March 18, 2026
5:15 PM

CITY OF CHELAN
PLANNING COMMISSION AGENDA

Chelan City Hall
Council Chambers

1. CALL TO ORDER
2. AGENDA CHANGES
3. MINUTES
   A) February 18, 2026 Minutes of the Planning Commission

      Suggested Motion: I move to approve the February 18, 2026 Minutes of the Planning Commission.
4. ADMINISTRATIVE REPORTS
   A) Sign Code Update Work Session continued
   B) GMA Periodic Update: Draft Critical Areas Ordinance
5. CITIZEN COMMENTS
6. COMMISSIONER COMMENTS
7. ADJOURNMENT
   Final Comments / Motion to Adjorn Suggested Motion: I move to adjourn the meeting.

Our Vision

Chelan is a rural lakeside community surrounded by pristine natural beauty where generations of visitors and residents enjoy an exceptional quality of life.

Our Guiding Principles & Outcomes

Visionary & Strategic - A city that is forward-thinking, collaborative, and fiscally responsible.
Thriving & Connected - A vibrant, well-planned city where residents have a sense of home.
Healthy & Sustainable - A flourishing city that supports an active community.
Accessible & Welcoming - A safe city where everyone can find community.

The next Planning Commission meeting will be on April 15, 2026, beginning at 5:15 p.m. in Council Chambers, 135 E. Johnson Avenue, Chelan, Washington.

A meeting packet is available for review on the City's Website: City of Chelan under Government - Planning Commission - Agendas & Minutes. The City provides special accommodations, such as hearing devices and wheelchair access for public meetings. Anyone needing special assistance, please contact the City Clerk's office at 509-682-8019 at least three business days prior to the meeting.

CITY OF CHELAN
Planning Commission Meeting
February 18, 2026

PLANNING COMMISSIONERS AND ADMINISTRATIVE PERSONNEL PRESENT

Commissioners:	**Administrative Personnel:**
Joe Collins	Community Development Director John Ajax
Vickie Heimark	Senior Planner - Monica Libbey
Gary Myers	Assistant Planner Linda Jo Williams
Ryan Peterson - Excused	City Council Member(s): Shane Collins and
Gaylen Willett - Excused	Brad Chitty
	City Administrator: Laura McAloon

1. CALL TO ORDER

Meeting called to order at 5:16PM

2. AGENDA CHANGES

NONE

3. MINUTES

A) January 21, 2026 Minutes of the Planning Commission

Suggested Motion: I move to approve the January 21, 2026 Minutes of the Planning Commission

I move to approve the January 21, 2026, Minutes of the Planning Commission.

MOVER:	Commissioner Heimark
SECONDER:	Commissioner Myers
AYES:	3
NAYS:	None
RESULT:	Motion Passes

4. ADMINISTRATIVE REPORTS

A) Sign Code Update Work Session

Sr. Planner, Libbey, presented issues with outdated sign regulations and proposed a move toward trying to make the code easier to use, understand, and administer. Discussion included lighting standards, consolidating sign standards, temporary signs, and concerns about sidewalk clutter. Commissioners emphasized maintaining a small-town character.

B) Our Valley Our Future Housing Solutions Group: February Meeting

Director Ajax shared countywide housing affordability data and reported progress on infrastructure to support affordable housing. The city was awarded **$1.4M CHIP grant** to extend sewer to the Chelan Valley Housing Trust project on Anderson Road. Noted high home prices, limited inventory, and benefits of the Apple Blossom multi-family project.

5. CITIZEN COMMENTS

- **John Olson** spoke about regional housing challenges, rising costs, and encouraged formation of a Housing Action Committee.
- **Lynette Grande** expressed concerns about excessive signage, electronic signs, and large window graphics; encouraged broad public outreach in the sign code process.

6. COMMISSIONER COMMENTS

Commissioner Heimark asked if there were any Legislative updates affecting zoning. Staff will follow up.

7. ADJOURNMENT

Final Comments / Motion to Adjourn

MOVER:	Commissioner Myers
SECONDER:	Commissioner Heimark
AYES:	
NAYS:	
RESULT:	Meeting Adjourned at 6:34PM

City of Chelan

PLANNING COMMISSION March 18, 2026

Subject/Title:	Sign Code Update Work Session continued
Department:	Community Development
Staff Contact:	Monica Libbey
Guiding Principles:	Visionary & Strategic
Initiatives:	Manage Growth
Reviewed By:	
Number of Looks:	

GOVERNING LEGISLATION

The planning commission is also authorized to review and make recommendations on the adoption and the enforcement of coordinated plans and regulations for the physical development of the city. The planning commission shall be advisory and it shall advise the city council for city council final approval.

PREVIOUS ACTION TAKEN

Work Session held February 18, 2026

OVERVIEW

Background

The City is updating Chapter 17.58 – Signs to modernize the code and ensure compliance with recent court decisions requiring sign regulations to be content-neutral and based on objective standards rather than the message displayed on the sign.

The current code regulates certain signs differently based on their content (such as political signs, real estate signs, and event signs). The draft update removes these distinctions and instead regulates signs based on size, location, illumination, and duration.

Before preparing a final draft ordinance, staff is seeking Planning Commission policy direction on several topics that will influence the structure of the updated code.

Temporary Signs and Banners

The draft code consolidates multiple temporary sign categories into one content-neutral temporary sign category.

Temporary Sign Standards

The current code allows 30 days for most temporary signs. The draft proposes allowing temporary signs for up to 90 days per calendar year.

- Is 90 days the right duration, or would the Commission prefer 60 days? 120 days?
- For residential zones, is 6 square feet and 42 inches tall appropriate? The current code allows 4 sq ft for real estate signs. Should we match the existing size or increase it?
- Should residential properties be limited to two temporary signs per lot? 3 signs? 1 sign?
- For nonresidential zones, is 32 square feet and 6 feet tall appropriate? This matches the former construction sign allowance.
- Should we allow more than one temporary sign per street frontage in commercial zones? Some businesses have multiple frontages (e.g., corner lots on Woodin & Johnson).

Downtown Banner Signs

The current code allows community activity banners with time limits tied to a specific event (30 days before, 14 days after). Under Reed, we can no longer tie sign rules to the sign's message. The updated code must allow temporary banners under uniform, content-neutral rules.

- Should temporary banner signs be regulated differently downtown?
- Should there be a maximum banner size specific to the downtown? The general temporary sign standard is 32 square feet in nonresidential zones. Is that appropriate for downtown building faces, or should it be smaller (e.g., 16 or 24 square feet) to be more compatible with the pedestrian scale?
- The current code does not specify a number limit for community activity banners. Should the code limit the number of banners? Options: (a) one per street frontage; (b) one per building face; (c) two per premises total.
- The current code requires temporary signs to be "securely affixed to the surface of a building wall or window, or between existing structures, poles and/or other supports." Should banners be allowed in windows, on building walls, suspended between structures/poles, or on fences or railings?
- The current code effectively allows community activity banners for up to 44 days per event (30 before + 14 after) with no limit on the number of events per year. The draft proposes 90 days per calendar year for temporary signs citywide. Should banners have longer or shorter display time limits than other temporary signs?

Window Sign Coverage

Currently there is no coverage limit for window signs, meaning a business could theoretically cover all windows with signage. The draft proposes limiting signs to 25% of the window area.

- Is 25% the right threshold? Some jurisdictions use 30% or 33%.

- Should downtown have a different standard than highway commercial areas?
- Should seasonal decorations (painted snowflakes, etc.) count toward this limit?

TA District and Highway Frontage Signs

Freestanding Signs in the Tourist Accommodation (T-A) District

The current T-A District sign standards allow freestanding signs up to 25 feet tall and 50 square feet. This is the most permissive height allowance in the code and can result in tall pole signs (sometimes called "pylon signs") that may not be consistent with the community's desired character along the Highway 97A corridor.

- Should pole signs (signs supported by exposed poles) be prohibited in the T-A District, with a requirement that all freestanding signs be monument-style signs or sign limits consistent with the Downtown?
- Should the maximum sign height remain 25 feet? Or should the height be reduced?
- If pole signs are allowed, should there be design criteria? For example: (a) poles must be enclosed or wrapped in masonry, stone, or similar material; (b) sign must include a base or skirt; (c) minimum landscaping around the base.
- Should the T-A District have a maximum total signage allowance per parcel (e.g., 100 square feet total for all signs), rather than just per-sign limits?

Highway Frontage Signs

- Should highway frontage standards apply to highway frontage properties irrespective of if they are located within the downtown planning area? Manson Hwy example.
- Several Chelan businesses are located on side streets or behind other buildings and are not visible from Highway 97A or Woodin Avenue. Under the current (and proposed) code, off-premises signs are prohibited.

Electronically Changeable Message Signs

Under the current code, electronically changeable message signs are only allowed in the PLF zone. Gas stations currently display fuel prices using manually changeable numbers. Modern stations increasingly use electronically changeable numbers (LED digits).

- Should electronic message signs be allowed in additional commercial zones?
- Should fuel price displays with electronically changeable numbers be specifically allowed for gas stations regardless of zoning district? This could be done by defining "fuel price display" as a specific sign type limited to the canopy or freestanding sign of a gas station.
- Should the electronic portion be limited to numbers only (no scrolling text, animation, or full-color graphics), or should gas stations be allowed full electronically changeable message signs?
- Should fuel price displays be subject to the same brightness standards as other electronic signs?

Sign Illumination and Neon Signs

The downtown standards currently prohibit internally illuminated signs (back-lit box signs) but allow neon, shadow lighting, and indirect illumination. As LED technology evolves, the line between “neon” and “LED tube” signs has blurred.

- Should the downtown code be updated to allow LED-replica neon signs (LED tubes that look like neon) in addition to traditional neon? Many new businesses cannot source or afford traditional neon.
- Should halo-lit (reverse-lit channel) letters be explicitly allowed downtown? They produce a similar effect to shadow lighting but use different construction methods.
- Should the City establish maximum brightness standards for illuminated signs?

Sandwich Board Signs

Sandwich-board signs are currently allowed in front of any business during business hours. They are common downtown but also appear along the highway corridor.

- Should sandwich-board signs continue to be allowed citywide, or should they be limited to the downtown planning area and pedestrian-oriented commercial areas?
- Should there be a design standard for sandwich-board signs (e.g., must be made of wood or metal, no plastic signs, no handwritten cardboard)?
- For highway-frontage businesses, are sandwich-board signs effective or do they create clutter? Should they be prohibited in the highway corridor?

Murals

The mural section is currently reserved (empty). As murals become more common in Chelan (and can attract tourism), the Commission may want to provide guidance.

- Should the City develop mural standards now as part of this update, or leave Section 17.58.070 reserved for a future phase?
- If developed now, should murals require a permit, or should they remain exempt as long as they don’t contain commercial advertising for a specific business?
- Should there be a mural review process (e.g., design review by the planning director or a public art committee)? If so, what should the criteria focus on? (Scale, color palette, compatibility with surrounding buildings — not the subject matter of the art, which would be content-based.)

Refacing Nonconforming Signs

Under the current code, “alteration” of a sign triggers loss of nonconforming status. The draft narrows this to “structural alteration or physical enlargement.” This means a simple reface (changing the sign panel or copy without changing the structure) would NOT trigger compliance.

- Should sign refacing (new panel, new graphics, same structure) require the sign to come into compliance with new dimensional standards? This would be a more aggressive approach that would bring nonconforming signs into compliance sooner, but it could be seen as a burden on businesses that simply want to update their look.
- Alternatively, should refacing be allowed “as-is” (the draft approach), with compliance only required when the sign structure itself is changed or enlarged? This is less

burdensome but means some oversized or poorly located signs could persist indefinitely.

- Should there be a middle ground? For example, refacing of a nonconforming sign could be allowed if the sign is brought into compliance with at least the illumination and material standards (even if the size remains nonconforming).

Sign Review Process

The draft limits administrative discretion to objective standards, except in the downtown where design review is retained. Staff seeks Commission input on how much design discretion is appropriate:

- Outside the downtown, should sign permits be purely ministerial (if the application meets the dimensional standards, it must be approved)? This is the cleanest legal approach but means the City cannot say no to an ugly sign that technically meets the size limits.
- Should there be limited design review outside the downtown for specific sign types (e.g., freestanding signs over a certain size)? If so, what objective criteria should apply? Examples: materials (no paper or cardboard for permanent signs), color limitations, landscaping requirements around freestanding signs.
- In the downtown, should design review authority remain with the planning director, or should a design review board be involved for signs above a certain size?

FINANCIAL IMPLICATIONS

ATTACHMENTS

None

SUGGESTED MOTION

City of Chelan

PLANNING COMMISSION — March 18, 2026

Subject/Title:	GMA Periodic Update: Draft Critical Areas Ordinance
Department:	Community Development
Staff Contact:	John Ajax
Guiding Principles:	Visionary & Strategic
Initiatives:	Manage Growth
Reviewed By:	
Number of Looks:	

GOVERNING LEGISLATION

PREVIOUS ACTION TAKEN

OVERVIEW

Planning staff would like to brief the Planning Commission on the status of updating the City's Critical Areas Ordinance as part of the required Growth Management Act (GMA) Periodic Update. Attached for review is an overview summary and an initial draft of Chapter 14.10 with tracked changes.

FINANCIAL IMPLICATIONS

ATTACHMENTS

1. Planning Commission_CAO_Overview_03-2026
2. CMC_14.10_DRAFT_3-12-2026

SUGGESTED MOTION

CITY OF CHELAN

Planning Commission Briefing

Chapter 14.10 Critical Areas Ordinance — Proposed Amendments

Comprehensive Update: Anchor QEA CAO Revisions & Geologic Site Assessment Amendments

March 2026

Part 1: Why We Are Updating the Critical Areas Ordinance

What Are Critical Areas?

Washington's Growth Management Act (GMA), codified in RCW Chapter 36.70A, requires cities and counties to adopt development regulations that protect five types of "critical areas":

- **Wetlands —** Areas where water saturates the soil long enough to support water-loving plants, providing flood control, water filtration, and wildlife habitat.
- **Critical Aquifer Recharge Areas —** Areas where rainwater and surface water seep into the ground to replenish our drinking water supplies.
- **Fish and Wildlife Habitat Conservation Areas —** Streams, rivers, shorelines, and upland areas that support fish (including salmon and steelhead) and wildlife.
- **Frequently Flooded Areas —** Areas identified by FEMA as having at least a 1% chance of flooding in any given year (the 100-year floodplain).
- **Geologically Hazardous Areas —** Areas susceptible to erosion, landslides, steep slope failure, or earthquake damage that may not be suitable for development without special precautions.

These areas matter because they protect public safety (keeping people out of harm's way from floods and landslides), protect natural resources (clean water, fish habitat), and preserve the environmental features that make Chelan the community it is.

Why Are We Updating Now?

Under RCW 36.70A.130, all "fully planning" cities and counties must review and update their comprehensive plans and development regulations—including critical areas ordinances—on a regular cycle. The legislature recently extended the City of Chelan's deadline to December 31, 2026 (SB 5558). This is part of the required 2026–2046 periodic update. The City's Critical Areas Ordinance was last substantively updated in 2017.

The periodic update requires the City to:

- Review the existing ordinance against current state law (RCW and WAC) for any gaps or inconsistencies
- Incorporate best available science (BAS) as required by RCW 36.70A.172
- Ensure consistency with the City's updated Comprehensive Plan, Shoreline Master Program, and other planning documents
- Address any changes in federal or state requirements (such as updated FEMA mapping, Department of Ecology guidance, or Department of Fish and Wildlife management recommendations)
- Complete and submit the Washington Department of Commerce Critical Areas Checklist documenting compliance

What Does "Best Available Science" Mean?

The GMA (RCW 36.70A.172) requires cities and counties to "include the best available science in developing policies and development regulations to protect the functions and values of critical areas." This doesn't mean the most expensive study or the most extreme regulation. It means that the City's regulations should be based on current, scientifically valid information and methods appropriate to the situation. When the City adopts or updates critical areas regulations, it must document how BAS was considered and, if the regulations deviate from what BAS would recommend, explain why through a risk assessment process.

How Does This Fit Into the Bigger Picture?

The critical areas ordinance is one piece of the City's broader 2026–2046 periodic update. The Comprehensive Plan sets the policy direction—for example, Goal NH-1 might call for "protecting residents and property from natural hazards while allowing reasonable development." The Critical Areas Ordinance is the implementing regulation that puts those policies into practice by establishing the specific rules, review processes, and development standards that apply when someone wants to build in or near a critical area. Under the GMA, development regulations must be consistent with and implement the comprehensive plan (RCW 36.70A.120).

The City is working with Anchor QEA to prepare the broader CAO updates, which address all five critical area types based on the Commerce Critical Areas Checklist, current WAC requirements, and Department of Ecology review comments. City staff have prepared companion amendments addressing the geologically hazardous areas provisions, including a new Geologic Site Assessment pathway and modernized geotechnical report requirements. This briefing document presents both sets of amendments as a single package.

Part 2: Summary of All Proposed Amendments

The following table summarizes every change proposed in the tracked-changes version of CMC Chapter 14.10. Changes are organized by ordinance section and grouped by topic area. The table covers both the Anchor QEA updates (addressing all five critical area types for GMA compliance) and the City staff amendments (establishing the Geologic Site Assessment pathway and modernizing geotechnical report requirements). All changes are shown as tracked changes in the companion redline document so the Commission can see exactly what language is being added or removed.

Section	What Changes	Why It Matters
LEGISLATIVE PURPOSE		
14.10.010	Replaced the existing legislative purpose statement. The old language listed four general goals (protect from hazards, protect fragile elements, mitigate impacts, provide authority). The new language explicitly references the GMA, identifies all five critical area types, requires the use of best available science, adds special consideration for anadromous fisheries (salmon and steelhead), and reorganizes the purposes into seven numbered items.	The old purpose statement was adopted in 1992 and didn't reference the GMA or best available science—both of which are now foundational to how Washington regulates critical areas. The updated language aligns the ordinance with current state law (RCW 36.70A) and the Commerce Critical Areas Handbook, and clearly signals the ordinance's legal basis. Adding anadromous fisheries language satisfies RCW 36.70A.172(1).
DEFINITIONS — CMC 14.10.020		
14.10.020	Updated "Erosion hazard areas" definition to add language about bluffs, steep slopes, and unconsolidated soils becoming unstable.	Aligns with WAC 365-190-030 and provides clearer guidance on what constitutes an erosion hazard. The old definition was vague—the new language helps applicants and staff identify these areas more consistently.
14.10.020	Updated "Fish and Wildlife Habitat Conservation Areas" definition by removing the phrase "areas reserved for management and maintenance" and clarifying habitat types.	Aligns with WAC 365-190-030. The old phrase implied active management; the new definition better reflects the GMA's intent to protect existing habitats and ecological functions.
14.10.020	Added "The City may also designate locally important habitats and species" and a subsection defining "Habitats of local importance."	Provides the City with a mechanism to protect habitats that are locally significant even if they don't appear on state priority maps. Consistent with WAC 365-190-130.
14.10.020	Updated "Frequently flooded areas" definition to describe lands in the floodplain subject to at least a 1% annual chance of flooding, including areas with high groundwater, and listing specific examples (streams, rivers, lakes, etc.).	The old definition simply referenced "any area of special flood hazard, as designated in these regulations"—a circular reference. The new language provides a substantive, GMA-

Section	What Changes	Why It Matters
		consistent definition.
14.10.020	Added new definition of “Impervious surface.”	Aligns with WAC 365-190-030. The term appears in the municipal code (17.56.220, 17.47.030) but was not previously defined in the CAO. Provides clear, consistent meaning for development review.
14.10.020	Updated “Wetlands” definition to add “if permitted by the county or city” regarding mitigation wetlands.	Aligns with WAC 365-190-030 and clarifies that intentionally created mitigation wetlands are regulated wetlands only when they were approved as mitigation.
14.10.020	Added new definition: “Geologic Site Assessment” (GSA)—a field-based screening evaluation where a licensed professional visits the property, reviews the site plan, and writes a formal recommendation on whether a full geotechnical report is needed.	Creates a clear, defined product distinct from the existing “geotechnical assessment” (which is vague) and the full “geotechnical report” (which is comprehensive and expensive). Without this definition, there’s no standard for what the screening evaluation must include.
14.10.020	Clarified existing “Geotechnical assessment” definition by adding a sentence stating it is distinct from the new GSA and the full geotechnical report.	Prevents confusion between three similar-sounding terms. Without this clarification, an applicant could argue a generic assessment satisfies the new GSA requirements.
GENERAL PROVISIONS — CMC 14.10.040		
14.10.040(D)	Added “economic” before “use” in the reasonable use exception criteria (subsections D.1 and D.1.d), added new criteria requiring no net loss of critical area functions (subsection D.1.h), added “Exception Request and Review Process” heading and new submittal requirements (critical area study, mitigation plan, SEPA documents), and added “Director Review” provision (subsection D.5).	Aligns with RCW 43.21C and WAC 197-11. The “economic” qualifier focuses the exception on situations where regulation eliminates all economic value—not just any use the owner might prefer. The new submittal requirements and director review provision create a clearer, more defensible process consistent with Commerce guidance.
14.10.040(F)(3)	Changed the administrator’s preliminary evaluation from “shall include visiting the site” to “may include a site visit.”	The old language required a staff site visit for every single application within 250 feet of any critical area—including routine applications where a desk review of maps and the checklist is sufficient. This change keeps the site visit as a tool the administrator can use when needed, without mandating it for every application. Reduces administrative burden on a small city staff.
14.10.040(F)(5)	Replaced the old “questioning presence” provision with a structured Geologic Site	This is the core procedural reform. Under the old ordinance, any property

Section	What Changes	Why It Matters
	Assessment pathway. The old language simply let applicants "question" whether hazards exist. The new language establishes a step-by-step process: professional site visit → site plan review → documented recommendation → administrator decision. Includes a 5-year validity period and requires written findings.	near a mapped steep slope could trigger a full geotechnical report ($5,000–$15,000+) even if the slope was at the back of the lot and nowhere near the proposed home. The GSA lets a licensed professional visit the site, evaluate the actual building area, and provide a science-based opinion. The administrator retains override authority.
14.10.040(H)(1)(c)	Replaced circular waiver language. Old: "The minimum standards of this chapter will be met." New: "The proposed development, as designed, does not require modifications to meet the minimum standards of this chapter."	The old language was circular—you can't know if standards will be met until you've done the study, but the study is what's being waived. The new language focuses on whether the project as designed can meet the standards without additional analysis.
WETLANDS — CMC 14.10.060(A)		
14.10.060(A)(1)	Added expanded wetland designation language explicitly defining wetlands consistent with RCW 36.70A.030(21), including exclusions for artificial features and inclusion of permitted mitigation wetlands.	Aligns with WAC 365-190-090 and RCW 36.70A.175. Provides a complete, self-contained definition within the designation section so applicants don't need to cross-reference multiple state codes.
14.10.060(A)(3)	Added new "Mapping" subsection requiring the City to maintain wetland maps using NWI data and best available science, with a requirement to update periodically.	Consistent with WAC 365-190-090. Establishes a clear mapping framework while acknowledging that maps are approximate—actual wetland boundaries must be determined in the field.
14.10.060(A)(4)	Added new "Wetland boundary surveys" subsection requiring delineation using the U.S. Army Corps of Engineers 1987 Wetlands Delineation Manual and the 2010 Western Mountains Regional Supplement. Requires field staking by the biologist.	Consistent with WAC 365-190-090 and WAC 332-130-050. Establishes a clear, legally defensible standard for determining where wetland boundaries are on a specific property.
14.10.060(A)(5)	Added separate "Wetland Classification" subsection referencing the Washington State Wetlands Rating System for Eastern Washington (Ecology Publication No. 14-06-030).	Consistent with RCW 36.70A.175. Separates classification from the existing rating detail, making the ordinance structure clearer.
14.10.060(A) Mitigation Table	Added a "Preservation" column to the wetland mitigation ratios table, with ratios ranging from 6:1 (Category IV) to 24:1 (Category I bogs/fens/mature forested). Also added calcareous fens to Category I.	Consistent with Ecology's Wetland Guidance for CAO Updates (2022). Provides a preservation option that some applicants may prefer as an alternative to creation or rehabilitation, while the high ratios reflect the lower ecological return of preservation-only mitigation.
14.10.060(A)	Added language requiring wetland buffers to be	Strengthens buffer protection

Section	What Changes	Why It Matters
Buffer Standards	retained in natural condition or enhanced with native vegetation. Added reference to Washington's noxious weed law (RCW 17.10) and the Chelan County Noxious Weed Control Board. Clarified buffer measurement methods.	standards and connects the CAO to existing noxious weed control requirements. Provides clearer direction on buffer management and vegetation standards.
CRITICAL AQUIFER RECHARGE AREAS — CMC 14.10.060(B)		
14.10.060(B)(3)	Added new "Mapping" subsection referencing SWAP maps from the Washington State Department of Health as a resource for determining if further assessment is required.	Consistent with WAC 365-190-080. Formalizes the existing practice of using SWAP maps and clarifies their role as a screening tool, not a definitive delineation.
14.10.060(B) Storage Tanks	Added new subsection (iv) with detailed design and construction requirements for storage tanks containing hazardous substances, animal wastes, sewage sludge, fertilizers, and other risk substances. Includes impervious containment, release detection, spill response procedures, and compliance with WAC 173-303 and WAC 173-360.	Consistent with WAC 173-303 and WAC 173-360. The existing requirements addressed underground and aboveground tanks generally; the new language applies to any storage container holding substances that could contaminate groundwater and specifies modern containment standards.
FISH AND WILDLIFE HABITAT CONSERVATION AREAS — CMC 14.10.060(C)		
14.10.060(C)(1)	Expanded designation list to include: (a) areas with federally-designated endangered, threatened, or sensitive species; (e) waters of the state as defined by WAC 365-190-130(2)(f); and (f) lakes, ponds, streams, and rivers planted with game fish by a government or tribal entity. Renumbered existing designations accordingly.	Aligns with WAC 365-190-130. The old list focused on WDFW priority habitats. The expanded list captures the full range of habitat areas that Commerce and the WAC expect jurisdictions to designate, including federal listings and waters of the state.
14.10.060(C)(2.c)	Added new "Waters of the State" classification subsection adopting the WAC 222-16-030 water typing system (Type S, F, Np, Ns) with full definitions for each water type.	Consistent with WAC 222-16-030. Provides a clear, science-based classification for streams and waterbodies that is consistent with the state's forest practices rules and is widely understood by resource professionals.
14.10.060(C)(3)	Added new "Mapping" subsection requiring the City to maintain fish and wildlife habitat maps using WDFW Priority Habitats and Species maps, USFWS and NMFS critical habitat maps, and other BAS sources.	Consistent with WAC 365-190-080. Establishes the mapping framework and clarifies that maps are guides—habitat areas may exist beyond mapped boundaries.
14.10.060(C)(4)	Added new "Habitat boundary survey" subsection allowing the Director to require delineation and/or mapping by a qualified professional or confirmation by WDFW. Includes provisions for boundary determination using OHWM and WDFW management recommendations.	Consistent with WAC 365-190-130 and WAC 332-130-050. Provides a mechanism for accurate, site-specific habitat boundary determination while allowing the City to waive the requirement when adequate information already exists.
14.10.060(C)(5)	Added new "Riparian Buffers" section with measurement standards (from OHWM), a buffer	Updated with review of current best available science on semi-arid riparian

Section	What Changes	Why It Matters
	width table by stream category (S/F: 160 ft, Np/Ns: 100 ft), and provisions for buffer marking by qualified professionals.	functions. Establishes clear, measurable buffer standards tied to the WAC 222-16-030 water typing system. The buffer widths reflect BAS for the semi-arid environment of the Columbia Plateau/Eastern Cascades ecoregion.
GEOLOGICALLY HAZARDOUS AREAS — CMC 14.10.060(D)		
14.10.060(D)(1)	Expanded erosion hazard area designations to include: (iv) channel migration zones, (v) concave slopes ≥15% with ≥10 ft vertical relief, and (vi) slopes ≥40% with ≥10 ft vertical relief. Expanded landslide hazard area designations to include: (vi) areas of historic failures, (vii) areas above/adjacent to unstable slopes, and (viii) deep-seated landslide areas with specific identifying features.	Aligns with WAC 365-190-120. The old designations were narrower than what current science and Commerce guidance identify as geologically hazardous. The expanded list gives staff and applicants clearer criteria for identifying potential hazards during preliminary review.
14.10.060(D) Mapping	Added new “Mapping” subsection requiring the City to maintain maps of geologically hazardous areas, acknowledge map limitations, and update periodically.	Consistent with WAC 365-190-080. Parallels the mapping provisions added for wetlands and fish/wildlife areas.
14.10.060(D)(2)(b)	Amended the critical area study section to add the GSA as an intermediate step before requiring a full geotechnical report. Three possible outcomes: (1) waiver if hazard doesn’t affect building area, (2) scoped report for moderate risk, (3) full report for significant hazard. Added requirement that the geotechnical report be signed, sealed, and dated by the qualified professional.	Creates a tiered review system that matches the level of analysis to the level of actual risk. A home on the flat part of a lot with a steep slope 200 feet away doesn’t need the same analysis as a home being built on the slope itself. The professional stamp requirement creates formal accountability.
14.10.060(D)(2)(b) Report Map Req.	Updated the map requirement to allow digital equivalents: “at a scale of one inch equals 200 feet or finer, or at an equivalent digital resolution sufficient to clearly depict site features.”	The old language assumed paper maps at a fixed print scale. Modern geotechnical firms use GIS and digital mapping. This update allows digital formats while maintaining the same level of detail.
14.10.060(D)(2)(b) Structure Eval.	Added two new requirements: (iii-a) The geotechnical report must evaluate the proposed placement of all specific structures—buildings, retaining walls, driveways, utilities, stormwater systems, irrigation, and septic systems—and their effects on slope stability. (iii-b) The report must include a site plan showing all proposed improvements with subsurface exploration locations.	The old ordinance said to evaluate “the proposed alteration’s influence on safety” but didn’t specify what that means. Stormwater, irrigation, and septic systems that introduce water into hillside soils are a common cause of landslides in developed areas. This makes explicit what good practice already requires.
14.10.060(D)(2)(b) Construction	Added two new requirements: (vii) Construction sequencing—the report must address how construction should be staged, including seasonal restrictions and temporary erosion control. (viii) Professional certification statement—the	Closes the gap between the paper report and what actually gets built. The certification statement puts the professional’s license on the line, creating accountability. The

Section	What Changes	Why It Matters
	professional must formally certify they visited the site, the report is accurate, and the recommendations will work.	construction sequencing ensures the building process itself doesn't cause the problems the report was designed to prevent.
14.10.060(D)(2)(c) Waiver	Updated to reference the new GSA as a waiver pathway. Changed "on site" to "within the proposed development area of the site" and added "on-site or" before "downslope."	Focuses the waiver analysis on whether the actual building area is affected, not just whether hazards exist somewhere on the property. Also ensures the analysis considers upslope effects, not just downslope.
14.10.060(D)(2)(f)	Capitalized "geologic site assessment" to "Geologic Site Assessment" to reference the newly defined term.	Ensures the administrator's authority to require a GSA references the formal, defined product with its specific requirements—not just any informal evaluation.
14.10.060(D) Dev. Standards	Added "and Protection" to the development standards heading.	Minor clarification reflecting that the section addresses both development allowances and protective measures.
14.10.060(D)(5) Reporting	Added new "Reporting" subsection requiring applicants to submit a geotechnical report consistent with Section 14.10.060(D)(2)(b) when the Director concludes geologic hazards are present.	Provides a clear cross-reference to the updated geotechnical report requirements. The old code referenced "CMC Chapter 11.86—Geologically Hazardous Areas Overlay District," which does not appear to be a valid Chelan Municipal Code reference.
FREQUENTLY FLOODED AREAS — CMC 14.10.060(E)		
14.10.060(E)(4)	Added new "Protection Standards" subsection requiring: (a) avoidance—new development shall be located outside frequently flooded areas if possible, following mitigation sequencing; and (b) floodplain storage—new development shall not reduce flood storage volume, alter flood flow direction, or concentrate flood flows.	Consistent with WAC 365-190-110. Establishes clear protection standards that were previously implied but not explicitly stated. The avoidance-first approach is consistent with the mitigation sequencing hierarchy already in the CAO.
14.10.060(E)(5)	Added new "Reporting" subsection listing required information for development in frequently flooded areas: site dimensions and elevations, nearby water bodies, proposed drainage systems, structures and impervious surfaces, native vegetation limits, and post-development grading contours.	Consistent with WAC 365-190-080. Provides a specific checklist of information the Director needs to evaluate flood impacts, rather than relying solely on the general critical area study requirements.
14.10.060(E)(6)	Added new "Compensatory Mitigation Requirements" subsection with detailed floodplain storage compensation standards, including: equivalent volume at equivalent elevations, hydrologic connection, vegetated storage areas, ecological function considerations, no net rise in flood elevations, and fish stranding prevention.	Consistent with WAC 365-196-830. When development does occur in a floodplain, displaced flood storage must be replaced. The detailed standards prevent common problems like creating storage areas that aren't actually connected to the flood source or that trap fish during flood events.
CLEANUP — Gender-Neutral Language		

Section	What Changes	Why It Matters
Multiple sections	“His or her” changed to “their” in the Administrator definition (14.10.020). “He or she” changed to “the administrator” in sections 14.10.040(F)(4), 14.10.040(I)(2), and 14.10.060(B)(5)(c).	Modern legislative drafting standard. Replaces gendered pronouns with inclusive language or the specific title.
MINOR CORRECTIONS		
14.10.020	“Mitigation” definition: added missing period. “Frequently flooded areas” definition: corrected “limited tom” to “limited to.”	Typographical corrections.
14.10.060(A)	Wetland classification reference: “Publication No. 14-06-30” corrected to “14-06-030” (2 locations).	The correct Ecology publication number has a leading zero. Minor but avoids citation confusion.
14.10.060(E)(6)(a)	Compensatory mitigation: “iV.” corrected to “iv.” (Roman numeral four).	Typographical correction.
14.10.040(J)(1)	“Critical areas report” changed to “critical areas study.”	Aligns terminology with the rest of the ordinance, which uses “critical area study” consistently.

Part 3: How the Geologic Site Assessment Works in Practice

Here is a simplified example of how the new GSA pathway would work for a typical homeowner:

Scenario: A homeowner wants to build a house on a lot that has a steep slope mapped at the back of the property.

Step 1 — Application & Checklist. The homeowner submits a building permit application and the critical areas review checklist. City staff reviews the checklist and the critical areas map.

Step 2 — Preliminary Evaluation. The administrator reviews the maps and information and identifies that the parcel contains or is near a mapped steep slope area. Under the old rules, this would typically trigger a requirement for a full geotechnical report.

Step 3 — Geologic Site Assessment (NEW). Instead of going straight to a full report, the homeowner hires a licensed geologist or geotechnical engineer to do a Geologic Site Assessment. The professional visits the property, looks at the site plan showing where the house, driveway, and utilities will go, walks the property, and evaluates whether the mapped steep slope actually affects the proposed building area.

Step 4 — Professional Recommendation. The professional writes a report documenting what they observed, takes photographs, and provides a recommendation:

> **If the hazard doesn't affect the building area:** "The mapped steep slope is located approximately 150 feet from the proposed building envelope and would not be affected by the proposed construction. A full geotechnical report is not recommended." The administrator can waive the full report requirement.
>
> **If there's some concern:** "The proposed driveway cut approaches within 30 feet of the slope crest. A geotechnical report scoped to evaluate the driveway cut and its effect on slope stability is recommended, but a full-scope report addressing the entire site is not warranted." The administrator requires a focused report.
>
> **If the hazard clearly affects the building area:** "The proposed home is located on a slope of 35% with evidence of historic soil creep. A full geotechnical report is recommended." The administrator requires the full report.

Step 5 — Administrator Decision. The administrator reviews the GSA, accepts or rejects the recommendation (with written findings), and the project moves forward with the appropriate level of analysis. The administrator always retains authority to require a full report if they disagree with the professional's assessment.

Why this matters for clarity: Under the current ordinance, the pathways to assessments versus full geotechnical reports are confusing for staff, applicants, and the geotechnical professionals themselves. The existing code does not clearly distinguish between planning-level review requirements and building code requirements, resulting in inconsistent expectations about what a geotechnical submittal should contain and when one is needed. The

proposed amendments are intended to provide more concise information by establishing a clear, tiered process—GSA screening, scoped report, or full report—and by consolidating the planning and building code geotechnical requirements into a single, coherent set of report standards. This means that when an applicant hires a geotechnical professional, both the applicant and the professional have a clear understanding of exactly what the City requires at each stage of review.

What this protects: Public safety is maintained because every property in a mapped hazard area still gets professional evaluation. The difference is that the level of evaluation now matches the level of actual risk. A licensed professional—not the homeowner—makes the determination. The administrator retains override authority. And when a full report is required, the new ordinance actually strengthens those requirements by adding structure-specific evaluation, construction monitoring, and professional certification provisions that didn’t exist before.

Chapter 14.10 CRITICAL AREAS

14.10.010 Legislative purpose.

~~The purpose of this chapter is to comply with the provisions of theWashington State Growth Management Act of 1990, chapter 17, chapter36.70A RCW, as amended, to supplement the development requirementscontained in the Chelan Municipal Code, and to establish specialstandards for the use and development of lands based on the existence ofcritical areas including critical aquifer recharge areas, fish andwildlife habitat conservation areas, frequently flooded areas,geologically hazardous areas, and wetlands. Those critical areas are ofspecial concern to the city. The standards and procedures established inthis chapter are intended to protect critical areas and the publichealth, safety, and welfare by preventing the adverse impacts ofdevelopment listed in this section while accommodating the rights ofproperty owners to reasonable use of their property. By regulatingdevelopment and alterations to critical areas this chapter seeksto:~~

~~A. Protect members of the public and public and private resources andfacilities from injury, loss of life, property damage or financiallosses due to flooding, erosion, landslide, seismic events or steepslope failure;~~

~~B. Protect unique fragile and valuable elements of the environment,including ravines and wetlands;~~

~~C. Mitigate unavoidable impacts to critical areas by regulatingalterations in and adjacent to those areas;~~

~~D. Provide city officials with the information and authority to protectcritical areas and implement the policies of the State EnvironmentalPolicy Act, chapter 43.21C RCW, the City of Chelan comprehensive plan,and the Growth Management Act of 1990~~.

The purpose of this chapter is to establish development regulations that protect designated critical areas, as defined by the Washington State Growth Management Act (GMA) (RCW 36.70A). The GMA requires counties and cities to include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities are required to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. GMA-designated critical areas include: areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands. The regulations of this Title are intended to:

1. Prevent degradation of critical areas;
2. Conserve, protect, and where applicable, restore critical areas and their functions and values;

3. Protect unique, fragile and/or valuable elements of the environment. These include ground and surface waters, anadromous fish species, and other fish and wildlife and their habitats;

4. Protect public health, safety, and general welfare from hazards associated with critical areas;

5. Further the goals and objectives of the City of Chelan Comprehensive Plan and all of its elements;

6. Implement the goals and requirements of the Washington Growth Management Act (RCW Chapter 36.70A);

7. Allow for reasonable use of all properties in the City of Chelan.

(Ord. 1397 § 7 (Exh. 6) (part), 2009: Ord. 944 § 1 (part), 1992)

14.10.020 Definitions.

When used in this chapter, the following terms shall have the following meanings unless the context indicates otherwise:

Administrator ~~means the planning director or his or her designee.~~ means the planning director or their designee.

Alteration means any human-induced action that changes the existing condition of a critical area. Alterations include, but are not limited to: Grading; filling; dredging; draining; channelizing; discharging pollutants except stormwater; paving, construction, application of gravel; modifying for surface water management purposes; vegetation removal or any other human activity that changes the existing landforms, vegetation, hydrology, wildlife or wildlife habitat of a critical area.

Best management practice is a method, technique or product, or some combination thereof, that has been demonstrated to be the most effective and reliable in minimizing impacts.

Buffer means an area of land immediately adjacent to a critical area that is protected from development or alteration, and may be restored or enhanced, to help protect critical area functions and values. A buffer may afford limited public access and accommodate certain other specified uses.

Building setback means the required separation between the top of a ravine sidewall and the foundation of a building or structure, measured on a horizontal plane and perpendicular to the top of the ravine sidewall.

Critical aquifer recharge areas are areas where an aquifer which is an essential source of drinking water is vulnerable to contamination that would create a significant hazard to public health. An aquifer is a saturated body of rock, sand, gravel or other geologic material that transmits significant quantities of water to a well or other source of drinking water.

Critical area study means an evaluation of a specific development site performed by a qualified professional as a part of a permitting process in the city or its UGA.

Critical areas include the following areas and ecosystems: Areas with a critical recharging effect on aquifers used for potable~~drinking~~ water; fish and wildlife habitat conservation areas; frequently flooded areas; geologically hazardous areas; and wetlands.

Critical areas review checklist is a form provided by the city and completed by the applicant that provides an indication of the presence of critical areas and the critical area study information that will be required by the city.

Development proposal means any activity relating to the use and/or development of land requiring a permit or approval from the city, including but not limited to: Commercial or residential building permit; grading or clearing permit; conditional use permit; planned development; shoreline substantial development permit; variance or conditional use permit; subdivision; short subdivision; variance; rezone; or any subsequently required permit or approval not expressly exempted by this chapter.

Emergency means an unanticipated event or occurrence that poses an imminent threat to public health, safety, welfare or the environment, and that requires immediate action within a time too short to allow full compliance with these regulations.

Erosion hazard areas include~~are those~~ areas likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils. These areas ~~that~~ can result in hazards to public health and safety when the ground is disturbed.

Excavation and grading is the mechanical removal of earth material, clearing of trees, brush, shrubs or grass, including any filling or leveling of surface contours.

Fish and wildlife habitat conservation areas are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors, and areas with high relative population density or species richness. ~~are areas reserved for management and maintenance of fish and wildlifehabitats, as designated in this chapter. Such areas serve a criticalrole in sustaining needed habitats and species for the functionalintegrity of the ecosystem, and which, if altered, may reduce thelikelihood that the species will persist over the long term. These areasmay include, but are not limited to, rare or vulnerable ecologicalsystems, communities, and habitat or habitat elements including seasonalranges, breeding habitat, winter range, and movement corridors; andareas with high relative population density or speciesrichness.~~ "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

The City may also designate locally important habitats and species.

(a) *Habitats of local importance* designated as fish and wildlife habitat conservation areas are those areas found to be locally important by city ordinance.

Frequently flooded areas are lands in the flood plain subject to at least a one percent or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to~~m~~, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface. ~~means any area of special flood hazard, as designated in theseregulations.~~

Geologically hazardous area means any area in the city or its UGA that, because of its susceptibility to erosion, sliding, earthquake, debris flows or other geological events, is not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

Geotechnical assessment ~~means an assessment prepared by a qualified professional for geological hazards detailing the surface and subsurface conditions of a site and delineating the areas of a property subject to geologic hazards.~~ means an assessment prepared by a qualified professional for geological hazards detailing the surface and subsurface conditions of a site and delineating the areas of a property subject to geologic hazards. A geotechnical assessment is distinct from a Geologic Site Assessment and a geotechnical report, as defined in this section.

Geologic Site Assessment means a field-based evaluation prepared and signed by a qualified professional for geological hazards, conducted to determine whether a proposed development is located within or would be affected by a geologically hazardous area, and whether a full geotechnical report is warranted. A Geologic Site Assessment shall include, at minimum: (a) a site visit by the qualified professional; (b) review of the applicant's site plan depicting the proposed location of all structures, driveways, utilities, and areas of grading; (c) evaluation of the relationship between mapped or observed geologic hazards and the proposed development area; (d) consideration of slope gradient, soil conditions, drainage patterns, and indicators of instability within and adjacent to the proposed development area; and (e) a written report, signed and stamped by the qualified professional, documenting findings, professional opinions, and a clear recommendation as to whether a geotechnical report is or is not required, including the scientific and site-specific basis for that recommendation.

Geotechnical engineer is a person with a Washington State license in civil engineering who has at least four years of professional employment as a geotechnical engineer with experience in landslide, erosion and seismic hazards identification and mitigation.

Geotechnical report means a report that evaluates the site conditions and mitigating measures necessary to ensure that the risks associated with geologic hazards are eliminated on the site proposed to be altered. The geotechnical report shall be prepared by either an engineering geologist licensed by the State of Washington or a professional civil engineer licensed by the State of Washington. A civil engineer must also have four years of geotechnical experience evaluating geologically hazardous conditions and site development activities, such as landform recognition; unstable geologic units; roads;

structural footings, foundations and retaining walls; swimming pools and sport courts; and other activities such as timber removal, site disturbance and mining.

Hydrogeologic evaluation means a systematic study of geologic and ground water resources, focusing on near-surface geologic, ground water, and pollution sensitivity, for the purpose of determining any potential risk to human health, ground water quality, and the environment. The hydrogeologic report shall be prepared by a hydrogeologist licensed by the State of Washington.

Impervious surface means a hard surface area which prevents the entry of water into the soil surface and subsoils, such as would occur under natural conditions prior to development, or which causes water to run off the surface in greater quantities or at an increased rate of flow relative to natural conditions prior to development.

Intermittent stream means a stream that flows for only part of the year, including streams that flow for only hours or days after significant rainfall or during snowmelt.

Landslide hazard areas means areas potentially subject to landslides based on a combination of geologic, topographic and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), aspect, structure, hydrology or other factors. The landslide hazard area includes areas that would be affected by landslide runout or concurrent debris flows.

Mitigation is an action involving avoidance, reduction or compensation for anticipated adverse impacts. The types of mitigation, from least to most intrusive, are listed in order of preference under the heading "Mitigation Sequencing" in section 14.10.040(J)(2).

Monitoring is the process of collecting and evaluating data to assess the biological, hydrological or geological performance of newly created, restored, rehabilitated and/or affected critical areas.

Potential critical area means any area that, based on the reference materials and designations in this chapter, is reasonably likely to be a critical area.

Qualified professional means a person with experience and training in the pertinent scientific discipline. A qualified professional must have obtained a B.S. or B.A. or equivalent degree and two years of related work experience.

• A qualified professional for fish and wildlife habitat conservation areas must have a degree in biology or a related academic field and professional experience with habitat management in the Inland Northwest.

• A qualified professional for wetlands must be a certified professional wetland scientist or a noncertified wetland scientist with a minimum of five years' experience as a wetlands professional in the Inland Northwest, including delineating wetlands using the state or federal manuals, preparing wetlands reports, conducting functional assessments, and developing and implementing mitigation plans.

• A qualified professional for geological hazards must be an engineering geologist, geologist or engineer licensed in the State of Washington, with experience evaluating the type of geologic hazard known or suspected to occur at the subject site.

• A qualified professional for aquifer recharge areas must be a hydrogeologist, geologist or engineer licensed in the State of Washington, with experience in preparing hydrogeologic evaluations.

Ravine means a steep-sided valley of a stream (whether perennial or intermittent) created by the wearing action of the stream and includes the sidewalls and the valley between the sidewalls.

Ravine channel means the area along a ravine including its channel, sidewalls, and adjacent hillside. A ravine channel has a minimum width of 200 feet, centered on the ravine stream channel. Where the top of ravine is more than 100 feet from the stream, the border of the ravine channel is 50 feet from the top of ravine. The top of ravine is defined as the abrupt break in slope of a ravine sidewall where the sidewall meets the surrounding hillside. The top of ravine also exhibits the boundary between little or no soil cover on the ravine sidewall and deeper soil profile of the surrounding hillside.

Ravine sidewall area means that portion of a ravine that abuts and rises from the ravine valley floor. Ravine sidewalls contain slopes predominantly in excess of 40 percent, although portions may be less than 40 percent. The toe of a ravine sidewall is the stream valley floor. The top of a ravine sidewall is typically a distinct line where the slope abruptly levels out. Where there is no distinct break in slope, the top is where the slope diminishes to less than 20 percent. Minor natural or manmade breaks in the slope of ravine sidewalls shall not be considered as the top. Benches with slopes less than 20 percent and containing developed or developable areas shall be considered as the top.

Regulated wetland means a wetland designated in this chapter.

Seismic hazard area means any area subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting.

Slope, when used as a noun, means an inclined ground surface, the inclination of which is expressed as a ratio (percentage) of vertical distance to horizontal distance by the following formula: $y_1 - y_2 / x_1 - x_2$, where y_1 and y_2 are points on the vertical axis and x_1 and x_2 are points on the horizontal axis.

Steep slope area means any area in the city or its UGA in which slopes measure thirty percent or greater over a vertical distance of at least ten feet. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical distance.

Streams are surface water contained within a defined bed or channel, whether permanent or intermittent. This definition does not include ditches, canals, stormwater runoff devices or other entirely artificial watercourses. A stream which has been altered to carry naturally occurring waters is a stream within this definition.

Wetland(s) or *wetland areas* 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 nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city.

(Ord. 1533 § 6 (Exh. 4) (part), 2017: Ord. 1397 § 7 (Exh. 6) (part), 2009: Ord. 952 § 1, 1992; Ord. 944 § 1 (part), 1992)

14.10.030 Reserved.

Section 14.10.030 pertaining to establishment of sensitive areas was repealed by Ord. No. 1397 and was derived from Ord. No. 944, § 1 (part), 1992)

14.10.040 General provisions.

A. *Applicability.* All development or other alterations in or within 250 feet of critical areas, whether public or private, unless exempted or excepted by another provision of this chapter, shall comply with the requirements and purposes of this chapter. Responsibility for the enforcement of the provisions of this chapter shall rest with the administrator.

1. For the purposes of this chapter, "development" includes proposals which require any of the following: Commercial or residential building permit, grading or clearing permit, conditional use permit, planned development, shoreline substantial development permit, subdivision, short subdivision, variance, rezone or any subsequently required permit or approval not expressly exempted by this chapter.

2. Alterations include, but are not limited to, construction or exterior alteration of a structure or structures, dredging, drilling, dumping, filling, removal of vegetation or natural resources, placing of obstructions, modification of local surface streams or runoff, increase in infiltration of surface water, any project of a permanent nature or changes in the use of land or preparation for the change of use of land.

3. This chapter shall not alter the city's responsibility for the enforcement of the State Environmental Policy Act or the International Building Code.

B. *General exemptions.* The activities listed below are exempt from the provisions of this chapter. Exempt activities shall be conducted using all reasonable methods to avoid impacts to critical areas. The decision to declare an activity exempt shall be a Type IB procedure, subject to title 19. Exemption from this chapter shall not be considered

permission to degrade a critical area or ignore risks from natural hazards. Incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored or rehabilitated at the responsible party's expense. Applications for any development proposals submitted to the city and accepted as complete prior to the date of approval of the ordinance codified in this chapter shall also be exempt from the provisions of this chapter. Such proposals may be subject to other applicable codes of the city, state or federal government. The provisions of this chapter and any administrative rules promulgated hereunder shall not apply to the following:

1. Emergencies that threaten the public health, safety or welfare or the environment; provided, that once the immediate threat has been addressed, the actions undertaken as a result of the emergency shall be subject to and brought into full compliance with these regulations and any adverse impacts on critical areas shall be mitigated;

2. Maintenance and repair of structures and developments lawfully existing prior to the adoption of this chapter. "Maintenance" consists of usual actions necessary to prevent a decline, lapse or cessation from a lawfully established condition. "Repair" consists of the restoration of a development comparable to its original condition within two years of sustaining damage or partial destruction; provided, that the maintenance or repair activity remains consistent with the provisions of this chapter and does not increase its nonconformity. This exemption is limited to activity that does not intrude further into the critical area or its buffer and does not increase the potential impact to the critical area or to public safety, health, or welfare (including any increase in the potential of soil movement or risk of harm or damage to existing uses or development, or the public safety);

3. Normal and routine maintenance or repair of existing buildings, structures, roads, utilities, levees, or drainage or irrigation systems, provided the activity does not further alter, encroach upon, or increase impacts to critical areas or associated buffers;

4. Agricultural activities in existence on May 11, 1992. This includes the grazing of livestock; mowing of hay, grass or grain; and tilling, discing, planting, seeding, harvesting and related activities for pasture, food crops, grass seed or sod; provided, that such activities do not involve any expansion into the critical area or its buffer;

5. Site investigative work necessary for land use application submittals such as surveys, soil logs, test pits, percolation tests and other related activities. In every case, critical area impacts shall be minimized and disturbed areas shall be immediately restored to conditions that are equivalent to undisturbed conditions;

6. Education, scientific research, and passive recreational activities, including, but not limited to: Fishing, bird watching, hiking, hunting, boating, horseback riding, skiing, swimming, canoeing, and bicycling, within critical areas and their buffers, provided the activity does not alter the function of the critical area or its buffers, or increase risk to life or property. This exemption also applies to associated facilities (e.g., benches, trash receptacles, interpretive signs) provided they are located so that they will not interfere with the function of the critical area or its buffer or create a significant disturbance to vegetation; and

7. Forest practices regulated by the State of Washington.

C. *Public agency and utility exception.*

1. If application of this title would prohibit development or other alteration by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section. To qualify for an exception the agency or utility must demonstrate that:

a. There is no other practical alternative to the proposed development which has less impact on critical areas;

b. The application of this title would unreasonably restrict the ability to provide utility services to the public;

c. The proposed use does not pose a threat to the public health, safety or welfare;

d. The proposal protects critical area functions and values to the extent feasible and provides for mitigation in accord with the provisions of this title; and

e. The proposal is consistent with other applicable regulations and standards.

2. Where a permit is required, a request for exception shall be submitted to the city with the permit application materials. Whether or not a permit is required, the request shall be supplemented with an explanation as to how the public agency and utility exception criteria are satisfied. The administrator may require additional information or studies to supplement the exception request.

3. A public agency and utility exception shall be processed according to the provisions of title 19, Administration of Development Regulations, governing a Type IB review process.

D. *Reasonable use exception.*

1. If the application of this chapter would deny all reasonable economic use of the subject property, development or other alteration that is consistent with the current zoning of the development site, the general purposes of this chapter, and the public interest may be allowed; provided, that the hearing examiner after a public hearing finds that:

a. This chapter would otherwise deny any reasonable use of the property that would have been permitted prior to adoption of this chapter; and

b. There is no other reasonable use with less impact on the critical area; and

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

d. The inability of the proponent to derive reasonable economic use of the property is not the result of actions taken after the effective date of this chapter; and

e. Any proposed alteration of the critical area or its buffer is the minimum necessary to allow for reasonable use of the property; and

f. No other reasonable use can be made of the property that will have a lesser adverse impact on the critical area and adjoining and neighboring lands; and

g. Any alteration is the minimum necessary to allow reasonable use of the property; and.

h. The proposal will result in no net loss of critical area functions and values consistent with the best available science; and

i. The proposal is consistent with other application regulations and standards.

2. *Exception Request and Review Process.* Where a permit is required, a request for a reasonable use exception shall be submitted to the city and shall include a critical area study, mitigation plan, and any other related documents such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW and rules thereunder in Chapter 197-11 WAC)~~with the permit applicationmaterials~~. Whether or not a permit is required, the request shall be supplemented with an explanation as to how the reasonable use exception criteria are satisfied. The city may require additional information or studies to supplement the reasonable use exception request.

3. Where a request for a reasonable use exception is granted, impacts to critical areas and buffers shall be mitigated consistent with the purpose and standards of this chapter to the greatest extent feasible.

4. A reasonable use exception shall be processed according to the provisions of title 19, Administration of Development Regulations, governing a Type IB review process.

5. *Director Review.* The Director shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all the reasonable use exception criteria in Subsection D(1). The Director may consider additional information such as zoning, and comparable structure sizes and land uses of the surrounding area.

E. *Reference maps and materials.* The city shall maintain reference maps and materials that provide information on the general locations of critical areas and their functions and values. Since boundaries are generalized, the application of this chapter and the actual type, extent, and boundaries of critical areas shall be determined and governed by the designation and classification sections for each critical area. In the event of any conflict between the maps and the provisions of this chapter or the site-specific conditions, the provisions and/or site-specific conditions shall prevail. Reference materials shall include, but shall not be limited to, the following (or, where applicable, any subsequent or amended version):

1. City of Chelan generalized critical areas map.

2. Wetlands map, based on the National Wetlands Inventory (NWI) maps.

3. Washington State Wetlands Identification and Delineation Manual (the approved federal wetland delineation manual and applicable regional supplements).

4. Washington State Wetlands Rating System for Eastern Washington (Department of Ecology Publication No. 14-06-030, or as amended).

5. Wetlands in Washington State, Volumes 1 and 2 (Department of Ecology Publications No. 05-06-006 and No. 05-06-008, or as amended).

6. Maps of the City of Chelan prepared by the Source Water Assessment Program of the Washington State Department of Health, Division of Environmental Health, Office of Drinking Water (SWAP).

7. The Chelan County Soil Survey.

8. City of Chelan land use map and records for identification of areas in which aquifer contamination potential is high.

9. Fish and wildlife habitat maps, based on the Washington Department of Fish and Wildlife's current priority habitat and species data.

10. City of Chelan open space map.

11. Maps published by the Washington State Department of Natural Resources showing areas designated as quaternary slumps, earthflows, mud flows, lahars, or landslides.

12. Seismic Design Category Map for Residential Construction in Washington, Sheet 2.

13. The Flood Insurance Study for the City of Chelan, Washington, and the accompanying flood hazard boundary maps and flood insurance rate maps.

14. City of Chelan flood hazard areas regulations.

15. City of Chelan comprehensive plan.

16. City of Chelan shoreline master program.

17. Current applicable building codes.

18. Any approved critical areas studies, hydrogeologic evaluations, channel migration zone studies, special studies, or detailed studies.

19. Monitoring data.

F. *Critical areas review process.*

1. Reference materials. The city shall maintain a generalized critical areas map and other reference materials, per subsection E of this section, which may be used to locate known and potential critical areas. The city shall make the reference materials available for reference in the city offices and on the city website.

2. Preliminary evaluation. Submittal of a critical areas review checklist shall be required prior to any development or other alteration in or within 250 feet of a known or potential critical area, whether or not a permit is required for such an alteration. The application for any development proposal for which a permit is required shall include submittal of a

checklist by the applicant and completion of the checklist by city staff. Each checklist shall indicate whether any critical area(s) is located on the site. Said checklist shall be provided by the city. The first page shall be completed by the applicant and shall provide the administrator with the information necessary for the preliminary evaluation of the proposed alteration.

~~3. On receipt of a critical areas review checklist, the administrator shall conduct a preliminary evaluation, which shall include visiting the site and reviewing the following information:~~3. On receipt of a critical areas review checklist, the administrator shall conduct a preliminary evaluation, which may include a site visit, and shall include reviewing the following information:

a. Any pertinent information provided by the applicant;

b. The city's generalized critical areas map and other relevant reference materials; and

c. Any other pertinent information including but not limited to the information on the critical areas review checklist and (when required) a SEPA checklist.

Based on the preliminary evaluation, the administrator shall determine whether or not sufficient information is available to evaluate the proposal.

~~4. If the administrator determines that the information presented is not sufficient to adequately evaluate the impact on critical areas of a proposed alteration, he or she shall notify the applicant that a critical area study is required. In the event that multiple critical areas occur on a given site, each critical area shall be addressed independently and all critical areas shall be addressed collectively for the purpose of determining development standards and appropriate mitigating measures.~~4. If the administrator determines that the information presented is not sufficient to adequately evaluate the impact on critical areas of a proposed alteration, the administrator shall notify the applicant that a critical area study is required. In the event that multiple critical areas occur on a given site, each critical area shall be addressed independently and all critical areas shall be addressed collectively for the purpose of determining development standards and appropriate mitigating measures.

~~5. In the case of landslide or erosion hazard areas, should the applicant question the presence of such areas on the site, the applicant may submit a geotechnical assessment prepared by a qualified professional for geological hazards. If the geotechnical assessment demonstrates, to the satisfaction of the administrator, that the proposed site is not located in any landslide or erosion hazard area, then the requirements of this chapter shall not apply. The geotechnical assessment shall include at a minimum the following:~~5. Geologic Site Assessment pathway. In the case of landslide, erosion, or steep slope hazard areas, an applicant may submit a Geologic Site Assessment, as defined in Section 14.10.020, prepared by a qualified professional for geological hazards to determine whether the proposed development would be adversely affected by geologically hazardous conditions and whether a full geotechnical report is warranted. The Geologic Site Assessment shall include, at a minimum, the elements required by the definition in Section 14.10.020. If the Geologic Site Assessment demonstrates, to the satisfaction of the administrator, that the proposed

development area is not within or would not be affected by a geologically hazardous area, and that the proposed development would not increase the potential for geologic hazards on-site or on adjacent properties, the administrator may waive the requirement for a critical area study. If the Geologic Site Assessment identifies potential geologic hazards within or affecting the proposed development area, the qualified professional shall recommend the scope of geotechnical report appropriate to address the identified hazards. The administrator retains authority to require a full geotechnical report notwithstanding a Geologic Site Assessment recommendation to the contrary, if the administrator determines that the assessment does not adequately address the geologic risks present at the site.

~~a. A discussion of the surface and subsurface geologic conditions of the site;~~a. The Geologic Site Assessment shall remain valid for a period of five (5) years from the date of the site visit, provided that site conditions and the proposed development have not materially changed.

~~b. A site plan of the area delineating all areas of the site subject to landslide and erosion hazards based on mapping and criteria referenced in this section. A map meeting the criteria set forth for a geotechnical report shall be included.~~b. A Geologic Site Assessment does not substitute for a geotechnical report where site conditions warrant further investigation. The administrator shall provide written findings when accepting or rejecting a Geologic Site Assessment recommendation.

G. *Vegetation removal.*

1. Critical areas review is required prior to removal of any vegetation, including nonnative vegetation, from a critical area or its buffer, whether or not development is proposed or a development permit is being sought. This provision applies to noxious weeds and invasive plant species, with the exception of hand removal or spot-spraying. If the administrator determines, based on a preliminary evaluation, that a critical area study is required, such removal of vegetation shall be incorporated in a mitigation plan designed to prevent erosion and facilitate establishment of a stable community of native plants. In all cases, including spot-spraying of noxious weeds and invasive plant species, any herbicide use must conform to all applicable laws, including labeling laws.

2. Unauthorized vegetation removal. Vegetation removal conducted without the appropriate review and approvals shall be mitigated in conformance with an approved mitigation plan meeting the standards of this chapter.

H. *Critical area study.* If the administrator determines that the site of a proposed development includes, is likely to include, or is adjacent to one or more critical areas, a critical area study may be required. When required, the expense of preparing the critical area study shall be borne by the applicant. The content, format and extent of the critical area study shall be approved by the administrator.

1. The requirement for a critical area study may be waived by the administrator if there is substantial evidence that:

a. There will be no alteration of the critical area(s) and/or the required buffer(s); and

b. The proposal will not impact the critical area(s) in a manner contrary to the purpose, intent and requirements of this chapter and the city's comprehensive plan; and

~~c. The minimum standards of this chapter will be met.~~c. The proposed development, as designed, does not require modifications to meet the minimum standards of this chapter.

2. No critical area study is required for proposals that are exempt from the provisions of this chapter as set forth under subsection B of this section, General Exemptions.

3. Every critical area study shall be completed by a qualified professional who is knowledgeable about the specific critical area(s) in question, and approved by the administrator.

4. At a minimum, a required critical area study shall contain the following information:

a. Applicant's name and contact information; permits being sought; and description of the proposal;

b. A copy of the site plan for the alteration proposal, drawn to scale and showing:

i. Identified critical areas, buffers, and the proposed alteration with dimensions;

ii. Limits of any areas to be cleared; and

iii. A description of the proposed stormwater management plan and any other plans that could affect surface hydrology or ground water infiltration for the development and consideration of impacts to drainage alterations and slope stability;

c. The names and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

d. Identification and characterization of all critical areas within, or within 250 feet of, the project area or within any proposed buffer;

e. An assessment of the probable cumulative impacts to critical areas resulting from the proposed development of the site;

f. An analysis of site development alternatives;

g. A description of reasonable efforts made to apply mitigation sequencing, as defined in these regulations, to avoid, minimize, and otherwise mitigate impacts to critical areas;

h. A mitigation plan as set forth in subsection (J)(3) of this section;

i. A discussion of the performance standards proposed to ensure that ecological functions of critical areas are protected and health and safety hazards associated with critical areas are precluded;

j. Financial guarantees proposed to ensure compliance with mitigation plan and performance standards; and

k. Any additional information required for specific critical areas as listed in subsequent sections of these regulations.

5. The administrator may request any other information reasonably deemed necessary to understand impacts to critical areas.

I. *Development standards.*

1. Upon review of the critical area study, the administrator may require compliance with all or part of the development standards listed in this chapter. At a minimum, the administrator shall require that development mitigate any impacts that degrade the functions and values of critical areas in accordance with the mitigation provisions in subsection J of this section.

~~2. The administrator shall waive all or part of the development standards required by this chapter if he or she determines that the potential impact of the proposal (including impact on critical areas and impact on the public health, safety, and welfare) and the protection measures proposed have been previously reviewed pursuant to this chapter under separate application and that an adequate degree of protection has been provided.~~2. The administrator shall waive all or part of the development standards required by this chapter if the administrator determines that the potential impact of the proposal (including impact on critical areas and impact on the public health, safety, and welfare) and the protection measures proposed have been previously reviewed pursuant to this chapter under separate application and that an adequate degree of protection has been provided.

J. *Mitigation requirements.*

1. The applicant shall avoid all impacts that degrade the functions and values of critical areas. If alteration is unavoidable, all adverse impacts to critical areas and buffers resulting from the proposal shall be mitigated in accordance with an approved critical areas ~~report~~ study and SEPA documents. The location of the mitigation site shall be consistent with best available science and may be on site or off site.

2. Mitigation sequencing. Applicants shall use the least intrusive type of mitigation feasible, and shall demonstrate that less intrusive types of mitigation have been evaluated. The types of mitigation, from least to most intrusive, are:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps (such as project redesign, relocation, or timing) to avoid or reduce impacts;

c. In the case of frequently flooded areas and geologically hazardous areas, minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered methods or other methods designed by a qualified design professional;

d. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to historic conditions or the conditions existing at the time the project was initiated;

e. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

f. In the case of critical aquifer recharge areas, frequently flooded areas, fish and wildlife habitat conservation areas, and wetlands, compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

g. Monitoring the impact using a planned evaluation process and taking appropriate corrective measures.

3. Mitigation plan. When mitigation is required, the applicant shall submit for approval a mitigation plan as part of the critical area study. Mitigation plans shall be prepared by a qualified professional and shall be consistent with the relevant impacts indicated during mitigation sequencing. Mitigation measures specified in the mitigation plan shall be maintained over the life of the use and/or development. Approval of a mitigation plan shall be a Type IB procedure, subject to title 19. The mitigation plan shall include a written report identifying:

a. Mitigation objectives, including:

i. A description of the anticipated impacts to critical areas and their buffers, the type or types of mitigation proposed, and the purposes of the measures proposed, including site selection criteria; identification of compensation objectives; identification of critical area functions and values; and dates for beginning and completion of any on-site mitigation activities;

ii. The impacts of any proposed alteration of a critical area or buffer, including proposed mitigation activities, on the development site, other properties and the environment;

iii. A review of the best available science supporting the proposed mitigation and a description of the report author's experience to date in critical areas mitigation; and

iv. An analysis of the likelihood of success of the proposed mitigation.

b. Measurable criteria for evaluating whether or not the objectives of the mitigation plan have been successfully attained and whether or not the requirements of these regulations have been met. For any vegetation components of mitigation, mitigation plans shall include a performance standard of 100 percent survival for the first year of growth post installation, with no less than 80 percent survival at the end of the third year and fifth year.

c. Descriptions and specifications for any on-the-ground mitigation activities, including, but not limited to:

i. Proposed construction sequence, timing, and duration;

ii. Grading and excavation details;

iii. Erosion and sediment control measures;

iv. A planting plan specifying plant species, quantities, locations, sizes, and spacing; and

v. Measures to protect and maintain plants until established.

d. Where on-the-ground mitigation activities are proposed, construction and post-construction monitoring programs.

i. The purpose of the construction monitoring program is to monitor adherence to the mitigation specifications and any other requirements of these regulations.

ii. The purpose of the post-construction monitoring program is to determine whether mitigation objectives are being achieved and, if not, prescribe corrective measures. The program shall include a schedule for monitoring the project over a period adequate to establish that mitigation objectives have been met, generally at least five years from completion of the mitigation project, and shall describe the methods to be used in monitoring.

e. A list of potential corrective measures to be taken if monitoring or evaluation indicates project objectives are not being achieved.

4. Monitoring and reporting. The mitigation project shall include a five-year monitoring plan, or other monitoring time frame specified by local, state or federal permitting agencies, and scaled drawings of existing and proposed conditions. A monitoring report shall be submitted by the project proponent to the administrator according to the schedule specified in the mitigation plan, to document monitoring outcomes and any contingency actions. Monitoring reports associated with single-family residential development may be prepared by the property owner or applicant at the end of years one, three and five; provided, that the report fully addresses the performance standards and any other maintenance requirements prescribed by the mitigation plan, and provides as-built plans and comprehensive photo documentation. The city has the right to request that property owners and applicants hire a qualified professional to prepare the report if it is not adequate.

K. *Surety/bonding.* If a development proposal is subject to mitigation, maintenance, or monitoring plans, the city may require an assurance device or surety, in a form acceptable to the city attorney.

(Ord. 1533 § 6 (Exh. 5) (part), 2017: Ord. 1397 § 7 (Exh. 6) (part), 2009: Ord. 952 § 2, 1992; Ord. 944 § 1 (part), 1992)

14.10.050 Appeal from decisions.

A. The administrator's decision to approve, condition or deny a proposed alteration based on this chapter, unless otherwise specifically provided by ordinance, may be appealed to the city hearing examiner. Any appeal shall be in writing and submitted within ten days of the date of the city's decision. The provisions of chapter 19.06 shall govern the appeal procedure.

B. Any decision of the hearing examiner regarding the reasonable use exception or a decision of the administrator, unless otherwise specifically provided by ordinance, shall be

final. There shall be no further appeal to any other municipal board, officer, or the legislative authority of the city. Unless otherwise specifically provided by ordinance, any board decision shall be reviewable for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the Chelan County superior court; provided, that the application for writ of review shall be made to the court within ten days from any decision so to be reviewed. The costs of transcription of all records ordered certified by the court for such review shall be borne by the applicant at the rate prescribed by the administrator of this title. Such costs shall not exceed the amount necessary to reimburse the city for its expenses actually incurred.

(Ord. 1397 § 7 (Exh. 6) (part), 2009: Ord. 944 § 1 (part), 1992)

14.10.060 Designation, classification, and protection.

A. *Wetlands.*

1. *Designation.* Wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs, ponds, 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 non-wetland areas to mitigate the conversion of wetlands. Wetlands in Chelan shall be designated according to the definition of wetlands in RCW 36.70A.030(21). Wetlands meeting the criteria of that definition shall be subject to these critical areas regulations.

2. *Classification.* Wetlands shall be classified according to the Washington State Wetlands Rating System for Eastern Washington (Department of Ecology Publication No. 14-06-030, or as amended). Wetland rating categories shall be applied as the regulated wetland exists on the date of the adoption or revision of the rating system by the Department of Ecology. As of the date of this writing, the rating system includes the following four categories:

a. *Category I.* Generally, such wetlands are not common and make up a small percentage of the wetlands in Eastern Washington. Category I wetlands include alkali wetlands, bogs and calcareous fens, wetlands with high conservation value that are identified by scientists of the Natural Heritage Program/DNR, mature and old-growth forested wetlands over one-quarter acre with slow-growing trees, forested wetlands with stands of aspen, and wetlands that perform many functions well, as measured by the rating system (scores between 22 and 27 points). Category I wetlands are those that:

i. Represent a unique or rare wetland type;

ii. Are more sensitive to disturbance than most wetlands;

iii. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or

iv. Provide a high level of functions.

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

i. Forested wetlands in the channel migration zone of rivers;

ii. Mature and old-growth forested wetlands over one-quarter acre containing fast-growing trees;

iii. Vernal pools; or

iv. Those wetlands that perform functions well, as measured by the rating system (scores between 19 and 21 points).

c. *Category III.* Such wetlands have generally been disturbed in some manner, and are often less diverse and/or more isolated in the landscape than Category II wetlands. They may not require as much protection as Category I and II wetlands. Category III wetlands are wetlands with a moderate level of functions, as measured by the rating system (scores between 16 and 18 points).

d. *Category IV.* Category IV wetlands have the lowest levels of functions, as measured by the rating system (scores fewer than 16 points), and are often heavily disturbed. These are wetlands that we should be able to replace, and in some cases improve. These wetlands do provide some important functions, and should be afforded some degree of protection.

3. *Mapping.* The approximate location and extent of wetlands are shown on maps maintained by the City, most current National Wetland Inventory (NWI), and other best available science sources. Other wetlands may exist that do not appear on the maps, and some wetland areas that appear on the maps may not meet all of the wetland designation criteria. The City shall update the maps periodically as new wetland areas are identified and as new wetland information becomes available.

4. *Wetland boundary surveys.* Wetland boundaries shall be delineated consistent with the standards and methods described in the U.S. Army Corps of Engineers 1987 Wetlands Delineation Manual, as amended, and the 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region, as amended, and applicable regional supplements. The wetland boundary shall be field staked by the biologist for disclosure on all final plats, maps, critical area studies, etc. Wetlands that occur outside of or extend beyond the boundaries of the development site, onto adjoining properties, do not need to be flagged or formally delineated but their general location must be determined and disclosed in order to assess wetland buffer impacts.

5. *Wetland Classification.* Wetlands shall be classified according to the Washington State Wetlands Rating System for Eastern Washington (Department of Ecology Publication No. 14-06-030, or as amended).

53. *Critical areas review.*

a. Preliminary evaluation.

i. A preliminary evaluation shall evaluate known or potential wetlands on or within 300 feet of the site of a proposed alteration.

ii. At a minimum, the National Wetlands Inventory (NWI) maps, the city's generalized critical areas map, and any critical areas study that identifies wetlands in the vicinity of a development site shall be used in completing a critical areas checklist and in the city's review for the purpose of determining whether a critical areas study will be required.

b. Identification and delineation. Wetlands in shoreline jurisdiction shall be delineated using the procedure outlined in the approved federal wetland delineation manual and applicable regional supplements.

c. In addition to the general requirements for critical area studies, the required critical area study for any wetland shall include the following:

i. An overview of the methodology used to conduct the study;

ii. As part of the identification and characterization, a written assessment and accompanying maps of the wetlands and buffers within 300 feet of the project area, including the following information at a minimum:

(A) Wetland delineation and required buffers;

(B) Existing wetland acreage;

(C) Wetland category;

(D) Vegetative, faunal, and hydrologic characteristics;

(E) Soil and substrate conditions;

(F) Topographic elevations, at two-foot contours; and

(G) A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year such as algal layers and sediment deposits).

iii. As part of the mitigation plan, a habitat and native vegetation conservation strategy that addresses methods to protect and enhance on-site habitat and wetland functions, including the following information at a minimum:

(A) Any proposed changes in wetland acreage;

(B) Any proposed changes in vegetation and fauna;

(C) Any proposed changes in surface and subsurface hydrologic conditions including an analysis of existing and future hydrologic regime, and proposed hydrologic regime for enhanced, created, or restored mitigation areas;

(D) Location of mitigation site or sites in the watershed and relationship to existing water bodies and to associated wetlands and related wetlands that may be greater than 300 feet from the project site;

(E) Any proposed changes in soil and substrate conditions and topographic elevations;

(F) Existing and proposed adjacent site conditions;

(G) Required wetland buffers (including any buffer reduction and mitigation proposed to increase the plant densities, remove weedy vegetation, and replant the buffers); and

(H) Ownership of mitigation site or sites.

d. An applicant should be aware that section 404 of the Federal Clean Water Act and other federal and state statutes may apply.

e. The information provided by the study will augment the database for the Chelan area maintained by the city.

64. *Development standards.*

a. *General.* No land surface modifications or alteration may take place and no improvement may be located in a regulated wetland except as specifically provided in this section and as provided by the exemptions described in section 14.10.040(B).

b. *Mitigation.*

i. If alteration of a regulated wetland is unavoidable, mitigation shall be adequate to ensure no net loss of wetland area and functions including lost time when the wetland does not perform the function.

ii. Wetland mitigation ratios shall be consistent with the table below.

Category and Type of Wetland	Creation or Reestablishment	Rehabilitation	Preservation	Enhancement
Category I: Bog, natural heritage site, calcareous fens	Not considered possible	Case by case	24:1	Case by case
Category I: Mature forested	6:1	12:1	24:1	24:1
Category I: Based on functions	4:1	8:1	16:1	16:1
Category II	3:1	6:1	12:1	12:1

Category and Type of Wetland	Creation or Reestablishment	Rehabilitation	Preservation	Enhancement
Category III	2:1	4:1	8:1	8:1
Category IV	1.5:1	3:1	6:1	6:1

iii. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with Wetland Mitigation in Washington State—Part 2: Developing Mitigation Plans—Version 1, (Ecology Publication No. 06-06-011b, Olympia, WA, March 2006 or as revised), and Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington) (Publication No. 10-06-07, November 2010)

iv. To more fully protect functions and values, and as an alternative to the mitigation ratios above, the administrator may allow mitigation based on the "credit/debit" method developed by the Department of Ecology in "Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington: Final Report" (Ecology Publication No. 11-06-015, August 2012, or as revised).

v. Impacts to wetland buffers shall be mitigated at a 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.

vi. The requirements of this section are in addition to the provisions of section 14.10.040(J).

c. *Essential public facility or utility.* The administrator may permit the placement of an essential public facility or utility in a regulated wetland. The administrator must determine that the public improvement must traverse a regulated wetland because no feasible alternative location exists. Compliance with all provisions of this chapter, including mitigation requirements, shall be required.

d. *Buffer widths.* Buffers shall be established adjacent to and outside of all regulated wetlands. Wetland buffers shall be measured horizontally in all directions from the outer edge of the wetland boundary as established in the field. Building setbacks are in addition to wetland buffers and are measured outward from the edge of the wetland buffer boundary. The following standard buffer widths shall be applied based on wetland category and habitat scoring unless a critical area study establishes, based on intensity of impacts, wetlands functions, or special characteristics as described in Appendix 8-D of Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands (Department of Ecology Publication No. 05-06-008) as modified for the wetlands rating system in Department of Ecology Publication 14-06-030, 2014 Washington State Rating System for Eastern Washington Appendix 8-D, or as thereafter amended), that a greater or lesser buffer width would serve to protect the functions and values of a particular wetland:

Wetland Category	Standard Buffer Width	Additional Buffer Width if Wetland Scores 3-4 Habitat Points	Additional Buffer Width if Wetland Scores 5-7 Habitat Points	Additional Buffer Width if Wetland Scores 8-9 Habitat Points
Category I: Based on total score	75 ft	Add 15 ft	Add 45 ft	Add 75 ft
Category I: Forested	75 ft	Add 15 ft	Add 45 ft	Add 75 ft
Category I: Natural heritage wetlands	190 ft	NA	NA	NA
Category II: Based on total score	75 ft	Add 15 ft	Add 45 ft	Add 75 ft
Category II: Forested	75 ft	Add 15 ft	Add 45 ft	Add 75 ft
Category III (all)	60 ft	Add 30 ft	Add 60 ft	NA
Category IV (all)	40 ft	NA	NA	NA

The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided. Wetland buffer areas shall be retained in a natural condition or may be improved to enhance buffer functions and values. Where buffer disturbance is allowed pursuance to this Title, re-vegetation with native vegetation shall be required. Washington's noxious weed law (RCW 17.10) and the policies and recommendations of the Chelan County Noxious Weed Control Board shall be adhered to. Alterations of the buffer that are inconsistent with this Title shall be prohibited.

e. *Buffer width reduction with enhancement.* Buffers may be reduced by a maximum of 25 percent provided:

i. The critical area study demonstrates that the reduction will not:

(A) Adversely affect water quality;

(B) Destroy, damage, or disrupt a significant fish or wildlife habitat conservation areas~~;~~ ~~including scenic vistas;~~

(C) Adversely affect drainage and/or stormwater retention capabilities;

(D) Lead to unstable earth conditions or create erosion hazards; and

(E) Be materially detrimental to any other property in the area of the subject property or the city as a whole, including loss of scenic vistas;~~.~~

ii. The remaining buffer is enhanced with vegetation to a condition that is comparable to a comparable undisturbed plant community in the ecoregion. Enhanced buffers shall be monitored and maintained to the same standard as on-the-ground mitigation.

f. *Buffer width reduction at road crossing.* The required buffer may be administratively modified where a legally established road crosses a wetland buffer. The administrator may approve a modification of the minimum required buffer width to the waterward edge of the improved road if a study submitted by the applicant and prepared by a qualified professional demonstrates that the part of the buffer on the upland side of the road sought to be reduced:

i. Does not provide additional protection of the wetland; and

ii. Provides insignificant biological, geological or hydrological functions relating to the waterward portion of the buffer adjacent to the wetland.

g. Wetlands and wetland buffers shall be retained in their natural condition, with the following exceptions:

i. The following activities may occur in wetlands or wetland buffers:

(A) Education, scientific research, and low impact recreation facilities, including unpaved walkways or trails and associated facilities (e.g., benches, trash receptacles, interpretive signs) located in the outer 25 percent of the buffer area; wildlife viewing structures; and fishing access areas without vehicle access; provided they are designed and approved as part of an overall site development plan;

(B) Selective pruning of trees for safety or view protection is allowed in wetland buffers. Where trees pose a significant safety hazard, they may be removed from wetland buffers. All other tree removal in wetland buffers shall be minimized through site design, and mitigated when the loss of a tree or trees results in loss of ecological function;

(C) Existing and ongoing agricultural activities (provided no expansion into undisturbed wetland areas occurs);

(D) Maintenance of existing facilities, structures, ditches, roads and utility systems;

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

(F) Artificial wetland construction approved as part of an overall site development plan or restoration or enhancement plan.

ii. Where wetland or wetland buffer disturbance is unavoidable during adjacent construction, restoration and revegetation with native plant materials in accordance with an approved mitigation plan will be required.

B. *Critical aquifer recharge areas.*

1. *Designation.* To date there has been no site-specific delineation of critical aquifer recharge areas (CARAs) for the city or its UGA, although general maps have been prepared by the Source Water Assessment Program of the Washington State Department of Health, Division of Environmental Health, Office of Drinking Water (SWAP).

a. Until CARAs have been delineated (based on site-specific modeling), the City of Chelan designates the following lands within the city and its urban growth area as potential CARAs:

i. Areas of hydrologic susceptibility, including water bodies, surface water intake protection areas, and wellhead protection areas shown on the map prepared for Chelan County by the SWAP; wetland areas shown on the National Wetlands Inventory (NWI) map or on the city's generalized sensitive areas map; areas in which soils show permeability ratings of more than 20 inches per hour as shown in the Chelan County Soil Survey; and any other lands that have been specifically identified as critical aquifer recharge areas based on reliable scientific data; and

ii. Areas in which contamination potential is high, including landfills; agricultural activities that do not incorporate best management practices; industrial facilities with heavy chemical use; underground storage tanks; aboveground storage tanks; commercial facilities that use solvents; hazardous waste or contaminated sites identified by Department of Ecology; or electroplating facilities.

b. Once CARAs have been delineated, the areas identified by the delineation shall be designated as CARAs.

2. *Classification.* Critical aquifer recharge areas shall be classified as follows:

a. *Critical potential:* Water bodies, surface water intake protection areas, and wellhead protection areas.

b. *High potential:* Wetlands, areas in which soils show permeability ratings of more than 20 inches per hour, areas in which contamination potential is high, and any other lands that have been specifically identified as critical recharge areas based on reliable scientific data.

3. *Mapping.* *General* maps have been prepared by the Source Water Assessment Program of the Washington State Department of Health, Division of Environmental Health, Office of Drinking Water (SWAP). These maps can be used as a resource for determining if further assessment is required.

~~4~~3. *Critical area review.*

a. *Preliminary evaluation.* In determining whether or not sufficient information is available to evaluate a proposal, the administrator shall, at a minimum, consider the map of water

bodies, surface water intake protection areas, and wellhead protection areas prepared for Chelan County by the SWAP; the city's wetlands and generalized sensitive areas maps; and the Chelan County Soil Survey, as well as considering the critical areas checklist and conducting a preliminary evaluation. A critical area study shall be required whenever the administrator determines that the information available is not sufficient to evaluate the proposal.

b. *Identification.* All development in or within 250 feet of any known or potential CARA, including all areas of hydrogeologic susceptibility and high contamination potential listed above, shall be subject to these critical areas regulations, including the critical areas review process and the requirement to complete a critical areas review checklist.

c. *Critical area study.* An applicant may request that the city declassify or reclassify a specific area designated as a CARA. The application must be supported by a critical area study that includes a hydrogeologic evaluation. The application to declassify or reclassify an area shall be reviewed by the administrator and a determination made regarding amendment of the map. The hydrogeologic evaluation shall include, at a minimum:

i. Soil texture, permeability and attenuation properties including geologic setting, occurrence and movement of ground water;

ii. Characteristics of the vadose zone (the unsaturated top layer of soil and geologic material) including permeability and attenuation properties;

iii. Depth to ground water and/or impermeable soil layer;

iv. Aquifer properties such as hydraulic conductivity and gradients, attenuation of contaminants;

v. Quantities of ground water and other relevant factors; and

vi. Potential for contamination of ground water due to the proposed action.

54. *Development standards.* The following standards apply in all CARAs:

a. If the critical area study or hydrogeologic evaluation identifies significant potential impacts to CARAs, the project applicant will be required to fully document those impacts and provide a discussion of alternatives by which the impacts could be avoided or prevented.

b. The applicant shall provide a detailed mitigation plan for any unavoidable potential impacts. The city may require that the mitigation plan include process control and remediation as appropriate. Best management practices shall be employed to avoid introducing pollutants into the aquifer.

~~c. All developments in CARAs shall be evaluated for potential to contaminate ground water resources and lake water quality. If the administrator determines that a high potential for contamination exists, he or she may require that further surface water quality controls be installed for a development prior to discharge from a site. Those controls may include wetponds, water quality swales, filtration or sedimentation ponds or other water quality~~

~~measures designed to protect aquifer and lake water quality.~~c. All developments in CARAs shall be evaluated for potential to contaminate ground water resources and lake water quality. If the administrator determines that a high potential for contamination exists, the administrator may require that further surface water quality controls be installed for a development prior to discharge from a site. Those controls may include wetponds, water quality swales, filtration or sedimentation ponds or other water quality measures designed to protect aquifer and lake water quality.

d. The following uses are prohibited in all CARAs:

i. Mining of any type below the water table;

ii. Processing, storage, and disposal of radioactive substances;

iii. Hydrocarbon extraction;

iv. Commercial wood treatment facilities on permeable surfaces;

v. Wrecking yards;

vi. Landfills for hazardous waste, municipal solid waste, or special waste; and

vii. On-site septic systems on lots smaller than one acre without a treatment system that results in effluent nitrate-nitrogen concentrations below ten milligrams per liter.

e. In addition, the following uses are prohibited in areas of critical potential:

i. Hazardous liquid transmission pipelines;

ii. Sand, gravel, and hard rock mining on land that is not zoned for mining as of the effective date of the ordinance codified in this chapter;

iii. Golf courses; and

iv. Cemeteries.

f. Every alteration involving hazardous substance processing or handling that is located in or within 250 feet of a CARA shall provide containment devices adequate in size to contain on site any unauthorized release of hazardous substances from any area where those substances are stored, handled, treated, used, or produced. Containment devices shall prevent such substances from penetrating into the ground. This provision also applies to releases that may mix with storm runoff.

g. Every alteration involving hazardous substance processing or handling which is located in or within 250 feet of a CARA shall prepare a plan containing procedures to be followed to prevent, control, collect, and dispose of any unauthorized release of a hazardous substance.

h. Storage tanks.

i. All storage tanks proposed for location in or within 250 feet of a CARA must comply with local building code requirements and must conform to the 2003 International Fire Code requirements for secondary containment.

ii. Underground tanks. All new underground tanks located in or within 250 feet of a CARA shall be designed and constructed so as to:

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

(B) Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substance; and

(C) Use material in the construction or lining of the tank that is compatible with the substance to be stored.

iii. Aboveground tanks. New aboveground storage tanks located in or within 250 feet of a CARA must be installed, used and maintained so as to prevent the release of any hazardous substance to the ground, ground waters, or surface water in accordance with WAC Chapter 173-303.

iv. Aboveground and underground storage tanks or vaults used for the storage of hazardous substances, animal wastes, sewage sludge, fertilizers, other chemical or biological hazards, dangerous wastes, or any other substances, solids or liquids in quantities identified by the City of Chelan as a risk to groundwater quality, shall be designated and constructed to:

(A) Prevent the release of such substances to the ground, ground waters, or surface waters;

(B) Include an impervious containment area with a volume greater than the volume of the storage tank or vault to avoid an overflow of the containment area;

(C) Provide for release detection;

(D) Provide written spill response and spill notification procedures to the local fire district;

(E) Use material in the construction or lining of the storage containment area which is compatible with the substance to be stored to protect against corrosion or leakage, or otherwise designed in a manner to prevent the release or threatened release of any stored substance; and

(F) Comply with WAC 173-303 and 173-360 as well as International Building Code requirements.

i. Agriculture. New agricultural activities in or within 250 feet of a CARA shall use best management practices to prevent ground quality degradation from livestock waste. Existing agricultural activities in or within 250 feet of a CARA shall be encouraged to use best management practices to prevent ground quality degradation from livestock waste.

j. Sewage disposal. All residential, commercial or industrial alterations located in or within 250 feet of a CARA and within 150 feet of a public sewer system shall be connected to the sewer system.

k. Golf courses. Golf course operations proposed in or within 250 feet of a CARA shall be subject to a golf course maintenance plan using best management practices to protect ground water quality. The plan shall detail the proposed use of fertilizers, herbicides, pesticides, fungicides, or other maintenance agents, with projected application methods and schedules and measures to prevent pollution of ground water.

l. Commercial vehicle repair and servicing. New commercial vehicle repair and servicing in or within 250 feet of a CARA must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur. No dry wells shall be allowed in CARAs on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility development must be abandoned using techniques approved by the Washington State Department of Ecology prior to commencement of the proposed activity. Existing commercial vehicle repair and servicing facilities shall be encouraged to comply with the provisions of this subsection.

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

Table 1: Statutes, Regulations, and Guidance Pertaining to Ground-Water-Impacting Activities

Activity	Statute—Regulation—Guidance
Aboveground Storage Tanks	WAC 173-303-640
Animal Feedlots	Chapters 173-216 and 173-220 WAC
Automobile Washers	Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (WDOE WQ-R-95-56)
Chemical Treatment Storage and Disposal Facilities	WAC 173-303-182
Hazardous Waste Generator (Boat Repair Shops, Biological Research Facility, Dry Cleaners, Furniture Stripping, Motor Vehicle Service Garages, Photographic Processing, Printing and Publishing Shops, etc.)	Chapter 173-303 WAC
Injection Wells	Federal 40 CFR Parts 144 and 146, chapter 173-218 WAC

Activity	Statute—Regulation—Guidance
Junk Yards and Salvage Yards	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (WDOE 94-146)
Oil and Gas Drilling	WAC 332-12-450, chapter 173-218 WAC
On-Site Sewage Systems (Large Scale)	Chapter 173-240 WAC
On-Site Sewage Systems (< 14,500 gal/day)	Chapter 246-272 WAC, Local Health Ordinances
Pesticide Storage and Use	Chapters 15.54 and 17.21 RCW
Sawmills	Chapters 173-303 and 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (WDOE 95-53)
Solid Waste Handling and Recycling Facilities	Chapter 173-304 WAC
Surface Mining	WAC 332-18-015
Underground Storage Tanks	Chapter 173-360 WAC
Waste Water Application to Land Surface	Chapters 173-200 and 173-216 WAC, WDOE Land Application Guidelines, Best Management Practices for Irrigated Agriculture

C. Fish and wildlife habitat conservation areas.

1. *Designation.* The City of Chelan designates the following lands within the city and its urban growth area as fish and wildlife habitat conservation areas:

a. Areas with federally-designated endangered, threatened, or sensitive fish and wildlife species have a primary association. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current federal listing status;

ba. All priority habitat and species areas shown on the Washington Department of Fish and Wildlife's (WDFW) priority habitat and species maps, as amended. WDFW should be consulted for current listing of priority habitats and species;

cb. All areas shown as wildlife habitat on the city's generalized critical areas map; and

dc. All riparian and wildlife corridors shown on the city's open space map;.

e. Waters of the state, including all surface waters, groundwater and all other watercourses in Washington as defined by WAC 365-190-130(2)(f); and

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

2. *Classification.* The city shall use the following two general classifications of fish and wildlife habitat conservation areas:

a. *Priority habitat and species areas.* All priority habitat and species areas shown on the WDFW priority habitat and species maps (as amended) shall be classified as priority habitat and species areas.

b. *Fish and wildlife habitat conservation areas of local importance.* Designated fish and wildlife habitat conservation areas not shown on the WDFW priority habitat and species maps (i.e., any areas shown as wildlife habitat on the city's generalized critical areas map and any riparian and wildlife corridors shown on the city's open space map that are not priority habitat and species areas) shall be classified as fish and wildlife habitat conservation areas of local importance.

c. *Waters of the State*. For purposes of this Chapter, the City of Chelan hereby adopts the water typing system specified by WAC 222-16-030, as described below:

I. *Type S*. all waters, within their ordinary high water mark, meeting the criteria as "shorelines of the state" and "shorelines of statewide significance" under RCW Chapter 90.58. The current list of Shoreline waters, along with their specific shoreline environments, is provided in the City of Chelan Shoreline Master Program. Type S streams and lakes are protected by the Shoreline Master Program, rather than through this Title.

II. *Type F.* Segments of natural waters other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated area of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat.

III. *Type Np*. All segments of natural waters within the bankfull width of defined channels that are perennial non-fish habitat stream. Perennial stream waters do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type Np Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.

IV. *Type Ns*: All segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np waters. These are seasonal, non-fish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np, F or S Water. Ns Waters must be upstream from and physically connected by an above-ground channel system to Type S, F, or Np Waters. [WAC 222-16-030]

3. *Mapping.* The approximate location and extent of fish and wildlife habitat conservation areas are shown on the City's critical area maps or other BAS sources, such as the WDFW Priority Habitats and Species maps, the United States Fish and Wildlife Service, and the National Marine Fisheries Service critical habitat maps. These maps are to be used as a guide and do not provide definitive information about fish and wildlife habitat

conservation area size or presence. Fish and wildlife habitat conservation areas may exist that do not appear on the maps. The City shall update the maps periodically as new fish and wildlife habitat conservation areas are identified.

4. *Habitat boundary survey.* If the Director determines that a fish and wildlife habitat conservation area may be present within the project vicinity, they may require the habitat area to be delineated and/or mapped by a qualified professional who is knowledgeable about fish and wildlife habitat conservation areas within the City of Chelan, or confirmed by WDFW. A survey performed by a qualified biologist may be necessary to determine the precise boundary of a habitat area. The boundary of aquatic habitats shall be the ordinary high watermark of the waterbody, unless otherwise defined in this Chapter. The management recommendations for Washington's priority habitats and species or federal equivalent should be used as a tool for identifying and delineating fish and wildlife habitat boundaries. The City may waive this requirement if there is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures.

5. *Riparian Buffers.* Buffers shall be established and maintained to protect fish and wildlife conservation areas. Buffers refer to areas established and maintained to protect nonaquatic fish and wildlife habitat conservation areas.

a. *Measurement.* Riparian Buffers are measured from the OHWM horizontally landward. The Administrator may require the applicant to mark/flag the OHWM, using a qualified professional and survey of the markers by a Professional Land Surveyor, if the development is within 10 feet of the buffer or the OHWM is not clearly denoted.

b. *Buffer widths.* The following standard buffer widths shall be applied based on stream category as defined in WAC Chapter 222-16-030 Water typing system. ~~;~~

Stream Category	Buffer (feet)
S	160
F	160
Np	100
Ns	100

c.

6~~3~~. *Critical area review.*

a. *Identification and preliminary evaluation.*

i. At a minimum, the city's generalized critical areas map, the city's open space map, the PHS maps, and any critical areas study that identifies fish and wildlife habitat conservation areas in the vicinity of a development site, including current information and management recommendations on priority habitats and species identified by WDFW, shall be used to determine whether critical area review will be required for a proposed alteration, in

completing a critical areas checklist, and in the city's review for the purpose of determining whether a critical areas study will be required.

ii. Because species populations and habitat systems are dynamic, agency consultation shall be required where activities are proposed within 250 feet of a designated fish and wildlife habitat conservation area. The administrator shall consult with the WDFW and the National Marine Fisheries Service and U.S. Fish and Wildlife Service to determine the value of the site to federal or state identified endangered, threatened, sensitive, or candidate species or critical habitats; animal aggregations considered vulnerable by the WDFW; and those species of recreational, commercial, or tribal importance that are considered vulnerable by the WDFW. The administrator shall also consult with the WDFW to determine whether the proposed action may affect priority habitat.

iii. In reviewing proposed alterations, the city shall consider the fish and wildlife habitat conservation areas classification in establishing buffer widths, mitigation requirements, and permit conditions. Any decision regarding establishment of buffers, buffer widths, access restrictions, vegetation conservation and restoration requirements, mitigation requirements, or permit conditions outside of shoreline areas subject to the Shoreline Management Act shall be a Type IB procedure subject to title 19. Lake Chelan and the Chelan River are shorelines subject to the Shoreline Management Act, and buffers have been assigned in the city's shoreline master program.

b. *Critical area study.* In addition to the general requirements for critical area studies, the required critical area study for any fish and wildlife habitat conservation areas shall include the following:

i. An evaluation of the presence or absence of regulated species. Consultation with the Washington State Department of Fish and Wildlife and review of the priority habitats and species map for the development site and the area within 250 feet of the site shall be required in developing the evaluation.

ii. A description of the nature and extent of the association of regulated species with the habitat conservation area and any critical ecological processes (such as feeding, breeding, resting, nesting and dispersal) occurring within the study area.

iii. A description of regulated species habitat requirements, seasonal range dynamics and movement corridor requirements, and relative tolerance of human activities and the cumulative effects of the previous development or future development in the region.

iv. An analysis of habitat quality, based on relative species diversity and species richness, in the study area.

v. An evaluation of the proposed alteration for its influence on the above wildlife factors and on the measures that are recommended to mitigate the potential degradation of animal and plant populations, reproduction rates, and overall habitat quality over the long term.

vi. Mitigation and management recommendations, including the width of any buffer required to protect habitat and species and any requirements for restoration of the buffer. Any relevant WDFW priority habitat and species management recommendations shall be

consulted in developing the mitigation and management recommendations and identifying habitat and species protection measures.

c. The information provided by a critical area study will augment the database for the Chelan area maintained by the city.

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

a. The proposed alteration shall be evaluated for its influence on regulated fish and wildlife habitat and species and for its ability to mitigate the potential degradation of animal and plant populations, reproduction rates, and overall habitat quality over the long term.

b. The following standards shall apply in all fish and wildlife habitat conservation areas:

i. All projects shall comply with the applicable federal, state and local regulations regarding protection of species and habitats identified upon a site.

ii. Outside of shoreline areas subject to the Shoreline Management Act, the administrator shall require the establishment of a buffer when, based on a critical area study, such a buffer is needed to protect the functions and values of a fish and wildlife habitat conservation area. Such buffers shall remain undisturbed or, where native vegetation has already been disturbed, shall be restored. Buffer widths shall reflect the classification and sensitivity of the habitat and the intensity of activity proposed, and shall be consistent with best available science.

iii. Within shoreline areas subject to the Shoreline Management Act, buffer widths have been assigned in the city's shoreline master program (SMP). Such areas shall be subject to all relevant provisions of the city's SMP. Lake Chelan and the Chelan River are shorelines subject to the Shoreline Management Act.

iv. Selective pruning of trees for safety is allowed in fish and wildlife habitat conservation area buffers. Where trees pose a significant safety hazard, they may be removed from such buffers. All other tree removal in such buffers shall be minimized through site design, and mitigated when the loss of a tree or trees results in loss of ecological function.

v. Selective pruning of trees for view protection may be allowed in fish and wildlife habitat conservation area buffers, subject to mitigation and enhancement based on an approved critical area study.

vi. Any approved alteration or development in a fish and wildlife habitat conservation area or its buffer shall be required to minimize impacts to native vegetation, including the composition and structure of the native plant community. Where disturbance is unavoidable, the applicant shall restore the area in accordance with the mitigation plan in the critical area study. New plantings shall be maintained in good growing condition and kept free of invasive weeds until well established.

vii. Subdivision of lands within fish and wildlife habitat conservation areas shall be subject to the following:

(A) All division of land shall be accomplished by planned development when a threatened or endangered species is verified to be present.

(B) All division of land shall be accomplished by planned development when 25 percent or more of the site falls within one or more designated fish and wildlife conservation areas.

viii. Projects shall be encouraged to participate in habitat preservation projects, such as the WDFW's Backyard Wildlife Sanctuary Program.

c. The following additional standards shall apply in priority habitat and species areas and their buffers:

i. Any uses and activities allowed within priority habitat and species areas shall be limited to those that will not adversely affect or degrade the habitat and threaten critical ecological processes identified in the critical area study. Buildings, roads, agriculture and other uses requiring large land areas shall not be permitted within priority habitat and species areas. Where feasible, corridors of critical habitat that maintain connections between high-quality habitat units shall be preserved.

ii. No development approval shall be granted unless mitigation of adverse effects will be provided that will ensure continuation of baseline populations for all priority habitats and priority species.

iii. Retention of native vegetation shall be encouraged. Native vegetation shall not be removed except in accordance with an approved critical area study. In such cases clearing shall be limited to those areas necessary and disturbed areas shall be replanted with site-appropriate native vegetation.

iv. Access to priority habitat and species areas or their buffers may be restricted in accordance with the findings of a critical area study, mitigation plan, PHS management recommendations or other best available science. Access restrictions may include fencing and signs, as needed to ensure protection of habitat functions and values. Restrictions may be seasonal.

d. Provided that adequate regional populations are maintained, development may be allowed in fish and wildlife habitat conservation areas of local importance when only species and habitats of local importance will suffer population declines or interruption of migration routes or reproduction habits; provided, that endemic species are preserved.

D. *Geologically hazardous areas.* The GMA addresses five kinds of geologically hazardous areas: Erosion hazard areas, landslide hazard areas, mine hazard areas, seismic hazard areas, and volcanic hazard areas. There are no known mine hazard areas or volcanic hazard areas in the City of Chelan or its UGA.

1. *Designation and classification.* The City of Chelan designates the following lands within the city and its urban growth area as geologically hazardous areas, and classifies them as shown below:

a. Erosion hazard areas, as follows:

i. Steep slope areas, as defined in this chapter.

ii. Areas containing soils that have been identified in the Soil Survey of Chelan County, Washington, as "highly erodible land" and "potentially highly erodible land."

iii. Ravines, as defined in this chapter.

iv. Channel migration zones, which are defined as the areas along a river or stream within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

v. Concave slope forms equal to or greater than fifteen percent (15%) with a vertical relief of ten (10) or more feet, except areas composed of consolidated rock.

vi. Slopes forty percent (40%) or steeper with a vertical relief of ten (10) or more feet, except areas composed of consolidated rock.

b. Landslide hazard areas, as defined in this chapter. For the purpose of determining whether a critical areas study will be required, the following areas shall be considered potential landslide hazard areas, subject to the critical areas review process in section 14.10.040(F):

i. Areas designated as quaternary slumps, earthflows, mud flows, lahars, or landslides on maps published by the Washington State Department of Natural Resources and those areas downslope of these areas that could be affected by landslide runout or debris torrents.

ii. Any area with a combination of all of the following:

(A) Slopes greater than 15 percent; and

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

(C) Springs or ground water seepage.

iii. Any area potentially unstable as a result of rapid stream incision, stream bank erosion, channel migration, or undercutting by wave action.

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

v. Areas with slope gradients of 50 percent or greater not composed of consolidated rock. These will be of at least ten feet of vertical relief.

vi. Areas of historic failures.

vii. Areas above or adjacent to unstable slopes that could be impacted if the landslide area expands.

viii. Deep-seated landslide areas characterized by one or more of the following features: scalloped ridge crests at the top of the slope, crescent shaped depressions, head scarps, side scarps, ponds or sag areas on mid slopes, benches and scarps on mid slope areas, hummocky ground, linear fractures in the ground. These features may be evident in aerial images, topographic maps, LiDAR imagery or on the ground.

c. Seismic hazard areas. Those areas in seismic design category D $_0$ on the Seismic Design Category Map for Residential Construction in Washington, Sheet 2.

3. *Mapping.* The approximate location and extent of geologically hazardous areas are shown on maps maintained by the City. Other geologically hazardous areas may exist that do not appear on the maps, and some geologically hazardous areas that appear on the maps may not meet the geologically hazardous areas designation criteria. The City shall update the maps periodically as new information becomes available and may require additional studies during the development review process to supplement and/or confirm the mapping.

32. *Critical area review.*

a. *Preliminary evaluation.*

i. *Erosion hazard areas.* In determining whether a critical area study is required for development in a known or potential erosion hazard area, the administrator shall, at a minimum, consider the generalized sensitive areas map and any geotechnical assessment, geotechnical report, hydrogeologic evaluation, channel migration zone study, or other special or detailed study that may identify such areas.

ii. *Landslide hazard areas.* In determining whether a critical area study is required for development in a known or potential landslide hazard area, the administrator shall consider the generalized sensitive areas; relevant maps published by the Washington State Department of Natural Resources showing areas designated as quaternary slumps, earthflows, mud flows, lahars, or landslides; and any geotechnical assessment, geotechnical report, hydrogeologic evaluation, channel migration zone study, or other special or detailed study that may identify such areas.

iii. *Seismic hazard areas.* Until a site-specific map of seismic hazard areas has been adopted, the Seismic Design Category Map for Residential Construction in Washington, Sheet 2, shall be used to make a preliminary identification of such areas for the purposes of determining the need for a critical area study.

b. *Critical area study.* ~~A required critical area study for geologically hazardous areas shall include a geotechnical report, prepared by a qualified professional, adequate to assess any risks of property damage, death, or injury resulting from development of the hazard area and establish mitigation measures. Said geotechnical report shall, at a minimum:~~ Prior to requiring a full geotechnical report, the administrator may allow an applicant to submit a Geologic Site Assessment, as defined in Section 14.10.020, to evaluate whether the proposed development is located within or would be affected by the geologically hazardous area identified during the preliminary evaluation. If the Geologic Site Assessment

demonstrates, to the satisfaction of the administrator, that the proposed development area is not within or would not be affected by the geologically hazardous area, the requirement for a geotechnical report may be waived. If the Geologic Site Assessment determines that the proposed development area is within or could be affected by a geologically hazardous area, the qualified professional shall recommend the scope of geotechnical report appropriate to address the identified hazards. Where a Geologic Site Assessment has not been submitted or has determined that geotechnical analysis is warranted, a required critical area study for geologically hazardous areas shall include a geotechnical report, prepared by a qualified professional, adequate to assess any risks of property damage, death, or injury resulting from development of the hazard area and establish mitigation measures. Said geotechnical report shall be signed, sealed, and dated by the qualified professional. Said geotechnical report shall, at a minimum:

~~i. Provide a map at a scale of one inch equals 200 feet showing:~~i. Provide a map at a scale of one inch equals 200 feet or finer, or at an equivalent digital resolution sufficient to clearly depict site features, showing:

(A) Contour lines at five-foot intervals; and

(B) The location of slopes between 15 and 29 percent, and slopes of 30 percent or greater; and

(C) Figures for area coverage of each slope category on the site.

ii. Describe site history, including any prior grading, site structures, soil instability, or slope failure.

iii. Determine the soil characteristics and geologic, topographic, soil moisture, ground water, and hydrologic conditions of the site that might be expected to create a significant hazard due to any geologic hazard and show the location of such hazardous areas. Specifically, include:

(A) Slope stability studies and opinion of slope stability;

(B) Erosion vulnerability of site;

(C) Suitability of on-site soil for fill;

(D) A summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and ground water information and an interpretation and analysis of the subsurface data; and

(E) Building limitations.

iii-a. Evaluate the proposed placement and design of all structures and improvements, including buildings and their foundations, retaining walls and their effect on slope stability, driveways and access roads including the effects of cuts and fills, utilities including the effects of trenching on slope stability, and stormwater facilities, landscape irrigation systems, septic systems, and any other features that could introduce water into the soil or alter site drainage patterns.

iii-b. The geotechnical report shall include a site plan showing the proposed location of all structures, including buildings, retaining walls, driveways, utilities, stormwater facilities, and all areas of proposed grading or land-disturbing activity, with the locations and results of all subsurface explorations (e.g., borings, test pits, probes).

iv. Evaluate the proposed alteration's influence on the safety and stability of structures and any other risks of property damage, death, or injury resulting from development of the hazard area. Factors such as landscape irrigation, ponds or artificial stream channels, stormwater generation and the effect of street conveyance and utility placement should be included in the review of potential landslide hazard areas.

v. Specify appropriate mitigation measures, including design, development, and construction measures that will be taken to eliminate or minimize identified risks. Specify any recommended setbacks and/or buffers. Include specific engineering recommendations for design and any geotechnical special provisions. Specifically, include:

(A) Proposed angles of cut and fill slopes and site grading requirements;

(B) Structural foundation requirements and estimated foundation settlements;

(C) Soil compaction criteria;

(D) Proposed surface and subsurface drainage; and

(E) Lateral earth pressures.

vi. Include a soil erosion control plan that minimizes erosion from all disturbed areas with preventive measures described in the City of Chelan Surface Water Design Manual (chapter 5). Said measures may include silt fences, sedimentation ponds or other measures approved by the administrator. Revegetation shall include permanent revegetation measures. Permanent vegetation shall be established within one growing season.

vii. Include recommended construction sequencing, including any seasonal restrictions, temporary shoring or erosion control measures required during construction, and any construction monitoring recommended to verify that site conditions are consistent with those assumed in the report.

viii. The geotechnical report shall include a professional certification statement, signed and sealed by the qualified professional, confirming that the professional has personally visited the site, the report accurately represents conditions observed and results of investigations performed, and the recommendations are appropriate for the proposed development and identified hazards.

~~c. If an applicant can demonstrate, through submittal of a geotechnical assessment or best available science, that no landslide or erosion hazards exist on site, and that the proposed development would not increase the potential for landslide or erosion hazards downslope of the site, the requirement for a geotechnical report may be waived by the administrator.~~c. If an applicant can demonstrate, through submittal of a Geologic Site Assessment, geotechnical assessment, or other best available science, that no landslide or erosion hazards exist within the proposed development area of the site, and that the proposed

development would not increase the potential for landslide or erosion hazards on-site or downslope of the site, the requirement for a geotechnical report may be waived by the administrator.

d. Where a geotechnical report has been prepared and approved by the city within the last five years for a specific site, and where the proposed activity and surrounding site conditions are unchanged, said report may be utilized and a new report may not be required. The applicant shall submit a geotechnical assessment detailing any changed environmental conditions associated with the site.

e. In the case of development of an individual lot within a subdivision for which a valid geotechnical report has been prepared and approved by the city within the last five years, and where the only changes in surrounding site conditions are development and mitigation as specified in the report, said report may be utilized and a new report may not be required. The applicant shall submit a geotechnical assessment detailing any changed environmental conditions associated with the site and development affecting the site (e.g., roads, retaining walls, drainage structures, adjacent lots) and shall describe the performance of any mitigation actions at the subdivision.

~~f. Geologically hazardous areas may be present at the site that cannot readily be identified based upon the criteria of subsection (D)(1) of this section. Geologically hazardous areas of unknown risk include areas where data is not available to determine the presence or absence of a geological hazard. The administrator may require a geologic site assessment and/or geotechnical report to determine the actual presence or absence of a geologically hazardous area.~~ f. Geologically hazardous areas may be present at the site that cannot readily be identified based upon the criteria of subsection (D)(1) of this section. Geologically hazardous areas of unknown risk include areas where data is not available to determine the presence or absence of a geological hazard. The administrator may require a Geologic Site Assessment and/or geotechnical report to determine the actual presence or absence of a geologically hazardous area. ~~r~~

~~4~~3. *Development and Protection standards.*

a. Any development or other alteration that would pose a foreseeable risk to the public, public or private resources and facilities, or the natural environment is prohibited.

b. Erosion hazard areas.

i. In order to prevent or mitigate potential hazards to life, property or the natural environment, development in or adjacent to erosion hazard areas shall be discouraged.

ii. Public or private development will be permitted in erosion hazard areas where mitigation approved by the city and adequate to protect members of the public and public and private resources and facilities from injury, loss of life, property damage or financial losses due to erosion, landslide, seismic events or steep slope failure is feasible.

iii. Excavation and grading shall be minimized in all erosion and steep slope areas and shall comply in full with the adopted building code in chapter 15.04.

iv. Ravines and Ravine Sidewalls.

(A) Development in ravines and ravine channels shall be limited to erosion or sedimentation control features and roadway crossings that provide for adequate drainage and that have been approved by the public works director of the city.

(B) Proposed alterations that are adjacent to ravine sidewalls shall maintain a building setback from the top of the ravine of no less than 50 feet. All drainage within the setback shall be directed 100 feet away from the ravine sidewall, or if not feasible, to the ravine stream using closed pipe and energy dissipation structure. This section shall not apply to existing piped streams, nor to lands already developed as of the effective date of these regulations. Lands already developed shall manage the ravine setback based on recommendations of a qualified professional to the satisfaction of the administrator.

(C) A 50-foot undisturbed buffer of native vegetation shall be established from the top, toe, and sides of all ravine sidewalls and bluffs.

(D) The administrator may approve a reduction in the width of the required buffer, to a minimum width of 25 feet, when an approved critical area study demonstrates all of the following:

(1) The development proposal will result in minimal risk of soil instability; and

(2) Special mitigation measures regarding design, construction, and maintenance can reasonably be employed to minimize adverse impacts to soil, slopes, and natural vegetation associated with the proposal; and

(3) The proposal represents minimal disruption of existing native vegetation.

(E) The administrator may require increased buffers if an approved critical area study indicates such increases are necessary to mitigate geologic hazards, or as otherwise necessary to protect the public health, safety, and welfare.

v. Development may occur in steep slope areas only after the following standards have been met:

(A) Development must be located to minimize disturbance and removal of vegetation and also to protect the most sensitive areas (including areas of erosive soils, areas at risk of erosion by wind or water, and areas of dense vegetation) and retain open space. The use of continuous greenbelt areas shall be encouraged; and

(B) Structures must be clustered where possible to reduce disturbance and maintain natural topographic character. Common access driveways shall be considered as a means of reducing construction disturbances; and

(C) Where possible, structures must conform to the natural contour of the slope and foundations must be tiered to conform to existing topography of the site.

vi. Unless a grading plan prepared by a licensed civil engineer is provided and approved by the administrator, disturbance of a development site shall generally not exceed the following for the slope categories indicated:

Table 2: Maximum Amount of Slope That May Be Disturbed

Slope Category	Factor
Slopes 30—40% (60% of the site or more)	0.60
Slopes 40% + (also see landslide hazard area)	0.30

The overall amount of disturbance allowed on development sites which have any combination of the above slope categories shall be determined by the following formula:

[Square footage of the area within the slope category x slope factor] = Total amount of allowable disturbance for that slope classification.

The total amount of allowable disturbance for the site is the sum of all the allowable disturbance totals for each slope category.

c. Landslide hazard areas. Hillsides containing or within 250 feet of landslide hazard areas shall be altered only when the administrator concludes, based on environmental information provided by a qualified professional, that:

i. There will be no increase in surface water discharge, subsurface water, or sedimentation to adjacent properties; and

ii. There will be no decrease in slope stability on adjacent properties; and

iii. Either:

(A) There is no hazard as indicated by professional review of potential landslide activity in the recent past in the vicinity of the proposed development and a quantitative analysis of slope stability indicates no significant risk to the proposed development or to the health or safety of humans or the environment of the subject property or adjacent properties; or

(B) The landslide hazard area can be modified or the proposed development can be designed so that the landslide hazard is eliminated or mitigated so that the site is as safe as a site without a landslide hazard; or

(C) The proposal is so minor as not to pose a threat.

d. Seismic hazard areas. All development activities in seismic hazard areas shall conform to the applicable building code.

5. *Reporting.* If the Director concludes that a geologically hazardous area is located on or adjacent to the alteration or development and/or the alteration or development is at risk from potential geologic hazards, the applicant shall submit a Geotechnical Report consistent with the provisions of ~~CMC Chapter 11.86 – Geologically Hazardous Areas Overlay District, and~~the provisions of Section 14.10.060(D)(2)(b), and prepared by a qualified engineer or engineering geologist.

E. *Frequently flooded areas.*

1. *Designation.* The City of Chelan designates the following lands within the city and its urban growth area (UGA) as frequently flooded areas:

a. All areas of special flood hazard indicated in the flood insurance study for the City of Chelan, Washington, and the accompanying flood insurance rate maps, as revised or amended; and

b. Any areas of special flood hazard indicated in the flood insurance study for Chelan County, Washington, and the accompanying flood insurance rate maps, as revised or amended, that are within the city or its UGA; and

c. All additional areas of special flood hazard identified by any special or detailed study.

2. *Identification.* Critical area review shall be required prior to development in any area that appears to be a frequently flooded area to determine whether the proposed development is within an area of special flood hazard. The critical area review shall be conducted using applicable existing flood insurance studies, flood hazard boundary maps, flood insurance rate maps, special or detailed studies, and information prepared by the Federal Emergency Management Agency.

3. *Development standards.* All development must comply in full with the city's flood hazard areas provisions, chapter 15.10, as those provisions may be amended.

4. *Protection Standards.*

a. *Avoidance*. All new development shall be located outside of frequently flooded areas, if at all possible and will follow the standard mitigation sequencing process.

b. *Floodplain storage.* New uses or developments shall not reduce the effective flood storage volume, alter the direction of flood flows, or concentrate flood flows within a frequently flooded area. If proposed grading, fill, or other alteration or development would reduce effective flood storage volume, then flood storage mitigation.

5. *Reporting.* The Director's approval of a new use or development within a frequently flooded area shall be contingent upon the general critical areas study requirements of CMC 14.10.060 and the following:

a. The nature, location, dimensions, and elevations of the project property;

b. Names and location of all lakes, water bodies, streams, and drainage facilities within three hundred (300) feet of the site;

c. The proposed drainage system including, but not limited to, storm sewers, overland flow paths, detention facilities, and roads;

d. Existing and proposed structures, fill, pavement, and other impervious surfaces, and locations for storage of hazardous materials;

e. Existing native vegetation and proposed clearing limits; and

f. If the proposed development involves grading, excavation, or filling, include proposed post-development terrain at one (1) foot contour intervals.

6. *Compensatory Mitigation Requirements.*

a. *Floodplain storage*. If development occurs within a frequently flooded area, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation. Compensatory storage shall comply with the following:

i. Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, "equivalent elevation" means having similar relationship to ordinary high water and to the best available ten (10)-year, fifty (50)-year, and one hundred (100)- year water surface profiles;

ii. Provide flood storage that is hydrologically connected to the source of flooding;

iii. Provide flood storage in an area that is vegetated;

iv. Consider the existing and future ecological hydrologic functions of the impact and mitigation sites;

v. Result in no net rise of flood elevations (when the mitigation will occur at a distance from the fill location);

vi. Areas below the waterline of a pond or other body of water cannot be credited as compensatory storage;

vii. Provide flood storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins; and

viii. If the newly created storage area is accessible to fish during flood events, the area shall be designed, graded, and maintained to prevent fish stranding.

(Ord. 1533 § 6 (Exh. 6) (part), 2017: Ord. 1397 § 7 (Exh. 6) (part), 2009: Ord. 952 §§ 3—6, 1992; Ord. 944 § 1 (part), 1992)

14.10.070 Warning and disclaimer of liability.

The degree of hazard protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Catastrophic natural disasters can, and will, occur on rare occasions. This chapter does not imply that land outside the critical areas or activities permitted within such areas will be free from exposure or damage. This chapter shall not create liability on the part of the city, and officers or employees thereof, for any damages that result from the reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 1397 § 7 (Exh. 6) (part), 2009: Ord. 944 § 1 (part), 1992)

14.10.080 Reserved.

Section 14.10.080 pertaining to nonconforming developments was repealed by Ord. No. 1397 and was derived from Ord. No. 944, § 1 (part), 1992 and Ord. No. 952, § 7, 1992.

14.10.090 Administration.

The administrator is directed to administer the provisions of this chapter, including attaching such conditions to the granting of any approval under this chapter as may be deemed necessary to protect critical areas, and may appoint other employees as may be necessary to assist in its administration. The city shall adopt and revise, as required, such forms and instructions as are necessary or appropriate to serve the public and carry out the provisions of this chapter.

(Ord. 1397 § 7 (Exh. 6) (part), 2009: Ord. 944 § 1 (part), 1992)

14.10.100 Violations, penalties, and enforcement.

Except as otherwise expressly provided, violations of this chapter shall be enforced according to the uniform procedures set out in chapter 2.80.

(Ord. 1502 § 4 (Exh. H), 2015: Ord. 1397 § 7 (Exh. 6) (part), 2009: Ord. 944 § 1 (part), 1992)

14.10.110 Criminal penalties.

As an alternative to any other judicial or administrative remedy provided in this chapter or by law or other ordinance, any person who willfully or knowingly violates any provision of this chapter, or any order issued pursuant to this chapter, or by each act of commission or omission procures, aids, or abets such violation is guilty of a misdemeanor and, upon conviction thereof, shall be punished as set forth in section 1.24.010.

(Ord. 1397 § 7 (Exh. 6) (part), 2009: Ord. 944 § 1 (part), 1992)

14.10.120 Reserved.

Section 14.10.120 pertaining to critical areas review checklist was repealed by Ord. No. 1533 and was derived from Ord. No. 944, § 1 (part), 1992; Ord. No. 952, § 8, 2009 and Ord. No. 1397, § 7 (Exh. 6) (part), 2009.