

## **WILDCAT CREEK AQUIFER**

**NOTE: The following is a set of DRAFT recommendations for the County. At its June 9 worksession, the Board of County Commissioners indicated their general agreement with them. They are being refined and edited.**

### **B. Recommendations for Grays Harbor County**

1. Adopt an ordinance that (1) affirms the Grays Harbor County Comprehensive Plan's policy basis for zoning in the Wildcat Creek Valley and (2) cancels the development moratorium upon the completion of the adoption process for amending Grays Harbor County Code 17.56.180 governing critical areas.
2. Adopt an ordinance that amends Grays Harbor County Code Title 17 to read as follows:

**17.56.180 Critical area overlay.** Critical areas designated under authority of RCW 36.70A.060(2) shall comply with the following additional regulations:

- (A) <sup>Grading +</sup> ~~Land~~-filling within frequently flooded areas shall be a conditional use in all zones and the minimum mitigation shall include replacement of flood storage capacity.
- (B) Except for activities allowed by a Washington State Department of Natural Resources Class III Forest Practices Permits, earth changing on and/or within forty (40) feet of landslide hazard areas shall follow the requirements for engineered grading requirements in the current edition of the International Building Code regardless of grading volume.
- (C) Subdivision for residential construction within critical aquifer recharge areas shall be subject to the requirements set forth in Section 17.56.180(D)(5).
- (D) The following requirements set forth in this sub-section shall apply to development activities located within the Wildcat Creek Aquifer.
  - (1) "Wildcat Creek Aquifer" means those areas of unincorporated Grays Harbor County that are delineated on Figure 3 of the April 12, 1994 City of McCleary document entitled "Hydrogeologic Characterization for Protection of the Wildcat Creek Aquifer, Grays Harbor County, Washington".

- (2) All rezones and subdivisions within the Wildcat Creek Aquifer shall be required to prepare and implement a Plan that contains (a) hazardous material best management practices, (b) integrated pest best management practices, and (c) landscape maintenance best management practices.

The Plan shall be included in the conditions of any rezone and in any subsequent resulting conditions, covenants and restrictions of a recorded subdivision and carried forth to all deeds for the individual lots resulting from the subdivision. Educational materials pertaining to the Plan shall be provided to each initial homeowner in the subdivision.

The Plan shall be reviewed and approved by the Environmental Health Division prior to any County decision on the proposal.

- (3) Any surface water management plan prepared for a subdivision or rezone or other development within the Wildcat Creek Aquifer shall include low impact development techniques consistent with those contained in the January 2005 Puget Sound Action Team and Washington State University Pierce County Extension document entitled "Low Impact Development: Technical Guidance Manual for Puget Sound".

The Plan shall be reviewed and approved by the Public Works Division prior to any County decision on the proposal.

- (4) The installation and use of underground and above-ground automotive motor fuel and liquefied natural gas fuel-dispensing and storage facilities within the Wildcat Creek Aquifer shall comply with the requirements set forth in the current edition of the International Fire Code (IFC).

- (5) The 100-foot protective radius for Group A wells, the 100-foot protective radius for Group B wells, and the City of McCleary's wellhead 1-year capture zone, the 5-year capture zone, and the 10-year capture zone depicted on Figure 6 of the April 12, 1994 City of McCleary document entitled "Hydrogeologic Characterization for Protection of the Wildcat Creek Aquifer, Grays Harbor County, Washington", are hereby designated as critical aquifer recharge areas.

- (a) All proposed rezones and subdivisions within the critical aquifer recharge areas identified in Section 17.56.180(D)(5) shall be required to prepare a Wellhead and Wellhead Time-of-Travel Protection Plan (WPP).

For Group A and Group B wells, the Plan shall be reviewed by the Group A well or Group B well purveyor and reviewed and approved by the Grays Harbor County Environmental Health Division prior to any County decision on the proposal. In the event that the Division finds that the Plan does not provide an reasonable margin of safety for the critical aquifer recharge area, the proposal shall be (a) required to be revised to increase the margin of safety, including a reduction in lot density, or (b) shall be denied based upon evidence that the proposal represents a probable significant adverse impact to the critical aquifer recharge area.

For the City of McCleary wellhead capture zone, the Plan shall be reviewed by the City of McCleary and reviewed and approved by the Grays Harbor County Environmental Health Division prior to any County decision on the proposal. In the event that the Division finds that the Plan does not provide an reasonable margin of safety for the wellhead capture zone, the proposal shall be (a) required to be revised to increase the margin of safety, including a reduction in lot density, or (b) shall be denied based upon evidence that the proposal represents a probable significant adverse impact to the critical aquifer recharge area.

- (b) Grays Harbor County shall prepare and record a notice with the Grays Harbor County Auditor for any site within the critical aquifer recharge areas identified in Section 17.56.180(D)(5) on which a development proposal is submitted.

The notice shall indicate in the public record the presence of the critical aquifer recharge area, the application of this code to the site, and that limitations on development activities may exist. Only one such notice is required to be recorded on any individual property or lot.

The notice shall be as set forth:

"Notice: This site lies within a critical aquifer recharge area as identified in Grays Harbor County Code 17.56.180(D)(5). The site was the subject of a development proposal for [application number] filed on [date]. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application provides information on the location of the critical aquifer recharge area and the restrictions on the site. A copy of

the plan showing the critical aquifer recharge area is attached hereto”.

- (c) For all proposed subdivision proposals within critical aquifer recharge areas identified in Section 17.56.180(D)(5), the applicant shall include a note on the face of the plat.

The note shall be as set forth below:

"Notice: This site lies within a critical aquifer recharge area as identified in Grays Harbor County Code Grays Harbor County shall prepare and record a notice with the Grays Harbor County Auditor for any site within the critical aquifer recharge areas identified in Section 17.56.180(D)(5) on which a development proposal is submitted.

The site was the subject of a development proposal for [application number], filed on [date]. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation”.

The note shall be recorded as part of final plat approval for any subdivision.

- (E) Wetlands in all districts are declared critical areas for purposes of State Environmental Policy Act Review. The words used in this section shall carry the meaning given by RCW 36.70A and Grays Harbor County Resolution 192-39 as amended.