ORDINANCE NO. 4355

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING REGULATIONS RELATED TO THE PROTECTION OF CRITICAL AQUIFER RECHARGE AREAS.

WHEREAS, critical aquifer recharge areas (CARAs) are established to protect groundwater and public drinking supplies from potential contamination and to ensure adequate groundwater availability; and

WHEREAS, CARAs are treated as critical areas under the Growth Management Act (GMA) and defined in Chapter 23.60 ECDC, which was last updated in 2016; and

WHEREAS, Edmonds became aware of the presence of CARAs within the City's jurisdiction in 2022; and

WHEREAS, Olympic View provided best available science and mapping of their wellhead protection areas and buffer to the City, which were then added to the City's geographic information system (GIS); and

WHEREAS, the adoption of new CARA regulations is the next step to further protect these critical areas; and

WHEREAS, the agenda memo in the April 16, 2024 council packet provides other relevant background information; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 23.60 of the Edmonds Community Development Code (ECDC), entitled "Critical Aquifer Recharge Areas," is hereby amended to read as set forth in **Exhibit A**, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. ECDC section 23.40.005, entitled "Definitions pertaining to critical areas," is hereby amended to read as set forth in **Exhibit A**, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR MIKE ROSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY
JEFF TARADAY

FILED WITH THE CITY CLERK:	May 1, 2024
PASSED BY THE CITY COUNCIL:	May 7, 2024
PUBLISHED:	May 10, 2024
EFFECTIVE DATE:	May 15, 2024
ORDINANCE NO.	4355

SUMMARY OF ORDINANCE NO. 4355

of the City of Edmonds, Washington

On the 7th day of May, 2024, the City Council of the City of Edmonds, passed Ordinance No. 4355. A summary of the content of said ordinance, consisting of the title, provides as follows:

> AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING REGULATIONS RELATED TO THE PROTECTION OF CRITICAL AQUIFER RECHARGE AREAS.

The full text of this Ordinance will be mailed upon request.

DATED this 7th day of May, 2024.

CITY CLERK, SCOTT PASSEY

Chapter 23.60
CRITICAL AQUIFER RECHARGE AREAS

~~Sections:~~

~~**Part I. Designation, Rating and Mapping**~~

~~**23.60.010 Critical aquifer recharge areas designation.**~~

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~~**23.60.010 Critical aquifer recharge areas designation.**~~

~~Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). CARAs have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water. CARAs are protected as critical areas under the Washington State Growth Management Act. However, no areas meeting criteria for CARAs exist in the vicinity of the city of Edmonds. Thus, additional specific provisions for protection of this critical area type are not provided within this title. [Ord. 4026 § 1 (Att. A), 2016; Ord. 3527 § 2, 2004].~~

Sections:

23.60.010 Scope.

Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(3). CARAs have prevailing geologic conditions that create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water. The Growth Management Act requires cities to adopt regulations to protect CARAs.

The purpose of this chapter is to establish critical aquifer recharge area (CARA) and groundwater protection standards to protect aquifers from degradation and depletion. The intent is to minimize loss of recharge quantity, to maintain the protection of public drinking water sources, and to prevent contamination of groundwater.

23.60.020 Administration.

A. Designation. Olympic View Water and Sewer District (Olympic View) has two wellhead protection areas in Edmonds: Deer Creek Springs and the 228th Street Wellfield. Deer Creek Springs itself is located west of Edmonds in the Town of Woodway while the 228th Street Wellfield is located in Esperance (unicorporated Snohomish County), which is surrounded by Edmonds. Both areas have been mapped and modeled using best available science and include four travel time zones (6 month, 1 year, 5 year, and 10 year) plus an additional buffer. An area of exposed highly sensitive soils (Qva aquifer) is also mapped.

B. Classification. CARAs are classified using the following criteria:

1. Class 1 CARAs include those mapped areas located within the 6 month, one (1) and five (5) year capture zones of a wellhead protection area.

2. Class 2 CARAs include those mapped areas located within the ten (10) year capture zone of a wellhead protection area.

3. Class 3 CARAs include those mapped areas in the critical aquifer recharge area buffer.

C. Applicability. The provisions of this chapter apply to regulated activities occurring within Class 1, Class 2 and Class 3 CARAs as identified in the City of Edmonds GIS, which may be updated as new information becomes available.

D. Local consultation. The City of Edmonds will notify Olympic View when new development applications are submitted within the mapped CARAs. Typical applications will include but not be limited to: single family/multifamily/commercial building permits, and short/formal subdivisions.

E. Hydrogeologic report. A hydrogeologic report is required for activities as noted in the table ECDC 23.60.030.C. The report must contain the following information:

1. The surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and the permeability of the unsaturated zone;

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

3. Currently available data on wells and springs within one fourth mile of the site;

4. Currently available information on the location of surface waters within one fourth mile of the site;

5. Historic water quality data for the area to be affected by the proposed activity or use compiled for at least the previous five-year period;

6. Discussion of the effects of the proposed project on the groundwater quality and quantity, including:

a. Predictive evaluation of groundwater withdrawal effects on nearby wells and surface water features;

b. Predictive evaluation of contaminant transport based on potential releases to groundwater;

c. Recharge potential of the site including permeability and transmissivity; and

d. If water use is proposed for the development activity, a description of the groundwater source of water to the site or a letter from an approved water purveyor stating the ability to provide water to the site;

7. Best management practices relevant to the proposed activity or use;

8. Provisions to monitor the groundwater quality and quantity;

9. A spill plan that identifies equipment and structures that could fail, resulting in an impact to the critical aquifer recharge area. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment with the potential to fail;

10. An assessment of how the development activity meets the protection standards established in ECDC 23.60.030.D;

11. If the hydrogeologic report identifies impacts to critical aquifer recharge areas, the project applicant will be required to:

a. Identify and provide an analysis of alternatives by which such impacts could be avoided or prevented; and

b. Provide a detailed mitigation plan for any unavoidable impacts. The mitigation plan should include preventative measures, monitoring, process control and remediation and a contingency plan, as appropriate;

12. Recommendations for implementation and operation of activities, including size limitations, monitoring, reporting and best management practices (BMP); and

13. Any other information necessary to determine compliance with this chapter.

23.60.030 Regulated Activities.

A. Stormwater.

1. The use of stormwater infiltration best management practices (BMPs) including those that qualify as a Class V Underground Injection Control well (UIC), are prohibited for all land uses within all wellhead protection areas (WHPAs) associated with Olympic View Water and Sewer District's (OVWSD) 228th Street Wellhead, including the buffer.

2. Within all WHPAs associated with Olympic View's Deer Creek Springs, including the buffer, the following shall apply:

a. All new bored, drilled, or driven shaft UICs for stormwater management purposes are prohibited.

b. All other new stormwater infiltration BMPs that are not bored, drilled, or driven shaft UICs shall be regulated by:

i. Chapter 173-218 WAC, that meet that chapter's definition of a Class V UIC well. The UIC regulations are implemented by the Washington State Department of Ecology (Ecology).

ii. The requirements of ECDC 18.30 (Stormwater Management), including the Ecology stormwater manual adopted by ECDC 18.30, and the current Edmonds Stormwater Addendum.

c. In addition, these requirements shall apply to the following allowed activities:

i. All new UICs that replace any existing UIC that has reached its useful life.

ii. Any area that proposes connecting to an existing City-owned and operated UIC.

d. These requirements shall apply until Ecology approves a subsequent version of its stormwater manual that is more protective of the aquifers than the above requirements. At that time, the more protective requirements shall apply.

B. Table 23.60.030.1, CARA Prohibited and Restricted Uses, establishes land uses and related activities that are prohibited and restricted within a specific CARA classification. New land uses or activities that pose a hazard to the City's groundwater resources, resulting from storing, handling, treating, using, producing, recycling, or disposing of hazardous materials or other deleterious substances, are prohibited in Critical Aquifer Recharge Areas 1 and 2. Some uses are prohibited in all CARA classes. Uses and activities lawfully established prior to the effective date of this code, are considered to be legal nonconforming uses subject to Chapter 17.40 ECDC and may continue to operate within the scope of the existing use.

Table 23.60.030.1. CARA Prohibited and Restricted Uses

Use Activity	CARA Restriction
All mineral resource uses	Mining, processing and reclamation of any type below the water table or the upper surface of the saturated groundwater is prohibited in Class 1 and 2 CARA and in exposed QVa soils in Class 3 CARA. A hydrogeologic report is required for the use in Class 3 CARA outside of the area of exposed QVa.
Cemeteries	Cemeteries are prohibited in the Class 1 and 2 CARA and in exposed QVa soils in Class 3 CARA. Best management practices (BMPs) and integrated pest management (IPM) are required for the use in Class 3 CARA outside of the areas of exposed QVa.
Hazardous liquid transmission pipelines	As defined in Chapter 81.88 RCW, pipelines are prohibited in Class 1 and 2 CARA as well as in exposed QVa soils in Class 3 CARA. A hydrogeologic report is required for the use in Class 3 CARA outside of the area of exposed QVa.

Hazardous waste storage and/or treatment facilities and/or processing, or disposal of radioactive substances	Hazardous waste storage and/or treatment facilities, as defined by Chapter 173-303 WAC are prohibited in all CARA classes. Storage, processing, or disposal of radioactive substances as defined in RCW 70.99.020 is prohibited in all CARA classes, except for medical equipment and/or material and medical waste, defined by RCW 70A.390.020, that is held for proper disposal. Aboveground storage tanks for hazardous substances or hazardous wastes with primary and secondary containment area(s) and spill protection plan are prohibited in Class 1 and 2 CARA as well as in exposed QVa soils in Class 3 CARA. A hydrogeologic report is required for the use in Class 3 CARA outside of the area of exposed QVa.
Automotive uses	Wrecking yards are prohibited in all CARA classes. Vehicle towing yards that store vehicles on permeable surfaces are also prohibited. Service stations are prohibited in Class 1 and 2 CARA as well as in exposed QVa soils in Class 3 CARA. In Class 3 CARA outside of the area of exposed QVa, vehicle repair and servicing must be conducted indoors over impermeable pads. For underground storage tanks (UST) with hazardous substances, applicants must demonstrate that the facility complies with federal and state laws.
Dry cleaning	Dry cleaning using chlorinated solvents or using solvent perchloroethylene is prohibited in all CARA classes.
Large on-site sewage systems, as defined in Chapter 246-272A WAC	Prohibited in all CARA.
Solid waste landfills	Prohibited in all CARA. Solid waste is defined in WAC 173-304-100.
Solid waste transfer stations	Prohibited in all CARA. Solid waste is defined under WAC 173-304-100.
Petroleum refinement processes, including any related reprocessing or storage	Prohibited in all CARA.

Bulk storage facilities where flammable or combustible liquids, solids, or gels are received by pipeline or tank vehicle, and are stored or blended in bulk for the purpose of distributing such substances by pipeline, tank vehicle, portable tank, or container	Prohibited in all CARA.
Chemical manufacturing, including but not limited to organic and inorganic chemicals, plastics and resins, pharmaceuticals, cleaning compounds, paints and lacquers, and agricultural chemicals	Prohibited in Class 1 and 2 CARA as well as in exposed QVa soils in Class 3 CARA. A hydrogeologic report is required for the use in Class 3 CARA outside of the area of exposed QVa. Applicants must demonstrate that the facility complies with federal and state laws.
Primary and secondary metal industries that manufacture, produce, smelt, or refine ferrous and nonferrous metals from molten materials	Prohibited in all CARA.
Commercial wood preserving and wood products preserving	Prohibited in all CARA.
Mobile fleet fueling operations	Prohibited in all CARA. "Mobile fleet fueling" means the practice of filling fuel tanks of vehicles from tank vehicles. Mobile fleet fueling is also known as wet fueling and wet hosing. Mobile fleet fueling does not include fueling at construction sites.
Permanent dewatering of the aquifer when done as part of remediation action that is approved by the Department of Ecology	Prohibited in all CARA.
Irrigation and infiltration of greywater	Prohibited in all CARA.
Reclaimed or recycled water use with the exception of uses that discharge to the sanitary sewer	Prohibited in all CARA.
Rainwater collection and use	Allowed in all CARA.
Hydrocarbon extraction	Prohibited in all CARA.
Metal recycling facilities with outdoor storage and handling activities	Prohibited in Class 1 and 2 CARA as well as in exposed QVa soils in Class 3 CARA. A hydrogeologic

	report is required for the use in Class 3 CARA outside of the area of exposed QVa.
Crumb rubber (styrene-butadiene rubber) for artificial turf installations	Prohibited in all CARA.

C. Regulation of facilities handling and storing hazardous materials.

Activities may only be permitted in a critical aquifer recharge area if the applicant can show, through providing a hydrogeologic report prepared by a qualified professional, that the proposed activity will not cause contaminants to enter the groundwater by compliance with the best management practices (BMPs) for handling and storing hazardous materials. The City may impose development conditions in accordance with BMPs to prevent degradation of groundwater.

1. Best Management Practices for Handling and Storing Hazardous Materials.

Any facility, activity, or residence in the City in which hazardous materials or other deleterious substances are present must be operated in a manner that ensures safe storage, handling, treatment, use, production, and recycling or disposal of such materials and substances and prevents their unauthorized release to the environment. Businesses, cemeteries and schools that store and/or handle hazardous materials must, at a minimum, comply with the following BMPs:

a. Waste disposal and record keeping of disposal and use activity;

b. Spill containment supplies and an emergency response plan;

c. An emergency response training plan for all employees;

d. Hazardous materials must be stored using secondary containment measures at all times;

e Periodic monitoring of the storage areas and methods used for containment must be reviewed:

i. On a regular basis;

ii. Whenever business practices change regarding hazardous materials; and

iii. As required by laws and regulations;

f. In no case may hazardous materials or other deleterious substances be stored, handled, treated, used, produced, recycled, or disposed of in a way that would pose a significant groundwater hazard within the City.

2. Hazardous Materials Inventory (HMI).

The HMI statement is intended reflect all current and anticipated types and quantities of hazardous materials that will be stored, handled, treated, used, produced, recycled, or disposed of at a facility. The HMI must always be kept on site. New and existing commercial land uses, schools and cemeteries located in Class 1 and Class 2 CARAs must submit an HMI statement:

a. Within 1 year of the effective date of the ordinance codified in this chapter;

b. With any new land use or building permit application;

c. With a new business license; and

d. At periodic intervals as needed to keep up with changing business practices.

3. Hazardous Materials Management Plan (HMMP). Hazardous materials quantities correspond to the aggregate total of all hazardous materials, not individual chemicals. Facilities that use aggregate quantities of hazardous materials equal to or greater than 20 gallons or the equivalent of 200 pounds, or that use hazardous materials that may be a potential risk to the WHPA, are reviewed to determine the potential risk to the groundwater and the need for an HMMP. Commercial land uses and activities using aggregate quantities of hazardous materials equal to or greater than 50 gallons or the equivalent of 500 pounds, or that use hazardous materials that are considered to be a potential risk to the groundwater in lower quantities, must submit an HMMP to the City.

   a. The City requires an HMMP based on the type and aggregate quantity of inventoried material. The following are exempt from an HMMP:

      i. Retail sale of containers 5 gallons or less in size when the business has fewer than 500 gallons on the premises at any one time; and

      ii. Hazardous materials of no potential risk to the wellhead protection areas.

   b. HMMPs must demonstrate implementation of BMPs. An HMMP must be completed by the facility operator and must always kept on site and include:

      i. A description of the facility including a floor plan showing storage, drainage and use areas. The plans must be legible and approximately to scale;

      ii. The plan must include and identify all hazardous materials containers, sizes, storage locations and methods of secondary containment of the hazardous materials; and

      iii. The plan must, at a minimum, include how the facility implements the BMPs as identified in this code.

4. Inspections. The City has the right to inspect a facility at reasonable times for the purpose of determining compliance with this chapter. Inspections may include, but are not limited to:

   a. Visual inspections of hazardous materials storage and secondary containment areas;

   b. Inspections of HMMP; and

   c. Sampling of soils, surface water and groundwater.

5. Third-Party Review. The City may employ a hydrogeologic consultant licensed in Washington State at the applicant's expense for third-party review for compliance with the BMPs, the HMI and the HMMP.

6. Enforcement. Whenever a person has violated any provisions of this chapter, the Planning and Development Director, in consultation with the Public Works Director as necessary, may take code enforcement action based on the nature of the violation including, but not limited to, abatement, injunction, mitigation, fines and penalties as set forth in Section 18.30.100 ECDC, Stormwater Management.

D. General requirements.

1. A project applicant must make all reasonable efforts to avoid and minimize impacts to critical aquifer recharge areas according to the requirements of this section, in the following sequential order of priority:

   a. Avoiding impacts altogether by not taking a certain action or parts of an action; or when avoidance is not possible;

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

2. Any activity or use specifically listed in this chapter must comply with the best management practices and mitigation plan identified in the hydrogeologic report.

3. All development activities must comply with the groundwater quality standards contained in WAC Chapter 173-200 and RCW Chapter 90.48.

4. Where the Director determines that an activity or use not specifically listed in this chapter has the potential to harm water quality or quantity within critical aquifer recharge areas, the applicant must apply best management practices and all known and available reasonable technology (AKART) appropriate to protect critical aquifer recharge areas.

23.40.005 Definitions pertaining to critical areas.

For the purposes of this chapter and the chapters on the five specific critical area types (Chapters 23.50, 23.60, 23.70, 23.80 and 23.90 ECDC) the following definitions shall apply:

"Adjacent" means those activities located on site immediately adjoining a critical area; or distance equal to or less than 225 feet of a development proposal or subject parcel.

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

"Aquifer" means a body of soil or rock that contains sufficient saturated material to conduct groundwater and yield usable quantities of groundwater to springs and/or wells.

Best Available Science. See ECDC 23.40.310.

"Best management practices" means a system of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, and toxics;
2. Control the movement of sediment and erosion caused by land alteration activities;
3. Minimize adverse impacts to surface and ground water quality, flow, and circulation patterns; and
4. Minimize adverse impacts to the chemical, physical, and biological characteristics of critical areas.

"Buffer" means the designated area immediately next to and a part of a steep slope or landslide hazard area and which protects slope stability, attenuation of surface water flows and landslide hazards reasonably necessary to minimize risks to persons or property; or a designated area immediately next to and part of a stream or wetland that is an integral part of the stream or wetland ecosystem. For critical aquifer recharge areas, the buffer is that area outside of the WHPA time of travel zones established by WAC 246-290, which defines the entire zone of contribution for the CARA.

"Chapter" means those sections of this title sharing the same third and fourth digits.

"City" means the city of Edmonds.

City Council or Council. See ECDC 21.15.030.

"Class" or "wetland class" means descriptive categories of wetland vegetation communities within the wetlands taxonomic classification system of the U.S. Fish and Wildlife Service (Cowardin, et al., 1979).

"Clearing" means the act of cutting and/or removing vegetation. This definition shall include grubbing vegetation and the use or application of herbicide.

"Compensation project" means an action(s) specifically designed to replace project-induced critical area or buffer losses. Compensation project design elements may include, but are not limited to: land acquisition procedures and detailed plans including functional value assessments, detailed landscaping designs, construction drawings, and monitoring and contingency plans.

"Compensatory mitigation" means replacing project-induced losses or impacts to a critical area, and includes, but is not limited to, the following:

1. "Creation" means actions performed to intentionally establish a wetland at a site where it did not formerly exist.
2. "Reestablishment" means actions performed to restore processes and functions to an area that was formerly a critical area, where the former critical area was lost by past alterations and activities.
3. "Rehabilitation" means improving or repairing processes and functions to an area that is an existing critical area that is highly degraded because one or more environmental processes supporting the critical area have been disrupted.
4. "Enhancement" means actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality.
5. "Preservation" means actions taken to ensure the permanent protection of existing high-quality wetlands.

"Creation" means a compensation project performed to intentionally establish a wetland or stream at a site where one did not formerly exist.

"Critical aquifer recharge areas (CARAs)" are areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge. These areas are identified on the City's GIS using information provided by Olympic View Water and Sewer District, as periodically updated.

"Critical areas" for the city of Edmonds means wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas as defined in Chapters 23.50, 23.60, 23.70, 23.80 and 23.90 ECDC, respectively.

"Deleterious substances" include, but are not limited to, chemical and microbial substances that are not classified as hazardous materials per this chapter, whether the substances are in usable or waste condition, that have the potential to pose a significant groundwater hazard, or for which monitoring requirements or treatment-based standards are enforced under Chapter 246-290 WAC.

"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; binding site plan; conditional use permit; franchise; right-of-way permit; grading and clearing permit; mixed use approval; planned residential development; shoreline conditional use permit; shoreline substantial development permit; shoreline variance; short subdivision; special use permit; subdivision; flood hazard permit; unclassified use permit; utility and other use permit; variance; rezone; or any required permit or approval not expressly exempted by this title.

"Director" means the city of Edmonds development services director or his/her designee.

"Division" means the planning division of the city of Edmonds development services department.

"Enhancement" means an action taken to improve the condition and function of a critical area. In the case of wetland or stream, the term includes a compensation project performed to improve the conditions of an existing degraded wetland or stream to increase its functional value.

"Erosion" means the process in which soil particles are mobilized and transported by natural agents such as wind, rain, frost action, or stream flow.

Erosion Hazard Areas. See ECDC 23.80.020(A).

Fish and Wildlife Habitat Conservation Areas. See Chapter 23.90 ECDC.

"Floodplain" means the total area subject to inundation by a "100-year flood." "100-year flood" means a flood having a one percent chance of being equaled or exceeded in any given year.

"Footprint of existing development" or "footprint of development" means the area of a site that contains legally established: buildings; roads, driveways, parking lots, storage areas, walkways or other areas paved with concrete, asphalt or compacted gravel; outdoor swimming pools; patios.

Frequently Flooded Areas. See Chapter 23.70 ECDC.

"Functions" means the roles served by critical areas including, but not limited to: water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; ground water recharge and discharge; erosion control; wave attenuation; aesthetic value protection; and recreation. These roles are not listed in order of priority.

Geologically Hazardous Areas. See Chapter 23.80 ECDC.

"Geologist" means a person licensed as a geologist, engineering geologist, or hydrologist in the state of Washington. For geologically hazardous areas, an applicant may choose a geologist or engineering geologist licensed in the state of Washington to assess the potential hazard.

"Geotechnical engineer" means a practicing geotechnical/civil engineer licensed as a professional civil engineer in the state of Washington who has at least five years of professional employment as a geotechnical engineer in responsible charge including experience with landslide evaluation.

"Grading" means any one or a combination of excavating, filling, or disturbance of that portion of the soil profile which contains decaying organic matter.

"Habitats of local importance" means areas that include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alterations such as cliffs, talus, and wetlands. In urban areas like the city of Edmonds, habitats of local importance include biodiversity areas and corridors, which are characterized by a framework of ecological components which provides the physical conditions necessary for ecosystems and species populations to survive in a human-dominated landscape.

"Hazardous materials" means any material, either singularly or in combination, that is a physical or health hazard, whether the materials are in usable or waste condition; and any material that may degrade surface water or groundwater quality when improperly stored, handled, treated, used, produced, recycled, disposed of, or otherwise mismanaged. Hazardous materials also include: all materials defined as or designated by rule as a dangerous waste or extremely hazardous waste under Chapter 70A.300 RCW and Chapter 173-303 WAC; hazardous materials also include petroleum or petroleum products that are in liquid phase at ambient temperatures, including any waste oils or sludges.

"Hazardous materials inventory (HMI)" is an inventory of all current and anticipated types and quantities of hazardous materials that will be stored, handled, treated, used, produced, recycled, or disposed of at a facility as required in ECDC 23.60.030.C.2, Hazardous Materials Inventory (HMI).

"Hazardous materials management plan (HMMP)" is a plan completed by the operator that demonstrates how the facility implements required BMPs as required in ECDC 23.60.030.C.3, Hazardous Materials Management Plan (HMMP).

"In-lieu fee program" means a program which sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor, a governmental or nonprofit natural resource management entity.

Landslide Hazard Areas. See ECDC 23.80.020(B).

"Mitigation" means the use of any or all of the following actions for activities and development on sites containing critical areas, except critical area aquifer recharge areas, which are listed in descending order of priority:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. 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;
3. Rectifying the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the historical conditions or the conditions existing at the time of the initiation of the project;
4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
5. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
6. Compensating for the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
7. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

"Native vegetation" means vegetation comprised of plant species which are indigenous to the Puget Sound region and which reasonably could have been expected to naturally occur on the site. "Native vegetation" does not include noxious weeds as defined by the state of Washington or federal agencies.

"Normal maintenance of vegetation" means removal of shrubs/nonwoody vegetation and trees (less than four-inch diameter at breast height) that occurs at least every other year. Maintenance also may include tree topping that has been previously approved by the city in the past five years.

"Noxious weeds" means any plant that is highly destructive, competitive or difficult to control by cultural or chemical practices, limited to those plants on the state noxious weed list contained in Chapter 16-750 WAC.

"Planning staff" means those employed in the planning division of the city of Edmonds development services department.

"Qualified critical areas consultant" or "qualified professional" means a person who has the qualifications specified below to conduct critical areas studies pursuant to this title, and to make recommendations for critical areas mitigation. For geologically hazardous areas, the qualified critical areas consultant shall be a geologist or engineering geologist licensed in the state of Washington to assess the potential hazard. If development is to take place within a geologically hazardous area, the qualified critical areas consultant developing mitigation plans and design shall be a professional engineer licensed in the state of Washington and familiar with landslide and slope stability mitigation. For wetlands and streams, the qualified critical areas consultant shall be a specialist in botany, fisheries, wetland biology, and/or hydrology with a minimum of five years' field experience with wetlands and/or streams in the Pacific Northwest. Requirements defining a qualified critical areas consultant or qualified professional are contained within the chapter on each critical area type. For critical aquifer recharge areas, the qualified professional must be a currently licensed Washington State geologist holding a current specialty license in hydrogeology.

"Reasonable economic use(s)" means the minimum use to which a property owner is entitled under applicable state and federal constitutional provisions in order to avoid a taking and/or violation of substantive due process.

"Recharge" means the process involved in the absorption and addition of water from the unsaturated zone to groundwater.

"Redeveloped land(s)" means those lands on which existing structures are demolished in their entirety to allow for new development. The director shall maintain discretion to determine if the demolition of a majority of existing structures or portions thereof constitute the redevelopment of a property or subject parcel.

"Restoration" means the actions necessary to return a stream, wetland or other critical area to a state in which its stability, functions and values approach its unaltered state as closely as possible. For wetlands, restoration as compensatory mitigation may include reestablishment or rehabilitation.

Seismic Hazard Areas. See ECDC 23.80.020(C).

"Species of local importance" means those species that are of local concern due to their population status, their sensitivity to habitat manipulation, or that are game (hunted) species. (See ECDC 23.90.010(A)(4).)

"Storm Water Management Manual" means the storm water manual specified in Chapter 18.30 ECDC.

"Streams" means any area where surface waters produce a defined channel or bed which demonstrates clear evidence, such as the sorting of sediments, of the passage of water. The channel or bed need not contain water year-round. This definition is not meant to include

irrigation ditches, canals, storm or surface water runoff devices (drainage ditches) or other entirely artificial watercourses unless they are used by salmonids or used to convey streams naturally occurring prior to construction of such watercourse. Streams are further classified into Categories S, F, Np and Ns and fishbearing or nonfishbearing 1, 2 and 3. (See ECDC 23.90.010(A)(1).)

"Title" means all chapters of the city of Edmonds Development Code beginning with the digits 23.

"Undeveloped land(s)" means land(s) on which manmade structures or land modifications (clearing, grading, etc.) do not exist. The director retains discretion to identify undeveloped land(s) in those instances where historical modifications and structures may have existed on a property or subject parcel in the past.

"Underground Injection Control Well" as defined in Chapter 173-218 WAC and associated guidance documents.

"Wellhead protection area (WHPA)" means protective areas associated with public drinking water sources established by water systems and approved or assigned by the state Department of Health.

"Wetland functions" means those natural processes performed by wetlands, such as facilitating food chain production; providing habitat for nesting, rearing and resting sites for aquatic, terrestrial or avian species; maintaining the availability and quality of water; acting as recharge and/or discharge areas for ground water aquifers; and moderating surface water and storm water flows.

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

"Wetlands" means those areas that are inundated or saturated by ground or surface 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 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. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands if permitted by the city (WAC 365-190-030(22)). Wetlands are further classified into Categories 1, 2, 3 and 4. (See ECDC 23.50.010(B).) [Ord. 4026 § 1 (Att. A), 2016; Ord. 3952 § 1, 2013; Ord. 3931 § 2, 2013; Ord. 3527 § 2, 2004. Formerly 23.40.320].

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH995916 ORD NO. 4355 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 05/10/2024 and ending on 05/10/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is $20.64.

Subscribed and sworn before me on this 13TH day of May, 2024.

Linda Phillips
Notary Public
State of Washington
My Appointment Expires 8/29/2025
Commission Number 4417

Notary Public in and for the State of Washington.

City of Edmonds - LEGAL ADS | 14101416
SCOTT PASSEY

ORDINANCE SUMMARY
of the City of Edmonds, Washington

On the 7th Day of May, 2024, the City Council of the City of Edmonds, passed the following Ordinance, the summary of said ordinance consisting of title is provided as follows:

ORDINANCE NO. 4355

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING REGULATIONS RELATED TO THE PROTECTION OF CRITICAL AQUIFER RECHARGE AREAS.

DATED this 7th Day of May, 2024.
CITY CLERK, SCOTT PASSEY

Published: May 10, 2024. EDH995916