

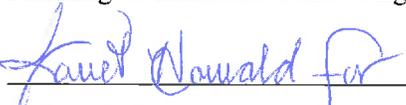
CITY OF DUPONT

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ADVISORY REPORT

Findings, Conclusions, and Recommendation

To: Planning Commission Chair Wright, Vice-Chair Rylander and Planning Commission Members

From: 
Jeffrey S. Wilson, AICP | Director
Department of Community Development

Date: August 22, 2019

Subject: **August 26, 2019 Public Hearing on Proposed Amendments to DMC 25.10 - Definitions** - to remove obsolete definitions resulting from adoption of new Critical Areas Regulations together with other general definition changes. Department of Community Development Recommended Amendments (File No. PLNG2019-004)

BACKGROUND:

With the adoption of the revised Critical Areas regulations (DMC 25.105) on December 11, 2018, we need to evaluate defined terms in the definitions section of Title 25 (DMA 25.10) to determine what definitions need to be removed in order to eliminate conflicting language under the adopted Critical Areas regulations.

REVIEW:

The proposed amendments are text amendments and subject to review pursuant to DuPont Municipal Code (DMC) 25.165.010. Text amendments are processed as Type V applications pursuant to DMC 25.165.030(2) and 25.175.010.

The review criteria for the processing and approval of DMC text amendments are set forth in DMC Section 25.165.030(2) and are as follows.

(2) *The city may approve, approve with conditions or deny an application for a rezone of two or more parcels of property or amend the text of the land use code based on the following decisional criteria. All decisional criteria must be met in order for the amendment to be granted.*

(a) *The amendment is in accord with the comprehensive plan;*

Response: The proposed amendments are consistent with the intent of the Comprehensive Plan in that they clarify terms used in both development regulations and critical areas regulations to remove conflicts in order to fulfill the policy intent of the Comprehensive Plan.

(b) *The amendment bears substantial relation to the public health, safety, and welfare; and*

Response: The proposed amendments bear a substantial relation to the public health, safety and welfare in that they are needed to implement the adopted Comprehensive Plan and Development Regulations. Additionally, revisions to existing definitions are needed to provide clarity for implementation of development regulations for both applicants and the public. Clear and concise definitions are in the public interest.

- (c) *The amendment is not contrary to the best interest of the citizens and property owners of the city of DuPont.*

Response: It was known when the Critical Area Regulations were adopted that there would need to be follow up amendments to delete or modify inconsistent definitions. This proposal is in response to that effort. Revisions to existing definitions are needed to provide clarity for implementation of development regulations and critical areas regulations to remove conflicts for the benefit of the public and applicants. Clear and concise definitions are in the public interest.

PROPOSED AMENDMENTS:

The following are the proposed revisions to existing terms and terms which are proposed to be deleted to eliminate potential conflicts with the new Critical Areas regulations.

25.10.010.140 Alteration. "Alteration" means any change, addition or modification in construction or occupancy or any change, addition or modification to a site, building or occupancy. For critical areas, [see DMC 25.105.030](#) ~~alteration shall mean any human-induced action which adversely impacts the functions and value of a sensitive area or buffer. Alterations include but are not limited to grading, filling, dredging, draining, channelizing, cutting of trees, clearing, paving, construction, dumping, and demolition.~~

25.10.020.060 Buffer - Landscape. "Buffer - Landscape" means a strip of trees, shrubs, and ground cover of sufficient height, width, and density to screen, within three years of planting, an unsightly or nuisance-generating land use from a more sensitive land use, even in the winter months. The minimum visual screening is 100 percent for full buffers, 50 percent for moderate buffers, and 25 percent for light buffers. Berms, grade separations, walls, and fences may be incorporated to achieve up to 50 percent of the minimum screening. For critical areas, [see DMC 25.105.030](#) ~~"buffer" shall mean a designated area adjacent to a part of a stream or wetland that is an integral part of the stream or wetland ecosystem; or a designated area adjacent to steep slopes which protects slope stability, attenuation of surface water flow, and landslide and erosion hazards reasonably necessary to minimize risk.~~

25.10.040.030 Development. "Development" means the construction or reconstruction of a structure or other modifications of the natural landscape above and below ground or water on a particular site. [For critical areas, see DMC 25.105.030.](#)

~~25.10.050.075 Erosion. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.~~

DELETE THIS TERM AS IT HAS A COMMON MEANING DEFINITION

25.10.070.015 Geotechnical Engineer. "Geotechnical Engineer" [means a practicing geotechnical/civil engineer who has a valid Washington State engineering license and a valid certificate of registration in civil engineering, at least four years of professional employment as a geotechnical engineer with experience in landslide evaluation, and appropriate training and experience as specified in Chapter 18.43 RCW.](#) ~~See DMC 25.10.190.075, Soils engineer.~~

25.10.090.005 Impervious Surfaces. “Impervious surfaces” means [areas or surfaces that cannot be easily penetrated by rain or surface water runoff. These areas include structures and roof projections, impervious decks, roads, driveways, and surfaces which substantially reduce and alter the natural filtration characteristics of the soil.](#) ~~a surface which does not absorb water, including buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt.~~

~~25.10.160.090 Priority Habitat. “Priority habitat” means a habitat type with unique or significant value to one or more species as defined by WAC.~~

DELETE THIS TERM AS IT IS ADDRESSED IN 25.105

~~25.10.160.095 Priority Species. “Priority species” means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels as defined by WAC (25).~~

DELETE THIS TERM AS IT IS ADDRESSED IN 25.105

~~25.10.180.010 Ravine. “Ravine” means a valley with sharply sloping walls created by the action of stream waters.~~

DELETE THIS TERM AS IT HAS A COMMON MEANING DEFINITION

~~25.10.180.015 Ravine Sidewalls. “Ravine sidewall” means the sharply sloping walls of a ravine.~~

DELETE THIS TERM AS IT HAS A COMMON MEANING DEFINITION

25.10.190.010 Sensitive Areas. “Sensitive areas” means, for the purposes of this title, those areas defined and established as critical areas under the provisions of the Washington State Growth Management Act and identified in this [chaptercode](#).

25.10.190.015 Setback. “Setback” means the shortest distance between a lot line and any structure for which a building permit is required; provided, that eaves, noncombustible chimneys and fireplaces, and similar protrusions may extend up to an additional 24 inches from the vertical wall of the building. [For critical areas, see DMC 25.105.](#)

~~25.10.190.075 Soils Engineer. “Soils engineer (geotechnical engineer)” means an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical engineering).~~

THESE TERMS ARE UNNECESSARY AS THEY ARE NOT USED IN THE CODE.

~~25.10.190.080 Soils Engineering (Geotechnical Engineering). “Soils engineering (geotechnical engineering)” means the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.~~

THESE TERMS ARE UNNECESSARY AS THEY ARE NOT USED IN THE CODE.

25.10.190.145 Stream. “Stream” means an area where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed need not contain water year-round. This definition is not meant to include storm or surface runoff devices or other entirely artificial watercourses unless they were constructed within or in association with a naturally occurring stream or drainage course. [For critical areas, see DMC 25.105.](#)

~~25.10.230.035 Wetland. “Wetland” means an area that is inundated or saturated by surface water or ground water at a frequency or duration sufficient to support, and that under normal circumstances does support, a prevalence of plant life adapted for life in saturated soils condition. 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. However, wetlands may include artificially created wetlands that are established as part of a natural or built drainage course. Wetlands shall be delineated based on procedures contained in the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands” (1987 Manual).~~

~~(1) — Class I Wetland. These are wetlands that are very valuable for a particular rare species or represent a high quality example of a rare wetland type or are rare within the region or provide irreplaceable functions and values, i.e., they are impossible to replace within a human lifetime, if at all.~~

~~(2) — Class II Wetland. These are wetlands that provide habitat for very sensitive or important wildlife or plants or are difficult to replace or provide very high functions and values, particularly for wildlife habitat and/or their association with ground water and aquifers. These wetlands occur more commonly than Class I wetlands and need a high level of protection.~~

**THIS DEFINITION IS OBSOLETE AND REPLACED BY A NEW DEFINITION IN
DMC 25.105.030**

RECOMMENDATION:

Adopt the proposed amendments to DMC 25.10 – Definitions as provided in this memorandum/report and direct staff to prepare a Planning Commission recommendation memorandum to the City Council for signature by the Chair of the Planning Commission.

cc: File Nos. PLNG2019-004
Janet Howald, Community Development Administrative Specialist
Gordon Karg, City Attorney

ATTACHMENTS:

1. June 24, 2019 Planning Commission meeting minutes