Chapter 16.20 GENERAL

Division II. Critical Areas

Chapter 16.20
GENERAL

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16.20.010 Finding.
The city finds that critical areas’ biological and physical functions benefit the city by protecting water quality, providing fish and wildlife habitat, supporting the food chain, storing and conveying flood waters, recharging groundwater, controlling erosion, and providing aesthetic values and recreation. (Ord. 1070 § 2, 2004).

16.20.020 Purpose.
The purpose of this critical areas code is to:

A. Protect the functions and values of ecologically sensitive areas while allowing for reasonable use of private property, through the application of the best available science;

B. Implement the Growth Management Act and the natural environment goals of the comprehensive plan; and

C. Protect the public from injury and loss due to slope failures, erosion, seismic events, volcanic eruptions, or flooding. (Ord. 1070 § 2, 2004).

16.20.030 Definitions.
“100-year flood” means a flood having a one percent chance of being equaled or exceeded in any given year.

“Alter” means to change a critical area or its buffer, including grading, filling, dredging, clearing, construction, compaction, excavation, and pollution.
“Anadromous” refers to fish that spawn and rear in freshwater and mature in saltwater.

“Applicant” means a person who applies for a development permit from the city.

“Aquifer” means a geological formation capable of yielding water to a well or spring.

“Best management practices” means those practices which provide the best available and reasonable physical, structural, managerial, or behavioral activity to reduce or eliminate pollutant loads and/or concentrations leaving the site.

“Buffer” means an area contiguous to and required for protection of a critical area.

“Channel migration zone” means the lateral extent of likely movement of a stream or river during the next 100 years as evidenced by movement over the past 100 years.

“Conservation easement” means a legal agreement that the property owner enters into to restrict uses of the land in a manner that conserves natural functions.

“Critical aquifer recharge area” means an area with a critical recharging effect on aquifers used for potable water, as discussed in WAC 365-190-080(2). Within such areas, pollutants seeping into the ground are likely to contaminate the water supply.

“Critical area” means those areas listed in BLMC 16.20.060.

“Critical areas variance” means the process through which an applicant may gain flexibility in the application of specific regulations of the critical areas code to a specific proposal, when all the criteria for a critical areas variance have been met.

“Development” means any land use or action that alters a critical area or its buffer, including city approvals that establish patterns of use such as subdivisions, short subdivisions, rezones, and conditional use permits.

“Fish habitat” means habitat used by fish at any life stage at any time of the year.

“Functions and values” means the benefits conferred by critical areas, including water quality protection, fish and wildlife habitat, flood storage and conveyance, groundwater recharge, erosion control, and protection from hazards.

“Hazardous substance” means a liquid, solid, or gas that exhibits any of the properties described in WAC 173-303-090 or 173-303-100.

“Historic” means existing before the area was altered by human activity.

“Impact” means to adversely affect a natural system or increase the hazard which a natural system poses to human life and property.

“Impervious” refers to a hard surface area that retards the entry of water into the soil.

“Lowest floor” excludes unfinished enclosures usable only for parking, building access, or storage.

“Minor work” means work that is exempt from review under the State Environmental Policy Act, such as planting wetland-compatible indigenous plants, the removal of invasive or noxious weeds, or pruning trees, all using hand labor or handheld equipment.

“Mitigation” means a requirement to replace or enhance critical functions and values destroyed or impacted by proposed land disturbances.

“Monitoring” means assessing the performance of mitigation measures by collection and analysis of data on changes in natural systems.
“Ordinary high water mark” means that mark on the bed or bank below which inundation is so common in ordinary years that the soil and/or vegetation are distinct from that of the abutting upland.

“Primary association” means a relationship between a species and a habitat area whereby the species regularly uses or otherwise needs the habitat area to thrive.

“Rill” means a small, steep-sided channel caused by erosion.

“Riparian habitat” means stream-side areas that influence the aquatic ecosystem by providing shade, debris, or insects and provide habitat for riparian wildlife.

“Species” means a group of animals commonly classified by the scientific community as a species or subspecies.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the structure’s market value before the improvement, or, if the structure was damaged, before the damage occurred.

“Watercourse” means flowing waters of the state, perennial or intermittent, excluding artificial waterways such as ditches or canals not created by human alteration of a natural watercourse.

“Wetland” or “wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland 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.

“Wetland mitigation bank” means a site where wetlands are restored, created, or enhanced to mitigate in advance authorized impacts to similar resources. (Ord. 1491 § 18, 2014; Ord. 1325 § 6, 2009; Ord. 1301 § 1, 2009; Ord. 1070 § 2, 2004).

16.20.040 Critical areas code.
These Chapters 16.20 through 16.30 BLMC shall collectively be known as the critical areas code. This Chapter 16.20 BLMC shall establish the general framework for Chapters 16.22, 16.24, 16.28 and 16.30 BLMC. The director of planning and community development shall administer and interpret this critical areas code. (Ord. 1301 § 2, 2009; Ord. 1070 § 2, 2004).

16.20.050 Fees.
The city shall by resolution establish fees by which the city shall recover its cost of reviewing development proposals, including the cost of engineering review, planning review, inspections, and administration. The applicant shall be responsible for all required reports, assessments, studies, and plans. (Ord. 1070 § 2, 2004).

16.20.060 Applicability.
Unless exempted in BLMC 16.20.070, this critical areas code shall apply to all developments (see definition) within one or more of the following critical areas or their associated buffers or building setback areas, regardless of whether the site has been previously identified as a critical area.

A. Wetlands as designated in Chapter 16.22 BLMC;

B. Critical aquifer recharge areas as designated in Chapter 16.24 BLMC;

C. Geologically hazardous areas as designated in Chapter 16.28 BLMC; and
D. Fish and wildlife habitat conservation areas as designated in Chapter 16.30 BLMC. (Ord. 1301 § 3, 2009; Ord. 1070 § 2, 2004).

16.20.070 Exemptions.
The following shall be exempt from this critical areas code:

A. Emergency actions immediately necessary to prevent injury or property damage, provided the action minimizes impact to critical areas and buffers. The person undertaking the action shall notify the director(s) within one day following commencement of the emergency action. The director(s) shall determine if the action was allowable under this subsection and commence enforcement if not. Within one year of the date of the emergency, the person undertaking the action shall fully mitigate any resulting impacts to the critical area and buffers in accordance with an approved critical area report and mitigation plan;

B. Normal operation, maintenance, or repair of existing structures, utilities, roads, levees, drainage systems, or similar improvements, including vegetation management, if the action does not alter or increase the impact to or encroach upon the critical area or buffer, and if the action accords with best management practices and maintenance, and does not impact an endangered or threatened species;

C. Passive outdoor activities such as recreation, education, and scientific research that do not degrade the critical area;

D. Forest practices in accordance with Chapter 76.09 RCW and WAC Title 222, other than forest practice conversions;

E. Structural modifications of, additions to, or replacements of existing legal structures without altering or increasing the impact to the critical area; provided, that the city’s regulations regarding legal nonconforming uses are complied with. Includes most tenant improvements;

F. The following work within improved public rights-of-way or private street easements: construction, replacement, or modification of streets, utilities, lines, mains, equipment, or appurtenances, excluding electrical substations; provided, that actions that alter a wetland or watercourse, such as culverts or bridges, or result in the transport of sediment or increased stormwater shall be subject to the following requirements wherever possible:

   1. Critical area and/or buffer widths shall be increased equal to the width of the right-of-way improvement, including disturbed areas; and

   2. Native vegetation shall be retained and replanted along the right-of-way improvement;

G. Minor utility projects such as placement of a utility pole, street sign, anchor, or vault, which do not significantly impact critical areas function or values, if constructed using best management practices;

H. Removal with hand labor and light equipment of invasive or noxious plants as designated by the director(s), including:

   1. English Ivy (Hedera helix);

   2. Himalayan blackberry (Rubus discolor, R. procerus); and

   3. Evergreen blackberry (Rubus laciniatus);

I. Thinning or removal of trees which a qualified arborist, landscape architect, or forester has documented as posing a threat to public safety and which do not provide critical habitat such as eagle perches; provided, that removed trees and thinnings are left on-site, and for each tree removed, two replacement trees shall be planted in the same or nearly same location within one year in accordance with a plan approved by the director(s). The replacement trees shall be of species native and indigenous to the site. Deciduous trees shall be at least one
inch in diameter at breast height. Evergreen trees shall be at least six feet in height measured from the top of the root ball;

J. Measures to control fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act; Chapter 76.09 RCW; provided, that the removed vegetation shall be replaced with the same or similar native species within one year in accordance with an approved plan;

K. Application of herbicides, pesticides, or fertilizers, if necessary; provided, that their use shall conform to Department of Fish and Wildlife Management Recommendations and the regulations of the Department of Agriculture and the U.S. Environmental Protection Agency;

L. Minor clearing or digging necessary for surveys, soil logs, percolation tests, and similar activities, provided critical area impacts are minimized and disturbed areas are immediately restored;

M. Navigational aids and boundary markers;

N. Proposed developments that have undergone critical area review at a previous stage of permit review provided the earlier permit has not expired;

O. Harvesting of wild crops without injuring their natural reproduction, tilling the soil, planting crops, applying chemicals, or altering the critical area;

P. Conservation measures of soil, water, vegetation, fish, and other wildlife that do not adversely impact ecosystems;

Q. Required environmental impact remediation;

R. Existing and ongoing agricultural activities where the land has not lain idle so long that modifications to the hydrological regime are necessary to resume operations; and

S. Development of Category IV wetlands less than 1,000 square feet in size if a critical area report demonstrates that (1) the wetland does not provide suitable habitat for amphibians and (2) the wetland does not possess unique characteristics that would be difficult to replicate. (Ord. 1070 § 2, 2004).

16.20.080 Review process.
The director(s)’s general sequence for administering this critical areas code shall be per the following table, which shows questions the director(s) shall answer, and actions he or she shall take depending on the answer.

<table>
<thead>
<tr>
<th>Step 1</th>
<th>Does the development proposal contain critical areas or critical area buffers?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The director(s) shall check maps, review the environmental checklist, visit the site, and/or require scientific determinations as necessary to make this determination.</td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Go to</td>
<td>Go to step 2.</td>
</tr>
<tr>
<td>step 2</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Step 2</th>
<th>Is the development proposal exempt per BLMC 16.20.070?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Go to step 4.
Require a critical area report. Do not issue determination of completeness until critical area report is received. Reference critical area report in any public notice.

Step 3
Does the proposal, with conditions of approval, conform to BLMC 16.20.130, Substantive requirements, the substantive requirements for the critical area type, e.g., wetlands, the permit type processing requirements, and the rest of Bonney Lake Municipal Code?

Yes

Go to step 4.

No

Go to step 4.

Step 4
Document the review process in a manner appropriate to, and filed with, the permit(s) required for the proposed development, and act on the permit application in accordance with the findings. Approval or disapproval and notices of decision shall be issued as required by the appropriate permit type.

(Ord. 1325 § 7, 2009; Ord. 1070 § 2, 2004).

16.20.090 Critical area reports.
Critical area reports shall be prepared for nonexempt proposed developments containing critical areas or their buffers. In addition to information required in specific critical area chapters, the critical area reports shall:

A. Be prepared by qualified experts as defined in WAC 365-195-905(4). The following list shows the type of critical area report and the related professional discipline:

1. Wetlands: wetland biologist.

2. Critical aquifer recharge areas: hydrogeologist, geologist, or engineer.

3. Floodplains: hydrologist or engineer.

4. Geologically hazardous areas: engineer or geologist.

5. Fish and wildlife habitats: biologist.

B. Incorporate best available science.

C. Cover a study area large enough to understand relationships with important off-site factors and identify any nearby critical area whose buffer extends onto the project site.

D. Contain the following:

1. Name and contact information of the applicant, description of the proposed development, and identification of required permits;
2. Site plan drawn to scale of no less than one inch equals 100 feet showing critical areas, buffers, existing structures, and proposed structures, clearing, grading, and stormwater management;

3. Characterization of critical areas and buffers;

4. Assessment of the probable impact of the development proposal on critical areas;

5. Analysis of site development alternatives;

6. Description of efforts to avoid, minimize, and mitigate impacts to critical areas pursuant to BLMC 16.20.130(E) ("sequencing");

7. Mitigation plans as needed, in accordance with BLMC 16.20.110;

8. Evaluation of compliance with this critical areas code's substantive requirements applicable to the proposed development;

9. Financial guarantees to ensure compliance, such as a performance bond or deposit, if necessary;

10. Additional information as required in the chapter corresponding to the type of critical area;

11. Documentation of who prepared the report and when, with fieldwork and data sheets;

12. Statement specifying the accuracy of the report and assumptions relied upon;

13. Additional information as required by the community development director;


16.20.100 Previous studies.
Critical area reports may rely upon, without duplication of effort, valid previous studies prepared for the site, taking into account any change in the site, the proposed development, or the surrounding area. (Ord. 1070 § 2, 2004).

16.20.110 Mitigation plan requirements.
If the city allows conformance with this critical areas code's substantive requirements to be achieved by mitigation, the critical area report shall include a mitigation plan consisting of:

A. An analysis of the anticipated impacts on functions and values;

B. A strategy for mitigating the impacts, including site selection factors;

C. An analysis of the existing and anticipated functions and values at the mitigation site, including an assessment of risks;

D. A review of the best available science relative to the proposed mitigation;

E. Specific standards for evaluating whether the mitigation is successful;

F. Detailed construction plans, including:
   1. Construction timing;
   2. Grading and excavation details;
   3. Erosion and sediment control features;
   4. Planting plan including species and spacing; and
   5. Measures to protect plants until established and control invasive species;
G. A program for monitoring the mitigation over at least five years; and

H. Potential corrective measures should the monitoring indicate the standards set per subsection E of this section are not being met. (Ord. 1070 § 2, 2004).

16.20.120 Independent review of critical area report.
The director(s) may have the critical area report evaluated by an independent qualified professional and/or request consultation from an agency with expertise. If the report and evaluations disagree, the director(s) shall determine which to utilize. (Ord. 1070 § 2, 2004).

16.20.130 Substantive requirements.
A. All treatment of critical areas shall be in accordance with best available science as defined in WAC 365-195-900 through 365-195-925, which is hereby adopted by reference, along with the Washington State Department of Community Development’s “Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas.”

B. Critical areas and their buffers shall be left undisturbed except the following may be permitted if best management practices are used:

1. Authorized functional restoration;

2. In buffers: utility poles and utility lines which do not require excavation;

3. In the outer 25 percent of buffers and at least 50 feet from the critical area edge: permeable-surfaced walkways, trails, and minimal wildlife viewing structures;

4. Developments authorized by a critical area variance pursuant to BLMC 16.20.145 for which mitigation is provided per subsection E of this section; and

5. Other uses specifically authorized by this critical areas code.

C. No development shall occur which results in a net loss of the functions or values of any critical area. The pre- and post-development functional comparison shall be on a per-function basis unless otherwise authorized by this critical areas code.

D. No development shall occur in critical areas and their buffers which results in an unreasonable hazard to the public health and safety.

E. These substantive requirements shall be met via one or more of the following methods, listed in preferential sequence (commonly known as “sequencing”). The methods used shall be those which are highest on the list yet consistent with the objectives of the proposed development.

1. Avoid the impact altogether by not taking the proposed action;

2. Minimize the impact by limiting the action’s magnitude or changing the project design, location, or timing;

3. Mitigate (compensate for) the impact on natural system functions and values by enhancing or replacing other natural systems and ensuring that the mitigation serves its purpose over time. Mitigation should provide equivalent or greater functions and values than those of the critical area it replaces. The mitigation shall be near the impact site unless it is more cost-effective to mitigate lost functions at a larger scale, such as at a wetland mitigation bank within the impacted wetland’s drainage basin. The city reserves the right to disallow mitigation that would be located outside the UGA.

F. As a condition of any permit approval, the city may require that:

1. The outer edge of the critical area or buffer be marked, signed, or fenced to protect the resource. Such protection may be temporary, during construction, or permanent such as to protect the resource from
livestock or people. The director(s) shall specify the design and sign message, if applicable, of such markers, signs, and fencing;

2. The applicant file a notice with the county records and elections division stating the presence of the critical area or buffer and the application of this critical areas code to the property, to inform subsequent purchasers of the property;

3. The critical area and/or buffer be placed in a critical area tract or conservation easement, the purpose of which is to set aside and protect the critical area. The critical area tract or conservation easement shall be:
   a. Held by the city, a homeowner's association, a land trust or similar conservation organization, or by each lot owner within the development in an undivided interest;
   b. Recorded on all documents of title of record for the affected parcels;
   c. Noted on the face of any plat or recorded drawing; and
   d. Delineated on the ground with permanent markers and/or signs in accordance with local survey standards.

G. The city may allow averaging of standard wetland and stream buffer widths if a qualified professional demonstrates that:

   1. Functions and values are not adversely affected;
   2. The total buffer area is not reduced; and
   3. At no location is the buffer width reduced more than 40 percent.

H. Unless otherwise provided, buildings and other structures shall be set back a distance of 10 feet from the edges of all critical areas and critical area buffers. The same protrusions into this setback area shall be allowed as the zoning code allows into property line setback areas.

I. Lots created through subdivisions or short plats may contain critical areas and buffers provided they contain adequate buildable area to build upon. Subdivision and short plats shall show, on their face, any applicable critical area limitations.

J. When any existing regulation, easement, covenant, or deed restriction conflicts with this critical areas code, that which provides more protection to the critical areas shall apply.

K. When critical areas of two or more types coincide, the more restrictive buffer and requirements shall apply.

L. The substantive requirements peculiar to the type of critical area shall also be complied with. (Ord. 1491 § 19, 2014; Ord. 1252 § 1, 2007; Ord. 1070 § 2, 2004).

16.20.140 Buffer width averaging and minor work.
The city may permit activity within critical areas in one of the following ways:

A. A buffer width averaging may be granted in accordance with BLMC 16.20.130(G);

B. Native plants in critical areas may be installed; provided, that:

   1. Installation of plants on potential landslide hazard areas shall be in accordance with this chapter and Chapter 16.28 BLMC, and may require a geotechnical report that addresses existing slope stability and a provide a statement that the proposed planting activity will not likely undermine existing stability;
2. Installation of native plants in wetlands or wetland buffers shall be in accordance with this chapter and Chapter 16.22 BLMC and may require biologists’ or other experts’ reports stating the appropriateness of the proposed plants for the proposed location;

C. Planting within wetlands or their buffers may be used as a future mitigation for other work on or adjacent to the wetland if the following criteria are met:

1. The required wetland report identifies the long-term benefits to the wetland system;

2. The proposed work improves the function and value of a wetland, a buffer, or its system as a natural ecosystem; and

3. The proposed work is carefully monitored with documentation as required in BLMC 16.20.110. (Ord. 1325 § 9, 2009; Ord. 1070 § 2, 2004).

16.20.145 Critical areas variances.
A. An applicant for a development approval may submit a request for a critical areas variance to the hearing examiner. A critical areas variance is a Type 3 permit. Development may be allowed which is consistent with the purpose of this title; provided, the hearing examiner, after public hearing, enters the following written findings, upon which the applicant shall have the burden of proof:

1. The provisions of this title would deny all reasonable use of the property;

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

3. The variance is the minimum necessary to allow a reasonable use of the property;

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

5. The proposal conforms with all other applicable regulations and code provisions;

6. The applicant has proposed all reasonably possible mitigation pursuant to BLMC 16.20.130(E)(3), or has shown that no mitigation is reasonably possible;

7. The need for the variance is not the result of the applicant’s deliberate actions;

8. The variance would not impact anadromous fish habitat; and

9. The application is sufficiently documented (for example, critical area report, mitigation plan, permit applications, and environmental documents) for the director or designee to make a determination regarding these criteria.

B. If the director finds that impact to a critical area or its buffer would be reduced by encroaching into a zoning setback, the zoning setback up to half the minimum required may be reduced through the critical area variance process.

C. The hearing examiner shall impose all conditions necessary to minimize the impact on the critical area and its buffer and further the purpose and goals of this title. Full mitigation shall be required under the city’s environmental protection regulations adopted pursuant to SEPA. (Ord. 1505 § 16, 2015; Ord. 1325 § 10, 2009).

16.20.150 Enforcement and inspections.
A. In enforcing this critical areas code per Chapter 14.130 BLMC, the director(s) may require a restoration plan prepared by a qualified professional. Historic functions and values, soil configurations, and native vegetation shall be used as a guide for restoration. Flood and geological hazards shall be reduced to the predevelopment level.
B. Reasonable access to the development shall be provided to agents of the city for critical area inspections, monitoring, restoration, or emergency action. (Ord. 1070 § 2, 2004).

16.20.160 Record per WAC 365-195-915 and 365-195-920.
Repealed by Ord. 1491. (Ord. 1070 § 2, 2004).

16.20.170 Nonconforming uses.
Developments or uses that upon initiation were legally permitted but which do not conform with this critical areas code may continue; provided, that they:

A. Shall not be expanded or changed so as to increase the nonconformity;

B. Shall not be resumed if discontinued for 12 consecutive months; and

C. May be replaced or restored in the event of destruction by fire, explosion, or other casualty only if reconstruction is commenced within one year and completed within 18 months. (Ord. 1070 § 2, 2004).
Chapter 16.22
WETLANDS

Sections:

16.22.010 Designation.
16.22.020 Rating.
16.22.030 Contents of critical area reports.
16.22.040 Substantive requirements.
16.22.050 Mitigation.

16.22.010 Designation.

Wetlands are those areas, designated in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region – Version 2.0 prepared by the U.S. Army Corps of Engineers (2010) or as revised. The Bonney Lake planning and community development department has maps showing the approximate location and extent of wetlands. However, these maps are only a guide, and will be updated as wetlands become better known. The exact location of a wetland’s boundary shall be determined in accordance with the above-stated manual as required by RCW 36.70A.175. (Ord. 1491 § 20, 2014; Ord. 1070 § 2, 2004).

16.22.020 Rating.

Wetlands shall be rated Category I, II, III, or IV according to the Department of Ecology’s “2014 Washington State Wetland Rating System for Western Washington” (Publication No. 14-06-29) as presently constituted or as may be subsequently amended. Wetland categories shall apply to the wetland as it exists on the date the city adopts the rating system, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications. (Ord. 1523 § 2, 2015; Ord. 1491 § 21, 2014; Ord. 1070 § 2, 2004).

16.22.030 Contents of critical area reports.

In addition to the requirements of BLMC 16.20.090, critical area reports for wetlands shall include:

A. Wetland delineation map as surveyed in the field. Buffer boundaries shall be marked in the field by a licensed surveyor using wood or steel posts, four to five feet tall above the ground surface, permanently affixed, carrying identification signs approved by the city, to be obtained from the planning and community development department. The charge for these signs shall be $1.00 per sign.

B. Assessment of wetlands, including acreage, category, required buffers, evidence of past illegal alterations, soil, topography, hydrology, ecology, and functional evaluation using a recognized method such as the Western Washington Wetland Rating System.

C. Discussion of measures to preserve wetland functions and values, including the “sequencing” set forth in BLMC 16.20.130(E).

D. If mitigation is proposed, a mitigation plan including the existing and proposed status of:

1. Wetland acreage;
2. Vegetation and fauna;
3. Surface and subsurface hydrology;
4. Soils, substrate, and topography;
5. Required wetland buffers; and
6. Property ownership.

E. Proposed wetland management and monitoring. (Ord. 1070 § 2, 2004).

16.22.040 Substantive requirements.

In addition to the substantive requirements of BLMC 16.20.130, the following requirements shall apply to developments (see definitions) in wetlands except as exempted above:

A. The higher the wetland category (Category I is highest), the greater shall be the emphasis on higher-priority "sequencing" methods per BLMC 16.20.130(E).

B. The following table establishes the standard buffer width that shall apply to each wetland category, depending on the intensity of the potential land use on the upland side of the buffer and the habitat score of the wetland as determined on the Wetland Rating Form for Western Washington Version 2, as presently constituted or as may be subsequently amended, completed by a qualified professional.

<table>
<thead>
<tr>
<th>Overall Wetland Rating</th>
<th>Wetland Characteristics</th>
<th>Intensity land use on the upland side of the buffer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>High(^1)</td>
</tr>
<tr>
<td>Category I</td>
<td>Habitat score of 8 – 9 points</td>
<td>300 feet</td>
</tr>
<tr>
<td>Category I</td>
<td>Habitat score of 5 – 7 points</td>
<td>150 feet</td>
</tr>
<tr>
<td>Category I</td>
<td>Water quality score of 8 – 9 points and a habitat score of less than 5 points</td>
<td>100 feet</td>
</tr>
<tr>
<td>Category I</td>
<td>Wetlands that do not meet the characteristics described above for Category I wetlands</td>
<td>100 feet</td>
</tr>
<tr>
<td>Category II</td>
<td>Habitat score of 8 – 9 points</td>
<td>300 feet</td>
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<tr>
<td>Category II</td>
<td>Habitat score of 5 – 7 points</td>
<td>150 feet</td>
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<td>Category II</td>
<td>Water quality score of 8 – 9 points and a habitat score of less than 5 points</td>
<td>100 feet</td>
</tr>
<tr>
<td>Category II</td>
<td>Wetlands that do not meet the characteristics described above for Category II wetlands</td>
<td>100 feet</td>
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<tr>
<td>Category III</td>
<td>Habitat score of 8 – 9 points</td>
<td>300 feet</td>
</tr>
<tr>
<td>Category III</td>
<td>Habitat score of 5 – 7 points</td>
<td>150 feet</td>
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<td>Category III</td>
<td>Habitat score of 3 – 4 points</td>
<td>80 feet</td>
</tr>
<tr>
<td>Category IV(^4)</td>
<td>Scores for all 3 basic functions are less than 16 points</td>
<td>50 feet</td>
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</table>
1 High intensity land uses include commercial, industrial, and retail developments; institutional use; residential developments at more than one unit per acre; high intensity recreation areas (golf course, ball fields, etc.); and hobby farms.

2 Moderate intensity land uses include residential developments at less than one unit per acre; moderate intensity open space (parks with biking, jogging, etc.); and paved trails and utility corridors with maintenance roads.

3 Low intensity land uses include low intensity open space (hiking, birdwatching, preservation of natural resources, etc.); and unpaved trails and utility corridors without maintenance roads.

4 For exemption of wetlands under 1,000 square feet see BLMC 16.20.070(S).

C. Buffers shall be measured from the wetland boundary as surveyed in the field. These buffer widths presume that healthy native plant communities dominate the buffer. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.

D. Buffers shall be measured from the wetland boundary as surveyed in the field. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.

E. The director(s) may increase the required buffer width and/or require buffer enhancement if a wetland professional determines that the wetland provides habitat for wildlife species that require greater protection than the standard buffer, or the buffer lacks healthy native vegetation or is otherwise handicapped in its ability to protect the wetland. Said determination shall take into account the score derived from the Wetland Rating System and such factors as topography, land use, and past disturbance.

F. The director(s) may reduce the standard buffer width if the function(s) served by the particular wetland needs less buffer width, as indicated by a wetland functional analysis.

G. Except as provided elsewhere in this critical areas code, all existing native vegetation in wetland buffers shall be retained without disturbance, mowing, or hard surfacing, nor shall any action be taken to inhibit volunteer regrowth of native vegetation. Invasive weeds shall be removed for the duration of any mitigation bond. Stormwater management facilities and bioswales are permitted in the outer 25 percent of the buffer of Category III or IV wetlands provided wetland functions and values are not significantly lost through fluctuations in wetland hydrology and construction integrates best management practices. (Ord. 1523 § 3, 2015; Ord. 1491 § 22, 2014; Ord. 1070 § 2, 2004).

16.22.050 Mitigation.
A. Mitigation for alterations to wetlands may be satisfied by restoring former wetlands, creating wetlands, or enhancing degraded wetlands, consistent with Wetland Mitigation in Washington State – Parts 1 and 2 (Washington State Department of Ecology Publication No. 06-06-011a and 06-06-011b) or as revised.

B. Mitigation shall generally replace wetland functions lost from the altered wetland except that the city may permit out-of-kind replacement when the lost functions are minimal or less important to the drainage basin than the functions that the mitigation action seeks to augment.

C. Mitigation shall be in the same drainage basin as the altered wetland. Wetland mitigation shall be in the same sub-basin unless a higher level of ecological functioning would result from an alternate approach.

D. Mitigation projects shall be completed as quickly as possible consistent with such factors as rainfall and seasonal sensitivity of fish, wildlife, and flora.

E. Mitigation projects shall be designed utilizing Wetland Mitigation in Washington State – Parts 1 and 2 (Washington State Department of Ecology Publication No. 06-06-011a and 06-06-011b) or as revised.

F. Compensatory mitigation shall be determined using the methodology established in Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington (Washington Department of Ecology...
Publication No. 10-06-01); or the mitigation ratios found in Wetland Mitigation in Washington State – Parts 1 and 2 (Washington State Department of Ecology Publication No. 06-06-011a and 06-06-011b) as revised.

G. Credits granted from a certified wetland mitigation bank shall be consistent with the bank's certification and service area.

H. The applicant shall provide an as-built plan of the mitigation site and monitor the site in accordance with BLMC 16.20.110(G). (Ord. 1523 § 4, 2015; Ord. 1491 § 23, 2014; Ord. 1070 § 2, 2004).
Chapter 16.24
CRITICAL AQUIFER RECHARGE AREAS

Sections:
16.24.010 Coordination with public works department.
16.24.020 Designation and susceptibility rating.
16.24.060 Substantive requirements.
16.24.070 Uses prohibited from critical aquifer recharge areas.
16.24.080 Substantive requirements for existing underground storage tanks.
16.24.090 Substantive requirements for new underground storage tanks.
16.24.100 Reporting of unauthorized releases.

16.24.010 Coordination with public works department.
The director(s) shall consult with the public works department when administering this chapter. (Ord. 1070 § 2, 2004).

16.24.020 Designation and susceptibility rating.
A. The city of Bonney Lake Wellhead Protection and Monitoring Program Phase II, dated November 2000, identifies a one-year time-of-travel zone around all of the city’s wells. Outside that circle it identifies a five-year time-of-travel zone. Outside that it identifies a 10-year time-of-travel zone. The time-of-travel zones also appear in the city’s geographic information system. Maps thereof are available from the director(s). The city may update said maps as new scientific data become available without revising this code.

B. The city rates the one-year time-of-travel zones as having very high groundwater recharge (contamination) susceptibility, the five-year time-of-travel zones as having high susceptibility, and the 10-year time-of-travel zone as having moderate to low susceptibility.

C. The city hereby designates the one-year, five-year, and 10-year time-of-travel wellhead protection zones as critical aquifer recharge areas. This chapter’s requirements shall apply equally to all time-of-travel zones unless stated otherwise. (Ord. 1070 § 2, 2004).

In addition to the exemptions in BLMC 16.20.070, the following developments or materials shall be exempt from this chapter:

A. Construction of noncommercial structures, improvements, and additions of less than 2,500 square feet total site impervious surface area that do not increase risk from hazardous substances.

B. Development of parks, recreation facilities, or conservation areas that do not increase risk from hazardous substances.

C. Tree removal.
D. Hazardous materials in properly functioning and sealed units or containers.

E. Hazardous materials of less than 20 gallons or less than 200 pounds stored or used on premises.

F. Fuel oil in existing home heating systems.

G. Hazardous materials that may be used for treatment of the city’s water supply.

H. Fueling of equipment that will not be traveling on city streets. (Ord. 1070 § 2, 2004).

In addition to the requirements of BLMC 16.20.090, critical area reports for critical aquifer recharge areas shall include a hydrogeologic assessment. Level 1 (simpler) hydrogeologic assessment shall contain at a minimum:

A. Available information regarding geology and hydrogeology of the site, including permeability of the unsaturated zone;

B. Groundwater depth, flow direction, and gradient based on available information;

C. Available data on wells and springs within 1,300 feet;

D. Location of other critical areas, including surface waters, within 1,300 feet; and

E. Best management practices proposed to be utilized. (Ord. 1070 § 2, 2004).

A. In addition to Level 1, a Level 2 hydrogeologic assessment shall be prepared for:

1. Activities that divert, alter, or reduce the flow of surface or groundwaters, or otherwise reduce the recharging of the aquifer;

2. The use of hazardous substances other than household chemicals used according to the directions specified on the packaging;

3. Injection wells; and

4. Any other activity determined by the director(s) likely to have an adverse impact on groundwater quality or quantity.

B. Level 2 hydrogeologic assessments shall contain at a minimum:

1. Historic water quality data for the area to be affected by the proposed development;

2. Groundwater monitoring plan;

3. Potential effects on water quality and quantity of nearby wells and water bodies; and

4. Analysis of equipment or structures that could fail and regular inspection, repair, and replacement necessary to prevent failure. (Ord. 1070 § 2, 2004).

16.24.060 Substantive requirements.
In addition to the substantive requirements of BLMC 16.20.130, the substantive requirements contained in BLMC 16.24.060 through 16.24.100 shall apply to critical aquifer recharge areas.

A. Proposed developments shall not cause contaminants to enter the aquifer or significantly reduce the recharging of the aquifer, and shall comply with the water source protection requirements and recommendations of the U.S. Environmental Protection Agency, Washington State Department of Health, and county health department.
B. Above ground facilities for storing hazardous substances shall be designed to prevent accidental release, shall have a primary containment enclosing or underlying the tank, and shall have a secondary containment built into the tank structure or consisting of an external dike.

C. Vehicle repair and servicing shall be conducted over impermeable pads, within a covered structure capable of normal weather conditions. Chemicals shall be stored in a manner that protects them from weather and provides containment should leaks occur. Dry wells are prohibited.

D. Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.

E. Surface percolation or injection of reclaimed water shall conform to adopted water or sewer comprehensive plans, RCW 90.46.010(10), 90.46.042, and 90.46.080(1).

F. Infiltration of stormwater consistent with Volume V, Section 3.3 of the 2001 Stormwater Management Manual for Western Washington shall be incorporated to the maximum extent possible to recharge the aquifer.

G. Floor drains shall not drain to the stormwater system and shall conform to the Uniform Plumbing Code (UPC) Section 303.

H. Roof venting carrying contaminants shall be pretreated as described in the UPC Section 304(b).

I. Nonresidential vehicle washing shall be either self-contained or pretreated then discharged to the city’s sanitary sewer system, with city permission. This use shall meet UPC Sections 708 and 711 requirements.

J. Where appropriate, activities shall utilize integrated pest management practices for pest control and best management practices for fertilizing as described by the Washington State University/Pierce County Cooperative Extension.

K. For new uses served by on-site septic systems, nitrate levels at the down-gradient property line shall not exceed 2.5 mg/L.

L. The city may require emergency measures as necessary to protect aquifer water quantity or quality.

M. The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations.

### Statutes, Regulations, and Guidance Regarding Groundwater-Impacting Activities

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<th>Activity</th>
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<td>Hazardous Waste Generator</td>
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<td>Activity</td>
<td>Statute – Regulation – Guidance</td>
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<tr>
<td>Oil and Gas Drilling</td>
<td>WAC 332-12-450, Chapter 173-218 WAC</td>
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<td>On-Site Sewage Systems (&lt;14,500 gal/day)</td>
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<td>Pesticide Storage and Use</td>
<td>Chapter 15.54 RCW, Chapter 17.21 RCW</td>
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<tr>
<td>Solid Waste Handling and Recycling Facilities</td>
<td>Chapter 173-304 WAC</td>
</tr>
<tr>
<td>Surface Mining</td>
<td>WAC 332-18-015</td>
</tr>
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(Ord. 1070 § 2, 2004).

16.24.070 Uses prohibited from critical aquifer recharge areas.

The following activities and uses are prohibited in critical aquifer recharge areas (based on “Guidance Document for the Establishment of Critical Aquifer Recharge Area Ordinances,” by WDOE, Publication #97-30):

A. Landfills and solid waste transfer stations, including landfills for hazardous waste, municipal solid waste, special waste, wood waste, and inert and demolition waste;

B. Underground injection wells: Class I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;

C. Mining of metals, hard rock, sand, and gravel;

D. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces;

E. Creosote or asphalt manufacturing;

F. Storage, processing, or disposal of hazardous, chemical, or radioactive substances;

G. Electroplating;

H. Class 1A or 1B flammable liquids manufacturing as defined by the Uniform Fire Code;

I. Conversion of heating systems to fuel oil;

J. New petroleum product pipelines;

K. Activities that would significantly reduce the recharge to aquifers currently or potentially used for potable water; and

L. Activities that would significantly reduce base flow to a regulated stream. (Ord. 1070 § 2, 2004).

16.24.080 Substantive requirements for existing underground storage tanks.
A. Existing underground facilities for storing hazardous substances shall prevent releases and shall be upgraded to meet the requirements for a new underground storage facility if they leak a product.

B. Existing underground storage facilities in a one-year time-of-travel zone which store regulated substances shall comply with this title’s requirements for the construction and monitoring of new underground storage facilities by July 1, 2004.

C. Owners of existing underground storage facilities which store regulated substances in a five-year or 10-year time-of-travel zone shall implement a monitoring system by July 1, 2004. The system shall be designed to detect unauthorized releases within 72 hours. The director(s) shall specify the details of the monitoring system. Whenever possible, monitoring other than groundwater monitoring shall be performed at least weekly. The director(s) shall require the closure of the any underground storage facility which is not monitored per this subsection. The monitoring system shall be designed to determine containment ability and detect unauthorized releases by:

1. Visual monitoring;
2. Tank tightness testing and inventory reconciliation controls;
3. Testing or monitoring for vapors in the surrounding soil;
4. Monitoring for releases collecting in a secondary or interception barrier provided the nearby soil and backfill are first tested for presence of the regulated substance or interfering constituents;
5. Automatic monitoring of product level and automatic inventory reconciliation;
6. Groundwater monitoring; and/or
7. Other methods approved by the department. (Ord. 1070 § 2, 2004).

16.24.090 Substantive requirements for new underground storage tanks.
A. New underground storage facilities used for the storage of regulated substances shall have primary and secondary levels of containment.

B. Primary containers shall be product-tight and shall be installed in accordance with applicable sections of Article 79 of the Uniform Fire Code.

C. Secondary containers shall be designed to withstand contact with released hazardous substance long enough to allow detection and removal of the unauthorized release.

D. If a secondary container comes into contact with a hazardous substance, it shall be replaced if necessary to guarantee continued compliance with subsection C of this section.

E. The secondary container shall be able to contain 100 percent of the volume of the primary container. If the secondary container serves multiple primary containers, the secondary container shall be able to contain 150 percent of the volume of the largest primary container or 10 percent of the aggregate volume of all primary containers, whichever is greater.

F. If the secondary container is open to rainfall, it shall be able to contain the volume of precipitation which could enter the secondary container during a 24-hour, 100-year storm in addition to the volume of hazardous substance storage required in subsection E of this section.

G. The volumetric requirements for the pore space of a granular material placed in the secondary container as backfill for the primary container shall be equal to or greater than that required in subsection E of this section. The available pore space in the secondary container backfill shall be determined using appropriate engineering methods and safety factors and shall consider the specific retention and specific yield of the backfill material, the
location of the primary container within the secondary container, and the proposed method of operation for the secondary container.

H. The secondary container shall be equipped with a collection system to accumulate, store, and permit removal of any precipitation, subsurface infiltration, or hazardous substance released from the primary container.

I. Laminations or coatings of the primary container shall not obviate the requirement for a secondary container.

J. Primary containers and double-walled underground storage tanks subject to flotation shall be weighted or anchored using methods specified by the manufacturer or, if none exist, best engineering judgment.

K. New primary containers and double-walled underground storage tanks shall conform to the following.

   1. Cathodically protected steel underground storage tanks, steel underground storage tanks clad with glass fiber reinforced plastic, and glass fiber plastic underground storage tanks shall be designed to standards developed by a nationally recognized independent testing organization or be listed by the testing organization.

   2. Underground storage tanks shall be tested by the manufacturer or an independent testing organization for durability and chemical compatibility with the regulated substances to be stored using recognized engineering practices.

   3. Except for steel underground storage tanks, a wear plate (striker plate) shall be centered under all accessible openings of the underground storage tank. The plate shall be constructed of steel or, if the steel is not compatible with the regulated substance stored, a material resistant to the stored regulated substance. The width of the plate shall be at least nine inches wide and have an area of one square foot or be equal to the area of the accessible opening or guide tube, whichever is larger. The thickness of the steel plate shall be at least 0.053 inch (1.35 mm), and those constructed of other materials (as required) shall be of sufficient thickness to provide equivalent protection. The plate shall be rolled to the contours of underground storage tank and bonded or seam welded in place.

   4. Single-walled primary containers of steel and the outer surface of double-walled underground storage tanks constructed of steel which are not clad with glass fiber reinforced plastic shall be protected by a properly installed, maintained, and monitored cathodic protection system with a certification listing by a nationally recognized independent testing organization or certification by a registered corrosion engineer or a National Association of Corrosion Engineers (NACE) accredited corrosion specialist taking into account the corrosion history of the area. Underground storage tanks with listed corrosion resistant materials, nonmetallic glass fiber reinforced plastic coatings, composites, or equivalent systems shall be tested immediately prior to installation. The protection system shall be inspected under the direction of a registered corrosion engineer or NACE corrosion specialist at the frequency specified in the certification or in accordance with the schedule prescribed by the system designer, but not less than annually. Underground storage tanks in a vault and not backfilled are exempted from this subsection.

   5. Primary containers and double-walled underground storage tanks shall be installed according to the manufacturer’s written recommendations or, if no written recommendations exist, best engineering practice.

   6. Underground storage tanks shall be tested before being put into service in accordance with the applicable sections of the code under which they were built. The ASME code stamp or listing mark of Underwriters Laboratories, Incorporated (UL), or any other nationally recognized independent testing organization, shall be evidence of compliance with this requirement.

   7. Before being covered, enclosed, or placed in use, all underground storage tanks and piping shall be tested for tightness hydrostatically or with air pressure at not less than three pounds per square inch and not more than five pounds per square inch. Pressure piping shall be hydrostatically tested to 150 percent of the maximum anticipated pressure of the system, or pneumatically tested to 110 percent of the maximum
anticipated pressure of the system, but not less than five pounds per square inch gauge at the highest point of the system. This test shall be maintained for a sufficient time to complete visual inspection of all joints and connections, but for at least 10 minutes. In lieu of the above, a test using accepted engineering practices shall be used. Double-walled underground storage tanks are exempt from the requirements of this section; provided, that the annular space is monitored using either pressure or vacuum testing.

8. Underground storage tanks shall be equipped with a spill catchment basin which surrounds the fill pipe and prevents the inflow of the hazardous substance into the subsurface environment. Underground storage tanks shall also be equipped with either a level sensing device that continuously monitors and indicates the liquid level in the underground storage tank; an audible/visual alarm system triggered by a liquid level sensor to alert the operator of an impending overfill condition; or an automatic shut-off device that stops the flow of product being delivered to the underground storage tank when the underground storage tank is full.

L. Secondary containers including leak interception and detection systems shall conform to the following:

1. The secondary container shall, at a minimum, encompass the area within the system of vertical planes surrounding the exterior of the primary containment unit. If backfill is placed between the primary and secondary containment, then an evaluation shall be made of the maximum lateral spread of a point leak from the primary containment over the vertical distance between the primary and secondary containment. The secondary containment shall extend an additional distance beyond the vertical planes described above equal to the radius of lateral spread plus one foot.

2. The secondary container must be capable of precluding the inflow of the highest groundwater anticipated during the life of the underground storage tank into the space between the primary and secondary containers.

3. If the space between the primary and secondary containers is backfilled, the backfill material shall not preclude the vertical movement of leakage from any part of the primary container.

4. The secondary container and any backfill material between the primary and secondary containers shall be designed and constructed to promote gravity drainage of a leak of regulated substances from any part of the primary container to the monitoring location(s).

5. Two or more primary containers shall not utilize the same secondary container if the primary containers store materials that in combination may cause a fire or explosion; or the production of a flammable, toxic, or poisonous gas; or the deterioration of a primary or secondary container.

6. Drainage of liquid from within a secondary container shall be controlled in a manner approved by the director(s) so as to prevent regulated materials from being discharged. The liquid shall be analyzed to determine the presence of any of the regulated substance(s) stored in the primary container prior to initial removal and monthly thereafter for any continuous discharge (removal) to determine the appropriate method for final disposal. The liquid shall be sampled and analyzed immediately upon an indication of an unauthorized release from the primary container.

7. For primary containers installed completely beneath the ground surface, the original excavation for the secondary container shall have a watertight cover which extends at least one foot beyond each boundary of the original excavation. This cover shall be asphalt, reinforced concrete, or equivalent material which is sloped to drainways leading away from the excavation. Access openings shall be constructed as watertight as practical. Double-walled underground storage tanks and open vaults are exempt from the requirements of this subsection.

8. The location of underground storage tanks and piping systems shall be indicated on as-built drawings with copies submitted to the director(s).
9. The floor of the secondary container shall be constructed on a firm base and, if necessary for monitoring, shall be sloped to a collection sump. One or more access casings shall be installed in the sump and sized to allow removal of collected liquid. The access casing shall extend to the ground surface, be perforated in the region of the sump, and covered with a locked waterproof cap. If this access casing is within a secured facility, the requirements for a locked cap may be waived by the director(s). The casing shall be thick enough to withstand all anticipated stresses with appropriate engineering safety factors and constructed of materials that will not be structurally weakened by the stored hazardous substance and will not donate, capture, or mask constituents for which analyses will be made.

10. Secondary containment utilizing membrane liners shall conform to the following:

a. The membrane liner shall have a permeability factor of 0.25 ounces per square foot per 24 hours or less. Such permeability shall constitute the maximum rate of transport over time of the hazardous substance proposed for storage. Permeability shall be evaluated according to accepted engineering practices for materials testing.

b. The membrane liner shall be certified using accepted engineering practices as being in conformance with the following:

i. The volume swell after a 24-hour period of immersion in the stored hazardous substance shall not exceed three percent of the original liner membrane material thickness.

ii. The maximum change in elongation of the liner membrane material at break after 24 hours of immersion in the stored hazardous substance shall not exceed two percent of the original elongation.

iii. The liner membrane material hardness (brittleness) after 24 hours of immersion in the regulated substance shall be within five percent of the original hardness.

iv. For a containment test, the rate of transport through the liner membrane material of the regulated substance after a period of 24 hours shall not exceed six percent by weight of the regulated substance being tested. The liquid height for the test shall be no greater than that expected in actual site conditions.

v. The rate of solubility of the liner membrane material in the regulated substance for a period of 24 hours shall not exceed one-tenth of one percent by weight of the section of liner being tested.

vi. The liner seam strength shall be equal to the tensile strength of the parent material when tested in accordance with accepted engineering practices for materials tested.

vii. The liner shall be installed under the supervision of a representative of the membrane liner fabricator or a contractor certified by such fabricator.

viii. The excavation base and walls for the synthetic liner shall be prepared to the liner fabricator's specifications and shall be firm, smooth, and free of any sharp objects or protrusions.

ix. The design of double-walled underground storage tanks shall allow for monitoring of the annular space.

x. "Sticking" the annular space of a double-walled underground storage tank as a monitoring method shall not be allowed unless a strike plate or other approved devices used to protect the underground storage tank are located directly under the monitoring opening.

xi. The double-walled underground storage tank shall be so designed and installed that any loss of hazardous substance from the primary container will drain to a specific location within the annular space, as required, to be detected by a monitoring device or method.
xii. Any special accessories, fitting, coating, or lining not inherent within the initial design of the primary container or double-walled underground storage tank shall be approved by a nationally recognized, independent testing organization or a demonstration of integrity with the primary container or double-walled underground storage tank shall be required.

M. The owners of new underground storage facilities shall implement a monitoring program that is approved by the director(s). The monitoring shall be visual unless the director(s) determines this to be unfeasible. Monitoring programs shall specify, when applicable:

1. Frequency of monitoring;
2. Methods and equipment to be used;
3. Location(s) where the monitoring will be performed; and
4. Name(s) or title(s) of the person(s) responsible for monitoring and/or maintaining the equipment, and the reporting format.

N. The permit applicant shall develop a response plan which demonstrates to the satisfaction of the director(s) that any unauthorized release will be removed from the secondary container within the shortest possible time and no longer than the time consistent with the ability of the secondary container to contain the regulated substance. The response plan shall include:

1. A description of the proposed methods and equipment to be used for removing the hazardous substance, including the location and availability of the required equipment, if not permanently on-site, and an equipment maintenance schedule for the equipment located on-site.
2. The name(s) or title(s) of the person(s) responsible for authorizing the work to be performed. (Ord. 1070 § 2, 2004).

16.24.100 Reporting of unauthorized releases.
A. This subsection shall apply if the storage facility was installed in compliance with this chapter (not pre-existing), and the unauthorized release was caught by the secondary container, and the leak detection monitoring system in the space between the primary and secondary containers can be reactivated within eight hours.

1. The operator shall record the release on the monitoring reports.
2. The operator shall report the release to the director(s) within five days. The report shall include:
   a. Type, quantities, and concentration of hazardous substances released;
   b. Method of cleanup;
   c. Method and location of disposal of the released hazardous substances;
   d. Method of future leak prevention or repair. If this involves a change in operation, monitoring or management, then a new permit shall be applied for; and
   e. If the primary container is to continue to be used, a description of how the monitoring system between the primary and secondary container has been reactivated.
3. The director(s) shall review the unauthorized release report, shall review the permit, and may inspect the underground storage facility.
4. The director(s) shall either find that containment and monitoring requirements can continue to be achieved or revoke the permit, understanding that deterioration of the secondary container is likely when the secondary container has lost integrity due to contact with the stored hazardous substances, or the
mechanical or chemical clean-up of the released hazardous substance has damaged the secondary container.

B. This subsection shall apply to all other unauthorized releases.

1. The operator shall notify the director(s) within 24 hours after the release has been, or should have been, detected under the monitoring program.

2. Within five working days of detecting the release, the operator or permittee shall submit to the director(s) a report including:
   a. Type, quantity, and concentration of regulated substances released;
   b. As far as is known, the extent of soil, groundwater, or surface water contamination;
   c. Method and approximate cost of cleanup to date, and proposed cleanup actions;
   d. Method and location of disposal of the released regulated substance and any contaminated soils or groundwater or surface water; and
   e. Proposed method of repair or replacement of the primary and secondary containers.

3. Until cleanup is complete, the operator shall submit at least monthly reports to the director(s) including the above information. (Ord. 1070 § 2, 2004).
Chapter 16.26  
FLOODPLAINS

Sections:
16.26.010  Purpose.
16.26.080  Requirements for below-grade crawlspaces.

16.26.010 Purpose.

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

A. To protect human life and health;

B. To minimize expenditure of public money and costly flood control projects;

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

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in special flood hazard areas;

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

G. To ensure that those who occupy the special flood hazard areas assume responsibility for their actions. (Ord. 1301 § 5, 2009).


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

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

B. Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers which help to accommodate or channel flood waters;

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

E. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas. (Ord. 1301 § 5, 2009).

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

“Appeal” means a request for a review of the interpretation of any provision of this chapter or a request for a floodplain variance.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year, and is also referred to as the “100-year flood.” Base flood is designated on Flood Insurance Rate Maps by the letters A or V.

“Base flood elevation” or “BFE” means the elevation of the base flood as designated on the Flood Insurance Rate Maps or as ascertained by the local administrator.

“Basement” means any area of the building having its floor sub-grade, or below ground level, on all sides; provided, that below-grade crawlspace construction that is in accordance with the requirements of this chapter will not be considered basements.

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

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

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

“Elevated building” means, for insurance purposes, a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Elevation certificate” means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management, and determine the proper insurance premium rate with Section B completed by community officials.

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

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters; and/or

2. The unusual and rapid accumulation of runoff of surface waters from any source.

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

"Flood Insurance Study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood.

"Floodproofing" means the construction techniques that prevent or provide resistance to damage from flooding while allowing water to enter the structure.

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

"Local administrator" means the director of planning and community development or designee.

"Lowest floor" means the lowest floor of the lowest enclosed area, including the basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at BLMC 16.26.060(F)(1)(b), specifically provided adequate flood ventilation openings exist.

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

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

"Mean sea level" means the arithmetic mean of hourly heights of the sea observed over a 19-year period. This gives the 0.0 datum point given in the North American Vertical Datum of 1988 (NAVD-88).

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

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

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

"Special flood hazard area" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. In relation to this term:

1. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

2. Permanent construction includes neither 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.

3. For a 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.

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

“Substantial damage” means damage of any origin sustained by a structure for which 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.

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

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term excludes:

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

b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter. (Ord. 1301 § 5, 2009).

A. Lands to Which This Chapter Applies. This chapter shall apply to all special flood hazards areas within the jurisdiction of the city of Bonney Lake.

B. Basis for Establishing Special Flood Hazard Areas. The special flood hazard areas identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the City of Bonney Lake” dated November 1979, and any subsequent revisions, with an accompanying Flood Insurance Rate Map (FIRM) dated May 1, 1980, and any subsequent revisions, are adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at the office of the city clerk located...
at 9002 Main St. E., Bonney Lake, WA. The best available information for flood hazard area identification as outlined in BLMC 16.26.040(D) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under that section.

C. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements shall constitute a misdemeanor, punishable in accordance with Chapter 1.16 BLMC, including violations of conditions and safeguards established in connection with conditions. Nothing shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee of the city, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made in accordance with this chapter. (Ord. 1523 § 5, 2015; Ord. 1301 § 5, 2009).


A. Development Permit Required. A development permit shall be obtained before construction or development begins within any special flood hazard area established in BLMC 16.26.030(B). The permit shall be for all structures including manufactured homes, as set forth in BLMC 16.26.020, Definitions, and for all development including fill and other activities.

B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the city and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor of all structures shown on a current elevation certificate, including the basement;

2. Elevation in relation to mean sea level to which any structure has been floodproofed;

3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in BLMC 16.26.060(F)(2);

4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;

5. Biological assessment or consultation as required under the Endangered Species Act.
C. The local administrator is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

1. Duties and Responsibilities of the Local Administrator. Duties of the local administrator or designee shall include, but not be limited to:

2. Permit Review.
   a. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
   b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
   c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of BLMC 16.26.060(H)(1) are met.

D. Use of Other Base Flood Data (In A and V Zones). When base flood elevation data has not been provided (in A or V Zones) in accordance with BLMC 16.26.030(B), Basis for Establishing Special Flood Hazard Areas, the local 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 BLMC 16.26.060(F), Specific Standards, and BLMC 16.26.060(H), Floodways.

E. Information to Be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in subsection D of this section, obtain and record the actual as-built elevation in relation to mean sea level of the lowest floor, including the 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 in subsection D of this section:
   a. Obtain and record the elevation in relation to mean sea level to which the structure was floodproofed.
   b. Maintain the floodproofing certifications required in subsection (B)(3) of this section.

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

F. Alteration of Watercourses.

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

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

G. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of special flood hazards areas, specifically 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 consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76). (Ord. 1301 § 5, 2009).

A. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and
surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases. A floodplain variance is a Type 2 or 3 permit.

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

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

D. Variances shall only be issued upon:
   1. A showing of good and sufficient cause;
   2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
   3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
   4. A favorable biological assessment or consultation as required under the Endangered Species Act.

E. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

F. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (B) of this section, and otherwise complies with BLMC 16.26.060(A), (C) and (D), general standards.

G. Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation. (Ord. 1301 § 5, 2009).

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

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

B. Construction Materials and Methods.
   1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
   2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
   3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
C. Utilities.

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

2. 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 discharges from the systems into floodwaters.

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

D. Subdivision and Multifamily Proposals.

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

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

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

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

5. Density calculations shall not include floodways or special flood hazard areas.

E. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (BLMC 16.26.040(D)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

F. Specific Standards. In all special flood hazards areas where base flood elevation data has been provided as set forth in BLMC 16.26.030(B), Basis for Establishing Special Flood Hazard Areas, or BLMC 16.26.040(D), Use of Other Base Flood Data, the following criteria apply:

1. Residential Construction.

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

   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 must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

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

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

   iii. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

   a. Be floodproofed so that below one foot or more above the base flood level 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 provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in BLMC 16.26.040(E)(2).

   d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (F)(1)(b) of this section.

   e. Nonresidential buildings that are floodproofed will have flood insurance premiums based on rates that are one foot below the floodproofed level.

3. Manufactured Homes. All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

4. Recreational Vehicles. Recreational vehicles placed on sites are required to either:

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

   b. 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 permanently attached additions; or

   c. Meet the requirements of subsection (F)(3) of this section and the elevation and anchoring requirements for manufactured homes.

G. AE and A1 – A30 Zones with Base Flood Elevations but No Floodways. In areas with base flood elevations, but a regulatory floodway is not designated, no new construction, substantial improvements, fill, or other development shall be permitted within Zones A1 – A30 and AE on the community’s 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 community.

H. Floodways (Also See Chapter 86.16 RCW). Located within special flood hazard areas established in BLMC 16.26.030(8) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

   1. Encroachments are prohibited. This includes fill, new construction, substantial improvements, and other development 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.

   2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
a. Repairs, reconstruction, or improvements to a structure that do not increase the ground floor area.

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

   i. Before the repair or reconstruction is started; or

   ii. 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 identified by the local code enforcement official and are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

3. If subsection (H)(1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section, provisions for flood hazard reduction. (Ord. 1523 § 6; 2015; Ord. 1301 § 5, 2009).

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA, also called the 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 three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. 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. (Ord. 1301 § 5, 2009).

16.26.080 Requirements for below-grade crawlspaces.
Below-grade crawlspaces are allowed if, in addition to the above requirements, the following requirements are met:

A. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as D in Figure 3 of Bulletin 11-01.

B. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point; this is illustrated and shown as L in Figure 3. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas. Also see the section Guidance for Pre-Engineered Crawlspace on page 7 of this Bulletin 11-01.

C. Adequate drainage must be supplied that removes floodwaters from the interior areas of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.

D. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

E. Ductwork shall either be placed above the BFE or sealed to prevent the entry of floodwaters.

F. Buildings that have below-grade crawlspaces will have higher flood insurance premiums than buildings that have the interior elevation at or above the lowest adjacent exterior grade. For additional information refer to FEMA Technical Bulletin 11. (Ord. 1523 § 7, 2015; Ord. 1301 § 5, 2009).
Chapter 16.28
GEOLOGICALLY HAZARDOUS AREAS

Sections:

16.28.010 Designation.
16.28.030 Exemptions.
16.28.040 Contents of critical area reports.
16.28.050 Substantive requirements.

16.28.010 Designation.

Areas susceptible to one or more of the following types of hazards are hereby designated geologically hazardous areas, in accordance with WAC 365-190-080(4)(a).

A. Erosion hazard areas are areas identified by the U.S. Department of Agriculture’s Natural Resources Conservation Service as having a moderate-to-severe, severe, or very severe rill and inter-rill (sheet wash) erosion hazard.

B. Landslide hazard areas are areas subject to landslides based on geology, soils, topography, and hydrology. The following are indicators:

1. Areas delineated by the U.S. Department of Agriculture’s Natural Resources Conservation Service as having a severe limitation for building site development;

2. Areas mapped by the Washington State Department of Natural Resources (slope stability mapping) as unstable (U or class 3), unstable old slides (UOS or class 4), or unstable recent slides (URS or class 5);

3. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Washington State Department of Natural Resources;

4. Areas where the following coincide: slopes steeper than 15 percent, a relatively permeable sediment overlying a relatively impermeable sediment or bedrock, and groundwater seepage;

5. Areas that have shown movement in the past 10,000 years or that are underlain or covered by mass wastage debris of that time frame;

6. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

7. Slopes steeper than 80 percent subject to rock fall during seismic shaking;

8. Areas potentially unstable because of rapid stream incision, stream bank erosion, and undercutting by wave action;

9. Areas at risk from snow avalanches;

10. Canyons or active alluvial fans subject to debris flows or catastrophic flooding; and
11. Slopes of 30 percent or steeper with a vertical relief of 10 or more feet except areas composed of consolidated rock and engineered constructed slopes for which no land use change is proposed.

C. Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. One indicator of potential earthquake damage is a record of past earthquake damage. Settlement and soil liquefaction occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow groundwater table.

D. Mine hazard, volcanic, and tsunami hazard areas (none known to be present: see WAC 365-190-080).

E. Other hazard areas include areas susceptible to mass wasting, debris flows, rock falls, and differential settlement. (Ord. 1189 § 1, 2006; Ord. 1070 § 2, 2004).

The following maps, which may be continuously updated, may be used as a guide for locating geologically hazardous areas.

A. U.S. Geological Survey landslide hazard, seismic hazard, and volcano hazard maps;

B. Washington State Department of Natural Resources seismic hazard maps for Western Washington;

C. Washington State Department of Natural Resources slope stability maps;

D. Locally adopted maps. (Ord. 1070 § 2, 2004).

16.28.030 Exemptions.
In addition to those listed in BLMC 16.20.070, the following developments shall be exempt from this chapter:

A. Minor developments as determined by the director(s).

B. Sustainable selective-cut forest practices in which:

1. The property is being managed according to a plan, approved by the city or the Washington State Department of Natural Resources, to achieve and retain at least 75 percent tree canopy at all times, in all areas;

2. Logs are removed by methods that do not unduly damage the forest floor, such as by low-ground-pressure tracked machines; and

3. City clearing permits and Washington State Department of Natural Resources forest practice permits are obtained if required. See also BLMC 16.13.020 and 16.13.080. (Ord. 1189 § 2, 2006; Ord. 1070 § 2, 2004).

16.28.040 Contents of critical area reports.
In addition to the requirements of BLMC 16.20.090, critical area reports for geologically hazardous areas shall include, where applicable:

A. Site history regarding landslides, erosion, and prior grading;

B. Topography in suitable contour intervals;

C. Height of slope, slope gradient, slope stability, and slope retreat rate recognizing potential catastrophic events;

D. Description of the geology (including faults), hydrology (including springs, seeps, and surface runoff features), soils (including, in seismic hazard areas, thickness of unconsolidated deposits and liquefaction potential), and vegetation;

E. Type, extent, and severity of geologic hazard(s);
F. Analysis of the proposal’s risk from geologic hazard and the proposal’s potential for exacerbating off-site hazards. Calculations of stability and bearing capacity shall explicitly assume a seismic event consistent with local geo-technical practice;

G. Recommended buffers and other conditions of approval. In areas of erosion or landslide hazard, the recommended conditions may include:

   1. Clearing, fill, and hard-surfacing limits, slope stabilization measures, and vegetation management plan;
   2. Limitation on clearing during the rainy season, generally from October 1st to May 1st;
   3. Design parameters of foundations and retaining structures; and
   4. Drainage plan and erosion and sediment control plan in compliance with city stormwater management regulations; and

H. Overview of field investigations, exploration logs, measurements, references, and past assessments of the site. (Ord. 1189 § 3, 2006; Ord. 1070 § 2, 2004).

16.28.050 Substantive requirements.
In addition to the substantive requirements of BLMC 16.20.130, the following requirements shall apply to geologic hazard areas:

A. Developments may occur in geologic hazard areas only to the extent supported by a valid critical area report without increasing the long-term risk of or exposure to geological hazard on-site or off-site.

B. Hazard mitigation shall not rely on actions that require extensive maintenance.

C. Development near an erosion or landslide hazard area shall:

   1. Observe a buffer from the edges thereof, of adequate width to comply with the substantive requirements;
   2. Not decrease the factor of safety for landslides below the limits of 1.5 for static conditions and 1.1 for dynamic conditions. Analysis of dynamic conditions may be based on a minimum horizontal acceleration as established by the International Building Code;
   3. Cluster structures and improvements as necessary to avoid hazard areas;
   4. Use retaining walls that allow the retention of existing natural slopes when possible rather than graded artificial slopes;
   5. Place utility lines and pipes in erosion and landslide hazard areas only when no other alternative is available and when the line or pipe can be installed above ground in such a manner as to remain intact without leaks in the event of a slide;
   6. Discharge water from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area only if:
      a. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels; or
      b. Dispersed upslope of the steep slope onto a low-gradient undisturbed buffer of adequate infiltrate capacity without increasing saturation of the slope; and
   7. Locate any on-site sewage drain fields outside the hazard area and related buffers.

D. If a geotechnical report contains specific recommendations to mitigate hazards, the geotechnical engineer shall monitor construction sufficiently to ensure compliance with said recommendations, and prior to issuance of
a certificate of occupancy shall submit to the city a monitoring report verifying compliance. (Ord. 1189 § 4, 2006; Ord. 1070 § 2, 2004).
Chapter 16.30
HABITAT CONSERVATION AREAS

Sections:

16.30.010  Designation.
16.30.020  Designation of habitats and species of local importance.
16.30.040  Content of critical area reports.
16.30.050  Substantive requirements.

16.30.010 Designation.

Habitat conservation areas include:

A. Areas having a primary association with fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service as being in danger of extinction or threatened to become endangered.

B. Areas having a primary association with fish and wildlife species identified by the Washington Department of Fish and Wildlife as being in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. See WAC 232-12-014 (state endangered species) and WAC 232-12-011 (state threatened and sensitive species).

C. State priority habitats as identified by the State Department of Fish and Wildlife.

D. Habitats and species of local importance as identified by the city in accordance with BLMC 16.30.020.

E. Waters of the state, including 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, as classified in WAC 222-16-031.

F. Ponds under 20 acres that provide fish or wildlife habitat except for:

1. Artificial ponds created for a nonwildlife purpose such as stormwater detention facilities, wastewater treatment facilities, farm ponds, and temporary construction ponds; and

2. Artificial features such 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.

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

H. Natural area preserves and natural resource conservation areas as defined by the Washington State Department of Natural Resources.

I. Areas of rare plant species and high quality ecosystems as identified by the Washington State Department of Natural Resources through the Natural Heritage Program (see Chapter 79.70 RCW).
J. Land useful or essential for preserving connections between habitat blocks and open spaces. (Ord. 1523 § 8, 2015; Ord. 1070 § 2, 2004).

16.30.020 Designation of habitats and species of local importance.
A. Nominations for habitats and species of local importance shall include:
   1. Precise identification of the nominated habitat;
   2. A scientifically sound management plan; and
   3. A study, paid for by the nominator, containing sufficient information to verify compliance with the following criteria.

B. The designation criteria shall be as follows:
   1. The species shall be local, native populations that are vulnerable, declining, or have special recreation, commercial, game, or other value.
   2. The habitat shall be important for the long-term persistence of the local population.
   3. The habitat shall be of high quality, or be capable of restoration to high quality, or connect otherwise isolated habitats.
   4. Protection by other agencies, laws, or nonregulatory tools shall be inadequate to protect the species.

C. Designations of habitats and species of local importance shall form a part of these development regulations. Chapter 14.140 BLMC establishes the review and adoption process. (Ord. 1070 § 2, 2004).

The following maps, which may be continuously updated, may be used as a guide for locating habitat conservation areas:

A. Washington Department of Fish and Wildlife Priority Habitat and Species maps;
B. Washington State Department of Natural Resources, Official Water Type Reference maps;
C. Washington State Department of Natural Resources Shorezone Inventory;
D. Washington State Department of Natural Resources Natural Heritage Program mapping data;
E. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors reports published by the Washington Conservation Commission; and
F. Washington State Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area maps. (Ord. 1070 § 2, 2004).

16.30.040 Content of critical area reports.
In addition to the general critical area report requirements of BLMC 16.20.090, critical area reports for habitat conservation areas shall include, where applicable:

A. Vegetation assessment; and

B. Discussion of any federal, state, or local special management recommendations for species or habitats on near the site. (Ord. 1070 § 2, 2004).

16.30.050 Substantive requirements.
In addition to the substantive requirements of BLMC 16.20.130, the following shall apply to habitat conservation areas:
A. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area except with approval of a state or federal agency with expertise.

B. Preference in mitigation shall be given to contiguous wildlife habitat corridors.

C. In reviewing development proposals, the city shall seek opportunities to restore degraded riparian fish and wildlife functions such as breeding, rearing, migration, and feeding.

D. The city shall require buffers of undisturbed native vegetation adjacent to habitat conservation areas as necessary. Buffer widths shall reflect the sensitivity of the habitat and may reflect the intensity of nearby human activity.

E. When a species is more sensitive to human activity during a specific season of the year, the city may establish an extra outer buffer from which human activity is excluded during said season.

F. No development shall be allowed within a habitat conservation area or buffer with which state or federal endangered, threatened, or sensitive species have a primary association, except in exchange for restoration as approved by the director(s) or as provided in a management plan approved by a state or federal agency with appropriate expertise.

G. When a development permit is applied for on land containing or adjacent to a bald eagle nest or communal roost, the city shall notify the Washington Department of Fish and Wildlife and otherwise comply with WAC 232-12-292.

H. No development shall be permitted which degrades the functions or values of anadromous fish habitat, including structures or fills which impact migration or spawning.

I. Construction and other activities shall be seasonally restricted as necessary to protect the resource. Activities shall be timed to occur during work windows designated by the Washington Department of Fish and Wildlife for applicable fish species.

J. Shoreline erosion control adjacent to lakes or streams not regulated under the shoreline code shall use bioengineering methods or soft armoring in accordance with an approved critical area report.

K. The following table establishes the standard width of stream buffers (also known as riparian habitat areas) that shall apply to each stream type. The Bonney Lake planning and community development department has maps showing streams of each type. Widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of bank if the ordinary high water mark cannot be identified, or from the outer edge of the channel migration zone when present.

<table>
<thead>
<tr>
<th>Stream type</th>
<th>Standard buffer width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type S (subject to Shorelines Management Act)</td>
<td>200 feet</td>
</tr>
<tr>
<td>Type F (fish-bearing other than S)</td>
<td>150 feet</td>
</tr>
<tr>
<td>Type Np (nonfish, perennial)</td>
<td>100 feet</td>
</tr>
<tr>
<td>Type Ns (nonfish, seasonal)</td>
<td>35 feet</td>
</tr>
</tbody>
</table>
L. The director(s) may increase the standard buffer width as necessary to fully protect riparian functions. For example, the buffer may be extended to the outer edge of the floodplain or windward into an area of high tree blowdown potential.

M. The director(s) may reduce the standard buffer width in exchange for restoration of degraded areas in accordance with an approved plan, or for buffer averaging in accordance with BLMC 16.20.130(G). The director(s) may also reduce the standard buffer width wherever the proposed adjoining upland land use is of low intensity and low impact, such as passive use parks.

N. If the stream enters an underground culvert or pipe, and is unlikely to ever be restored above ground, the director(s) may waive the buffer along the underground stream; provided, that where the stream enters and emerges from the pipe the opposite outer edges of the buffer shall be joined by a radius equal to the buffer width, with said radius projecting over the piped stream.

O. To the extent facilities are allowed in habitat conservation areas, the following regulations shall apply:

1. Trails. See BLMC 16.20.130(B)(3).


3. Utility lines shall be accomplished by boring beneath the scour depth and hyporheic zone (the saturated zone beneath and adjacent to streams that filters nutrients and maintains water quality). Utilities shall avoid paralleling streams or changing the natural rate of shore or channel migration.

4. New and expanded public flood protection measures shall require a biological assessment approved by the agency responsible for protecting federally listed species.

5. In-stream structures such as high-flow bypasses, sediment ponds, in-stream ponds, retention and detention facilities, tide gates, dams, and weirs shall be allowed only as part of an approved restoration project.

6. Stormwater conveyance structures shall incorporate fish habitat features and the sides of open channels and ponds shall be vegetated to retard erosion, filter sediments, and shade the water.

ORDINANCE NO. 1523

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING PORTIONS OF TITLE 16 DIVISION II (CRITICAL AREAS) AND TITLE 16 DIVISION III (SHORELINE CODE) OF THE BONNEY LAKE MUNICIPAL CODE RELATED TO REGULATION OF WETLANDS, FLOODPLAINS, AND FISH AND WILDLIFE CONSERVATION AREAS.

WHEREAS, in 2005 the Washington State Department of Ecology (Ecology) published a synthesis of scientific information available on freshwater wetlands, their functions, and their management; and

WHEREAS, the purpose of the 2005 synthesis was to provide local governments in the state with the best available science (BAS) when managing their wetland resources; and

WHEREAS, using BAS in making decisions related to critical areas is mandated by the Revised Code of Washington (RCW) 36.70A.172(1); and

WHEREAS, Ecology released an update of the science pertaining to wetland buffers which was sent out for agency and peer review in August 2013 and finalized in October 2013; and

WHEREAS, the Update on Wetland Buffers: The State of the Science, Final Report (Washington State Department of Ecology Publication #13-06-11) reflects changes in the scientific information since 2005 and represents the current BAS for wetland buffers; and

WHEREAS, as a result of the updated BAS, Ecology developed a new wetland rating system with decision points that are more scientifically supportable; and

WHEREAS, the City’s wetland buffer strategy relies on habitat scores to determine buffer width and as a result of an update the rating systems the City wetland tables need to be adjusted to reflect the new scoring system; and

WHEREAS, Ecology’s recommended wetland buffer widths are unchanged; and

WHEREAS, the Department of Commerce’s (Commerce) Period Update Checklist for Cities, specifically requires the City to update its wetland regulations to reflect the new Ecology rating system as part of the required 2015 Comprehensive Plan Periodic Update process; and

WHEREAS, the definition of fish and wildlife conservation areas has been amended to exempt artificial features such 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; and
WHEREAS, Commerce’s Period Update Checklist for Cities, specifically requires the City’s to update its definition of fish and wildlife conservation areas to exempt irrigation systems, infrastructure, canals, and drainage ditches as part of the required 2015 Comprehensive Plan Periodic Update process; and

WHEREAS, Ecology conducted a Community Assistance Visit in 2013 to review the City’s procedures for administering and enforcing the City’s floodplain management regulations; and

WHEREAS, while the City’s floodplain management regulations, adopted in Chapter 16.26 of the Bonney Lake Municipal Code (BLMC), were found to be in substantial compliance with the National Flood Insurance Program (NFIP) and the State floodplain regulations, Ecology did identify a few minor deficiencies that needed to be corrected by the City; and

WHEREAS, the City is required to amend the Bonney Lake Shoreline Code to implement the updated critical area regulations within the shoreline jurisdiction; and

WHEREAS, as part amendments to the City’s floodplain code are identified the Bonney Lake 2035 Consistency Report adopted pursuant to Resolution 2379; and

WHEREAS, amendments to the City’s floodplain code are identified on the 2015 – 2016 Planning Commission Work Plan adopted pursuant to Resolution 2423; and

WHEREAS, the City issued a Determination of Non-Significance on March 16, 2015 pursuant to WAC 197-11-340 in order to comply with the requirements of Chapter 43.21C RCW; and

WHEREAS, pursuant to the Growth Management Act - Chapter 36.70A RCW this Ordinance was provided to the Commerce for the mandatory 60-day review and comment period by Commerce and other State agencies; and

WHEREAS, expedited review was requested and granted by Commerce and the review period concluded on March 31, 2015; and

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held by the Planning Commission on April 8, 2014;

NOW THEREFORE, the City Council of Bonney Lake, Washington, do ordain as follows:

Section 1. Periodic Review. The adoption of this ordinance signifies that the City of Bonney Lake has completed the last outstanding item identified in Ordinance 1522 of the City’s periodic review and update of the City’s comprehensive plan and development regulations as
required by RCW 36.70A.130. The City declares that the periodic update required in RCW 36.70A.130 is now complete.

Section 2. Section 16.21.020, “Rating” of the Bonney Lake Municipal Code and Ordinance Nos. 1491 § 21 are each hereby amended to read as follows:

16.22.020 Rating.

Wetlands shall be rated Category I, II, III, or IV according to the Department of Ecology’s “2004 Washington State Wetland Rating System for Western Washington” (Publication No. 04-06-014 14-06-29) as presently constituted or as may be subsequently amended. Wetland categories shall apply to the wetland as it exists on the date the city adopts the rating system, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

Section 3. Section 16.22.040, “Substantive requirements” of the Bonney Lake Municipal Code and Ordinance Nos. 1491 § 22 are each hereby amended to read as follows:

16.22.040 Substantive requirements.

In addition to the substantive requirements of BLMC 16.20.130, the following requirements shall apply to developments (see definitions) in wetlands except as exempted above:

A. The higher the wetland category (Category I is highest), the greater shall be the emphasis on higher-priority “sequencing” methods per BLMC 16.20.130(E).

B. The following table establishes the standard buffer width that shall apply to each wetland category, depending on the intensity of the potential land use on the upland side of the buffer and the habitat score of the wetland as determined on the Wetland Rating Form for Western Washington Version 2, as presently constituted or as may be subsequently amended, completed by a qualified professional.
<table>
<thead>
<tr>
<th>Overall Wetland Rating</th>
<th>Habitat Score-Wetland Characteristics</th>
<th>Intensity land use on the upland side of the buffer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>High(^1)</td>
</tr>
<tr>
<td>Category I</td>
<td>29—36 points Habitat Score of 8—9 points.</td>
<td>300 feet</td>
</tr>
<tr>
<td>Category I</td>
<td>20—28 points Habitat Score of 5—7 points.</td>
<td>150 feet</td>
</tr>
<tr>
<td>Category I</td>
<td>Water Quality Score of 8—9 points and a Habitat Score of less than 5 points.</td>
<td>100 feet</td>
</tr>
<tr>
<td>Category I</td>
<td>19 points or less Wetlands that do not meet the characteristics described above for Category I wetlands.</td>
<td>100 feet</td>
</tr>
<tr>
<td>Category II</td>
<td>29—36 points Habitat Score of 8—9 points.</td>
<td>300 feet</td>
</tr>
<tr>
<td>Category II</td>
<td>20—28 points Habitat Score of 5—7 points.</td>
<td>150 feet</td>
</tr>
<tr>
<td>Category II</td>
<td>Water Quality Score of 8—9 points and a Habitat Score of less than 5 points.</td>
<td>100 feet</td>
</tr>
<tr>
<td>Category II</td>
<td>19 points Wetlands that do not meet the characteristics described above for Category II wetlands.</td>
<td>100 feet</td>
</tr>
<tr>
<td>Overall Wetland Rating</td>
<td>Habitat-Score-Wetland Characteristics</td>
<td>Intensity land use on the upland side of the buffer</td>
</tr>
<tr>
<td>------------------------</td>
<td>-------------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>High&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>Category III&lt;sup&gt;4&lt;/sup&gt;</td>
<td>Habitat Score of 8 – 9 points.</td>
<td>300 feet</td>
</tr>
<tr>
<td>Category III&lt;sup&gt;4&lt;/sup&gt;</td>
<td>20-points Habitat Score of 5-7 points.</td>
<td>150 feet</td>
</tr>
<tr>
<td>Category III&lt;sup&gt;4&lt;/sup&gt;</td>
<td>19 points or less Habitat Score of 3 – 4 points.</td>
<td>80 feet</td>
</tr>
<tr>
<td>Category IV&lt;sup&gt;4&lt;/sup&gt;</td>
<td>0 points or greater Scores for all 3 basic functions are less than 16 points.</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

<sup>1</sup> High intensity land uses include commercial, industrial, and retail developments; institutional use; residential developments at more than one unit per acre; high intensity recreation areas (golf course, ball fields, etc.); and hobby farms.

<sup>2</sup> Moderate intensity land uses include residential developments at less than one unit per acre; moderate intensity open space (parks with biking, jogging, etc.); paved trails and utility corridors with maintenance roads.

<sup>3</sup> Low intensity land uses include low intensity open space (hiking, bird-watching, preservation of natural resources, etc.); unpaved trails and utility corridors without maintenance roads.

<sup>4</sup> For exemption of wetlands under 1,000 square feet see BLMC 16.20.070(S).

C. Buffers shall be measured from the wetland boundary as surveyed in the field. These buffer widths presume that healthy native plant communities dominate the buffer. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.

D. Buffers shall be measured from the wetland boundary as surveyed in the field. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.

E. The director(s) may increase the required buffer width and/or require buffer enhancement if a wetland professional determines that the wetland provides habitat for wildlife species that require greater protection than the standard buffer, or the buffer lacks healthy native vegetation or is otherwise handicapped in its ability to protect the wetland. Said determination shall take into account the score derived from the Wetland Rating System and such factors as topography, land use, and past disturbance.
F. The director(s) may reduce the standard buffer width if the function(s) served by the particular wetland needs less buffer width, as indicated by a wetland functional analysis.

G. Except as provided elsewhere in this critical areas code, all existing native vegetation in wetland buffers shall be retained without disturbance, mowing, or hard surfacing, nor shall any action be taken to inhibit volunteer regrowth of native vegetation. Invasive weeds shall be removed for the duration of any mitigation bond. Stormwater management facilities and bioswales are permitted in the outer 25 percent of the buffer of Category III or IV wetlands provided wetland functions and values are not significantly lost through fluctuations in wetland hydrology and construction integrates best management practices.

Section 4. Section 16.26.030, “Mitigation” of the Bonney Lake Municipal Code and the corresponding portion of Ordinance Nos. 1491 § 23 are each hereby amended to read as follows:

16.22.050 Mitigation.

A. Mitigation for alterations to wetlands may be satisfied by restoring former wetlands, creating wetlands, or enhancing degraded wetlands, consistent with the Wetland Mitigation in Washington State – Parts 1 and 2 (2006) (Washington State Department of Ecology Publication No. 06-06-011a and 06-06-011b) or as revised.

B. Mitigation shall generally replace wetland functions lost from the altered wetland except that the city may permit out-of-kind replacement when the lost functions are minimal or less important to the drainage basin than the functions that the mitigation action seeks to augment.

C. Mitigation shall be in the same drainage basin as the altered wetland. Wetland mitigation shall be in the same sub-basin unless a higher level of ecological functioning would result from an alternate approach.

D. Mitigation projects shall be completed as quickly as possible consistent with such factors as rainfall and seasonal sensitivity of fish, wildlife, and flora.


F. Compensatory mitigation shall be determined using the methodology established in Department of Ecology Publication No. 10-06-01: Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington (2012) (Washington
G. Credits granted from a certified wetland mitigation bank shall be consistent with the bank’s certification and service area.

H. The applicant shall provide an as-built plan of the mitigation site and monitor the site in accordance with BLMC 16.20.110(G).

Section 5. Section 16.26.030, “General Provisions” of the Bonney Lake Municipal Code and the corresponding portion of Ordinance Nos. 1301 § 5 are each hereby amended to read as follows:


A. Lands to Which This Chapter Applies. This chapter shall apply to all special flood hazards areas within the jurisdiction of the city of Bonney Lake.

B. Basis for Establishing Special Flood Hazard Areas. The special flood hazard areas identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the City of Bonney Lake” dated November, 1979, and any subsequent revisions, with an accompanying Flood Insurance Rate Map (FIRM) dated May 1, 1980, and any subsequent revisions, are adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at the office of the city clerk located at 9002 Main St. E, Bonney Lake, WA. The best available information for flood hazard area identification as outlined in BLMC 16.26.040(D) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under that section.

C. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements shall constitute a misdemeanor, punishable in accordance with Chapter 1.16 BLMC, including violations of conditions and safeguards established in connection with conditions. Nothing shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazards areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee of the city, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made in accordance with this chapter.

Section 6. Section 16.26.030, “General standards for flood hazard reduction” of the Bonney Lake Municipal Code and the corresponding portion of Ordinance Nos. 1301 § 5 are each hereby amended to read as follows:


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

A. Anchoring.

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

2. All manufactured homes 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.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

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

C. Utilities.

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

2. 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 flood waters into the systems and discharges from the systems into flood waters.

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

D. Subdivision and Multifamily Proposals.

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

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

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

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

5. Density calculations shall not include floodways or special flood hazard areas.

E. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (BLMC 16.26.040(D)), applications for building permits shall be reviewed to assure that
proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

F. Specific Standards. In all special flood hazards areas where base flood elevation data has been provided as set forth in BLMC 16.26.030(B), Basis for Establishing Special Flood Hazard Areas, or BLMC 16.26.040(D), Use of Other Base Flood Data, the following criteria apply:

1. Residential Construction.
   a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE).
   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 must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
      i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
      ii. The bottom of all openings shall be no higher than one foot above grade.
      iii. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
   a. Be floodproofed so that below one foot or more above the base flood level 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 provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in BLMC 16.26.040(E)(2).

d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (F)(1)(b) of this section.

e. Nonresidential buildings that are floodproofed will have flood insurance premiums based on rates that are one foot below the floodproofed level.

3. Manufactured Homes. All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

4. Recreational Vehicles. Recreational vehicles placed on sites are required to either:

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

   b. 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 permanently attached additions; or

   c. Meet the requirements of subsection (F)(3) of this section and the elevation and anchoring requirements for manufactured homes.

G. AE and A1 – A30 Zones with Base Flood Elevations But No Floodways. In areas with base flood elevations, but a regulatory floodway is not designated, no new construction, substantial improvements, fill, or other development shall be permitted within Zones A1 – A30 and AE on the community’s 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 community.
H. Floodways (Also See Chapter 86.16 RCW). Located within special flood hazard areas established in BLMC 16.26.030(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

1. Encroachments are prohibited. This includes fill, new construction, substantial improvements, and other development 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.

2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
   a. Repairs, reconstruction, or improvements to a structure that do not increase the ground floor area;
   b. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either:
      i. Before the repair or reconstruction is started; or
      ii. 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 identified by the local code enforcement official and are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

3. If subsection (H)(1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section, provisions for flood hazard reduction.
**Section 7.** Section 16.26.080, “Requirements for below-grade crawlspaces” of the Bonney Lake Municipal Code and the corresponding portion of Ordinance Nos. 1301 § 5 are each hereby amended to read as follows:

**16.26.080 Requirements for below-grade crawlspaces.**

Below-grade crawlspaces are allowed if, in addition to the above requirements, the following requirements are met:

A. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as D in Figure 3 of Bulletin 11-01.

B. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point; this is illustrated and shown as L in Figure 3. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas. Also see the section Guidance for Pre-Engineered Crawlspaces on page 7 of this Bulletin 11-01.

C. Adequate drainage must be supplied that removes floodwaters from the interior areas of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.

D. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

E. Ductwork shall either be placed above the BFE or sealed to prevent the entry of floodwaters.

F. Buildings that have below-grade crawlspaces will have higher flood insurance premiums that buildings that have the interior elevation at or above the lowest adjacent exterior grade. For additional information refer to FEMA Technical Bulletin 11.

**Section 8.** Section 16.30.010, “Designation” of the Bonney Lake Municipal Code and the corresponding portion of Ordinance Nos. 1070 § 2 are each hereby amended to read as follows:

**16.30.010 Designation.**

Habitat conservation areas include:
A. Areas having a primary association with fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service as being in danger of extinction or threatened to become endangered.

B. Areas having a primary association with fish and wildlife species identified by the Washington Department of Fish and Wildlife as being in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. See WAC 232-12-014 (state endangered species) and WAC 232-12-011 (state threatened and sensitive species).

C. State priority habitats as identified by the State Department of Fish and Wildlife.

D. Habitats and species of local importance as identified by the city in accordance with BLMC 16.30.020.

E. Waters of the state, including 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, as classified in WAC 222-16-031.

F. Ponds under 20 acres that provide fish or wildlife habitat except for:
   1. artificial ponds created for a nonwildlife purpose such as stormwater detention facilities, wastewater treatment facilities, farm ponds, and temporary construction ponds; and
   2. artificial features such 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.

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

H. Natural area preserves and natural resource conservation areas as defined by the Washington State Department of Natural Resources.

I. Areas of rare plant species and high quality ecosystems as identified by the Washington State Department of Natural Resources through the Natural Heritage Program (see Chapter 79.70 RCW) and

J. Land useful or essential for preserving connections between habitat blocks and open spaces.
Section 9. Section 16.36.060, “C” of the Bonney Lake Municipal Code and the corresponding portion of Ordinance Nos. 1491 § 6 are each hereby amended to read as follows:

16.36.060 “C.”

“City” means the city of Bonney Lake, Washington.

“Clearing” means the destruction or removal of vegetation groundcover, shrubs and trees including root material removal and topsoil removal.

“Commercial use” means uses are those that sell goods and/or services directly to the consumer.

“Covered moorage” means boat moorage, with or without walls, that has a roof to protect the vessel.


Section 10. 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 effect.

Section 11. Effective Date. This Ordinance shall take effect and be in force fourteen (14) days from the date of the Department of Ecology’s final approval of the proposed amendments, as required by law.

PASSED BY THE CITY COUNCIL this 25th day of August, 2015.

[Signature]
Neil Johnson, Jr., Mayor

AUTHENTICATED:
Barwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:
Kathleen Haggard, City Attorney

Passed: 8/25/2015
Valid: 8/25/2015
Published: 9/1/2015
Effective Date: 8/25/2015-14 days after DOE’s final approval
This Ordinance totals 15 page(s)
August 11, 2015

The Honorable Neil Johnson, Jr
City of Bonney Lake
PO Box 7380
Bonney Lake, WA 98391

Re: Final Ecology Approval of City of Bonney Lake Shoreline Master Program Limited Amendment

Dear Mayor Johnson:

The Department of Ecology (Ecology) is pleased to announce final approval of the city of Bonney Lake’s (City) Shoreline Master Program (SMP) limited amendment. Ecology finds the City’s proposed SMP amendment is consistent with the policy and procedural requirements of the Shoreline Management Act of 1971 and the SMP Guidelines.

Ecology, therefore, approves the City’s amendment SMP update as submitted. The enclosed Attachment A, Findings and Conclusions document provides more information about our decision. This is Ecology’s final action and there will be no further modifications to the proposal.

The SMP is effective 14 days from the date of this letter. This 14-day period was established by legislative action in 2011 and is intended to provide lead time for the City to prepare to implement the new SMP.

Ecology is required to publish a newspaper notice that the City’s SMP has received final approval. The publication of this notice, in the form of a legal ad, will begin a 60-day appeal period. We will provide a copy of the legal ad to the City for its records.

If you have any questions, please contact your regional planner, Sarah Cassal, at sarah.cassal@ecy.wa.gov or (360) 407-7459.

Sincerely,

Maia D. Bellon
Director

Enclosures

By Certified Mail [7012 1010 0003 3028 4048]

cc: Jason Sullivan, City of Bonney Lake
    Sarah Cassal, Ecology
    Paula Ehlers, Ecology
City of Bonney Lake, Washington
City Council Agenda Bill (AB)

<table>
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<th>Meeting/Workshop Date:</th>
<th>Agenda Bill Number:</th>
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<tr>
<td>Community Development/ Jason Sullivan – Senior Planner</td>
<td>August 25, 2015</td>
<td>AB15-44</td>
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<td>Ordinance</td>
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**Agenda Subject:** Amendments to the City’s Critical Areas Code and Shoreline Code – Notice of Intent to Adopt

**Full Title/Motion:** An Ordinance of the City Council of the City Of Bonney Lake, Pierce County, Washington, amending portions of Title 16 Division II (Critical Areas) and Title 16 Division III (Shoreline Code) of the Bonney Lake Municipal Code related to regulation of wetlands, floodplains, and fish and wildlife conservation areas.

**Administrative Recommendation:**

**Background Summary:** The proposed amendments are relate to the new rating system for wetlands, minor housekeeping amendments to the floodplain management regulations, the designation of fish and wildlife conservation areas, and to the shoreline code to incorporate the amendments to the critical areas code. The proposed amendment to the wetland rating system will not modify the City’s adopted wetland buffers for each category of wetland. These proposed amendments are required to bring the City into compliance with state law. A complete discussion of each amendment is provided in the attached Planning Commission recommendation memo.

Since the ordinance amends the City’s shoreline regulations, the City was first required to issue a Notice of Intent to Adopt. On April 28, 2015, the City Council passed Resolution 2447 stating the City Council’s intent to adopted Ordinance D15-44, amending the City’s Critical Areas Code and Shoreline Code.

The Community Development Director submit a copy of Ordinance D15-44, along with the required supporting documentation, to the Department of Ecology (ECY) as required by RCW 90.58.090 and WAC173-26-110. ECY deemed the submittal complete on May 19, 2015. ECY conducted its public comment period from June 12, 2015 to July 13, 2015. ECY has now completed its review of the proposed amendments and issued its findings approving the amendments on August 11, 2015.

The proposed amendments to the wetland rating system and the definition of fish and wildlife habitat is required as part of the 2015 Comprehensive Plan Periodic Update process pursuant to the Department of Commerce’s Period Update Checklist for Cities.

The proposed amendments to the floodplain management regulations were identified as mandatory changes in the Bonney Lake 2035: 2015 Comprehensive Plan Periodic Update – Consistency Report adopted by the City Council pursuant to Resolution 2379 and identified in the 2015 – 2016 Planning Commission Work Plan adopted pursuant to Resolution 2423.

The amendment to the Shoreline Code is required to incorporate the amendments into the shoreline regulations as the City adopts the critical areas code by reference to regulate these areas within the shoreline jurisdiction.

**Attachments:** Ordinance D15-44, Planning Commission Recommendation Memo, and ECY Approval Letter
### Budget Information

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<th>Required Expenditure</th>
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Budget Explanation:

### Committee, Board & Commission Review

**Council Committee Review:**
- **Approvals:**
  - Date:
  - Chair/Councilmember
  - Councilmember

  **Forward to:**

**Commission/Board Review:** Planning Commission – March 18, 2015 and April 8, 2015

**Hearing Examiner Review:**

### Council Action

**Workshop Date(s):** April 21, 2015

**Meeting Date(s):** April 28, 2015

**Public Hearing Date(s):**

**Tabled to Date:**

### Approvals

**Director:**
*John P. Vodopich, AICP*

**Mayor:**

**Date Reviewed by City Attorney:**
(if applicable):

**Consent Agenda:**
- Yes
- No