CRITICAL AREAS ORDINANCE

ORDINANCE NO. 605

CITY COUNCIL
PUBLIC HEARING

APRIL 14, 2015

INTRODUCTION

- Introduction and overview to critical areas ordinance
- Summarize changes between existing and proposed documents
- Future opportunities for comments and questions

* Staff comments describing proposed changes are included in Exhibit 79

ORGANIZATION

Administration

- General Requirements
- Exemptions
- Exceptions
- Subdivisions
- Report requirements
- Mitigation requirements
- Protection areas

Critical Areas

- Critical Aquifer Recharge Areas
- Geologically Hazardous Areas
- Wetlands
- Frequently Flooded Areas
- Fish and Wildlife Habitat Conservation Areas

CRITICAL AREAS CODE

- Majority of code was adopted between 1997 and 2005
- Significant changes in best available science since last update
- Update is based on recommendations from:
  - Gap Analysis
  - Best Available Science Review
  - Department of Ecology guidance
  - Department of Commerce guidance
  - City's experience implementing code

SUMMARY OF CHANGES

- Document organization
- Clarified language and requirements
- Clarified goals and policies
- Additional requirements for reports for each critical area
- Exemption updates to reflect current practices
  - Examples include allowing filling of wetlands or access corridors in buffers
- Terminology simplification and updates
  - “critical area tract”, “protection area” → “native growth protection area”
  - “flood hazard area” → “frequently flooded area”

CRITICAL AQUIFER RECHARGE (200-240)

"Areas with a critical recharging effect on aquifers used for potable water"

- Removed Category I CARA – City does not have a sole source aquifer
- Updated documents
- Added critical area report requirements

FREQUENTLY FLOODED AREAS (350-380)

Areas susceptible to flooding, as identified on the FEMA flood insurance map

- Added critical area report requirements
- Included habitat impact assessment to meet BioOp

GEOLOGICALLY HAZARDOUS AREAS (250-270)

Areas susceptible to erosion, sliding, earthquakes, or other geological events

- Reorganized standards by type of hazard area
  - 21.24.250 - Designation/definition for all areas
  - 21.24.260 – Erosion and landslide hazard
  - 21.24.270 – Seismic and other geologic hazard
- Each hazard area has standard requirements
  - Development standards (performance or function of project/site)
  - Buffers (minimum distance from structure)
  - Design standards (criteria related to project engineering or design)
  - Report requirements (specific to each hazard area)

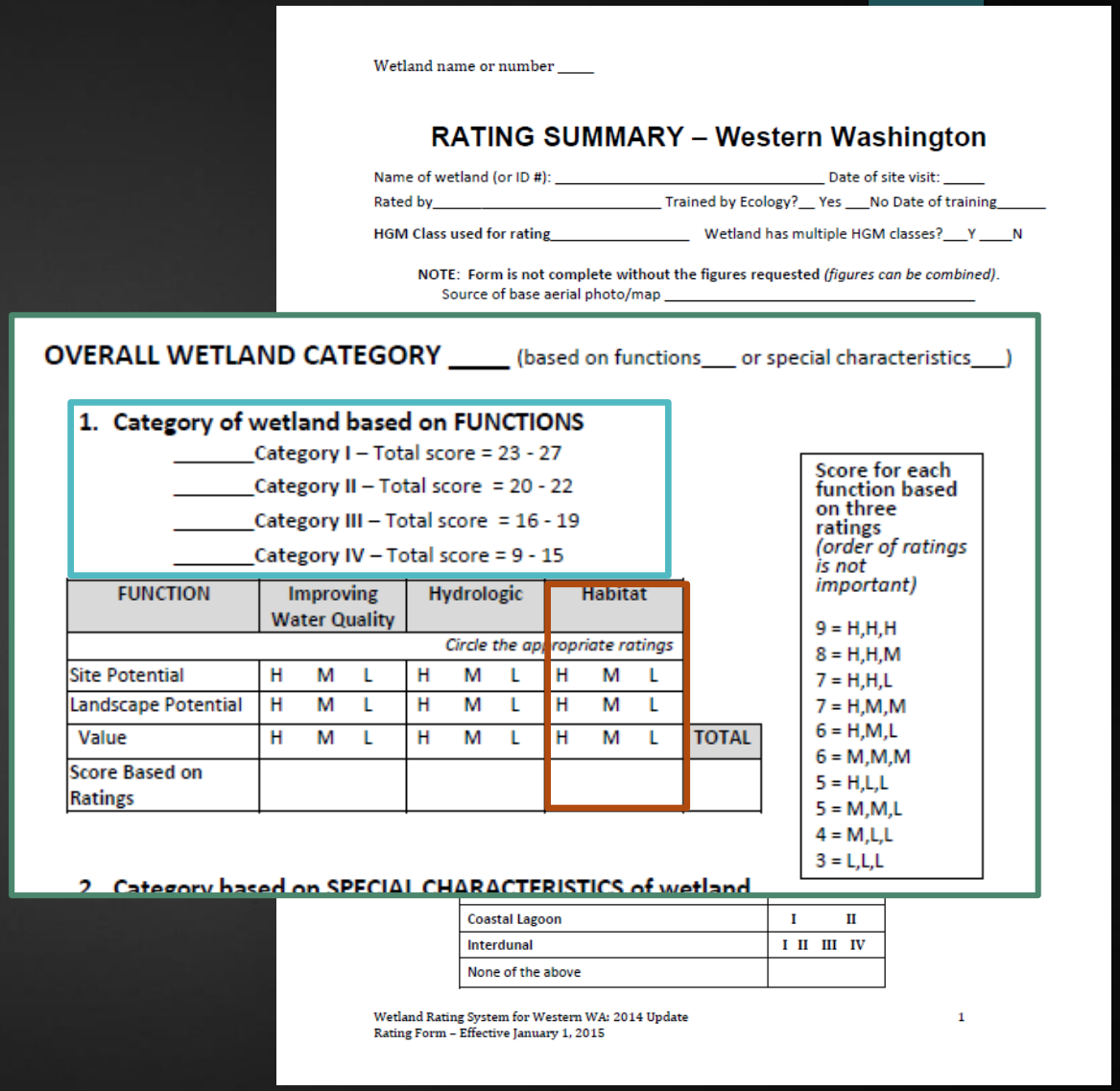
GEOLOGICALLY HAZARDOUS AREAS (250-270)

- Code changes
  - Seismic hazard areas and other geologic hazards definitions are elaborated
  - Removed language prohibiting designs requiring regular/period maintenance
  - Minor changes to development standards
    - No adverse impact beyond existing conditions
    - Project must be certified safe by licensed engineer
  - Subdivision language moved
  - Report requirements added
    - Hazard analysis
    - Geotechnical report
    - Minimum buffers
    - Mitigation assessment

WETLANDS (300-340)

Areas inundated or saturated by surface water that support vegetation adapted for saturated conditions

- Rating system updated to meet state requirements
  - Delineation (wetland boundaries) using Corps of Engineers 1987 Wetland Delineation Manual
  - Category (ranking of ecologic function and habitat) using Dept of Ecology 2014 Wetland Rating System for Western Washington
    - Rates function and habitat



Wetland name or number ____

RATING SUMMARY – Western Washington

Name of wetland (or ID #): _____ Date of site visit: _____

Rated by_____ Trained by Ecology?__ Yes ___No Date of training_____

HGM Class used for rating_____ Wetland has multiple HGM classes?___Y ____N

NOTE: **Form is not complete without the figures requested** *(figures can be combined).*
Source of base aerial photo/map _____

OVERALL WETLAND CATEGORY ____ (based on functions___ or special characteristics___)

1. Category of wetland based on FUNCTIONS

_____Category I – Total score = 23 - 27
_____Category II – Total score = 20 - 22
_____Category III – Total score = 16 - 19
_____Category IV – Total score = 9 - 15

FUNCTION	Improving Water Quality	Hydrologic	Habitat	
			Circle the appropriate ratings	
Site Potential	H M L	H M L	H M L	
Landscape Potential	H M L	H M L	H M L	
Value	H M L	H M L	H M L	TOTAL
Score Based on Ratings				

Score for each function based on three ratings *(order of ratings is not important)*

9 = H,H,H
8 = H,H,M
7 = H,H,L
7 = H,M,M
6 = H,M,L
6 = M,M,M
5 = H,L,L
5 = M,M,L
4 = M,L,L
3 = L,L,L

2. Category based on SPECIAL CHARACTERISTICS of wetland

Coastal Lagoon	I II
Interdunal	I II III IV
None of the above	

Wetland Rating System for Western WA: 2014 Update
Rating Form – Effective January 1, 2015 1

WETLANDS (300-340)

EXISTING SYSTEM

Category	Designation Descriptions
Class 1	Class 1 wetlands are those wetlands that meet any of the following criteria: • Documented habitat for Federal or State listed endangered or threatened fish, animal, or plant species; or • Wetlands documented as high quality habitats in the natural Heritage Information System; or • Wetlands of exceptional local significance or irreplaceable ecological functions, including spagnum bogs and fens or natural forest swamps; or • Wetlands proximal to and influenced by the main stem of the Sammamish River or Little Bear Creek.
Class 2	Class 2 wetlands are those wetlands not rated as Class 1 wetlands and meet any of the following criteria: • Wetlands that have significant functions that may not be adequately replicated through creation or restoration; or • Wetlands of any size associated with Type 2 or 3 streams; or • Wetlands greater than one acre in size; or • Wetlands equal to or less than one acre having three or more classes of wetland vegetation as defined in Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al. 1979); or • Wetlands equal to or less than one acre having a forested wetland class or open water habitat.
Class 3	• Class 3 Wetlands are those wetlands not rated as Class 1 or 2 wetlands.

PROPOSED SYSTEM

Category	Designation Descriptions
Category I	Wetlands that meet one of the following criteria: • High level of functions (score of 23 or more); • Represent a unique or rare high-functioning wetland types; • More sensitive to disturbance than most wetlands; or • Relatively undisturbed and contain ecological attributes that are impossible to replace in a human lifetime.
Category II	• High level of some functions (score of 20-22). • Difficult, though not impossible, to replace.
Category III	• Moderate level of functions (score of 16-19). • Can often be adequately replaced with a well-planned mitigation project. • Experienced some disturbance. • Often less diverse and more isolated from other natural resources than Category II wetlands.
Category IV	• Lowest level of functions (score of 15 or less). • Can often be adequately replaced with a well-planned mitigation project. • Often characterized by a high level of disturbance

WETLANDS (300-340)

- Wetland buffers are intended to accomplish multiple functions
  - Stormwater control
  - Erosion control
  - Water quality
  - Wildlife habitat
  - Disturbance barrier
- Several different variables available to establish buffers
  - No variables
  - Land use intensity
  - Habitat score
  - Land use intensity and habitat

No Variables

Wetland Category	Buffer Width (feet)
I	300
II	300
III	150
IV	50

Land Use Intensity

Wetland Category[1]	Buffer Alternative 2		
	Land Use Impact		
	Low	Moderate	High
I	150 ft	225 ft	300 ft
II	150 ft	225 ft	300 ft
III	75 ft	110 ft	150 ft
IV	25 ft	40 ft	50 ft

Land Use Intensity and Habitat Score

Wetland Category[1]	Buffer Alternative 3			
	Habitat Score	Land Use Impact		
		Low	Moderate	High
I	29-36	150 ft	225 ft	300 ft
	20-28	75 ft	110 ft	150 ft
	< 20	50 ft	75 ft	100 ft
II	29-36	150 ft	225 ft	300 ft
	20-28	75 ft	110 ft	150 ft
	< 20	50 ft	75 ft	100 ft
III	20-28	75 ft	110 ft	150 ft
	< 20	40 ft	60 ft	80 ft
IV	N/A	25 ft	40 ft	50 ft

Habitat Score

Wetland Category[1]	Buffer Width according to Habitat Score			
	< 21 points	21-25 points	26-29 points	30-36 points
Category I: Based on total score	75 ft	105 ft	165 ft	225 ft
Category II	75 ft	105 ft	165 ft	225 ft
Category III	60 ft	105 ft	165 ft	165 ft
Category IV	40 ft			

WETLANDS (300-340)

EXISTING SYSTEM

Wetland Category	Buffer width based on restoration	
	Reduced	Standard
Class 1	100 feet	150 feet
Class 2	50 feet	100 feet
Class 3	25 feet	50 feet

PROPOSED SYSTEM

Wetland Category[1]	Buffer Width according to Habitat Score			
	< 21 points	21-25 points	26-29 points	30-36 points
Category I: Based on total score	75 ft	105 ft	165 ft	225 ft
Category II	75 ft	105 ft	165 ft	225 ft
Category III	60 ft	105 ft	165 ft	165 ft
Category IV	40 ft			

FISH AND WILDLIFE HABITAT (400-440)

Areas that contain species or habitat of importance, streams, ponds, and waters of the state

- Species and habitat of state, federal, and local importance
  - Includes a list of species of local importance and process of designation
- Stream classifications
  - Permanent Water Typing System (WAC 222-16-030)
    - Based on mapping data provided from DOE
    - Not adopted by state – WAC refers to Interim Water Typing System
  - Interim Water Typing System (WAC 222-16-031)
    - Provides specific indicators for presumed fish use
    - Bankfull width, gradient percentage

FISH AND WILDLIFE HABITAT (400-440)

- Species and habitat of state, federal, and local importance
- Includes a list of species of local importance and process of designation
- Stream classifications (permanent typing system)
  - Stream buffers updated to BAS
  - Intended to have buffer reductions match existing widths

Existing		
Type	Width	Reduction
1	150 ft	115-100 ft
2	115 ft	100 ft
3	75 ft	50 ft
4	50 ft	35 ft

BAS	
Type	Width
S	115-165 ft
F	100-165 ft
Np	50-65 ft
Ns	50-65 ft

Proposed		
Type	Width	Reduction
S	175 ft*	33% (115)
F	150 ft	33% (99)
Np	75 ft	33% (50)
Ns	50 ft	33% (33)

FISH AND WILDLIFE HABITAT (400-440)

- Buffer reduction options
  - Options are cumulative, up to 33%
  - Reduction allow the proposed buffers close the current reductions
  - Table 21.24.410 (1)(b)(iii) provides a variety of options and an associated value of reduction
- Buffer averaging option
  - Cannot be used in conjunction with reduction
  - Up to 25 percent reduction in areas
- Removal of urban stream designation

Incentive Option	Reduction Allowed
(b) Installation of biofiltration/ infiltration mechanisms	Up to 10 percent reduction in standard buffer width for the installation of bioswales, created and/or enhanced wetlands, or ponds supplemental to existing storm drainage and water quality requirements.
(c) Removal of invasive, nonnative vegetation	Up to 5 percent reduction in standard buffer width for the removal and extended monitoring and continued-removal maintenance of invasive, nonnative vegetation
(d) In-stream habitat enhancement	(i) Up to 5 percent reduction in standard buffer width for placement of large woody debris, bioengineered bank stabilization, or culvert removal; or (ii) Up to 15 percent reduction in standard buffer width for improving fish passage and/or creation of side channel or backwater areas
(e) Use of pervious material for driveway/road construction	Up to 5 percent reduction in standard buffer width
(f) Restoration of on-site buffer and habitat areas, or restoration of off-site buffer and habitat areas	(i) Up to 10 percent reduction in standard buffer width if restoration area is at a 2:1 ratio or greater; or (ii) Up to 20 percent reduction in standard buffer width if restoration area is at a 4:1 ratio or greater.

FISH AND WILDLIFE HABITAT (400-440)

- Permitted Activities (21.24.420)
  - Incorporated permitted alterations from current stream section (21.24.390) for all fish and wildlife habitat conservation areas.
  - Proposed section includes permitted activities specific for streams (from current code).
  - Establishes the types of conditions of approval that may be imposed with a land use approval.
  - Permitted activities based on specific habitat or wildlife; including Bald eagle habitat, Blue heron rookeries, and fish (mostly same as current code).

QUESTIONS