

# **Exhibit A**

## **Amendments to Island County Code Chapters:**

**11.02 ICC**

**14.02A ICC**

**17.05A ICC**

## Chapter 11.02 Clearing and Grading Requirements

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### 11.02.030 - Definitions.

Unless the context clearly requires otherwise, the definitions in this chapter apply to all clearing and grading in unincorporated Island County. Clearing and grading within proposed or existing public rights-of-way shall follow the standards of the 1998 Standard Specifications for Road, Bridge and Municipal Construction, or most recent addition.

**Applicant** means a property owner, or any person or entity designated or named in writing by the property owner to be the applicant, in an application for a development proposal, permit, or approval.

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**Critical areas**, as used in this chapter, means fish and wildlife habitat conservation areas, wetlands, flood hazard areas, geologically hazardous areas, and their buffers, as applicable.

**Development** means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, alteration of natural site characteristics, paving, excavation, drilling operations or storage of equipment or materials, or removal of substantial amounts of vegetation.

**Development activity** means any proposal which will result in construction, development, earth movement, clearing, or other site disturbance and requires a permit, approval, or authorization from the county or is proposed by a public agency.

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**Landslide hazard areas** are potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. Landslide areas include any areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors.

**Low Impact Development (LID)** means a storm water management strategy that emphasizes conservation and the use of existing natural site features by integrating them with distributed, small-scale storm water controls to mimic natural hydrologic patterns. LID is more than on-site infiltration of storm water (e.g., through rain gardens and pervious surfaces). LID also captures and stores water for later reuse, filters out pollutants, and reduces water velocities during storm events. Thus, even where infiltration is not feasible, other LID techniques are still able to be used. For Low Impact Development Practices see the Low Impact Development Technical Guidance Manual for Puget Sound (January 2005).

**Professional inspection** means the inspection required by this Code to be performed by the civil engineer, geotechnical engineer, geologist, or engineering geologist licensed by the State of Washington with appropriate training and experience. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

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## Chapter 14.02A Flood Damage Prevention Ordinance

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### 14.02A.020 - Definitions.

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

**Accessory structure** means a one-story detached structure used as parking or limited storage with an area of 625 square feet or less accessory to a home.

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

**Development** means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, alteration of natural site characteristics, paving, excavation or drilling operations, or storage of equipment or materials, or removal of substantial amounts of vegetation located within the area of special flood hazard.

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

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### 14.02A.040 – Administration.

#### A. Establishment of development permit.

1. **Development permit required.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in section 14.02A.030.B. The permit shall be for all structures including manufactured homes, as set forth in the "definitions", and for all development including fill and other activities, also as set forth in the "definitions".
2. **Application for development permit.** Application for a development permit shall be made on forms furnished by the Island County Permit Center and may include but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required: a. Elevation in relation to mean sea level, of the bottom edge of the lowest floor (including basement) of all structures; b. Elevation in relation to mean sea level to which any structure has been flood-proofed; c. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in section 14.02A.050.B.2.; and d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development if applicable.

**3. Issuance of development permit.** In addition to meeting the other requirements of Island County Code, the applicant must record a Notice on Title that the property contains land within the Riparian Habitat Zone and/or 100-year floodplain before a permit for a subdivision of land or a new or substantially improved structure may be issued.

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#### **14.02A.050 – Provisions for flood hazard reduction.**

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**F. Coastal high hazard areas.** Located within areas of special flood hazard established in section 14.02A.030.B. are coastal high hazard areas, designated as zones V1-V30, VE and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions of this chapter, the following provisions shall also apply:

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**G. FEMA BiOp programmatic review.** Development proposals that meet the following performance standards can reviewed under the Federal Emergency Management Agency's Biological Opinion programmatic approach for shoreline development permits. Development proposals that meet the following performance standards are not required to submit a Habitat Assessment, however Biological Site Assessments for the purposes of review under the Critical Areas Ordinance, Chapter 17.02B ICC, may still be required. Development proposals that cannot meet the following performance standards shall require the submittal of a Habitat Assessment.

1. Mitigation shall be required for improvements, repairs, or expansions of existing buildings in the Special Flood Hazard Area which exceed 10 percent of the existing footprint.
2. Development proposals are required to retain 65 percent of the existing native vegetation within the Special Flood Hazard Area.
3. Hard armoring must be replaced with soft armoring or in instances where the property does not have armoring, the natural shoreline must be left intact.
4. All storm water must be infiltrated on site, or the creation of new impervious surfaces shall not exceed 10 percent of the surface area of the portion of the lot within the Special Flood Hazard Area.

## **Chapter 17.05A Shoreline Master Program Regulations and Procedures**

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#### **17.05A.090 – Shoreline use and development regulations.**

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**L. Flood hazard reduction.**

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11. Solid waste shall not be stored in areas subject to flooding unless it can clearly be demonstrated that complete and effective flood-proofing of structures or equipment can be accomplished.
12. All new development proposals must select the least impactful area for development. Where feasible, development should be located outside of the Special Flood Hazard Area.