



## Legislation Text

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AN ORDINANCE relating to sensitive areas; correcting inconsistencies between K.C.C. 16.82 and K.C.C. 21A.24 relating to exemptions from clearing and grading permit and sensitive areas review; clarifying permit exceptions regarding noxious weed removal, ditch cleaning, agriculture activities, buffers and fish habitat restoration projects and the use of herbicides and other hazardous substances; adding an exception for clearing in coal mine hazard areas; clarifying and eliminating inconsistencies in exemptions; allowing conversions between agricultural uses; combining modifications and exceptions processes into one appealable, administrative modifications process; clarifying process to review sensitive area designations; consolidating the permit review for franchise utility R-O-W use permits; adding a review process for programmatic grading permits; extending variances to building setbacks; making appeals provisions consistent with K.C.C. title 21A; clarifying the emergency exemption procedures; expanding the purpose to include protection of habitat and species diversity; adding authority to identify and map channel migration areas; creating exceptions to the buffer requirements for landslide and steep slope hazard areas and wetlands and streams; clarifying permitted alterations in hazard areas and in wetlands and streams; defining new permitted alterations in channel migration areas and coal mine hazard areas; adding exploratory drilling as permitted alteration in landslide and steep slope hazard areas; clarifying requirements for wetland and stream enhancement, restoration and mitigation and reorganizing wetland and stream standards; requiring restoration for temporary wetland alteration resulting from utility pipeline; repealing definitions for biologist and stormwater facilities; adding definition of alteration in definitions chapter; adding new definitions of bog, fen, aquatic bed wetland, emergent wetland, scrub-shrub wetland, grazed wet meadow, wetland vegetation class, lake, wildlife, noxious weed, hazard tree, hydrologically connected, drainage basin and subbasin, tributary drainage area, drainage facility, flow control facility, surface water conveyance, improved area, roadway, ditch, emergency action, wetland and stream scientists, civil, structural and geotechnical engineers, engineering geologist, channel migration area, used by salmonids, mitigation, rectification, enhancement and creation; clarifying definitions of applicant, geologist, coal mine by-product stockpiles, coal mine hazard area, critical and utility facilities, emergency, sensitive area, erosion hazard area, landslide hazard area, seismic hazard area, steep slope hazard area, volcanic hazard area, flood hazard area, FEMA floodway, zero-rise floodway, forested wetland, isolated wetland, wetland edge, submerged land, native vegetation, impervious surface, net buildable area, substantial improvement, site, utility facility, vector waste and restoration; moving standards from the definitions of wetlands and streams and clarifying definition of wetlands; adding separate sections for coal mine, wetland and stream classifications and including classifications for wetlands along shorelines; adding new sections to clarify requirements for mitigation of permitted alterations and corrective work for violations; updating references to drainage facilities in K.C.C. title 21A; and making technical changes to K.C.C. title 25; and amending Ordinance 1711, Section 5, and K.C.C. 14.44.050; Ordinance 1488, Sections 5,

6, 7 and (part), and K.C.C. 16.82.10