

**Geologically Hazardous Areas
Chapter 30.62B**

1 **PART 000 – GENERAL**..... - 3 -

2 **30.62B.010 Purpose and applicability**..... - 3 -

3 **30.62B.015 Intent**..... - 4 -

4 **30.62B.020 Relationship to Snohomish County Shoreline Management**

5 **Program.** - 4 -

6 **30.62B.030 Relationship to chapter 30.61 SCC – environmental impacts**..... - 4 -

7 **30.62B.040 Rulemaking authority**..... - 4 -

8 **PART 100 – PROCESS REQUIREMENTS** - 5 -

9 **30.62B.110 Permit pre-applications.** - 5 -

10 **30.62B.120 Critical area services provided by the department.**..... - 5 -

11 **30.62B.130 Submittal requirements.**..... - 5 -

12 **30.62B.140 Geotechnical report requirements**..... - 6 -

13 **30.62B.150 Independent consultant review** - 7 -

14 **30.62B.160 Permanent identification, development restrictions, and**

15 **recording.**..... - 7 -

16 **30.62B.170 Bonding and insurance requirements** - 8 -

17 **PART 200 – DESIGNATION** - 9 -

18 **30.62B.210 Designation of geologically hazardous areas.** - 9 -

19 **PART 300 – STANDARDS AND REQUIREMENTS**..... - 9 -

20 **30.62B.310 Purpose of Part 300.**..... - 9 -

21 **30.62B.320 General standards and requirements for erosion and landslide**

22 **hazard areas.** - 9 -

23 **30.62B.330 Erosion hazard areas - Channel migration zones.** - 11 -

24 **30.62B.340 Landslide hazard areas.**..... - 13 -

25 **30.62B.350 Seismic hazard areas.**..... - 15 -

**Geologically Hazardous Areas
Chapter 30.62B**

1	30.62B.360 Mine hazard areas.....	- 15 -
2	30.62B.370 Volcanic hazard areas.....	- 15 -
3	30.62B.380 Tsunami hazard areas.....	- 15 -
4	PART 400 – EXCEPTIONS.....	- 16 -
5	30.62B.410 Minor development activity exceptions.....	- 16 -
6	30.62B. 420 Emergency activities.	- 17 -
7	PART 500 AGRICULTURAL ACTIVITIES	- 18 -
8	30.62B.505 Purpose.....	- 18 -
9	30.62B.510 Applicability	- 18 -
10	30.62B.520 General Agricultural Standards.....	- 18 -
11	30.62B.530 Special Agricultural Conditions	- 19 -

Geologically Hazardous Areas Chapter 30.62B

1 **PART 000 – GENERAL**

2

3 **30.62B.010 Purpose and applicability.**

4 (1) The purpose of this chapter is to provide regulations for the protection of public
5 safety, health and welfare pursuant to the Growth Management Act (Chapter 36.70A RCW), in
6 geologically hazardous areas, including: erosion hazard, landslide hazard, seismic hazard, mine
7 hazard, volcanic hazard, and tsunami hazard areas.

8 (2) This chapter applies to:

9 (a) Development activities, actions requiring project permits, and clearing except for the
10 following:

11 (i) Non-ground disturbing interior or exterior building improvements;

12 (ii) Routine landscape maintenance of established, ornamental landscaping;

13 (iii) Exterior structure maintenance, including, but not limited to, painting and
14 roofing;

15 (iv) Removal of noxious weeds conducted in accordance with chapter 16-750
16 WAC;

17 (v) Maintenance or replacement that does not expand the affected area of the
18 following existing facilities:

19 (A) septic tanks and drainfields;

20 (B) wells;

21 (C) individual utility service connections; and

22 (D) individual cemetery plots in established and approved cemeteries;

23 (vi) Data collection and research by non-mechanical means if performed in
24 accordance with state-approved sampling protocols or Endangered Species Act (ESA) Section
25 10(a)(1)(a), Section 7 consultation (16 USC § 1536);

26 (vii) Non-mechanical survey and monument placement;

27 (viii) Soils testing or topographic surveying of slopes for purposes of scientific
28 investigation, site feasibility analysis, and data acquisition for geotechnical report preparation
29 provided it can be accomplished without road construction; and

30 (ix) Quasi-judicial rezones not accompanied by another permit or approval.

Geologically Hazardous Areas

Chapter 30.62B

1 (b) Agricultural activities, which are subject only to Part 500 of this chapter; except that
2 certain agricultural activities as defined in SCC 30.62.015(1) occurring on rural and agricultural
3 resource lands are exempt from this chapter and are subject only to chapter 30.62 SCC.

30.62B.015 Intent.

6 It is the intent of this chapter to provide the protection required by chapter 36.70A RCW for
7 wetlands and for fish & wildlife habitat conservation areas while simultaneously protecting
8 property rights. The county council nevertheless recognizes that implementation of some
9 provisions of this chapter 30.62B SCC will inevitably entail some restriction of property rights.

10 It is the intent of the county council that this chapter be always construed and interpreted so that
11 property rights be restricted no further than strictly necessary for the critical area protection
12 required under chapter 36.70A RCW.

30.62B.020 Relationship to Snohomish County Shoreline Management Program.

15 Regulation of geologically hazardous areas located within shorelines of the state, as defined in
16 chapter 90.58 RCW, shall be accomplished through compliance with the provisions of this
17 chapter. Nothing in this section shall be construed to be inconsistent with RCW 36.70A.480.

30.62B.030 Relationship to chapter 30.61 SCC – environmental impacts.

20 Critical area protective measures required by this chapter shall also constitute adequate
21 mitigation of adverse or significant adverse environmental impacts on geologically hazardous
22 areas pursuant to chapter 30.61 SCC, to the extent permitted by RCW 43.21C.240.

30.62B.040 Rulemaking authority.

25 The director shall have the authority to adopt administrative rules to implement the provisions of
26 this chapter. Rulemaking authority shall include, but is not limited to, the adoption of best
27 management practices for the regulation of geologically hazardous areas.

Geologically Hazardous Areas

Chapter 30.62B

1 **PART 100 – PROCESS REQUIREMENTS**

2

3 **30.62B.110 Permit pre-applications.**

4 Project proponents may request a pre-application meeting pursuant to SCC 30.70.020 to obtain a
5 preliminary analysis of how the requirements of this chapter apply to the proposed project.

6

7 **30.62B.120 Critical area services provided by the department.**

8 The department may provide the following service upon submittal of an application and the
9 payment of fees as required by chapter 30.86 SCC: identification of erosion and landslide
10 hazard areas for single-family residential (SFR) dwellings, duplexes, and accessory structures,
11 and commercial structures of 8,000 square feet or less.

12

13 **30.62B.130 Submittal requirements.**

14 For any development activity or action requiring a project permit, the applicant shall submit a
15 site development plan drawn to a standard engineering scale which includes:

16 (1) Boundary lines and dimensions of the subject property;

17 (2) Boundary lines and dimensions of the site;

18 (3) Topography at contour intervals of five feet unless the underlying project permit
19 requires a lesser interval;

20 (4) Location, size, and type of any existing structures and other existing developed
21 areas;

22 (5) Location, size and type of all proposed structures and development activity on the
23 site;

24 (6) Location of all geologically hazardous areas on and within 200 feet of the site, to the
25 extent possible;

26 (7) Location of all other critical areas regulated pursuant to chapters 30.62A, 30.62C and
27 30.65 SCC on and within 200 feet of the site; and

28 (8) Location of structure setbacks as required in SCC 30.62A.320(1)(d), SCC
29 30.62B.340(2) and chapter 30.23 SCC.

30

Geologically Hazardous Areas Chapter 30.62B

1 **30.62B.140 Geotechnical report requirements.**

2 (1) A geotechnical report will be required for any development activity or action
3 requiring a project permit-proposed within:

- 4 (a) An erosion hazard area;
- 5 (b) A landslide hazard area or its setback;
- 6 (c) Two hundred feet of a mine hazard area; or
- 7 (d) Two hundred feet of any faults.

8 (2) The geotechnical report shall be prepared, stamped, and signed by a licensed
9 engineer or geologist and contain the following information relevant to the geologically
10 hazardous area:

- 11 (a) The topography at contour intervals of five feet unless the underlying project
12 permit requires a lesser interval;
- 13 (b) Significant geologic contacts, landslides, or downslope soil movement on and
14 within 200 feet of the site;
- 15 (c) A channel migration zone study when required pursuant to SCC 30.62B.330(2);
- 16 (d) Impervious surfaces, wells, drain fields, drain field reserve areas, roads,
17 easements, and utilities on site;
- 18 (e) The location or evidence of any springs, seeps, or other surface expressions of
19 groundwater;
- 20 (f) The location or evidence of any surface waters;
- 21 (g) Identification of all existing fill areas;
- 22 (h) The location and extent of all proposed development activity;
- 23 (i) A discussion of the geological condition of the site including:
 - 24 (i) a description of the soils in accordance with the Natural Resource
25 Conservation Service indicating the potential for erosion;
 - 26 (ii) engineering properties of the soils, sediments, and rocks on the subject
27 property and adjacent properties and their effect on the stability of the slope;
 - 28 (iii) a description of the slope in percent gradient; and
 - 29 (iv) the location or evidence of seismic faults and soil conditions indicating the
30 potential for liquefaction;

Geologically Hazardous Areas

Chapter 30.62B

1 (j) The proposed method of drainage and locations of all existing and proposed
2 surface and subsurface drainage facilities and patterns, and the locations and methods for erosion
3 control;

4 (k) The extent and type of existing vegetative cover;

5 (l) A vegetation management and restoration plan prepared by persons experienced
6 in vegetation management and restoration plans such as botanists, landscape architects and
7 certified arborist, or other means for maintaining long-term stability of slopes;

8 (m) Analysis of erosion rates, slope recession rates and potential impacts to existing
9 or proposed development from wave cutting, stream meandering, or other erosional forces to
10 determine the recommended solution for bank or shoreline stabilization or flood protection in
11 conformance with SCC 30.62B.320(2); and

12 (n) Any other information necessary to determine compliance with this chapter.

30.62B.150 Independent consultant review.

15 If the department lacks the necessary expertise, the department may require independent
16 consultant review of the application by a qualified professional to assess compliance with this
17 chapter. If independent consultant review is required, the applicant shall make a deposit with the
18 department to cover the cost of the review pursuant to the requirements of chapter 30.86 SCC.
19 Unexpended funds will be returned to the applicant following final decision on the application.

30.62B.160 Permanent identification, development restrictions, and recording.

22 The following measures for permanent identification, development restrictions and disclosure of
23 geologically hazardous areas are required for any development activity or action requiring a
24 project permit,-except those occurring in public and private road or utility easements and rights-
25 of-way, or those conducted for the primary purpose of habitat enhancement.

26 (1) Critical area site plan.

27 (a) All erosion, landslide, and mine hazard areas and seismic faults shall be
28 designated on a critical area site plan.

29 (b) The critical area site plan shall be drawn to a standard engineering scale and
30 include at minimum:

Geologically Hazardous Areas

Chapter 30.62B

- 1 (i) the boundaries of the site;
- 2 (ii) a legal description of the subject property;
- 3 (iii) accurate locations of the geologically hazardous area(s), identified by
- 4 hazard type; and
- 5 (iv) visual and written documentation of any permanent restrictions on
- 6 development activities in the geologically hazardous area occurring as a result of
- 7 compliance with this chapter, including, but not limited to: structural setbacks and
- 8 vegetation retention requirements or other restrictions as may be required pursuant to this
- 9 chapter.

10 (2) Recording. Critical area site plans or disclosure notices as required pursuant to SCC

11 30.62B.160(1) or (3) shall be recorded with the county auditor. Documentation of recording

12 shall be provided to the department prior to permit issuance.

13 (3) Disclosure requirements for buildings in volcanic and tsunami hazard areas. A

14 disclosure notice acknowledging that the development is occurring on or within 200 feet of a

15 volcanic or tsunami hazard area. The notice shall include the following disclosure text, as

16 appropriate:

17 (a) For volcanic hazard areas, “This property is on or within 200 feet of the Glacier

18 Peak Volcanic Hazard Area, which is subject to periodic and potentially life-threatening

19 destructive mud, water, and debris flows.”; or

20 (b) For tsunami hazard areas, “This property is on or within 200 feet of a tsunami

21 hazard area, which could be subject to potentially life-threatening destructive waves.”

22 (4) Previously approved critical area site plans. For any development activity, action

23 requiring a project permit or clearing occurring consistent with a previously approved critical

24 area site plan shall be governed according to the terms and conditions of the approved site plan,

25 provided that all erosion, landslide, mine and seismic hazard areas have been adequately

26 identified and appropriate measures for the protection of public safety have been established.

30.62B.170 Bonding and insurance requirements.

27

28

29 (1) The director shall require bonds or insurance pursuant to chapter 30.84 SCC when

30 the depth of any proposed excavation will exceed four (4) feet and the bottom elevation of the

Geologically Hazardous Areas

Chapter 30.62B

1 proposed excavation will be below a one hundred (100) percent slope line originating from the
2 elevation of any adjacent property lines.

3 (2) The director may require bonds or insurance pursuant to chapter 30.84 SCC adequate
4 to cover potential claims for property damage which may arise from or be related to development
5 activities within a landslide hazard area or in other circumstances where there is potential for
6 significant harm to a wetland, fish and wildlife habitat conservation area or buffer or a public
7 right of way during the construction process.

PART 200 – DESIGNATION

30.62B.210 Designation of geologically hazardous areas.

11
12 The county has designated geologically hazardous areas pursuant to RCW 36.70A.170 by
13 defining them and providing criteria for their identification. Project proponents are responsible
14 for determining whether a geologically hazardous area exists and is regulated pursuant to this
15 chapter. The department will verify on a case-by-case basis the presence of geologically
16 hazardous areas identified by project proponents. Specific criteria for the designation of
17 geologically hazardous areas are contained in this chapter and chapter 30.91 SCC. While the
18 county maintains some maps of geologically hazardous areas, they are for informational
19 purposes only and may not accurately represent all such areas.

PART 300 – STANDARDS AND REQUIREMENTS

30.62B.310 Purpose of Part 300.

23
24 Part 300 of this chapter establishes specific standards and requirements for the treatment of
25 erosion, landslide, seismic, mine, volcanic and tsunami hazard areas.

30.62B.320 General standards and requirements for erosion and landslide hazard areas.

27
28 (1) Any development activity, action requiring a project permit or clearing
29 occurring in an erosion or landslide hazard area:
30

Geologically Hazardous Areas Chapter 30.62B

1 (a) Shall be designed to:

2 (i) Comply with the requirements in an approved geotechnical report when
3 required pursuant to SCC 30.62B.140;

4 (ii) Utilize best management practices (BMPs) adopted by the department pursuant
5 to chapter 30.63A SCC and all known and available reasonable technology (AKART)
6 appropriate for compliance with this chapter;

7 (iii) Prevent collection, concentration or discharge of stormwater or groundwater
8 within an erosion or landslide hazard area, except as otherwise provided in this chapter;

9 (iv) Minimize impervious surfaces and retain vegetation to minimize risk of erosion
10 or landslide hazards; and

11 (b) Shall not:

12 (i) result in increased risk of property damage, death or injury;

13 (ii) cause or increase erosion or landslide hazard risk;

14 (iii) increase surface water discharge, sedimentation, slope instability, erosion or
15 landslide potential to adjacent or downstream and down-drift properties beyond pre-development
16 conditions; or

17 (iv) adversely impact wetlands, fish and wildlife habitat conservation areas or their
18 buffers.

19 (2) For shoreline and bank stabilization and flood protection measures proposed in
20 erosion or landslide hazard areas, the project proponent shall make all reasonable efforts to avoid
21 and minimize impacts to wetlands and fish and wildlife habitat conservation areas and their
22 buffers pursuant to the requirements of chapter 30.62A SCC, in the following sequential order of
23 preference:

24 (a) Utilize setbacks sufficient to ensure that shoreline stabilization or flood hazard
25 reduction measures will not be necessary to protect development for its projected design life, or;

26 (b) When sufficient setbacks are not possible, utilize other non-structural measures
27 unless the applicant demonstrates through a geotechnical report required pursuant to SCC
28 30.62B.120 that new or enlarged structural stabilization or flood protection is necessary to
29 protect:

30

**Geologically Hazardous Areas
Chapter 30.62B**

- (i) existing primary structures, utilities, roads and bridges;
- (ii) new utilities or public bridges and transportation structures allowed pursuant to 30.62B.330(3);
- (iii) agricultural land; or
- (iv) projects where the sole purpose is to protect or restore wetlands, fish and wildlife habitat conservation areas or their buffers.

30.62B.330 Erosion hazard areas - Channel migration zones.

(1) This section establishes specific standards and requirements for development activities, actions requiring a project permit or clearing in channel migration zones adjacent to the following rivers:

River name	River sections (mi)
North Fk Skykomish River	0.00 - 8.64
North Fk Stillaguamish River	0.00 - 35.18
Pilchuck Creek	0.00 - 6.96
Pilchuck River	0.00 - 36.17
Sauk River	All
Skykomish River	0.00- 29.15
Snohomish River & Sloughs	All
Snoqualmie River	0.00 - 5.41
South Fk Skykomish River	0.00 - 6.71
South Fk Stillaguamish River	0.00 - 43.07
Stillaguamish River & Sloughs	All
Sultan River	0.00 - 7.64
Wallace River	0.00 - 7.71

(2) The department may require a channel migration zone study when a development activity or action requiring a project permit is proposed to occur in areas where evidence indicates channel migration is likely, in accordance with the following requirements:

Geologically Hazardous Areas

Chapter 30.62B

1 (a) The study shall be conducted in accordance with Section 2 of the Forest
2 Practices Board Manual (Title 222 WAC), Standard Methods for Identifying Bankfull Channel
3 Features and Channel Migration Zones, November, 2004, except that areas behind natural or
4 manmade features which limit channel migration that allow fish passage shall not be included in
5 the channel migration zone;

6 (b) The study shall be performed under the direction of a qualified professional
7 with experience in fluvial geomorphology or river hydraulics;

8 (c) The study shall contain the following:

9 (i) a determination of the presence of channel migration, and if present, the
10 delineation of the channel migration zone;

11 (ii) an analysis of the impacts of potential channel migration on the proposed
12 development activity; and

13 (iii) an analysis of the impacts of the proposed development activity on the
14 channel migration zone.

15 (3) Channel Migration Zone (CMZ) standards and requirements.

16 (a) All development activities, actions requiring a project permit and clearing are
17 prohibited in the channel migration zone, except as provided below.

18 (i) removal of hazardous trees;

19 (ii) new utility facilities based on the following requirements;

20 (A) pipelines shall be bored 10 feet beneath the thalweg scour depth of the
21 river within the CMZ;

22 (B) surface utilities such as power transmission lines shall be located away
23 from the current channel if feasible; and if not feasible, foundations within the CMZ
24 shall be designed as in-channel structures if determined by the department to be
25 necessary;

26 (iii) new public bridges and transportation structures when no other feasible
27 alternative exists or the alternative would result in unreasonable and disproportionate
28 costs;

29 (iv) normal maintenance or repair of existing flood control and bank
30 stabilization structures, buildings, roads, bridges and utilities; and

Geologically Hazardous Areas Chapter 30.62B

1 (v) shoreline and bank stabilization and flood protection measures pursuant to
2 the general requirements contained SCC 30.62B.320(2).

30.62B.340 Landslide hazard areas.

4 (1) Development activities, actions requiring project permits and clearing shall not be
5 allowed in landslide hazard areas or their required setbacks unless there is no alternate location
6 on the subject property.

7 (2) Structures shall be setback from landslide hazard areas unless the department
8 approves a deviation as provided below.

9 (a) Setbacks shall be established as follows:

10 (i) the minimum top of slope setback shall be equal to the height of the slope
11 divided by three, or 50 feet, whichever is greater;

12 (ii) the minimum toe of slope setback shall be 50 feet or the height divided by
13 two whichever is greater; and

14 (iii) slope setbacks shall be no less than the minimum necessary to ensure that
15 structural shoreline stabilization measures will not be necessary to protect the
16 development.

17 (b) Deviations from setbacks may be allowed when the applicant demonstrates that
18 the following conditions are met:

19 (i) there is no alternate location for the structure on the subject property; and

20 (ii) a geotechnical report demonstrates that:

21 (A) the alternative setbacks provide protection which is equal to that
22 provided by the standard minimum setbacks; and

23 (B) the proposal meets the requirements of SCC 30.62B.320.

24 (3) In addition to the requirements in SCC 30.62B.320 the following standards and
25 requirements apply to development activities, actions requiring project permits and clearing in
26 landslide hazard areas:

27 (a) Vegetation shall not be removed from a landslide hazard area, except for
28 hazardous trees based on review by a qualified arborist or as otherwise provided for in a
29 vegetation management and restoration plan;
30

Geologically Hazardous Areas

Chapter 30.62B

1 (b) The factor of safety for landslide occurrences shall not be decreased below the
2 limits of 1.5 for static conditions or 1.1 for dynamic conditions. Analysis of dynamic conditions
3 shall be based on horizontal acceleration as established by the current version of the International
4 Building Code;

5 (c) Tiered piles or piers shall be used for structural foundations where possible to
6 conform to existing topography;

7 (d) Retaining walls that allow for the maintenance of existing natural slope area
8 shall be used wherever possible instead of graded artificial slopes;

9 (e) Provided there is no practical alternative, utility lines and pipes may be
10 constructed in landslide hazard areas under the following conditions:

11 (i) the line or pipe shall be located above ground and properly anchored or
12 designed so that it will continue to function in the event of an underlying slide; and

13 (ii) stormwater conveyance systems shall be designed with high-density
14 polyethylene pipe with fuse-welded joints, or similar product that is technically
15 equivalent; or

16 (iii) alternatively, utilities may be bored below landslide hazard areas provided
17 they are located beneath the depth of potential slope failure.

18 (f) Point source discharge of stormwater may be allowed in landslide hazard areas
19 under the following conditions:

20 (i) the stormwater is conveyed via continuous storm pipe downslope to a point
21 where it does not increase risk to landslide hazard areas or other properties downstream
22 from the discharge;

23 (ii) the stormwater is discharged at flow durations matching predeveloped
24 conditions with adequate energy dissipation into existing channels; or

25 (iii) discharge upslope of the landslide hazard area may only occur if:

26 (A) it is dispersed onto a low-gradient undisturbed setback adequate to
27 infiltrate all surface and stormwater runoff; and

28 (B) the discharge will not decrease the stability of the slope.

29
30

Geologically Hazardous Areas

Chapter 30.62B

1 **30.62B.350 Seismic hazard areas.**

2 (1) Development activities or actions requiring a project permit occurring within 200
3 feet of a seismic hazard area may be allowed with an approved geotechnical report that confirms
4 the site is suitable for the proposed development.

5 (2) Development activities or actions requiring a project permit occurring in a seismic
6 hazard area shall meet applicable standards of the International Building Code and chapter
7 30.51A SCC.

8

9 **30.62B.360 Mine hazard areas.**

10 (1) Development activities or actions requiring a project permit occurring on or within
11 200 feet of a mine hazard area may be allowed with an approved geotechnical report that
12 confirms the site is suitable for the proposed development or action.

13 (2) For any reclamation activity under the jurisdiction of the county pursuant to SCC
14 30.63B.360, the applicant must submit as-built drawings in a form specified by the director that
15 reflect the final grades on-site, proper site stabilization and vegetative cover.

16

17 **30.62B.370 Volcanic hazard areas.**

18 Development activities or actions requiring a project permit occurring on or within 200 feet of a
19 volcanic hazard area shall comply with the identification, disclosure, and recording requirements
20 of SCC 30.62B.160.

21

22 **30.62B.380 Tsunami hazard areas.**

23 Development activities or actions requiring a project permit occurring on or within 200 feet of a
24 tsunami hazard area shall comply with the identification, disclosure, and recording requirements
25 of SCC 30.62B.160 as evidence becomes available. In Tsunami Hazard Areas, project
26 proponents are encouraged to follow the recommendations from “Designing for Tsunamis:
27 Seven Principles for Planning and Designing for Tsunami Hazards”

28

29

30

Geologically Hazardous Areas Chapter 30.62B

1 PART 400 – EXCEPTIONS

2

3 30.62B.410 Minor development activity exceptions.

4

5 (1) Certain minor development activities may occur in geologic hazard areas or setbacks
6 provided the project proponent complies with best management practices (BMPs) adopted
7 through rulemaking pursuant to chapter 30.82 SCC and all known and available reasonable
8 technology (AKART) appropriate for compliance with this chapter. Best management practices
9 are physical, structural, or managerial practices which have gained general acceptance by
10 professionals in the appropriate field to minimize and mitigate adverse impacts to the functions
11 and values of critical areas.

12 (2) All minor development activities authorized in this section shall comply with
13 administrative BMP rules upon adoption. Prior to adoption of such administrative rules, project
14 proponents shall comply with all known and available BMPs as defined in SCC 30.62A.510(1).
15 The director shall use his or her best efforts to adopt BMPs for the minor development activities
16 listed in this section pursuant to the rulemaking provisions of chapter 30.82 SCC within 12
17 months of the effective date of this chapter.

18 (3) The following minor development activities may occur pursuant to this section:

19 (a) Normal maintenance and repair that does not expand the footprint of existing:

20 (i) improved public and private road rights-of-way,

21 (ii) utility corridors,

22 (iii) trails,

23 (iv) utility facilities,

24 (v) flood protection and bank stabilization structures,

25 (vi) stormwater facilities; and

26 (vii) structures;

27 (b) Minor replacement, modification, extension, installation, or construction by a
28 utility purveyor in an improved public road right-of-way;

29 (c) Survey or monument placement;

Geologically Hazardous Areas
Chapter 30.62B

1 (d) Minor replacement or modification of existing facilities by a utility purveyor in
2 an improved utility corridor;

3 (e) Minor replacement or modification by a utility purveyor of individual utility
4 service lines connecting to a utility distribution system;

5 (f) Minor replacement, modification, minor installation or construction in an
6 improved road right-of-way by the county or by the holder of a current right-of-way use permit;

7 (g) Removal of invasive weeds;

8 (h) Felling or topping of hazardous trees based on review by a qualified arborist;

9 (i) Minor replacement, modification or installation of drainage, water quality or
10 habitat enhancement projects; and

11 (j) All other on-going lawfully established development activities not specifically
12 addressed in this chapter.

13
14 **30.62B.420 Emergency activities.**

15 Emergency activities necessary to prevent an immediate threat to public health, safety, welfare
16 or property, or to prevent an imminent threat of serious environmental degradation, are allowed
17 without prior approval in geologically hazardous areas, based on the criteria set forth in this
18 section:

19 (1) The activity must be the minimum necessary to alleviate the emergency;

20 (2) The project proponent shall notify the department prior to any action taken to
21 remedy an emergency. If prior notification is not feasible, the project proponent shall notify the
22 department within 48 hours of the action; and

23 (3) Applications for any required project permits necessary to satisfy compliance with
24 this chapter are submitted to the department within 120 days of the start of the action taken. For
25 activities not requiring permits, compliance with this chapter shall occur within a reasonable time
26 period not to exceed twelve months.

Geologically Hazardous Areas

Chapter 30.62B

1 **PART 500 AGRICULTURAL ACTIVITIES**

2 **30.62B.505 Purpose.**

3 In accordance with RCW 36.70A.020, the Growth Management Act (GMA) goals require the
4 county to maintain and enhance natural resource-based industries, including commercial
5 agriculture. This Part implements the necessary balance between goals 8 and 10 of the GMA
6 relative to commercial agriculture and the protection of critical areas.

7
8 **30.62B.510 Applicability.**

9 This Part applies to agricultural activities as defined in SCC 30.91A.090, but not meeting the
10 definition of agricultural activities in SCC 30.62.015(1), occurring on lands where agriculture is
11 a legal use, where critical areas defined as erosion hazard areas are present on the site. Provided
12 however, that proposals for building construction in channel migration zones must comply with
13 the requirements in SCC 30.62B.330(3).

14
15 **30.62B.520 General Agricultural Standards.**

16 Except as provided in SCC 30.62B.530, normal agricultural activities as defined in SCC
17 30.32B.230 or SCC 30.91A.090 subject to this Part 500 are in compliance with this chapter when
18 those activities are performed in accordance with (1), (2) or (3) below:

19 (1) The best management practices contained in the latest edition of the USDA
20 Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG);

21 (2) Other recognized best management practices for such activity that protect the
22 functions and values of critical areas, where the NRCS FOTG does not provide specific guidance
23 or a best management practice; or

24 (3) A farm conservation plan that includes provisions addressing critical areas
25 protection specific to the farm site approved by the NRCS or the Snohomish Conservation
26 District (SCD) and signed by the landowner. Any confidential or proprietary information
27 contained in a farm conservation plan may be redacted prior to public disclosure.

28
29
30

Geologically Hazardous Areas Chapter 30.62B

1 **30.62B.530 Special Agricultural Conditions.**

2 (1) Notwithstanding SCC 30.62B.520, agricultural activities as defined in SCC
3 30.32B.230 or SCC 30.91A.090 subject to this Part 500 that meet one or more of the following
4 special conditions shall comply with SCC 30.62B.530(2):

5 (a) Agricultural activities that require a county permit or project approval
6 except for a flood hazard permit required pursuant to chapter 30.43C SCC;

7 (b) In certain special flood hazard areas designated by the Federal Emergency
8 Management Agency (FEMA) as specified in SCC 30.65.040, the construction of agricultural
9 access or service roads greater than six inches average and twelve inches maximum height above
10 grade;

11 (c) Agricultural activities that occur in a wetland, except where:

12 (i) The activity is exempt from wetland regulation under Section
13 404(f) of the federal Clean Water Act;

14 (ii) The activity is occurring in a non-riparian Category II or III
15 wetland that is no greater than 5,000 square feet in size; or

16 (iii) The activity is occurring in a non-riparian Category IV wetland that
17 is no greater than 10,000 square feet in size; and

18 (d) Agricultural activities that bring land into agricultural use by removal of
19 native woody vegetation or alteration of surface or ground water flows, other than that which
20 results from normal cultivation.

21 (2) The agricultural activities listed in SCC 30.62B.530(1) are in compliance with this
22 chapter when those activities are performed as follows:

23 (a) The activity complies with Parts 000 through 400 of this chapter;

24 (b) The activity is done in compliance with a farm conservation plan, as
25 described in SCC 30.62B.520(3); or

26 (c) The director issues a written decision finding that the landowner's compliance
27 with other state or federal regulations or permits provides sufficient protection on the site to
28 satisfy related critical areas requirements of this chapter.