or in part by development within the City;

2. Ensure that those transportation facilities necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use, or within the period established by law, without decreasing current service levels below established minimum standards for the City;

3. Create a mechanism to charge and collect Transportation Impact Fees to ensure that all new development bears its proportionate share of the capital costs of transportation facilities reasonably related to new development;

4. Establish standards and procedures so that new development pays a proportionate share of costs for new facilities and services and does not pay arbitrary or duplicative fees for the same impact; and

5. Increase transparency and reduce uncertainty related to the cost to build necessary new transportation capacity for Developers and reduce the administrative burden on the City to identify and collect necessary funding to support new transportation capacity related to development.

C. The City conducted studies documenting the procedures for measuring the impact of new growth and development on public transportation facilities, included a rate study and associated impact fee study. Based on the foregoing, the City prepared a formula and method of calculating Transportation Impact Fees to serve new development that provides a balance between Transportation Impact Fees and other sources of public funds.

D. The provisions of this Chapter shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, and welfare.

20.09.020 Definitions.

For purposes of this Chapter, the following terms have the indicated meanings:

A. “Applicant” means a person, firm, company, partnership, or corporation, and all successors in interest thereto, proposing a development in the city.

B. "Capital Facilities and Utilities Element" means the capital facilities and utilities plan element of the City of Snoqualmie’s Comprehensive Plan currently in effect or as subsequently amended.

C. “City” means the City of Snoqualmie.

D. “Commercial” means any activity carried out for the purpose of financial gain for an individual or organization, whether profit or nonprofit.

E. “Developer” means a person or persons or entity or entities that owns, or holds purchase options or other control over, property on which development is proposed.

F. “Development” means any:
1. construction or expansion of a building, structure, or use;
2. change in use of a building or structure; or
3. change in the use of land

that creates additional demand for transportation facilities.

G. “Dwelling Unit” means a dwelling unit as defined in Section 18.100.270 of the Snoqualmie Municipal Code currently in effect or as subsequently amended.

H. “Encumber” means to transfer impact fee dollars from the Transportation Impact Fee Fund to a fund for a particular system improvement that is fully funded in the current biennium’s budget or for which a construction contract or contracts have been let.

I. “Peak Hour” means the consecutive 60-minute period during which the highest level of demand on a typical day during the week occurs. This is typically the PM peak hour, but the Transportation Impact Fee may be based on a different peak hour, at the discretion of the Director.

K. “Project Improvements” means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not System Improvements.

L. “System Improvements” means traffic capacity-adding transportation facilities that are included in the City’s Six-year Transportation Improvement Plan, other plans/studies prepared by the City, or facilities/programs/projects identified in the Transportation Impact Fee Rate Study and are designed to provide service to the community at large, in contrast to Project Improvements or existing transportation facility preservation projects, such as repaving projects.

M. “Transportation Impact Fee” means a payment of money imposed upon development as a condition of development approval and/or building permit approval to mitigate all or any portion of the transportation impact from the development on transportation facilities included in the Transportation Impact Fee Rate Study’s project list. "Transportation Impact Fee" does not include a reasonable permit or application fee, administrative fees for collecting and handling impact fees, the cost of reviewing independent fee calculations, the administrative fee required for an appeal, or the proportionate share of costs to implement transportation capacity projects that are not on the Transportation Impact Fee Rate Study’s project list.

N. “Transportation Impact Fee Fund” means the fund established for the transportation facilities for which Transportation Impact Fees are collected, which is currently the Non-Utility Capital Fund.

O. "Transportation Impact Fee Schedule" means the table of Transportation Impact Fees adopted by the City Council establishing the standard amounts that applicants pay for various types of projects as a condition of development within the City.

P. “Transportation Impact Fee Rate Study” means the rate study conducted to determine the Transportation Impact Fees to include in the Transportation Impact Fee Schedule, and includes any subsequent updates thereto.

20.09.030 Review and Update of Impact Fees.

A. The Transportation Impact Fee Schedule may be reviewed and amended by resolution of the City Council from time to time, as the City Council deems appropriate.

B. The Transportation Impact Fee Schedule shall be automatically updated for inflation annually using the following procedures:

1. The City shall use construction cost inflation data sources such as the Construction Cost Index for Seattle (June-June) published by the Engineering News Record, or similar, at the City’s discretion, to calculate annual inflation adjustments in the Transportation Impact Fee Schedule.

2. The indexed Transportation Impact Fee Schedule shall be effective January 1 of each year.

D. The Transportation Impact Fee Schedule shall not be adjusted for inflation if the index is unchanged.

20.09.040 Applicability.

A. A Transportation Impact Fee is hereby imposed on every development activity in the City based upon the rates established in the Transportation Impact Fee Rate Study and the Transportation Impact Fee Schedule. The Transportation Impact Fee Schedule shall establish such rates based upon the land use as defined within the *ITE Trip Generation Manual (11th Edition).* The Transportation Impact Fee Rate Study identifies an impact fee per person-trip that is the basis for all the rates in the Transportation Impact Fee Schedule. A land use not included in the Transportation Impact Fee Schedule is not exempt from paying fees and will pay the rate based on person-trips generated as approved by the City.

B. Any Transportation Impact Fee imposed shall be reasonably related to the impact caused by the development and shall not exceed a proportionate share of the costs of System Improvements that are reasonably related to the development.

C. Transportation Impact Fees shall be based on the City Comprehensive Plan, Capital Facilities Element, the project list in the Transportation Impact Fee Rate Study, the City's Six-year Transportation Improvement Plan, and other relevant plans and studies prepared by the City.

D. The City shall also impose an application fee to cover the City's reasonable costs to administer the Transportation Impact Fee program. The administrative fee shall be paid by the Applicant to the City at the time of building permit application. The administrative fee shall be deposited into the General Fund. Administrative fees shall be used to defray the cost incurred by the City in the administration and update of the Transportation Impact Fee program, including, but not limited to, review of independent fee calculations and the value of credits. The administrative fee is not creditable or refundable and is not subject to deferral.

20.09.050 Service Area.

There shall be one service area which shall be consistent with the corporate limits of the City.

20.09.060 Assessment of Transportation Impact Fees.

A. The City shall assess Transportation Impact Fees from any Applicant seeking a building permit or certificate of occupancy from the City, using the Transportation Impact Fee Schedule in effect at the time of building permit or certificate of occupancy issuance, unless payment is deferred pursuant to Chapter 20.15 of this Title, in which case the Transportation Impact Fees shall be assessed

based on the Transportation Impact Fee Schedule in effect at the time of the deferral application.

B. Unless the proposed development is exempt or subject to adjustments, credits, or an independent fee calculation accepted by the City, the City shall not issue building permit(s) unless and until the Transportation Impact Fees have been paid.

20.09.070 Collection of Transportation Impact Fees.

A. Except as provided in subsection (B) of this section, the Transportation Impact Fees imposed under this Chapter are due and payable at the time of issuance of a permit issuance or, if a change of use, then at the time of issuance of a certificate of occupancy

B. Transportation Impact Fees may be deferred subject to the provisions of Chapter 20.15 SMC as currently enacted or subsequently amended.

20.09.080 Exemptions.

The following development activities do not create any additional transportation impacts or have been determined by the City Council to be exempt from paying Transportation Impact Fees pursuant to this ordinance:

A. Existing Dwelling Unit. Any alteration, expansion, reconstruction, remodeling, replacement, or demolition/removal of an existing Dwelling Unit that does not result in the generation of any new Peak Hour trips.

B. Existing Nonresidential Building. Any alteration, expansion, reconstruction, remodeling, replacement, or demolition/removal of an existing nonresidential building that does not result in the generation of any new Peak Hour trips.

C. Condominium projects in which existing Dwelling Units are converted into condominium ownership and that do not result in the generation of any new Peak Hour trips.

D. Any development activity that is exempt from the payment of a Transportation Impact Fee pursuant to RCW 82.02.100, due to mitigation required by the State Environmental Policy Act ("SEPA"). The Applicant is required to demonstrate to the satisfaction of the City that SEPA mitigations are duplicative of Transportation Impact Fees.

E. Any development activity for which transportation impacts have been mitigated pursuant to a condition of development approval or development agreement to pay fees, dedicate land, or construct or improve facilities, unless the condition of the development approval or a development agreement provides otherwise, provided that the condition of the development approval or development agreement predates the effective date of this Chapter.

F. Any development activity for which transportation impacts have been mitigated pursuant to a voluntary agreement entered into with the City pursuant to RCW 82.02.020 to pay fees, dedicate land, or construct or improve transportation facilities, unless the terms of the voluntary agreement provide otherwise, provided that the agreement predates the effective date of this Chapter.

G. A Developer who is constructing, reconstructing, or remodeling any form of Low-Income Housing within a Target Residential Area utilizing a multi-family tax exemption.

H. A Developer who is constructing, reconstructing, or remodeling any form of assisted senior living where medical and services are provided onsite.

I. A Developer who is constructing, reconstructing, or remodeling any form of Early Learning Facility consistent with the requirements of RCW 82.02.060(4)(b).

20.09.090 Determination of Transportation Impact Fees, Reductions, Credits or Adjustments and Appeals.

A. Determination of Transportation Impact Fees. The City shall determine the amount of a Developer's Transportation Impact Fees according to the Transportation Impact Fee Schedule.

B. Reductions. The Transportation Impact Fee amount established by the Transportation Impact Fee Schedule shall be reduced by the amount of any payment (other than application fees or application review costs) previously made for the development activity in question, either as a condition of development approval (such as, but not limited to, a SEPA condition) or pursuant to a voluntary agreement. The reduction shall only apply to any payment toward a system improvement identified in the Transportation Impact Fee Rate Study.

C. Credits or Adjustment.

1. Whenever a Developer is subject to a development condition that the Developer actually construct a System Improvement acceptable to the City or improve an existing System Improvement, the Developer shall be entitled to a credit for the actual cost of constructing or improving such System Improvement(s) against the Transportation Impact Fee that would be chargeable under the Transportation Impact Fee schedule, unless an applicable development agreement between the City and the Developer provides otherwise. The cost of construction of such System Improvement(s) shall be estimated for purposes of calculating an estimated credit, but must be documented, and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a Transportation Impact Fee.

2. Whenever a Developer is subject to a development condition that the Developer dedicate land to the City to mitigate its transportation impacts, the Developer shall be entitled to a credit against the Transportation Impact Fee chargeable under the Transportation Impact Fee Schedule, unless an applicable development agreement between the City and the Developer provides otherwise. The value of a credit for dedication of land shall be established on a case-by-case basis by an appraiser selected by or acceptable to the City. The appraiser must be licensed in good standing by the state of Washington for the category of the property appraised. The appraisal and review shall be at the expense of the Applicant. The appraisal shall be in accordance with the most recent version of the Uniform Standards of Professional Appraisal Practice, as published by The Appraisal Foundation, and shall be subject to review and acceptance by the City. If the amount of a credit is less than the calculated fee amount, the difference remaining shall be chargeable as a Transportation Impact Fee.

3. No credit shall be given for Project Improvements or for land or right-of-way devoted to Project Improvements. In certain cases, a System Improvement may function as a Project Improvements. Where a System Improvement functions as a Project Improvement, the Applicant shall only receive a credit for the amount of the improvement that functions as a System Improvement. An example of a Project Improvement that may be integral to a System Improvement would be the sidewalk/landscape buffer that fronts an Applicant's development.

4. An Applicant must request a credit pursuant to this section prior to payment of the Transportation Impact Fees and the issuance of the first permit associated with the development. Any claim not timely made shall be waived.

5. Applicants may take credit for existing development when expanding, redeveloping, or changing the use at an existing developed site. In these cases the Transportation Impact Fee shall be calculated on the net-new Peak Hour trip generation resulting from the increased developed area or increased intensity of use associated with the new development. No credit shall be due for developments that result in a net-negative Peak Hour trip generation when no Transportation Impact Fees would otherwise be due.

6. Credits for existing development only pertain to active land uses within the development in the prior three years. Higher trip generating uses that may have occurred more than three years prior to the Applicant's building permit application are not considered for credit. This applies to properties that have been vacant for three or more years, in which no existing use credit will be considered.

6. Pursuant to RCW 82.02.060(5), an Applicant may request an adjustment to its calculated Transportation Impact Fees on the basis that the Applicant's specific case presents unusual circumstances and that imposition of the

Transportation Impact Fees as calculated based on the Transportation Impact Fee Schedule results in unfairness or disproportionate payment in relation to the impacts caused by the proposed development. In this case, the Applicant must, at its own expense, prepare and submit an Independent Rate Study to the City for review and approval.

D. Appeals.

1. Any credits or adjustments decision of the City with regard to Transportation Impact Fee amounts may be appealable by the applicant to the City's hearing examiner.

2. An appeal must be filed within ten (10) days of the credits or adjustments decision being appealed. A nonrefundable fee consistent with SMC 2.14.100.D shall be paid at the time the notice of appeal is submitted.

20.09.100 Transportation Impact Fee Accounts and Refunds.

A. Transportation Impact Fee receipts shall be earmarked specifically and retained in the Transportation Impact Fee Fund. All Transportation Impact Fees and any investment income generated by such fees shall remain in that fund until spent, Encumbered, or refunded pursuant to the provisions of this Chapter.

B. The current owner of property for which Transportation Impact Fees have been paid may receive a refund of such fees if the Transportation Impact Fees have not been expended or Encumbered within 10 years of their receipt by the City. In determining whether fees have been expended or Encumbered, fees shall be considered expended or Encumbered on a first-in, first-out basis. Fees collected by the City can be expended or Encumbered on any eligible Transportation Impact Fee program system improvement, regardless of its location within the City. Notwithstanding the above, this refund mechanism only applies to Transportation Impact Fees and shall not apply to funds expended for mitigation projects or funds collected pursuant to a mitigation and/or development agreement.

C. The City shall provide for the refund of fees according to the requirements of this section and RCW 82.02.080.

1. The City shall notify potential claimants of the refund availability by first-class mail deposited with the United States Postal Service addressed to the owner of the property as shown in the county tax records.

2. A request for a refund must be submitted to the City's Finance Director in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever date is later.

D. Any Transportation Impact Fees that are not expended or Encumbered within 10 years of their receipt by the City, and for which no application for a refund has been made within this one-year period, shall be retained by the City and expended consistent with the provisions of this chapter.

E. Refunds of Transportation Impact Fees shall include any interest earned on the fees pursuant to RCW 82.02.080.

F. Should the City seek to terminate all Transportation Impact Fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which an impact fee was paid. Upon the finding that all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail addressed to the owner of the property as shown in the county tax records.

G. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the City, but must be expended for the original purposes, consistent with the provisions of this Chapter. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

H. An Applicant may request and shall receive a refund on paid Transportation Impact Fees, including interest earned on the Transportation Impact Fees, when:

1. The Applicant does not proceed to finalize the development activity as required by statute or City code or the International Building Code; and

2. The City has not expended or Encumbered the Transportation Impact Fees prior to the application for a refund. In the event that the City has expended or Encumbered the fees in good faith, no refund shall be forthcoming. However, if within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit against any then-existing Transportation Impact Fee requirement. The owner must petition the City in writing and provide receipts of Transportation Impact Fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The City shall determine whether to grant a credit and such determinations may be appealed by following the procedures set forth in this Chapter.

20.09.110 Use of Funds.

A. Transportation Impact Fees shall:

1. Be used for System Improvements that will reasonably benefit new development; and

2. Not be imposed to make up for deficiencies in the facilities serving existing development; and

3. Not be used for maintenance or operations.

B. Transportation Impact Fees will be spent for System Improvements listed in the City's Capital Facilities Element, the project list in the Transportation Impact Fee Rate Study, the City's Six-year Transportation Improvement Plan, and other relevant plans and studies prepared by the City. Expenditures may include but are not limited to: facility planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, permitting, financing, grant match funds and administrative expenses, mitigation costs, capital equipment pertaining to public facilities, and any other capital cost related to a particular System Improvement.

C. Transportation Impact Fees may also be used to recoup costs previously incurred by the City to finance System Improvements identified per subsection (B) of this section and directly benefiting new growth and development.

D. In the event that bonds or similar debt instruments are or have been issued for the construction of a public facility or System Improvement for which Transportation Impact Fees may be expended, Transportation Impact Fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this chapter and are used to serve new development.

20.09.120 Existing Authority Unimpaired.

Nothing in this Chapter is designed to supersede or replace the provisions Chapter 12.24 Transportation Concurrency. Further, nothing in this Chapter shall preclude the City from requiring an applicant to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW governing plats and subdivisions; provided, that the exercise of the City's existing authority is consistent with the provisions of Chapters 43.21C and 82.02 RCW.

Snoqualmie Impact Fee Rate Study

Prepared for:
City of Snoqualmie

December 30, 2024

SE24-0948.00

FEHR PEERS

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Introduction

Impact fees require all developers to pay for "transportation system improvements" to the transportation network. Growth in residents and workers from new development is expected to increase travel demand on public facilities, and the purpose of the impact fee is to fund improvements and expansion of the City's transportation infrastructure to manage this additional demand.

To calculate this impact fee rate for Snoqualmie, a project list was developed using the 2025-2030 Six-Year Transportation Improvement Program, Snoqualmie Riverwalk Master Plan, Snoqualmie Mill EIS, and the list of mitigation projects identified in the Snoqualmie Comprehensive Plan Update 2044. After determining the eligible contribution of each project to the impact fee calculation, this total was divided by the expected growth in PM peak hour person trips over the next 20 years.

Due to the multimodal nature of much of the City's transportation network, which includes trails, sidewalks, and bicycle facilities, and the potential increase in demand that new development will incur on these, multimodal projects were included in the impact fee calculation, and growth in "person trips" were determined, instead of growth in "vehicle trips," as is common in other jurisdictions.

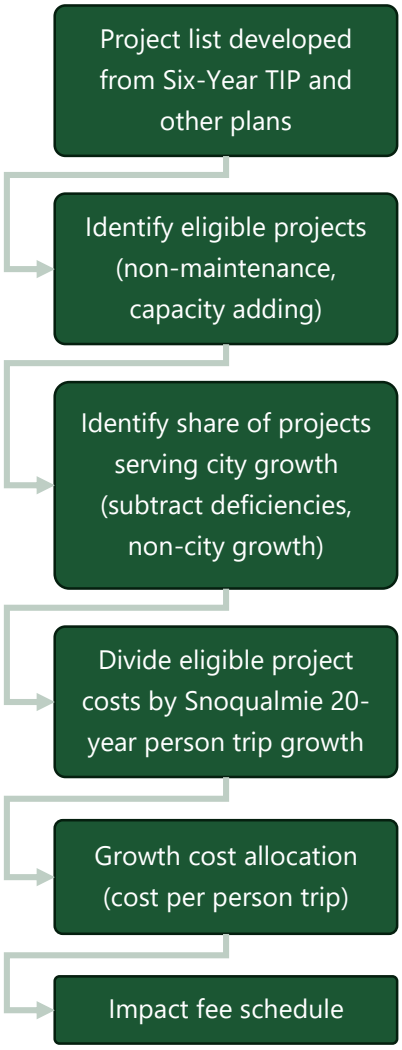
The final impact fee rate calculated for Snoqualmie is $5,733.29 per PM peak hour person trip (2024 dollars), based on the methodology explained in the following chapters.

The remaining sections of the report describe the impact fee program methodology, the analyses performed, and the resulting recommendations. The overall methodology calculate the transportation impact fees will remain the same into the future, however, the City of Snoqualmie may periodically update the project list to address new developments, changing priorities, or new projects that might be sponsored by partner transportation agencies. If the City updates the project list in the future, the cost per trip and impact fee schedule could also change. The City will maintain the currently applicable transportation impact fee project list, cost per trip, and impact fee schedule, which can be reviewed on request to City staff.

Methodology

The multimodal impact fee structure for Snoqualmie was designed to determine the fair share of multimodal transportation improvement costs that may be charged to new development. Growth in residents and workers from new development will increase travel demand on public facilities. Therefore, the nexus between new development and the need for capital improvements is based on maintaining the City's existing level of investment in the transportation infrastructure as the City grows. This existing level of investment, or *existing transportation system value*, represents new development's maximum potential contribution to expanded or new facilities needed to accommodate growth. Because the City is shifting away from a vehicle-trip based impact fee program to a multimodal program, the travel demand associated with the existing infrastructure and new growth is measured in person trips. Therefore, by this methodology, new development cannot be charged more than the existing level of investment per person trip.

Figure 1: Impact Fee Structure



The following key points summarize the standard impact fee structure (see *Figure 1*.)

- The initial project list was developed from the City of Snoqualmie 2025-2030 Six-Year Transportation Improvement Program. Additional projects were added from the Snoqualmie Riverwalk Master Plan, the Snoqualmie Mills EIS and the list of mitigation projects identified in the Snoqualmie Comprehensive Plan Update 2044.
- These projects were evaluated for impact fee eligibility; impact fees can only fund new capacity projects. Non-capacity investments, primarily maintenance projects, have been eliminated.
- Of the remaining eligible projects, the portion of those projects addressing existing deficiencies or carrying non-city growth were subtracted from eligible costs.
- The remaining list of eligible project costs were divided by Snoqualmie's expected growth in PM peak hour person trips over the next 15 years.

After determination of the allowable cost per PM peak hour person trip, a land use-based fee schedule was developed for the entire City. Person trip rates for multiple land use categories were estimated using vehicle trip generation rates from the Institute of Transportation Engineers (ITE) and the ratio of person trips to vehicle trips from household travel surveys conducted in Western Washington.

Impact Fee Project List

Washington State law specifies that transportation impact fees are to be spent on "transportation system improvements." Transportation system improvements can include physical or operational changes to existing transportation facilities, as well as new transportation connections built to benefit projected needs. Projects included in the calculation of the impact fee rate must add new multimodal capacity (new streets, additional lanes, sidewalks, bike lanes, low-stress bike routes, multipurpose trails, signalization, roundabouts, etc.). The primary limitation on multimodal impact fees is that they cannot be used to fund local access projects, private roads and trails, or purely recreational trails that do not connect to the larger transportation network.

Fehr & Peers worked with the City to develop the transportation impact fee (TIF) project list by compiling all projects included in the 2025-2030 Six-Year Transportation Improvement Program, Snoqualmie Riverwalk Master Plan, Snoqualmie Mill EIS, and the list of mitigation projects identified in the Snoqualmie Comprehensive Plan Update 2044 and removing those that were not eligible for TIF funding. Removed projects did not add multimodal capacity, addressed only maintenance, or addressed existing deficiencies. As a result, the TIF project list includes a network of biking, walking, and driving projects on the City's roadway system. The resulting project list is shown in *Table 1*.

The project list is aligned to support the growth identified in the Comprehensive Plan and has a total cost of $98 million if all projects were to be implemented. In the following chapters, we describe the proportion of project costs allocated to the impact fee program. The cost allocation considers the ability of the City to raise outside funding (e.g., grants) and technical limitations on how much of cost can be included in the TIF (e.g., excluding growth that is not outside of the City, excluding a portion of implementation that benefits current residents rather than growth, etc.).

It is important to keep in mind that the project list presented in Table 1 is based extensively on Snoqualmie's Transportation Improvement Program and the City's Comprehensive Plan. Both of these plans are subject to periodic changes and revisions. Therefore, the transportation impact fee project list is also subject to change in the future, which would affect the total project costs, and thus the final impact fees charged to developers.

Table 1: Impact Fee Eligible Project List

ID	Projects	Project Source	Assumed Total Cost
1	Americans with Disabilities Act (ADA) Program	TIP	$1,000,000
2	Town Center Improvement Project – Phase 3	TIP	$12,000,000
3	384th Sidewalk Improvements	TIP	$500,000
4	Newton Street connection	TIP	$462,600
5	King Street Rail Crossing Improvements	TIP	$650,000
6	Snoqualmie Parkway Rail Crossing Improvements	TIP	$1,000,000
7	Town Center Improvement Project – Phase 4	TIP	$2,500,000
8	Town Center South Parking	TIP	$250,000
9	Town Center North Improvement Project	TIP	$50,000
10	Complete Streets Improvements	TIP	$1,500,000
11	SR 202 Snoqualmie River Bridge*	TIP	$40,000,000
12	Comprehensive Plan Intersection Traffic Mitigation**	Comprehensive Plan	$30,000,000
13	Snoqualmie Riverwalk	Riverwalk Master Plan	$1,064,000
14	Snoqualmie Mill: Pedestrian Trails	Snoqualmie Mill EIS	$600,000
15	Snoqualmie Mill: Mill Pond Road/Mill Street Roundabout	Snoqualmie Mill EIS	$5,000,000
16	Snoqualmie Mill: Mill Street	Snoqualmie Mill EIS	$1,500,000
		Total	**$98,076,600**

Note:

* This is a WSDOT project that would not proceed without substantial funding from WSDOT. The Transportation Impact Fee program assumes $500,000 in impact fees to facilitate the design and implementation of enhanced multimodal facilities on any new bridge that WSDOT would construct.

** Assumes that up to $10 million in transportation impact fee funding goes to support implementation of any of the following intersections that were identified in the 2044 Comprehensive Plan update as potentially needing improvements to facilitate future growth:

- Snoqualmie Parkway/Fisher Avenue
- Snoqualmie Parkway/ SE 99th Street
- SR 202/Tokul Road
- SR 202/Snoqualmie Parkway
- SR 202/SE Fir Street
- SR 202/SE River Street
- SR 202/SE Newton Street
- SR 202/SE Beta Street

Person Trip Growth

Determining the existing travel demand, as well as growth in travel demand caused by new development, is a key requirement for a TIF program. Trip generation rates by land use category are a reasonable measure of travel demand, or the desire for mobility by residents and workers to access homes, jobs, shopping, recreation, and other activities. For this study, trip generation represents the movement by one person on a typical weekday from one activity to another, regardless of travel mode (driving, riding transit, biking, or walking.)

Fehr & Peers developed a method to calculate growth in PM peak hour person trips using data from the Puget Sound Regional Council (PSRC) household travel survey, trip rates from the Institute of Transportation Engineers (ITE), and land use data from the Puget Sound Regional Council and the 2018-2022 American Community Survey (ACS.)

In order to calculate PM peak hour person trips, a trip was defined as travel between an origin and a destination. Each trip has two "trip ends"—one at the origin of the trip and one at the destination. Traditional data collection methods like ITE trip generation rates document the number of trip ends at a given type of land use—for example, the number of vehicles entering and exiting a business during the PM peak hour.

Traditionally, TIF programs are built around vehicle trip generation and support the expansion of vehicle capacity. However, Washington State explicitly allows TIF programs to fund multimodal transportation projects (e.g., roads, bike lanes, sidewalks, multipurpose trails, etc.). With an emphasis on multimodal transportation projects, this TIF is based on "person" trip ends rather than "vehicle" trip ends. A person trip end is any trip made from or to a land use, regardless of the mode of travel taken. This is an important step since there can be a clear nexus established for assessing an impact fee on person trips for any type of transportation capacity expansion. As an example, it could be challenging to assess a vehicle-based impact fee while building sidewalk or bikeway improvements that do not add to vehicle capacity.

The calculation of person trips required several steps, summarized below:

1. Calculate growth assumed in the Comprehensive Plan update and translate the growth into a format that can be used for impact fees.
2. Estimate the trip ends associated with the land use growth using a format that can be applied at an individual project level. For this TIF program, we are using standard ITE vehicle trip generation rates since most new development projects in the City of Snoqualmie are required to prepare a traffic impact analysis and the ITE is nearly always used to estimate growth in trips. Using the ITE vehicle trip generation rate for the peak hour, vehicle trips are translated into person trips using data from the PSRC household travel survey.
3. Total forecast person trip growth is then calculated for the entire City. Impact fees are usually calculated based on peak hour trip growth, since that is the time period when the transportation

capacity is most utilized. For the purposes of estimating an impact fee rate, the PM peak hour is used, although the TIF can be applied to any peak hour, at the discretion of the Planning Director.

These three steps are summarized in the tables below.

Table 2 shows the growth forecast in the City of Snoqualmie assumed in the Comprehensive Plan update. Growth is allocated into generalized land uses based on the existing mix of single-family to multi-family homes, commercial, retail, government, and industrial land uses in the City. The allocation in the generalized land use categories was also informed by the land use allocation in the PSRC regional travel model. It is important to note that land use growth does not represent buildout of all land in the City, but rather forecasts how much growth will occur based on regional projections from PSRC and the State of Washington.

Table 2: Estimating Growth in Land Use

Land Use Category	2023 Snoqualmie Totals	2044 Snoqualmie Totals		Total New Growth in DU/KSF
Single Family	4,161 DU	4,704 DU		543
Multi-Family	399 DU	451 DU		52
Retail	357 KSF	600 KSF	**2044 Total minus 2023 Total**	243
Office	732 KSF	1,232 KSF		500
Government	362 KSF	580 KSF		218
Education	236 KSF	486 KSF		250
Industrial	499 KSF	879 KSF		380

DU = dwelling unit; KSF = thousand square feet.
Source: Fehr & Peers, 2024.

Table 3 summarizes how traditional ITE trip generation rates are converted into person trip rates using a factor of observed person trip rates and vehicle trip rates from the PSRC Household Travel Survey. It is worth noting that we apply ITE vehicle trip generation rates rather than using the person trip generation rates directly from the PSRC regional travel demand model because the ITE rates reflect how individual-project level rates are calculated. In other words, when a developer is applying for a permit, they do not submit a traffic study based on a travel model run, they submit a traffic study based off ITE rates. By using the same calculations used at the project-level, the overall number of estimated person trips will be consistent, and the overall impact fee rate will be more accurate.

Table 3: Translating ITE Vehicle Trip Generation Rates into Person Trip Generation Rates

Land Use	ITE Vehicle Trip Rate[1]		Vehicle-to-Person Trip Ratio[2]		Person Trip Rate
Single Family	0.94		1.45		1.36
Multi-Family	0.45		1.45		0.65
Retail	3.4	x	1.25	=	4.25
Office	1.72		1.22		2.10
Government	1.71		1.25		2.14
Education	0.16		1.25		0.19
Industrial	0.34		1.08		0.37

1. DU = dwelling unit; KSF = thousand square feet.
2. Vehicle-to-person trip generation rate factors from the PSRC household travel survey.
Source: Fehr & Peers, 2024.

Table 4 applies the person trip generation rates derived in *Table 3* to the land use growth from above. Pass-by trip adjustments (these are common adjustments to project-level trip generation applied in individual traffic studies) are applied to account for "net new" trip generation. Again, this is an important step since pass-by trips are not eligible to be included in an impact fee program. The net result is a forecast growth in PM peak hour person trips based on Comprehensive Plan land use growth rates.

Table 4: Growth in PM Peak Hour Person Trips (2023-2044)

Land Use Category	Growth in DU or KSF		Pass-by-Adjustment		Person Trip Rate		Growth in Person Trips
Single Family	543 DU		--		1.36		740
Multi-Family	52 DU		--		0.65		34
Retail	243 KSF	x	0.6	x	4.25	=	621
Office	500 KSF		0.9		2.10		944
Government	218 KSF		0.9		2.14		419
Education	250 KSF		0.9		0.19		44
Industrial	380 KSF		--		0.37		139
					Total Growth in Person Trips		**2,941**

Source: Fehr & Peers, 2024.

These total PM peak hour person trip estimates will be used in the calculation of transportation impact fees rate.

Calculating Eligible Costs

The Washington State Growth Management Act states that impact fees cannot be used to fund the entirety of the project list. This is based, in part, on practical matters: impact fees cannot be so high as to eliminate the potential for a person to develop their land. However, there are also technical issues that preclude impact fees from being a sole funding source for new capital projects. Namely, Snoqualmie cannot assess an impact fee on growth occurring outside of the City and development within the City cannot be responsible to pay for external growth. Additionally, Snoqualmie cannot have developers pay for "existing deficiencies" of the transportation system within the City. Snoqualmie must find other funds to build projects to bring the existing transportation system up to standard.

Therefore, the total cost of projects shown in *Table 1* are adjusted to account for assumed external funding, the share of growth that occurs outside of Snoqualmie, and the share of project costs needed to address existing deficiencies. These are explained below.

External Funding

Snoqualmie has received outside funding commitments for several near-term projects, largely in the form of grants. When known, these grants are specifically taken into account. However, as a strong steward of municipal finances, Snoqualmie generally does not undertake large capital projects without external funding. Therefore, for longer-range projects with no grant funding yet secured, the impact fee program assumes that a proportion of the overall project cost is assumed to come from external sources. These range from a high proportion for projects such as the SR 202 bridge replacement, which is largely the responsibility of WSDOT, to a lower proportion of smaller transportation facilities entirely owned and operated by the City of Snoqualmie.

Growth Outside Snoqualmie

As noted, development inside the City of Snoqualmie cannot pay for the impacts of growth occurring outside of the City. This is important considering that facilities like SR 202 and Snoqualmie Parkway are important regional roads and carry substantial amounts of non-local travel.

To account for growth occurring outside of the City, we used the PSRC travel model to specifically calculate the share of 2044 traffic on area roadways that have vehicle capacity improvement projects included in the project list. This share of future traffic not associated with the City of Snoqualmie was used to reduce the total costs of vehicle capacity projects included in the TIF program.

For pedestrian and bicycle projects, we are not able to use the regional travel model to determine the share of non-city travel that would occur on sidewalks, trails, and other active transportation improvements in 2044. However, given that walking and bicycling trips are considerably shorter in

distance than vehicle trips, and the relative isolation of Snoqualmie, we assumed 10% of all walk/bike person trip growth is attributable to new growth outside of the City.

Existing Deficiencies

For vehicle capacity projects, existing deficiencies are determined based on whether a roadway or intersection fails to meet the City's adopted level of service standard under existing conditions. Per the analysis performed for the Comprehensive Plan, all intersections in the City of Snoqualmie meet the level of service standard and therefore there are no existing deficiencies related to vehicle capacity that must be addressed. In other words, the City of Snoqualmie has expanded roadways and intersections concurrent with growth which has ensured that today's roadway system can accommodate the level of traffic present during peak hours. In fact, the only notable traffic congestion in Snoqualmie is related to congestion that spills back from the SR 18/I-90 interchange.

While Snoqualmie has built out the roadway network, there are large portions of the City that do not have sidewalks or comfortable bicycling facilities. Evaluating existing deficiencies for active mode infrastructure is typically done by comparing the proportion of existing roadways that have standard active mode infrastructure (e.g., sidewalks, bike paths, bike lanes, etc.). Through development agreements, nearly all of Snoqualmie Ridge has robust active mode infrastructure, but the same is not true for the historic parts of the City.

Snoqualmie does not have a detailed inventory of all active mode infrastructure, but we conservatively estimated that half of the roadways in Snoqualmie lack adequate pedestrian/bicycle infrastructure. Therefore, for active mode projects, we apply a 50% deficiency to any project cost that expands the capacity for walking and bicycling. The simplest way to think about the active mode existing deficiency is to say that new development is being asked to pay for 50% of future pedestrian and bicycle infrastructure, which is an equal share to how much prior growth has built to this point. The City of Snoqualmie will have to identify funding to pay for its share of existing deficiencies.

Cost Allocation Results

The steps in *Figure 2* and *Table 5* summarize how the total project costs are distilled down to the eligible costs that can be included in the multimodal TIF. As shown, the final cost to provide adequate future transportation infrastructure that will support new growth is $5,733.29 per peak hour trip. Note that while the program was calculated based on PM peak hour trip generation, this is a proxy to measure the overall impact on the transportation caused by new development. It is the intent of the TIF program that the peak hour trip generation (AM, midday, PM) be considered when calculating an appropriate impact fee.

Figure 2: Determination of Eligible Impact Fee Costs From Project List

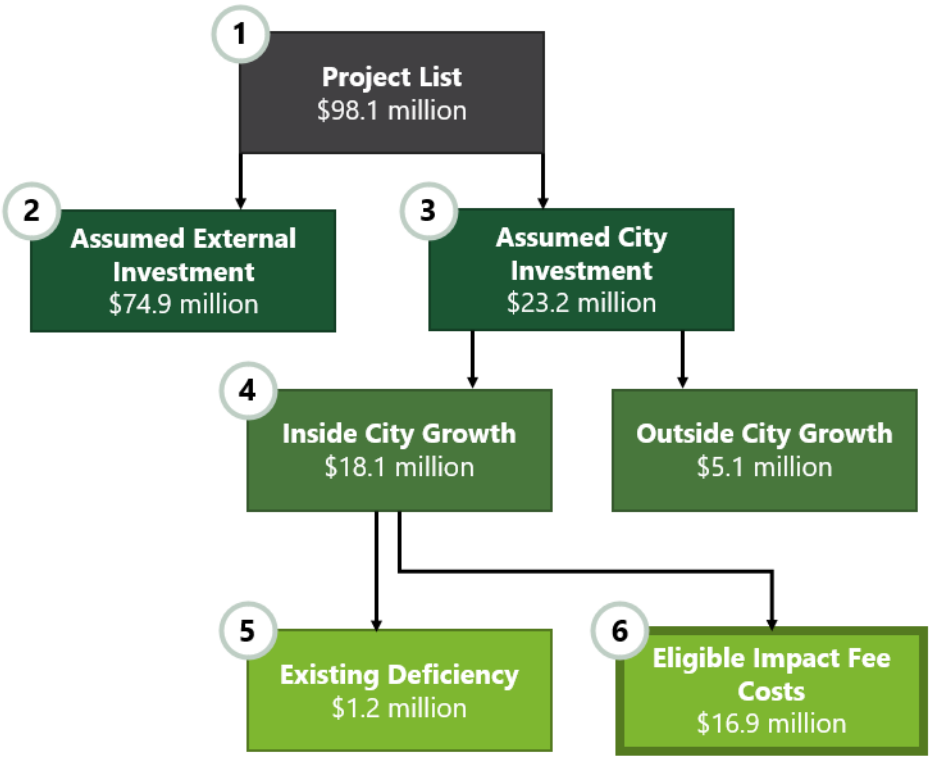


Table 5: Calculation of the Fee Per Trip

No	Calculation Step	Value
1	Eligible Project List Costs	$98,076,600
2	Subtract Estimated External Funding	- $74,892,500
3	Assumed City Investment	= $23,184,100.00
4	Growth Attributable to Snoqualmie	× 51%-100% (range, based on project type and location) = $18,080,474
5	Account for Existing Deficiencies	× 0%-50% (range, based on project)
6	Resulting Impact Fee Costs	= $16,859,174
7	Divide by Growth in PM Peak Hour Person Trip Ends	÷ 2,941
8	**Cost per Peak Hour Person Trip End**	**$5,733.29**

Source: Fehr & Peers, 2024.

Impact Fee Schedule

Table 5 highlights the most important calculation of the TIF, which is the cost per peak hour trip. Using this rate and the peak hour trip generation of any development project, the appropriate impact fee can be calculated. However, to assist project applicants in estimating their impact fees, we have developed a rate table that translated the impact fee rate into a cost per unit of development for a variety of land uses included in the ITE *Trip Generation Manual*. *Table 6* shows the various components of the fee schedule (vehicle trip generation rates, pass-by rates, and person trip rates.)

The impact fee schedule can be used to calculate impact fees for simple land use projects, but the City of Snoqualmie reserves the right to request a detailed trip generation analysis for any development proposal. Applicants also have the right to submit an independent impact fee assessment for review by the City. As noted, some land uses (e.g., coffee shop, bakeries) may need to assess their impact fee on the AM or other peak hour, as directed by the City of Snoqualmie.

Table 6: City of Snoqualmie Impact Fee Rate Schedule

ITE Land Use Category	ITE Code	Units	Vehicle PM Peak Trips/Unit[1]	Pass-by %[2]	Vehicle-to-Person Trip Ratio[3]	PM Peak Person Trip Rate	Impact Fee Per Development Unit
Single Family – Detached	210	per DU	0.94	0%	1.45	1.36	$7,814.47
Middle Housing[4]	215, 220	per DU	0.47	0%		0.78	$3,907.24
Retirement Community	251	per DU	0.30	0%		0.44	$2,493.98
Congregate Care/Asst Living	253	per DU	0.18	0%		0.26	$1,496.39
Elementary School	520	students	0.16	20%	1.26	0.16	$924.66
Middle/JR High School	522	students	0.15	20%		0.15	$866.87
High School	525	students	0.14	20%		0.14	$809.08
Day Care Center	565	per KSF	11.12	90%		1.40	$8,033.03
Church	560	per KSF	0.49	0%		0.62	$3,539.73
Nursing Home	620	per Bed	0.14	0%		0.18	$1,011.35
Light Industrial/Manufacturing	110, 140	per KSF	0.695	0%	1.08	0.75	$4,303.41
Industrial Park	130	per KSF	0.34	0%		0.37	$2,105.26
Mini-Warehouse/Storage	151	per KSF	0.15	0%		0.16	$928.79
Warehousing	150	per KSF	0.18	0%		0.19	$1,114.55
Hospital	610	per KSF	0.86	0%	1.26	1.08	$6,212.59
Medical/Dental Office	720	per KSF	3.93	0%	1.22	4.79	$27,488.82
General Office (200k-300k)	710	per KSF	1.44	0%		1.76	$10,072.24
General Office (300k)	710	per KSF	1.22	0%		1.49	$8,533.43
Single Tenant Office	715	per KSF	1.76	0%		2.15	$12,310.52

ITE Land Use Category	ITE Code	Units	Vehicle PM Peak Trips/Unit[1]	Pass-by %[2]	Vehicle-to-Person Trip Ratio[3]	PM Peak Person Trip Rate	Impact Fee Per Development Unit
Health Fitness Club	492	per KSF	3.45	25%	1.25	3.23	$18,543.60
Recreational Community Center	495	per KSF	2.5	25%		2.34	$13,437.39
Gasoline/Service Station	944	per VSP	13.91	62%	1.25	6.61	$37,881.27
Gas Station w/Convenience Market	945	per VSP	18.42	62%		8.75	$50,163.41
Self-Serve Car Wash	947	per stall	5.54	35%		4.50	$25,806.96
Auto Sales (New/Used)	840, 841	per KSF	3.09	20%		3.09	$17,687.19
Automobile Parts Sales	843	per KSF	4.9	43%		3.49	$20,016.34
Auto Service Center	943	per KSF	2.06	30%		1.80	$10,334.25
Variety Store	814	per KSF	6.7	50%	1.25	4.19	$24,008.15
Freestanding Discount Store	815	per KSF	4.86	27%		4.43	$25,425.70
Supermarket	850	per KSF	8.95	38%		6.94	$39,767.52
Shopping Center (>150k)	820	per KSF	3.4	29%		3.02	$17,300.20
Shopping Plaza (40 – 150k)	821	per KSF	9.03	40%		6.77	$38,828.70
Strip Retail Plaza (<40k)	822	per KSF	6.59	34%		5.44	$31,170.46
Hardware/Paint Store	816	per KSF	2.98	60%		1.49	$8,542.60
Convenience Market	851	per KSF	49.11	61%		23.94	$137,261.37
Pharmacy/Drug Store w/o Drive-Thru	880	per KSF	8.51	53%		5.00	$28,664.29
Pharmacy/Drug Store w/Drive-Thru	881	per KSF	10.25	49%		6.53	$37,463.46
Furniture Store	890	per KSF	0.52	40%		0.39	$2,235.98
Drive-In Bank	912	per KSF	21.01	35%		17.07	$97,870.82
Walk-In Bank	911	per KSF	12.13	47%		8.04	$46,073.42
Fine Dining Restaurant	931	per KSF	7.8	44%		5.46	$31,303.75
High Turnover Restaurant	932	per KSF	9.05	43%		6.45	$36,968.96
Fast Food w/o Drive-Thru	933	per KSF	33.21	49%		21.17	$121,381.60
Fast Food w/Drive-Thru	934	per KSF	33.03	55%		18.58	$106,520.92
Hotel	310	per room	0.59	0%	1.45	0.86	$4,904.83
Motel	320	per room	0.36	0%		0.52	$2,992.78

1. Source: ITE Trip Generation Manual, 11th Edition. Vehicle trip rates for weekday, peak hour of adjacent street traffic (4-6pm).
2. A pass-by trip is any trip that may go to a land use but is part of a larger overall "trip tour." The defining feature of the pass-by trip is that it is an interim stop that did not initiate the overall need to travel.
3. Vehicle-to-person trip generation rate factors were developed from the 2017-2019 Puget Sound Regional Council Household Travel Survey.
4. Consistent with HB 1337, ADUs cannot have an impact fee of more than 50% of the fee for single family housing. To encourage middle housing, all forms of non-single family housing not otherwise listed in this table are eligible for this reduced impact fee rate.
Sources: ITE Trip Generation Handbook, 11th Edition; Fehr & Peers, 2024.

BUSINESS OF THE CITY COUNCIL
CITY OF SNOQUALMIE

AB24-130
February 10, 2025
Ordinance

AGENDA BILL INFORMATION

TITLE:	**AB24-130**: Critical Areas and Flood Hazards; Best Available Science	☐ Discussion Only ☒ Action Needed:
PROPOSED ACTION:	Move to approve Ordinance xxxx amending the Snoqualmie Municipal Code (SMC) Titles 15.12 and 19.12 Critical Areas and Flood Hazards: Best Available Science	☐ Motion ☒ Ordinance ☐ Resolution

REVIEW:	Department Director	Emily Arteche	12/10/2024
	Finance	n/a	Click or tap to enter a date.
	Legal	Dena Burke	12/18/2024
	City Administrator	Choose an item.	//2024

DEPARTMENT:	Community Development	
STAFF:	Emily Arteche	
COMMITTEE:	Community Development	**COMMITTEE DATE:** January 6, 2025
EXHIBITS:	1. AB24-130x1 Draft Ordinance 2. AB24-130x2 Draft Code Amendments Exhibit A 3. AB24-130x3 Crosswalk	

AMOUNT OF EXPENDITURE	$ n/a
AMOUNT BUDGETED	$ n/a
APPROPRIATION REQUESTED	$ n/a

SUMMARY

INTRODUCTION
The Washington Growth Management Act (GMA) requires cities to update their critical area ordinance or before December 31, 2024. Counties and cities have an additional 1-year extension, beyond the periodic update deadline, to complete the review and update of the Critical Areas Ordinance (CAO Update) pursuant to RCW 36.70A.130(7)(b). All critical areas must be designated, and functions and values protected using the best available scientific, (BAS) information.

LEGISLATIVE HISTORY
Ordinance No. 1176, Critical Areas was adopted on June 13, 2016.

BACKGROUND

The Planning Commission recently completed draft Environmental Goals and Policies in March 2024, which included recommended policies for the use of Best Available Science; (BAS), the protection of anadromous fisheries, the restoration and maintenance of riparian management zones and their buffers, and for the protection of the City's environmental critical areas. The Department of Commerce provided a Critical Area Handbook; a complete guidance document for updating critical area regulations. This 2023 publication, addresses the following: Wetlands rating system, Voluntary Stewardship Program, agricultural activities, FEMA Biological Opinion, availability of LiDAR, monitoring and adaptive management, a salmon recovery roadmap, and other issues.

Washington State Department of Fish and Wildlife, (WDFW) and the Washington Department of Ecology (Ecology) released updated guidance based on BAS for management of riparian zones along streams and for wetland mitigation. BAS information was also provided by the Snoqualmie Tribe including information on Indigenous Knowledge/Traditional Ecological Knowledge (IK).

ANALYSIS

BAS is available in multiple environmental areas including riparian ecosystem, wetlands, critical aquifer recharge areas and others. BAS review for riparian ecosystem is best synthesized in Department of Ecology Volume 1, Science Synthesis and Management Implications (Quinn et al. 2020) which describes how riparian ecosystems and watersheds affect ecological functions and aquatic habitats and Volume 2, Management Recommendations (Rentz et al. 2020) which provides guidance for cities to protect and restore functioning riparian ecosystems. Healthy functioning riparian ecosystems are fundamental for clean water, productive salmon populations, and climate resilient watersheds.

According to Quinn et al. (2020) and Rentz et al. (2020), riparian ecosystems are defined as the area that provides full ecological function for bank stability, shade, pollution removal, detrital inputs, recruitment of large woody debris, and wildlife movement. The current term or approach to managing these habitats is to identify them as Riparian Management Zones (RMZ) rather than buffers, as is commonly used in most critical area ordinances. The preferred term is RMZ because buffer implies undeveloped natural areas that can contribute habitat to riparian functions, whereas RMZ is meant to capture the area capable of providing full functions and is managed to that end.

One of the goals of managing RMZs is the Desired Future Condition (DFC), in which habitat composition and structure is old, structurally complex conifer-dominated forest with large diameter trees, numerous snags and logs, and multi-strata canopies that promote plant diversity. This is used as the benchmark for the DFC in riparian areas. Riparian restoration is also expected to counteract climate change and protect juvenile salmon according to climate change models (Fullerton et al. 2022; Yan et al. 2021). A significant component of implementing the RMZ management concept is to use the site-potential tree height (SPTH) for determining RMZ widths on streams.

Tree height refers to the average height of the tallest dominant tree (200 years or older) in which key riparian ecosystem functions are effectively captured. The effectiveness of providing riparian functions decreases as the distance from a stream increases. Designating RMZs based on at least SPTH200 is therefore a scientifically supported approach to protecting and managing fully functioning riparian ecosystems, including salmon.

Rentz et al. (2020) describes procedures for delineating RMZs in city forested ecosystems. The inner edge of the RMZ should be based on the active channel as determined by the location of the

stream ordinary high-water mark (OHWM) following the Department of Ecology's OHWM delineation manual (Anderson et al. 2016). The outer edge should be the recommended minimum based on SPTH200, (Site Potential Tree Height; SPTH) vegetation composition, and pollution removal.

The minimum RMZ width for pollution removal is 100 feet, which has been documented to remove 80-95% or more of common stream contaminants (e.g., nitrogen, phosphorous, sediment, and most pesticides). The mean SPTH200 in western Washington ranges from 100 to 240 feet and is correlated with soil types that support different climax tree species. The greater of the two (e.g., one full SPTH200 or the 100-foot pollution removal overlay) should be utilized to determine the regulated RMZ to protect all key riparian functions. WDFW created the SPTH mapping toolhttps://www.commerce.wa.gov/growth-management/ecosystem-planning/critical-areas/ which may be used to help inform how BAS can be applied to RMZ's in the City. It provides 200-year site-potential tree height information at the parcel level for those areas that are proximate to waterbodies.

Staff mapped out how proposed Class 2 Riparian buffers would impact existing structures. Attached are two exhibits showing the stream types in the city (See Figure 1) and the proposed buffer increases (See Figure 2). Figure 2 includes total linear feet of stream type in the city, and the total increase in area that would be regulated as riparian management zones. An estimated 175 structures in the city would have the riparian buffer intersecting an existing structure. by a proposed change in buffer widths. This estimate assumes the following:

1. Buffers do not extend across existing roadways and parking lots,
2. Dirtfish Rally School is considered an undeveloped site since it will be redeveloped eventually.
3. No change to Type S stream buffers,
4. Type N buffer increases from 50 feet to 100 feet,
5. Type F buffer increases from 75 feet to 200 feet,
6. Increase buffer area likely overestimated due to overlapping Type N and Type F buffers, and buffers on piped stream segments that typically do not have RMZs.

In addition, Quinn et al. (2020) and Rentz et al. (2020) do not distinguish between non-fish bearing and fish-bearing streams. No evidence or scientific literature has been identified that full riparian ecosystem functions along non-fish bearing streams are less important to aquatic ecosystems than full riparian ecosystem functions along fish-bearing streams, due to their connectivity.

BAS review for wetlands is best synthesized, Wetland Mitigation in Washington State, Part 1:, Agency Policies and Guidance (Version 2) (Ecology et al. 2021) which provides updated guidance on compensatory mitigation specifically for or selecting, designing, and implementing compensatory mitigation based on BAS, to ensure that environmental policies and regulatory requirements are achieved.

BUDGET IMPACTS
N/A

NEXT STEPS
A first reading of ordinance xxxx to adopt amendments to SMC 15.12 and 19.12; Critical Areas and Flood Hazards; Best Available Science is scheduled for January 27, 2025, followed by a second reading and adoption of the ordinance on February 10, 2025.

PROPOSED ACTION

Second Reading and Proposed Adoption – February 10, 2025; Move to approve Ordinance xxxx amending SMC 15.12 Flood Hazard and 19.12 Critical Areas to include Best Available Science.

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF SNOQUALMIE, WASHINGTON AMENDING CHAPTERS 15.12 AND 19.12, FLOOD HAZARD REGULATIONS AND CRITICAL AREAS, OF THE SNOQUALMIE MUNICIPAL CODE.

WHEREAS, the City of Snoqualmie is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and plans pursuant to the Growth Management Act, Chapter 36.70A RCW ("GMA"); and

WHEREAS, certain provisions of the GMA, specifically RCW 36.70A.050, .170, .172, .175 and .177, mandate that the City adopt development regulations to protect the functions and values of critical areas and flood management and

WHEREAS, Chapter 19.12 of the Snoqualmie Municipal Code ("SMC") currently contains the City's development regulations pertaining to the protection of critical areas within the City, which are defined to have the same meaning as "Critical areas" defined in the GMA; and

WHEREAS, pursuant to RCW 36.70A.130, the City is required to periodically review and, if needed, revise its development regulations, including its critical areas regulations, to ensure its regulations comply with the goals and requirements of the GMA; and

WHEREAS, the last periodic review for Chapters 15.12 and 19.12 SMC occurred in both 2016, and 2020 following which the City Council adopted necessary revisions to Chapters 15.12 and 19.12 in Ordinances 1237 and 1176; and

WHEREAS, RCW 36.70A.172 requires that when designating and protecting Critical areas under the GMA, the City must include Best Available Science in developing policies and regulations to protect the functions and values of Critical areas and to give special consideration

to conservation and protection measures necessary to preserve or enhance anadromous fisheries; and

WHEREAS, in performing this periodic review, City staff considered critical areas regulation guidance available from state agencies, including the Department of Commerce and the Department of Ecology, consulted with experts in the disciplines addressed in the critical areas development regulations, and considered and included various sources of Best Available Science; and

WHEREAS, on November 25, 2024, the City's State Environmental Policy Act ("SEPA") Responsible Official issued a Determination of Non-Significance (DNS), Adoption/Addendum for the proposed Critical areas amendments, and

WHEREAS, the City of Snoqualmie Planning Commission has considered the proposed amendments at several of its regularly scheduled public meetings, and held a duly- noticed public hearing on December 2, 2024, at which it received public testimony from any person wishing to provide input or comment; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission voted unanimously to recommend approval of the proposed amendments; and

WHEREAS, during its regularly scheduled, open City Council meetings on January 27, and February 10, 2025, the City Council discussed the proposed Critical Areas Regulations; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, the Best Available Science, and the Planning Commission's recommendation; and

WHEREAS, the City Council has determined that the proposed Critical Areas Regulations are consistent with the City's adopted GMA Comprehensive Plan, will advance and not adversely affect the public health, safety, or general welfare, and are in the best interest of City of Snoqualmie citizens and property owners; and

WHEREAS, by adopting this Ordinance, the City Council wishes to complete all review, evaluation and adoption requirements pertaining to the periodic update of its Comprehensive Plan and development regulations under RCW 36.70A.130;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Snoqualmie, Washington, as follows:

Section 1. Chapters 15.12 and 19.12 SMC Amended. Chapter 19.12 of the Snoqualmie Municipal Code, CRITICAL Areas, is hereby amended as shown in Exhibit A.

Section 2. -- Effective Date. This ordinance shall be effective from and after the date of its adoption and the expiration of five days after its publication as provided by law.

Section 3. — Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering anti section/subsection numbering.

Section 4. — Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

PASSED by the City Council of the City of Snoqualmie, Washington, this 10th day of February 2025.

_____
Katherine Ross, Mayor

ATTEST:

_____
Deana Dean, City Clerk

APPROVED AS TO FORM:

_____
Dena Burke, City Attorney

Chapter 15.12

FLOOD HAZARD REGULATIONS

Sections:

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

Article I. Findings of Fact and Purpose

15.12.010 Findings.

A. The flood hazard areas of the city of Snoqualmie are subject to periodic inundation which may result 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 may be caused by the cumulative effects of obstructions in areas of special flood hazard that increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected also contribute to flood loss. (Ord. 1237 § 1, 2020).

15.12.020 Purpose.

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

1. To protect human life and health;

2. To minimize expenditure of public money for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. 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;

6. To help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize blight areas caused by flooding;

7. To notify potential buyers that property is in a special flood hazard area;

8. To notify those who occupy the special flood hazard areas that they assume responsibility for their actions; and

9. To participate in and maintain eligibility for flood insurance and disaster relief.

B. It is further the purpose of these regulations to comply with the requirements of the National Flood Insurance Program by adoption of floodplain management regulations consistent with federal criteria, as set forth in Title 44 CFR, Subchapter B – Insurance and Hazard Mitigation. (Ord. 1237 § 1, 2020).

15.12.030 Methods of reducing flood losses.

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

A. Restricting or prohibiting development that is dangerous to health, safety and property due to water or erosion hazards, or which results in damaging increases in erosion or flood heights or velocities;

B. Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction or substantial improvement;

C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate the storage or channeling of floodwaters;

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

E. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas; and

F. Such other measures as are deemed necessary and appropriate in light of any special vulnerability to flood damage of a specific site due to location or natural features. (Ord. 1237 § 1, 2020).

Article II. Definitions

15.12.040 Definitions.

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

A. “Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine water body.

B. “Appeal” means a request for a review of the floodplain administrator’s interpretation of this chapter, or review by superior court of a decision of the hearing examiner such as a request for a variance.

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

D. “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. It is shown on the flood insurance rate map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous with this term.

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

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

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

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

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

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

K. “Flood” or “flooding” means:

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

a. The overflow of inland or tidal waters;

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

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

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

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

M. “Flood insurance study” or “flood elevation study” means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

N. “Floodplain” or “flood-prone area” means a land area susceptible to being inundated by water from any source.

O. “Floodplain administrator” means the community official designated to administer and enforce the floodplain management regulations. The community development director (or designee) is the city’s floodplain administrator.

P. “Floodproofing” means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofed structures are those that have the structural integrity and design to be impervious to floodwater below the base flood elevation.

Q. “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 a designated height. Also referred to as the “regulatory floodway.”

R. “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building or ship repair facilities. The term does not include long-term storage or related manufacturing activities.

S. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

T. “Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places, or preliminarily designated by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or

2. Certified or preliminarily designated by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district primarily determined by the Secretary to qualify as a registered historic district; or

3. Individually listed on the Washington State inventory of historic places; or

4. Individually listed on King County’s or the city of Snoqualmie’s inventory of historic places.

U. “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 (i.e., provided there are adequate flood ventilation openings).

V. “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 permanent foundation when attached to the required utilities. The term does not include a recreational vehicle.

W. “Manufactured home park” or “manufactured home subdivision” means a parcel (or series of contiguous parcels) of land divided into two or more lots for sale or rent for the placement of manufactured homes.

X. “Market value” means the value a structure would bring on the open market upon reasonable exposure to sale, excluding the value of the land itself, as determined by the floodplain administrator based on the improvement value published by the King County assessor. In no event, however, shall such value be less than the assessed value for tax purposes as determined by the King County assessor. The floodplain administrator shall also be guided by Section 4.5 – Determining Market Value of the Substantial Improvement/Substantial Damage Manual, FEMA P-758.

Y. “Mechanical equipment” means electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork).

Z. “Mean sea level” means the vertical datum to which base flood elevations shown on a community’s FIRM are referenced.

AA. “New construction” means:

1. For the purposes of determining insurance rates, structures for which the start of construction commenced on or after June 25, 1984, and includes any subsequent improvements to such structures.

2. For floodplain management purposes, structures for which the start of construction commenced on or after July 10, 1989, and includes any subsequent improvements to such structures.

BB. “Person” includes any individual, or group of individuals, corporation, partnership, association, or other entity, including state and local governments and agencies.

CC. “Recreational vehicle” means a vehicle:

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 a temporary living quarters for recreational, camping, travel or seasonal use.

DD. “Start of construction” includes substantial improvement and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit issuance date. The “actual start of construction” 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 foundations, 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 substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

EE. “Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

FF. “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.

GG. “Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or

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

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

Article III. General Provisions

15.12.050 Lands to which chapter applies.

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

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

15.12.060 Compliance required – Penalties.

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

A. 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.

B. 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 by the floodplain administrator pursuant to the authority of this chapter) after notice of violation and order to comply issued by the floodplain administrator shall constitute a civil infraction. Any person who violates the provisions of this chapter or fails to comply with any of its requirements shall be subject to a cumulative civil penalty of $500.00 per day from the date set for compliance in the order to comply until such violation is corrected, or compliance with such order occurs. The penalty provided shall be collected by civil action in district court.

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

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

15.12.070 Abrogation and greater restrictions.

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

15.12.080 Interpretation.

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

A. Considered as absolute minimum requirements;

B. Liberally construed in favor of the city; and

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

15.12.090 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is deemed 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 of special flood hazard areas, or uses permitted within such areas, will be free from flooding or flood damages. This chapter shall not create any liability on the part of the city of Snoqualmie, any officer or employee thereof, or the Federal Insurance Administration, for any damages that result from reliance on this chapter or any administrative decisions lawfully made hereunder. (Ord. 1237 § 1, 2020).

Article IV. Administration

15.12.100 Community development director to administer.

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

15.12.110 Development permit required.

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

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

1. The name and address of the applicant;

2. The name and address of the legal owner;

3. The legal description of the property;

4. The nature of the proposed action;

5. A statement as to the proposed use of any structure;

6. A statement as to whether the proposed action is temporary or permanent;

7. The elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

8. The elevation in relation to mean sea level to which any structure has been floodproofed;

9. The certification of registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria of this chapter;

10. A description of the extent to which a watercourse will be altered or relocated as a result of the proposed development;

11. Where development is proposed in a floodway, an engineering analysis indicating no net rise of the base flood elevation;

12. Any other information that may be reasonably required by the floodplain administrator in order to review the application; and

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

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

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

E. Hazards and Emergencies.

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

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

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

4. Determination of Hazard or Emergency.

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

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

15.12.120 Duties of the floodplain administrator.

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

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

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

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

3. The site is reasonably safe from flooding;

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

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

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

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

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

1. Where base flood elevation date is provided through a flood insurance study (FIS), FIRM, or as required by SMC 15.12.050(B), the actual (as-built) 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 floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required by SMC 15.12.050(B):

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

b. Maintain the floodproofing certifications required by this chapter;

3. Certification required by SMC 15.12.170 regarding floodway encroachments;

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

5. Improvement and damage calculations; and

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

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

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

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

F. Inspections and Right of Entry.

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

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

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

15.12.130 Variances.

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

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

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

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

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

E. Variance Criteria.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15.12.140 Changes to special flood hazard area.

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

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

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

Article V. Flood Hazard Reduction

15.12.150 General standards.

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

A. Finished Grade After Construction.

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

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

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

B. Anchoring.

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

2. All manufactured homes shall 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. All anchoring designs shall be prepared by a registered professional engineer or architect.

C. 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 elevated at least ~~one foot~~two feet abov~~e~~~~ut~~ the BFE so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Utilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

G. Storage of Materials and Equipment.

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

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

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

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

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

15.12.160 Specific standards.

A. Residential Construction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. 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 the provisions of this subsection based on their development and/or review of the structural design, specifications and plans, and such certification is provided to the building official.

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

C. Manufactured Homes.

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

2. Mechanical equipment for manufactured homes shall be elevated at least ~~one foot~~two feet above the BFE. Utilities for manufactured homes shall be waterproof up to at least ~~one foot~~two feet above the BFE, or elevated at least ~~one foot~~two feet above the BFE.

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

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

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

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

E. Critical Facilities. Construction of new critical facilities shall be, to the greatest extent possible, located outside of the limits of the special flood hazard area (SFHA or 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 base flood elevation at the site or to the height of the 500-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

F. Fill.

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

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

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

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

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

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

3. A reclamation plan to prevent erosion; and

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

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

I. Hazardous Materials.

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

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

J. Enclosed Areas Below the Lowest Floor.

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

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

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

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

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

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

K. Accessory Structures. For A Zones:

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

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

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

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

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

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

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

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

h. The structure shall have low damage potential;

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

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

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

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

15.12.170 Floodways.

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

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

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

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

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

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

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

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

15.12.180 Zones with base flood elevations but no floodways.

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

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

15.12.190 Appeals.

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

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

Chapter 19.12

CRITICAL AREAS

Sections:

19.12.010 Legislative purpose.

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

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

1. Protect members of the public, and protect public and private resources and facilities, from injury, loss of life, property damage or financial losses due to erosion, landslide, seismic events, soils subsidence or steep slope regression;

2. Protect unique, fragile and valuable elements of the environment, including critical groundwater recharge areas and wildlife and its habitat;

3. Mitigate unavoidable impacts to environmentally critical areas by regulating alterations in and adjacent to those areas;

4. Reduce cumulative adverse environmental impacts to water availability, water quality, wetlands, streams and other aquatic resources;

5. Ensure minimal adverse impacts to, and no net loss of, ecological functions resulting from uses, activities, and development within the city;

6. Protect hydrologic connections between water bodies, water courses and associated wetlands;

7. Provide city officials with the information and authority to implement the policies of the State Environmental Policy Act, Chapter 43.21C RCW, the Snoqualmie Comprehensive Plan, and the Growth Management Act of 1990. (Ord. 1176 § 2, 2016).

19.12.020 Critical areas definitions.

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

B. "Adjacent" means within 300 feet of a critical area.

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

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

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

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

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

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

I. "Cutting" means as defined in SMC 15.20.020.

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

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

K. “Director” means the department head of the community development department, or equivalent position.

L. “Drainage facility” means as defined in SMC 15.18.040.

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

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

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

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

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

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

5. Riparian Management Zones.

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

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

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

Q~~P~~. “Hazardous substance(s)” means:

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

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

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

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

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

TS. "Landslide hazard area" means those areas of the city subject to a risk of landslide, including the following areas:

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

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

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

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

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

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

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

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

XW. "Mitigation bank sponsor" means any public or private entity responsible for establishing and, in most circumstances, operating a bank.

YX. "Noxious weeds" means as defined in SMC 15.20.020.

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

AAY. "Pruning" means as defined in SMC 15.20.020.

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

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

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

DD~~AA~~. "Seismic hazard area" means those areas of the city subject to severe risk of earthquake damage as a result of seismically induced landslides, earth adjustments, settlement or soil liquefaction.

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

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

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

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

~~EE~~II. "Topping" means as defined in SMC 15.20.020.

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

KK~~FF~~. "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater 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 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, ~~or~~and wetlands created after July 1, 1990, ~~. Wetlands do not include areas~~ that were unintentionally created as a result of ~~blockage of drainage from~~ the construction of a road, street, or highway ~~after July 1, 1990.~~. Wetlands ~~may~~ include those artificial wetlands ~~areas~~ intentionally created from nonwetland areas ~~as compensatory mitigation for impacts to~~to mitigate conversion of wetlands.

~~GG~~LL. "Wildland" means an area in which development is essentially nonexistent, except for roads, railroads, power lines, and similar transportation facilities. Structures, if any, are widely scattered.

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

19.12.030 Applicability.

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

B. Critical areas regulated by this chapter include:

1. Geologically hazardous areas including:

a. Erosion hazard areas;

b. Landslide hazard areas;

c. Steep slope hazard areas; and

d. Seismic hazard areas;

2. Channel migration and erosion hazard zones;

3. Frequently flooded areas;

4. Streams;

5. Wetlands;

6. Fish and wildlife habitat conservation areas; and

7. Critical aquifer recharge areas.

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

19.12.040 Allowed activities.

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

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

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

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

a. Such actions or improvements are designed to only expand on the side of the existing structure, away from the critical area, and do not make the structure(s) intrude further into the critical area or its buffer; and

b. Do not increase the amount of impervious area within the critical area or buffer; and

c. Do not increase the potential impact to a critical area or, in the case of an existing structure or improvement in areas of potential geologic instability, do not increase the potential of soil movement or risk of harm or damage to existing uses or development, or to the public safety.

4. Existing uses may be maintained but shall not be expanded further into a critical area or its buffer. If an existing use that does not meet the requirements of this chapter is abandoned for a period of one year or more, such use shall not be reestablished.

5. Normal and routine maintenance or repair of existing utility or street rights-of-way or utility structures including drainage facilities. Utility or street rights-of-way shall be maintained in a manner that meets the objectives of safe and efficient use of the right-of-way, while eliminating the use of chemical herbicides within the corridors. Normal and routine maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities; provided, that such management actions are part of regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species.

6. Removal of invasive plants and noxious weeds, and additional aggressive non-native species, including Japanese knotweed, Scot's broom, English ivy, Himalayan and evergreen blackberry; provided, only hand labor and light equipment that minimizes disturbance to the critical area or buffer are used, and any chemical applications are approved by the Department of Ecology for use adjacent to streams and wetlands, and further provided best management practices are used and soil compaction is avoided.

7. Removal of ~~dangerous~~ hazard trees, with the director's approval. A certified arborist's evaluation may be required in the discretion of the director if the hazard is not clearly evident. Creation of snags are encouraged rather than complete tree removal. Hazard trees removed from critical areas must be replaced at a minimum 3:1 ratio and maintained for at least three years.

8. Enhancement and restoration plantings for the purpose of restoring functions and values of critical areas or buffers that do not require construction permits; provided, only hand labor and light equipment that minimizes disturbance to the critical area or buffer are used. Removal or trimming of trees within critical areas or their buffers, and replacing them with lower growing shrubs, for the purpose of creating or expanding a view corridor shall not be deemed an enhancement or restoration action and is not an exempted activity.

9. The following agricultural activities in existence as of the effective date of Ordinance No. 691:

a. Grazing of livestock, provided best management practices are implemented to protect the water quality;

b. Mowing of hay, grass or grain crops;

c. Tilling, discing, planting, seeding, harvesting and related activities for pasture, food crops, grass seed or sod; provided, that such activities do not involve any expansion into the critical areas or buffer of the area involved from that existing on the date this chapter becomes effective;

d. Normal and routine maintenance of drainage and irrigation ditches, provided they are not used by salmonids; farm ponds, stocked fish ponds, manure lagoons, and created livestock watering ponds; provided, that such activities shall not involve conversion of or expansion into any wetland or buffer not currently being used for such activity and best management practices are used. Maintenance actions within drainage ditches that drain directly to salmonid-bearing waters may require permits from state or federal regulatory agencies.

B. Public Agency or Utility Exception. If the application of this chapter 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. After holding a public hearing, the hearing examiner may approve the exception if he/she finds that there is no other practical alternative to the proposed development with less impact on critical areas or their buffers, and the proposal minimizes the impact on critical areas or their buffers. Any decision of the hearing examiner is final unless appealed.

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

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

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

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

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

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

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

19.12.050 Designation and protection of critical areas and buffers.

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

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

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

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

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

19.12.060 Critical areas report~~study~~.

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

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

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

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

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

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

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

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

19.12.070 Critical area review process.

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

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

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

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

D. Monitoring.

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

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

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

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

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

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

19.12.080 Critical area tracts and notice on title.

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

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

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

1. The notice shall state:

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

b. The allowable use of this property; and

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

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

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

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

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

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

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

19.12.090 General provisions.

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

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

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

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

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

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

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

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

B. Buffers.

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

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

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

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

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

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

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

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

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

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

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

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

a. Unclassified uses;

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

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

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

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

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

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

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

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

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

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

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

E. Marking or Fencing.

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

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

CRITICAL AREA BOUNDARY

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

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

F. Mitigation Plans.

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

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

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

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

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

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

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

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

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

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

19.12.100 Erosion hazard areas.

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

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

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

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

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

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

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

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

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

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

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

19.12.110 Landslide hazard areas.

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

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

C. Buffers in Landslide Hazard Areas.

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

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

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

c. Fifty feet from the top of the slope.

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

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

b. Fifty feet from the toe of the slope.

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

E. Increased Buffer. The buffer may be increased where the community development director determines a larger buffer is necessary to prevent risk of damage to proposed and existing development.

F. Clearing and Grading in Landslide Hazard Areas. When associated with an allowed alteration within a landslide hazard area, clearing and grading activities shall conform to the following standards:

1. Clearing and grading in landslide hazard areas shall be allowed only from April 1st to November 1st.

2. Clearing and grading shall be sequenced as follows:

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

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

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

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

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

G. Roads and Utilities. Roads and utilities may be permitted within landslide hazard areas and associated buffers if the city determines that no other practical alternative exists.

H. Utility Lines and Pipes. Utility lines and pipes shall be permitted in the landslide hazard area only when the applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground and be properly anchored and/or designed so that it will continue to function in the event of erosion. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior. (Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176 § 2, 2016).

19.12.120 Steep slope hazard areas.

A. Alterations. No development or alteration shall be allowed in steep slope hazard areas unless the development or alteration is one of the following:

1. Any alteration on slopes 40 percent or steeper with a vertical elevation change of less than or equal to 20 feet, provided the critical areas ~~study~~ report demonstrated that no adverse impact will result;

2. Any alteration of a slope, which has been created through previous legal grading activities, may be regraded as part of an approved development proposal. Any remaining slopes in excess of 40 percent shall be subject to the steep slope protections of this chapter;

3. Surface water or stormwater conveyance approved by the city in conformance with the stormwater management requirements in Chapter 15.18 SMC;

4. Trails construction approved by the city;

5. Utility construction approved by the city, if the city determines that no other feasible alternative exists. Utility lines or pipes shall be located above ground and properly anchored and/or designed so that they will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equivalent or superior;

6. Trimming and cutting of vegetation on steep slopes approved by the city; provided that the soils are not disturbed.

B. Buffers in Steep Slope Hazard Areas.

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

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

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

c. Fifty feet from the top of the slope.

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

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

b. Fifty feet from the toe of the slope.

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

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

19.12.130 Seismic hazard areas.

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

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

19.12.140 Channel migration and associated erosion hazard zones.

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

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

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

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

1. Trails and boardwalks;

2. Forest practices;

3. Ongoing agriculture;

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

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

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

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

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

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

19.12.150 Frequently flooded areas.

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

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

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

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

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

19.12.160 Streams.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Other Uses. Other uses may be permitted by the city only following review and approval of a critical areas ~~study~~ report and upon a determination that such use can be developed in a manner that would not degrade the quantitative and qualitative functioning of the stream.

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

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

b. Public access shall be limited to previous trails, boardwalks, viewing areas, covered seating, and displays, and must be located in areas which have the lowest sensitivity to human disturbance or alteration;

c. Public access must be specifically developed for interpretive, educational or research purposes by, or in cooperation with, the city, or as part of the adopted Snoqualmie comprehensive plan or other official plan or development approval adopted by the city;

d. No motorized vehicles shall be allowed within a wetland, stream or their buffers except as required for necessary maintenance or security;

e. Vegetative edges, structural barriers, signs or other measures must be provided wherever necessary to protect wetlands by limiting access to designated public use or interpretive areas;

f. Access areas must incorporate design features and materials which protect water quality and allow adequate surface and groundwater movement;

g. Must be located so as not to disturb nesting, breeding and rearing areas;

h. Trails should be located in the outer 25 percent of the buffers. Trail access within the remainder of the buffer or wetland may be allowed provided no practical alternative exists and adequate provision is made to protect or enhance the wetland through appropriate mitigation;

i. If trails are allowed to cross wetlands, boardwalks shall be used to minimize the impact.

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

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

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

Table 19.12.160-1.

~~Stream Buffer~~Riparian Management Zone Widths

Stream Classification	~~External Buffer~~RMZ Width
Class 1 streams ~~and Class 2 streams with anadromous salmonids~~	See Shoreline Regulations at SMC 19.08[1].~~100 feet~~
Class 2 streams	200~~75~~ feet
Class 3 streams	~~5~~100 feet
Class 4 streams	100~~25~~ feet

Stream Classification	~~External Buffer~~RMZ Width
~~Snoqualmie River South Fork and right bank of mainstem within the Natural Shoreline Environment[1,2]~~	~~200 feet~~
~~Snoqualmie River within Urban Riverfront Environment, generally located between S.E. Fir Street and Meadowbrook Way S.E.[1,2]~~	~~25 feet~~

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

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

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

19.12.170 Wetlands.

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

B. Report for Wetlands.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Bogs;

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

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

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

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

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

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

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

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

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

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

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

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

E~~F~~. Filling or Alteration of Wetlands.

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

1~~2~~. The fill shall not result in the loss of flood storage and shall be compensated for within city limits;

2~~3~~. If the fill is located in the city's 100-year floodplain, the proposal must be consistent with the requirements of Chapter 15.12 SMC, Flood Hazard Regulations;

3~~4~~. The alteration shall not result in deficient buffers that do not adequately protect the remaining wetland.

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

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

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

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

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

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

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

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

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

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

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

b. Public access shall be limited to previous trails, boardwalks, viewing areas, covered seating, and displays, and must be located in areas which have the lowest sensitivity to human disturbance or alteration;

c. Public access must be specifically developed for interpretive, educational or research purposes by, or in cooperation with, the city, or as part of the adopted Snoqualmie comprehensive plan or other official plan or development approval adopted by the city;

d. No motorized vehicles shall be allowed within a wetland, stream or their buffers except as required for necessary maintenance or security;

e. Vegetative edges, structural barriers, signs or other measures must be provided wherever necessary to protect wetlands by limiting access to designated public use or interpretive areas;

f. Access areas must incorporate design features and materials which protect water quality and allow adequate surface and groundwater movement;

g. Access areas ~~M~~must be located so as not to disturb nesting, breeding and rearing areas;

h. Trails should be located in the outer 25 percent of the buffers. Trail access within the remainder of the buffer or wetland may be allowed provided no practical alternative exists and adequate provision is made to protect or enhance the wetland through appropriate mitigation; and

i. If trails are allowed to cross wetlands, boardwalks shall be used to minimize the impact.~~;~~

8. Agricultural Activities. Ongoing agricultural activities, including mowing for hay and greenchop in existence prior to 1995, provided such uses do not increase the degree of nonconformity.

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

Table 19.12.170-1. Wetland Buffers

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

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

Table 19.12.170-2. Mitigation Ratios

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

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

[1] See the following document for additional guidance: Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. ~~March 2006~~April 2021. Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version ~~2~~1). Washington State Department of Ecology Publication No. 21~~06~~-06-03~~11a~~. Olympia, WA, or as amended. ~~.~~

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

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

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

19.12.180 Mitigation banking.

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

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

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

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

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

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

19.12.190 Fish and wildlife habitat conservation areas.

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

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

19.12.200 Critical aquifer recharge areas.

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

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

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

a. Determined to h~~H~~ave a medium susceptibility to groundwater contamination and are located in a sole source aquifer or a wellhead protection area; or

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

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

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

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

1. Transmission pipelines carrying petroleum or petroleum products;

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

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

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

5. Hydrocarbon extraction;

6. Commercial wood treatment facilities on permeable surfaces;

7. Asphalt and concrete facilities;

8. Animal containment areas;

9. Golf courses;

10. Cemeteries;

11. Wrecking and salvage yards;

12. Landfills for hazardous waste, municipal solid waste, or special waste;

13. On-site septic systems on lots smaller than one acre without a treatment system that results in effluent nitrate-nitrogen concentrations below 10 milligrams per liter;

14. All underground storage tanks, including tanks that are exempt from the requirements of WAC Title 173, with hazardous substances, as defined in Chapter 70.105 RCW, that do not comply with standards of Chapter 173-360 WAC; and

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

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

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

2. Disposal of radioactive wastes, as defined in Chapter 43.200 RCW;

3. Hydrocarbon extraction;

4. Commercial wood treatment facilities located on permeable surfaces;

5. Underground storage tanks with hazardous substances, as defined in Chapter 70.105 RCW, that do not meet the requirements of Chapter 173-360 WAC;

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

7. Wrecking yards;

8. Landfills for hazardous waste, municipal solid waste, or special waste;

9. On-site septic systems on lots smaller than one acre without a treatment system that results in effluent nitrate-nitrogen concentrations below 10 milligrams per liter.

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

1. Disposal of radioactive wastes, as defined in Chapter 43.200 RCW;

2. Hydrocarbon extraction;

3. Commercial wood treatment facilities located on permeable surfaces;

4. Underground storage tanks, including tanks that are exempt from the requirements of WAC Title 173, with hazardous substances, as defined in Chapter 70.105 RCW, that do not comply with standards of Chapter 173-360 WAC;

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

6. Wrecking yards; and

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

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

1. Hazardous substance processing or handling;

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

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

4. Landfills;

5. Animal containment areas;

6. Mining operations;

7. Golf courses;

8. Cemeteries;

9. Asphalt and concrete facilities;

10. Wrecking and salvage yards;

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

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

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

I. Storage Tanks.

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

2. Underground Tanks. All new underground tanks located in or adjacent to a critical recharge area 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; and

c. Use material in the construction or lining of the tank which is compatible with the substance to be stored.

3. Aboveground Tanks. No new above-ground storage tank located in or adjacent to a critical recharge area shall be installed, used or maintained in any manner which may allow the release of a hazardous substance to the ground, groundwaters, or surface water.

J. Agriculture. Agricultural activities in or adjacent to a critical recharge area shall use best management practices to prevent ground quality degradation from livestock waste.

K. Sewage Disposal. All residential, commercial or industrial development proposals located in or adjacent to a critical recharge area and within 150 feet of a public sewer system shall be connected to the sewer system.

L. Golf Courses. Golf course operations proposed in or adjacent to a critical recharge area shall be subject to a golf course maintenance plan using best management practices to protect groundwater quality. The plan shall detail the proposed use of fertilizers, herbicides, pesticides, fungicides, or other maintenance agents, with projected application methods and schedules and measures to prevent pollution of groundwater.

M. Commercial Vehicle Repair and Servicing. Commercial vehicle repair and servicing 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. No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility development must be abandoned using techniques approved by the Washington State Department of Ecology prior to commencement of the proposed activity.

N. Other Uses. All other uses shall be conditioned in accordance with the applicable state and federal regulations as necessary to protect critical aquifer recharge areas. (Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176 § 2, 2016).

19.12.210 Administration and enforcement.

A. This chapter shall be administered by the director, who shall be responsible for the interpretation and application of the provisions hereof. No department of the city shall issue any permit or approval to which the provisions of this chapter apply without the approval of the director.

B. Application for or acceptance of any permit or approval for any use, activity or development proposal constitutes the consent of the applicant for the director to enter the subject site during regular business hours to inspect any use, activity or development proposal for which a permit or approval has been applied for or granted to ensure compliance with the provisions of this chapter, to verify the accuracy of information provided by the applicant or to verify that work is being performed in accordance with approved plans and permits.

C. Stop Work Orders. In the event the director shall determine that any use, activity or construction on a development proposal is not in compliance with the requirements of this chapter or the conditions of any permit or approval relating to critical areas, the director is authorized to issue a stop work order. The stop work order shall be posted prominently on the site. When a stop work order has been posted, the use, activity or construction on the development proposal shall not continue until the violation has been corrected. It shall be a misdemeanor to continue the use, activity or construction on a development proposal after the posting of a stop work order, and it shall further be a misdemeanor to remove a stop work order prior to correction thereof.

D. Enforcement Penalties. Any unauthorized alteration of a critical area ~~or buffer~~ shall constitute a public nuisance subject to abatement, and any knowing and intentional unauthorized alteration of a critical area ~~or buffer~~ shall constitute a misdemeanor. Each day of violation shall constitute a separate offense. The director or his or her designee shall have a right to enter upon any property at reasonable times and to make such inspection necessary to determine compliance with the provisions of this chapter. If the property is occupied, the director shall make

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

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

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

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

19.12.220 Severability.

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

19.12.230 Liberal construction.

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

Item	SMC	Existing Code	New Regulation/Code	Consistent with BAS
1	**Wetland Definition:** 19.12.020	Critical Areas Definitions. FF. “Wetland” or “wetlands” means areas that are inundated or saturated by surface water or groundwater 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 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. Wetlands do not include areas that were unintentionally created as a result of blockage of drainage from the construction of a road, street, or highway after July 1, 1990. Wetlands may include those areas intentionally created from nonwetland areas as compensatory mitigation for impacts to wetlands. The above WETLANDS definition is per original RCW 36.70A.030(48) definition.	**New definition per RCW 36.70A.030(48) was updated in 2024 (See ESHB 2321-S.SL, effective June 6, 2024) as follows:** "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater 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 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, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.	☒ Yes ☐ No
2	**Definition of Fish and Wildlife Habitat Conservation Areas:** 19.12.020	19.12.020.N. “Fish and wildlife habitat conservation area” means an area that provides essential habitat for maintaining listed species of endangered, threatened, or critical populations.	New SMC definition revised to be consistent with current WAC definition: 1. Areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include,	☒ Yes ☐ No

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			but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Locally important habitats and species may also be designated by the City of Snoqualmie. 2. Fish and wildlife habitat conservation areas include areas of primary association for State or Federal listed wildlife species, state sensitive wildlife species, and current Priority Habitats and Species designated by Washington Department of Fish and Wildlife. 3. "Habitats of local importance" designated as fish and wildlife habitat conservation areas include those areas found to be locally important by the City of Snoqualmie. 4. Waters of the State, including streams and wetlands. 5. Riparian Management Zones. 6. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within	

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			the boundaries of, and are maintained by, a port district or an irrigation district or company.	
3	19.12.020	No definition of "sensitive species" in current code. Added as 19.12.020.EE	19.12.020.EE: "Sensitive species" means any wildlife species native to the state of Washington that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or removal of threats, as currently listed by the Washington Department of Fish and Wildlife.	☒ Yes ☐ No
4	19.12.020.T	SMC 19.12.020.T. "Listed species" means those wildlife species that have been listed as endangered, threatened or critical by the U.S. Fish and Wildlife Service, NOAA National Marine Fisheries Service, or Washington Department of Wildlife pursuant to RCW 77.12.020 and Chapter 232-12 WAC as may be amended.	19.12.030.U: "Listed species" means those wildlife species that have been listed as endangered, threatened or sensitive by the U.S. Fish and Wildlife Service, NOAA National Marine Fisheries Service, or Washington Department of Wildlife, as may be amended.	☒ Yes ☐ No
5	19.12.190.A	19.12.190.A. Designation. All wetlands and streams and their buffers, together with all publicly owned open spaces of greater than 10 acres, not including land use perimeter buffers, are hereby designated as fish and wildlife habitat conservation areas, including Meadowbrook Farm, the Two Sisters Return Open Space, Snoqualmie Point, Three Forks Natural Area, the Snoqualmie River Open Space and the Kimball Creek Open Space. Other areas shall be designated as fish and wildlife habitat conservation areas based upon a habitat study conducted pursuant to this section.	19.12.190.A: Designation. All waters of the state, including wetlands, and streams, and their buffers, together with all publicly owned open spaces of greater than 10 acres, not including land use perimeter buffers, are hereby designated as fish and wildlife habitat conservation areas, including Meadowbrook Farm, the Two Sisters Return Open Space, Snoqualmie Point, Three Forks Natural Area, the Snoqualmie River Open Space and the Kimball Creek Open Space. Other areas, such as those of primary association for state and federal listed wildlife species, state sensitive	☒ Yes ☐ No

Item	SMC	Existing Code	New Regulation/Code	Consistent with BAS
			species, and Priority Habitat Species as designated by the Washington Department of Fish and Wildlife, as well as Habitats of Local Importance, shall also be designated as fish and wildlife habitat conservation areas based upon a habitat study conducted pursuant to this section.	
6	**Designating and Protecting Waters of the State:** 19.12.020	SMC 19.12.020 currently does not contain a definition for "waters of the state".	19.12.020.JJ: "Waters of the state" means lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington.	☒ Yes ☐ No
7	**Code Addition:** 19.12.020.AA **Code Update:** 19.12.160.D	Not included. Intent is it establish riparian management zones (RMZs) to maintain no net loss of riparian area ecosystem function and values as recommended by WDFW.	Added a definition for RMZ under 19.12.020.CC "Riparian management zone" means an area that has the potential to provide full riparian functions, synonymous with stream buffer. Primary functions of riparian management zones include shading, bank stability, nutrient input, wood recruitment, and pollution control. Updated 19.12.160.D to replace "Buffers" with "Riparian Management Zones".	☒ Yes ☐ No
8	**Buffers:** 19.12.020, 030	SMC 19.12.020.H: "Critical area" includes the following areas: (1) wetlands; (2) streams; (3) channel migration zones; (4) areas with a critical recharging effect on aquifers used for potable water; (5) fish and wildlife habitat conservation areas; (6) frequently flooded areas; and (7) geologically hazardous areas. "Sensitive area" has the same meaning as "critical area" for the purposes of this chapter.	SMC 19.12.020.H "Critical area" includes the following areas and associated buffers: (1) wetlands; (2) streams; (3) channel migration zones; (4) areas with a critical recharging effect on aquifers used for potable water; (5) fish and wildlife habitat conservation areas; (6) frequently flooded areas; (7) geologically hazardous areas. "Sensitive area" has the same	☒ Yes ☐ No

Item	SMC	Existing Code	New Regulation/Code	Consistent with BAS
		SMC 19.12.020.E. "Buffer" means the designated area adjacent to a wetland, stream, geologically hazardous area, or channel migration zone. The buffer is intended to protect the resource in the case of wetlands and streams; to protect against injury or damage to persons and property and to protect against landslide, erosion and other undesirable consequences in the case of geologically hazardous areas; and to protect against injury and damage to persons and property in the case of channel migration zones. Buffers are not applicable to critical aquifer recharge areas, fish and wildlife habitat areas (except to the extent that buffers for other critical areas serve as fish and wildlife habitat areas), or frequently flooded areas. SMC 19.12.030.B does not include buffers as a regulated critical area. "B. Critical areas regulated by this chapter include: 1. Geologically hazardous areas including: a. Erosion hazard areas; b. Landslide hazard areas; c. Steep slope hazard areas; and d. Seismic hazard areas; and 2. Channel migration and erosion hazard areas; 3. Frequently flooded areas; 4. Streams; 5. Wetlands; 6. Fish and wildlife habitat conservation areas; and 7. Critical aquifer recharge areas."	meaning as "critical area" for the purposes of this chapter. SMC 19.12.020.E. "Buffer" means the designated area adjacent to a wetland, stream, geologically hazardous area, or channel migration zone. Stream buffers is synonymous with Riparian Management Zones in this chapter. The buffer is intended to protect the resource in the case of wetlands and streams; to protect against injury or damage to persons and property and to protect against landslide, erosion and other undesirable consequences in the case of geologically hazardous areas; and to protect against injury and damage to persons and property in the case of channel migration zones. Buffers are not applicable to critical aquifer recharge areas, fish and wildlife habitat areas (except to the extent that buffers for other critical areas serve as fish and wildlife habitat areas), or frequently flooded areas. Updated 19.12.030.B, as follows: "B. Critical areas and associated buffers regulated by this chapter include: B. Critical areas regulated by this chapter include: 1. Geologically hazardous areas including: a. Erosion hazard areas; b. Landslide hazard areas;	

<table>
<tr><th>Item</th><th>SMC</th><th>Existing Code</th><th>New Regulation/Code</th><th>Consistent with BAS</th></tr>
<tr><td></td><td></td><td></td><td>c. Steep slope hazard areas; and

d. Seismic hazard areas;

2. Channel migration and erosion hazard zones;

3. Frequently flooded areas;

4. Streams

5. Wetlands;

6. Fish and wildlife habitat conservation areas; and

7. Critical aquifer recharge areas.</td><td></td></tr>
<tr><td>9</td><td>19.12.160.D</td><td>Per SMC Table 19.12.160-1. Stream Buffers:

<table><tr><th>Stream Classification</th><th>External Buffer Width</th></tr><tr><td>Class 1 streams and Class 2 streams with anadromous salmonids</td><td>100 feet</td></tr><tr><td>Class 2 streams</td><td>75 feet</td></tr><tr><td>Class 3 streams</td><td>50 feet</td></tr><tr><td>Class 4 streams</td><td>25 feet</td></tr><tr><td>Snoqualmie River South Fork and right bank of mainstem</td><td>200 feet</td></tr></table></td><td>19.12.160.D. Riparian Management Zones. Riparian Management Zones (RMZ) are designated based on the estimated average 200 year site potential tree height, extending outward on each side of a stream from the ordinary high water mark to the distances prescribed in Table 19.12.160-1:</td><td>☒ Yes
☐ No</td></tr>
</table>

<table>
<tr><th>Item</th><th>SMC</th><th>Existing Code</th><th>New Regulation/Code</th><th>Consistent with BAS</th></tr>
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<table>
<tr><td>within the Natural Shoreline Environment [1, 2]</td><td></td></tr>
<tr><td>Snoqualmie River within Urban Riverfront Environment, generally located between S.E. Fir Street and Meadowbrook Way S.E.[1, 2]</td><td>25 feet</td></tr>
</table>
[1] Areas of the Snoqualmie River not identified in Table 19.12.160-1 shall use the prescribed Class 1 stream buffer.

[2] See Chapter 19.08 SMC for shoreline environments and associated maps.
</td>
<td>
Table 19.12.160-1.

Riparian Management Zone Widths
<table>
<tr><th>Stream Classification</th><th>RMZ Width</th></tr>
<tr><td>Class 1 streams</td><td>See Shoreline Regulations (SMC 19.08).[1]</td></tr>
<tr><td>Class 2 streams</td><td>200 feet</td></tr>
<tr><td>Class 3 streams</td><td>100 feet</td></tr>
<tr><td>Class 4 streams</td><td>100 feet</td></tr>
</table>
[1] See Chapter 19.08 SMC for shoreline environments and associated maps.
</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Code addition to 19.12.020</td>
<td>Added definition of “Ordinary High Water Mark (OHWM)” at 19.12.020(Z)</td>
<td>Z. “Ordinary high water mark” means the point on the sides of streams or lakes which is historically or normally at water’s edge, as identified by a visible change in vegetation and/or soil. The ordinary high water mark should be determined using the most current federal and state methodologies.</td>
<td>☒ Yes
☐ No</td>
</tr>
<tr>
<td>11</td>
<td>19.12.070.D</td>
<td>D. Monitoring.</td>
<td>19.12.070.D has been updated as follows:

D. Monitoring.</td>
<td>☒ Yes
☐ No</td>
</tr>
</table>

Item	SMC	Existing Code	New Regulation/Code	Consistent with BAS
		1. Whenever mitigation is required, the city may require monitoring to ensure the mitigation meets the design performance standards established in the approved mitigation plan. The city may require that a qualified critical area consultant, at the direction of the city and at the applicant's expense, monitor the development proposal site during construction and for a sufficient period of time after construction to ensure satisfactory mitigation of impacts on the critical area. The qualified critical area consultant shall monitor per the provisions outlined in the approved mitigation plan based on the conditions or restrictions imposed by the city and such administrative rules as the director shall prescribe.	1. Whenever mitigation is required, the city will require monitoring to ensure the mitigation meets the design performance standards established in the approved mitigation plan. The city may require that a qualified critical area consultant, at the direction of the city and at the applicant's expense, monitor the development proposal site during construction and for a sufficient period of time after construction to ensure satisfactory mitigation of impacts on the critical area. The qualified critical area consultant shall monitor per the provisions outlined in the approved mitigation plan based on the conditions or restrictions imposed by the city and such administrative rules as the director shall prescribe.	
12	19.12.060 19.12.170	19.12.060 discusses the requirement for a critical areas study, for any action that could impact a critical area. 19.12.170 requires a report for actions that could impact wetlands.	Replaced "critical areas study" with "critical areas report" for simplicity and consistency. Updated sections included: • 19.12.060 update "critical areas study" to "critical areas report" and "study" to "report". • 19.12.070 update "study" to "report". • 19.12.110.B update "study" to "report". • 19.12.120.1 update "study" to "report". • 19.12.160.C.10 update "study" to "report". • 19.12.170.H.6 update "study" to "report".	☒ Yes ☐ No

Item	SMC	Existing Code	New Regulation/Code	Consistent with BAS
			• 19.12.200.F update "critical areas study" to "critical areas report".	
13	19.12.040(A)6	19.12.040(A)6 allowed activities states: "Removal of invasive plants and noxious weeds, and additional aggressive non-native species, including Japanese knotweed, Scot's broom, English ivy, Himalayan and evergreen blackberry; provided, only hand labor and light equipment that minimizes disturbance to the critical area or buffer are used, and chemical applications are approved for use adjacent to streams and wetlands, provided best management practices are used."	Updated to: "Removal of invasive plants and noxious weeds, and additional aggressive non-native species, including Japanese knotweed, Scot's broom, English ivy, Himalayan and evergreen blackberry; provided, only hand labor and light equipment that minimizes disturbance to the critical area or buffer are used, and any chemical applications are approved by Ecology for use adjacent to streams and wetlands, provided best management practices are used, and soil compaction is avoided."	☒ Yes ☐ No
14	19.12.040(A)7	19.12.040(A)7: 7. Removal of dangerous trees, with the director's approval. A certified arborist's evaluation may be required in the discretion of the director if the hazard is not clearly evident.	19.12.020 updated to include a definition for "Hazard tree." 19.12.020.P. "Hazard tree" is defined as a threat to life, property, or public safety. 19.12.040(A)7: 7. Removal of hazard trees, with the director's approval. A certified arborist's evaluation may be required in the discretion of the director if the hazard is not clearly evident. Creation of snags are encouraged rather than complete tree removal. Hazard trees removed from critical areas or associated buffers must be replaced at a minimum 3:1 ratio and maintained for at least three years.	☒ Yes ☐ No
15	19.12.160	SMC 19.12.160.C.11.a: a. Such public access will not adversely affect habitat or water quality values of the critical area or its buffer	19.12.160.C11.a:. Such public access will not adversely affect habitat or water quality values of the critical area or its buffer, and that the	☒ Yes ☐ No

Item	SMC	Existing Code	New Regulation/Code	Consistent with BAS
			design reflects current Priority Habitat and Species data and WDFW management recommendations;	
16	19.12.090	19.12.090.F.1 states: Whenever mitigation is required, the applicant shall prepare and submit a mitigation plan for city review and approval.	19.12.090.F.1: 1. Whenever mitigation is required, the applicant shall prepare and submit a mitigation plan using a watershed approach for city review and approval.	☒ Yes ☐ No
17	19.12.160(C)1	1. Stream Crossings. Stream crossings may only be permitted when there is no other reasonable access resulting in less impact on the stream and/or its buffer. Stream crossings shall use all reasonably feasible construction techniques to avoid disturbance to the stream bed or bank. In the case of Class 2, Class 3 or Class 4 streams, bottomless culverts or other appropriate methods demonstrated to provide fisheries protection may be used if the applicant demonstrates that such methods and their implementation will pose no harm to the stream bank or bed and will not adversely impact fish habitat as demonstrated in a report from a qualified consultant submitted by the applicant. The applicant shall be responsible to obtain and comply with all other applicable state and federal permits. Crossings shall not occur over salmonid spawning areas unless no other possible crossing site exists. Crossings shall be minimized and serve multiple purposes and properties whenever possible. Construction of stream crossings shall be in conformance with applicable permit limitations established by state resource agencies.	Updated as follows: 1. Stream Crossings. Stream crossings may only be permitted when there is no other reasonable access resulting in less impact on the stream and/or its buffer. Stream crossings shall use all reasonably feasible construction techniques to avoid disturbance to the stream bed or bank. In the case of Class 2, Class 3 or Class 4 streams, bottomless culverts or other appropriate methods demonstrated to provide fisheries protection may be used if the applicant demonstrates that such methods and their implementation will pose no harm to the stream bank or bed and will not adversely impact fish habitat as demonstrated in a report from a qualified consultant submitted by the applicant. The applicant shall be responsible to obtain and comply with all other applicable state and federal permits. Crossings shall not occur over salmonid spawning areas unless no other possible crossing site exists. Crossings shall be minimized and serve multiple purposes	☒ Yes ☐ No

Item	SMC	Existing Code	New Regulation/Code	Consistent with BAS
			and properties whenever possible. Construction of stream crossings shall be in conformance with applicable permit limitations established by state resource agencies. Stream crossings shall be designed in accordance with the Washington Department of Fish and Wildlife's Water Crossing Design Guidelines (2013), as updated. New crossings shall be evaluated under future climate change scenarios for 2040 and 2080, or similar, as required by state and federal agencies.	
18	19.12.140	**19.12.140 Channel migration and associated erosion hazard zones.** A. The administrator shall assemble all available channel migration and erosion hazard maps and studies from King County and other sources in order to determine the location and severity of known channel migration and erosion hazard zones, and shall maintain maps showing the boundaries of all known channel migration and erosion hazard zones. The administrator is hereby authorized to adopt administrative rules to establish the process and criteria for designating and classifying channel migration and erosion hazard zones. An applicant for a development permit may submit a report by a qualified professional engineer in support of a determination of the boundaries or classification of channel migration and/or erosion hazard areas on a specific property if there is a discrepancy between the approved channel migration zone or erosion hazard map and site-specific conditions or data, or for unmapped	**19.12.140 Channel migration and associated erosion hazard zones.** A. The administrator shall assemble all available channel migration and erosion hazard maps and studies from King County and other sources in order to determine the location and severity of known channel migration and erosion hazard zones, and shall maintain maps showing the boundaries of all known channel migration and erosion hazard zones. The administrator is hereby authorized to adopt administrative rules to establish the process and criteria for designating and classifying channel migration and erosion hazard zones. An applicant for a development permit may submit a report by a qualified professional engineer in support of a determination of the boundaries or classification of channel migration and/or erosion hazard areas on a specific property if there is a discrepancy	☒ Yes ☐ No

Item	SMC	Existing Code	New Regulation/Code	Consistent with BAS
		potential channel migration zones or erosion hazard areas.	between the approved channel migration zone or erosion hazard map and site-specific conditions or data, or for unmapped potential channel migration zones or erosion hazard areas. It is a goal of the city of Snoqualmie to retain and restore channel migration zones as practicable to restore riparian functions in applicable areas over time.	
19	SMC 19.12.160(A)5	5. Type C (Conveyance). As defined by the city of Snoqualmie, "Type C waters" are those natural open ephemeral drainage courses (including where bridged, piped or culverted) that are not Type S, F, Np or Ns waters, which contain flow only during or immediately after periods of precipitation, and which flow generally less than 30 days per year.	Type C stream class deleted because it is not consistent with WAC 222016-030.	☒ Yes ☐ No
20	SMC 19.12.170.E	E. Impacts to Wetlands Less Than 1,000 Square Feet. The following wetlands are exempt from the buffer provisions contained in this chapter and the normal mitigation sequencing process in SMC 19.12.090. They may be filled if impacts are fully mitigated based on provisions in this chapter. If available, impacts should be mitigated through the purchase of credits from a mitigation bank, consistent with the terms and conditions of the program or bank. iIn order to verify the following conditions, a critical area report for wetlands meeting the requirements in SMC 19.12.180 must be submitted. 1. All isolated Category III and IV wetlands less than 1,000 square feet that:	This exemption deleted because its inconsistent with Best Available Science.	☒ Yes ☐ No

Item	SMC	Existing Code	New Regulation/Code	Consistent with BAS
		a. The wetland is not associated with a riparian corridor; b. The wetland is not associated with other wetlands through surface or groundwater connections; c. The wetland does not contain habitat identified as essential for local populations of species identified by the Washington Department of Fish and Wildlife as priority species; d. Compensatory flood storage for the proposed alteration has been provided within city limits with the equivalent to the amount of flood storage removed from the wetland; and e. If located in the city's 100-year floodplain, the proposal is consistent with the requirements of Chapter 15.12 SMC, Flood Hazard Regulations.		
21	SMC 15.12 (Flood hazard Regulations)	Multiple references in SMC 15.12 to one foot of freeboard (minimum requirement by FEMA)	Two feet of freeboard.	☒ Yes ☐ No