

Exhibit C to Ordinance 2019-2002

Amendments to Title 23 Critical Areas

Section 1. Section 23.10.030 of the Pacific Municipal Code is hereby amended to read as follows:

23.10.030 Definitions.

“Alter” means to change a critical area or its buffer, including grading, filling, dredging, clearing, construction, compaction, excavation, and pollution.

“Anadromous” refers to fish that spawn and rear in freshwater and mature in saltwater.

“Applicant” means a person who applies for a development permit from the city.

“Aquifer” means a geological formation capable of yielding water to a well or spring.

“Best management practices” means actions known to protect soil, water quality, vegetation, and critical areas.

“Buffer” means an area contiguous to ~~and required for protection of~~ a critical area that provides an area for related ecological functions to take place and/or separates and protects critical areas from adverse impacts associated with adjacent land uses. Buffers shall not include areas that are functionally and effectively disconnected from the wetland by a road or other substantially developed surface of sufficient width and with use characteristics such that buffer functions are not provided.

“Channel migration zone” means the lateral extent of likely movement of a stream or river during the next 100 years as evidenced by movement over the past 100 years.

“Conservation easement” means a legal agreement that the property owner enters into to restrict uses of the land in a manner that conserves natural functions.

“Critical aquifer recharge area” means an area with a critical recharging effect on aquifers used for potable water, as discussed in WAC [365-190-080](#)(2). Within such areas, pollutants seeping into the ground are likely to contaminate the water supply.

“Critical area” means those areas listed in PMC [23.10.060](#).

“Development” means any land use or action that alters a critical area or its buffer, including city approvals that establish patterns of use such as subdivisions, short subdivisions, rezones, and conditional use permits.

“Fish habitat” means habitat used by fish at any life stage at any time of the year.

“Floodplain” means the land area subject to inundation by a 100-year flood.

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“Floodway” means the watercourse channel and adjacent land area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water elevation more than one foot.

“Functions and values” means the benefits conferred by critical areas, including water quality protection, fish and wildlife habitat, food chain support, flood storage and conveyance, ground water recharge, erosion control, and protection from hazards. “Function” means the benefit; “value” means the magnitude of the benefit.

“Hazardous substance” means a liquid, solid, or gas that exhibits any of the properties described in WAC [173-303-090](#) or [173-303-100](#).

“Historic” means existing before the area was altered by human activity.

“Impact” means to adversely affect a natural system or increase the hazard which a natural system poses to human life and property.

“Impervious” refers to a hard surface area that retards the entry of water into the soil.

“Lowest floor” excludes unfinished enclosures usable only for parking, building access, or storage.

“Monitoring” means assessing the performance of mitigation measures by collection and analysis of data on changes in natural systems.

“One-hundred-year flood” means a flood having a one percent chance of being equaled or exceeded in any given year.

“Ordinary high water mark” means that mark on the bed or bank below which inundation is so common in ordinary years that the soil and/or vegetation are distinct from that of the abutting upland.

“Person” means any person, organization, or other group.

“Primary association” means a relationship between a species and a habitat area whereby the species regularly uses or otherwise needs the habitat area to thrive.

“Rill” means a small, steep-sided channel caused by erosion.

“Riparian habitat” means stream-side areas that influence the aquatic ecosystem by providing shade, debris, or insects and that provide habitat for riparian wildlife.

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“Species” means a group of animals commonly classified by the scientific community as a species or subspecies.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the structure’s market value before the improvement, or, if the structure was damaged, before the damage occurred.

“Watercourse” means flowing waters of the state, perennial or intermittent, excluding artificial waterways such as ditches or canals not created by human alteration of a natural watercourse.

“Wetlands” areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands include artificial wetlands created from non-wetland areas to mitigate the conversion of wetlands.

“Wetland mitigation bank” means a site where wetlands are restored, created, or enhanced to mitigate in advance authorized impacts to similar resources. (Ord. 1592 § 1, 2004).

Section 2. Section 23.10.130 of the Pacific Municipal Code is hereby amended to read as follows:

23.10.130 Substantive requirements.

A. All treatment of critical areas shall be in accordance with best available science as defined in WAC [365-195-900](#) through [365-195-925](#), which are hereby adopted by reference, along with the Washington State Department of Community Development’s Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas.

B. Critical areas and their buffers shall be left undisturbed, except the following may be permitted if best management practices are used:

1. Authorized functional restoration;
2. In buffers: utility poles and utility lines which do not require excavation;
3. Permeable-surfaced walkways, trails, and minimal wildlife viewing structures;
4. Developments for which mitigation is allowed per subsection (E) of this section;
and

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5. Other uses specifically authorized by this critical areas code.

C. No development shall occur which results in a net loss of the functions or values of any critical area except reasonable use variances per PMC [23.10.140](#). The pre- and postdevelopment functional comparison shall be on a per-function basis unless otherwise authorized by this title.

D. No development shall occur in critical areas and their buffers which results in an unreasonable hazard to the public health and safety.

E. These substantive requirements shall be met via one or more of the following methods, listed in preferential sequence (commonly known as “sequencing”). The methods used shall be those which are highest on the list yet consistent with the objectives of the proposed development.

1. Avoid the impact altogether by not taking a certain action or parts of an action the proposed action;
2. Minimize the impact by limiting the degree or action’s magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts or changing the proposed design or timing;
3. Mitigate (compensate for) the impact on natural system functions and values by enhancing or replacing other natural systems and ensuring that the mitigation serves its purpose over time. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reduce or eliminate the impact over time by preservation and maintenance operations.
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments. Mitigation should occur near the site of impact and should replace values on a function-by-function basis unless it is more cost-effective to mitigate lost functions at a larger scale, such as at a wetland mitigation bank within the impacted wetland’s drainage basin. The city reserves the right to disallow mitigation that would be located outside the UGA.
6. Monitor the required compensation and take remedial or corrective measures when necessary.

F. As a condition of any permit approval, the city may require that:

1. The outer edge of the critical area or buffer be marked, signed, or fenced to protect the resource. Such protection may be temporary, during construction, or permanent such as to protect the resource from livestock or people. The director

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shall specify the design and sign message, if applicable, of such markers, signs, and fencing;

2. The applicant file a notice with the county records and elections division stating the presence of the critical area or buffer and the application of this title to the property to inform subsequent purchasers of the property;

3. The critical area and/or buffer be placed in a critical areas tract or conservation easement, the purpose of which is to set aside and protect the critical area. The critical areas tract or conservation easement shall be:

a. Held by the city, a homeowner's association, a land trust or similar conservation organization, or by each lot owner within the development in an undivided interest;

b. Recorded on all documents of title of record for the affected parcels;

c. Noted on the face of any plat or recorded drawing; and

d. Delineated on the ground with permanent markers and/or signs in accordance with local survey standards.

G. The city may allow averaging of buffer widths if a qualified professional demonstrates that:

1. Functions and values are not adversely affected;

2. The total buffer area is not reduced; and

3. At no location is the buffer width reduced more than 40 percent.

H. Unless otherwise provided, buildings and other structures shall be set back a distance of 10 feet from the edges of all critical areas and critical area buffers. The same protrusions into this setback area shall be allowed as the zoning code allows into property line setback areas.

I. Lots created through subdivisions or short plats may contain critical areas and buffers, provided they contain adequate buildable area to build upon. Subdivision and short plats shall show, on their face, any applicable critical areas limitations.

J. When any existing regulation, easement, covenant, or deed restriction conflicts with this title, that which provides more protection to the critical areas shall apply.

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K. When critical areas of two or more types coincide, the more restrictive buffer and requirements shall apply.

L. The substantive requirements peculiar to the type of critical area shall also be complied with. See the following chapters in this title. (Ord. 1592 § 1, 2004).

Section 3. Section 23.10.140 of the Pacific Municipal Code is hereby amended to read as follows:

23.10.140 Variances.

The city may grant variances from this title's standards in accordance with Chapter 21.50.170 for Critical Areas within Shoreline jurisdiction and Chapter 16.36 PMC for all other areas of the City if the criteria in subsection (A) or (B) of this section are met.

A. The variance conforms with the variance criteria stated in Chapter 21.50.170, WAC 173-27-170 for Critical Areas within Shoreline jurisdiction, and PMC 16.36.020, for all other areas of the City, plus the variance:

1. Conforms with the purpose of this title;
2. Does not impact anadromous fish habitat; and
3. Is justifiable in light of the best available science.

B. Reasonable use (conformance with PMC 16.36.020 criteria is not required).

1. The application of this critical areas code would otherwise deny all reasonable economic use of the property;
2. The city does not offer to compensate the owner for the denial of reasonable economic use;
3. No other reasonable economic use of the property or development design has less impact on the critical area;
4. The proposal does not pose an unreasonable threat to the public health, safety, or welfare;
5. The proposal conforms with other applicable regulations;
6. Impacts to critical areas are mitigated; ~~and~~

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7. The inability to derive reasonable economic use is not the result of the applicant's actions or that of a previous property owner, such as by segregating or dividing the property and creating an undevelopable condition;

8. Any alteration of a critical area approved under this section shall be subject to appropriate conditions and will require mitigation under an approved mitigation plan; and

9. The application is sufficiently documented (for example, critical areas report, mitigation plan, permit applications, and environmental documents) to make a determination regarding these criteria. (Ord. 1592 § 1, 2004).

The reasonable use provisions of PMC 23.10.140 B. shall not apply within the jurisdiction of the Shoreline Management Act. A shoreline variance under PMC 21.50.170 is required to accomplish the purposes of this subsection. The procedures and criteria under PMC Title 21 shall also apply.

Section 4. Section 23.20.010 of the Pacific Municipal Code is hereby amended to read as follows:

23.20.010 Designation.

Wetlands are those areas, designated in accordance with the ~~Washington State Wetland Identification and Delineation Manual (1997)~~, approved federal wetland delineation manual and applicable regional supplements, per WAC 173-22-035, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. The city has maps showing the approximate location and extent of wetlands. However, these maps are only a guide, and will be updated as critical areas become better known. The exact location of a wetland's boundary shall be determined in accordance with the above-stated manual as required by RCW [36.70A.175](#) (Ecology Publication No. 96-94, 1997). (Ord. 1592 § 1, 2004).

Section 5. Section 23.20.040 of the Pacific Municipal Code is hereby amended to read as follows:

23.20.040 Substantive requirements.

In addition to the substantive requirements of PMC 23.10.130, the following requirements shall apply to wetlands, provided that they shall not apply to existing and ongoing agricultural activities where the land has not lain idle so long that modifications to the hydrological regime are necessary to resume operations, nor to forest practice activities which are exempt from City jurisdiction.

A. The higher the wetland category (Category I is highest), the greater shall be the emphasis on higher-priority sequencing methods per PMC 23.10.130(E).

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- B. Standard buffer widths ~~shall be~~:
1. Outside of Shoreline Management Act jurisdiction shall be as specified below:
 - 1 a. Category I: 100 feet;
 - 2 b. Category II: 50 feet;
 - 3 c. Category III: 25 feet (exempt if smaller than 250 square feet; see PMC 23.10.070);
 - 4 d. Category IV: 25 feet (exempt if smaller than 1,000 square feet; see PMC 23.10.070).
 2. Within Shoreline Management Act Jurisdiction See PMC 23.20.045
- DC. Buffers shall be measured from the wetland boundary as surveyed in the field. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.
- D. The above standard buffer widths presume that the adjoining upland land use is of urban density (at least four residential units per net acre or any commercial or industrial land use). The Director may reduce the buffer widths if the adjoining upland land use is and will continue to be of low density, such as rural residential or passive parks.
- E. Buffer widths:
1. The above standard buffer widths presume that the buffer is moderately endowed with healthy native vegetation and other factors affecting its ability to protect the wetland, such as favorable topography.
 2. The Director may increase the required buffer width or require buffer enhancement if the buffer is poorly endowed with healthy native vegetation or is otherwise handicapped in its ability to protect the wetland.
 3. The Director may reduce the required buffer width if the buffer is, or after enhancement will be, well endowed with healthy native vegetation or otherwise unusually able to protect the wetland.
 4. Within Shoreline Management Act jurisdiction the Director's decision must be processed according to the procedures and criteria in PMC Title 21 for a Conditional Use Permit.
- F. The Director may increase or reduce the standard buffer width if the function(s) served by the particular wetland need more or less buffer width, as indicated by a wetland functional analysis. If a buffer reduction is granted by the director, the buffer at its narrowest point is never less than 3/4 of the required width except where an existing road or other existing barrier interrupts ecological functions; buffer conditions shall meet Subsection E.2 or E.3. Within Shoreline Management Act jurisdiction, the director's decision must be processed according to the procedures and criteria in PMC Title 21 for a Conditional Use Permit.
- G. Except as provided elsewhere in this critical areas code, all existing native vegetation in wetland buffers shall be retained without disturbance, mowing, or hard surfacing, nor shall any action be taken to inhibit volunteer regrowth of native vegetation. Invasive weeds shall be removed for the duration of any mitigation bond. Stormwater management facilities, bioswales, and treated-water outfalls are permitted within the buffer, provided wetland functions and values are not significantly lost through fluctuations in wetland hydrology and construction integrates best management practices, and provided such facilities are within the

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outer 25% of the required buffer. Within Shoreline Management Act jurisdiction additional regulations, criteria and procedures in PMC Title 21 apply. (Ord. 1592 § 1, 2004).

Section 6. Section 23.20.050 of the Pacific Municipal Code is hereby amended to read as follows:

23.20.050 Mitigation.

A. ~~Mitigation for alterations to wetlands may be by restoring former wetlands, creating wetlands, or enhancing degraded wetlands, consistent with the Department of Ecology.~~ All mitigation shall be in accordance with the Washington State Wetlands Rating System for Western Washington – 2014 Update (Ecology Publication #14-06-029, October 2014), and the mitigation ratios and credit-debit method of the Wetland Guidance for CAO Updates: Western Washington Version (Ecology Publication #16-06-001, June 2016), Subsection XX.070 and PMC 23.20.B to D.

B. Mitigation shall generally replace wetland functions lost from the altered wetland except that the city may permit out-of-kind replacement when the lost functions are minimal or less important to the drainage basin than the functions that the mitigation action seeks to augment.

C. Mitigation shall be in the same drainage basin as the altered wetland. Wetland mitigation shall be in the same sub-basin unless a higher level of ecological functioning would result from an alternate approach.

D. Mitigation projects shall be completed as quickly as possible consistent with such factors as rainfall and seasonal sensitivity of fish, wildlife, and flora.

E. Credits granted from a certified wetland mitigation bank shall be consistent with the bank's certification and service area. (Ord. 1592 § 1, 2004).

1. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
 - a. The bank is certified under state rules;
 - b. The Administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - c. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

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Section 6. Section 23.60.050 of the Pacific Municipal Code is hereby amended to read as follows:

23.60.050 Substantive requirements.

~~In addition to the substantive requirements of PMC [23.10.130](#), the following shall apply to habitat conservation areas:~~ In addition to the substantive requirements of PMC 23.10.130, the following shall apply to habitat conservation areas. Within Shoreline Management Act jurisdiction, the additional regulations and procedures of PMC Title 21 shall also apply:

- A. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area except with approval of a state or federal agency with expertise.
- B. Preference in mitigation shall be given to contiguous wildlife habitat corridors.
- C. In reviewing development proposals, the city shall seek opportunities to restore degraded riparian fish and wildlife functions such as breeding, rearing, migration, and feeding.
- D. The city shall require buffers of undisturbed native vegetation adjacent to habitat conservation areas as necessary. Buffer widths shall reflect the sensitivity of the habitat and may reflect the intensity of nearby human activity.
- E. When a species is more sensitive to human activity during a specific season of the year, the city may establish an extra outer buffer from which human activity is excluded during said season.
- F. No development shall be allowed within a habitat conservation area or buffer with which state or federal endangered, threatened, or sensitive species have a primary association, except in exchange for restoration as approved by the director or as provided in a management plan approved by a state or federal agency with appropriate expertise.
- G. When a development permit is applied for on land containing or adjacent to a bald eagle nest or communal roost, the city shall notify the Washington Department of Fish and Wildlife and otherwise comply with WAC [232-12-292](#).
- H. No development shall be permitted which degrades the functions or values of anadromous fish habitat, including structures or fills which impact migration or spawning.
- I. Construction and other activities shall be seasonally restricted as necessary to protect the resource. Activities shall be timed to occur during work windows designated by the Washington Department of Fish and Wildlife for applicable fish species.

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J. Shoreline erosion control shall use bioengineering methods or soft armoring in accordance with an approved critical areas report.

K. In addition to the substantive requirements of PMC 23.10.130, the following shall apply to habitat conservation areas. Within Shoreline jurisdiction the additional regulations and procedures of PMC Title 21 shall also apply.

~~The tables at the end of this subsection~~ Table 23.60.050 (K)(a) establishes the width of stream buffers (also known as riparian habitat areas) that shall apply to each stream type. Widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of bank if the ordinary high water mark cannot be identified, or from the outer edge of the channel migration zone when present. For buffer widths for the Type S stream types (under Shoreline Management Act jurisdiction), see Table 23.60.050 (K)(b).

Table 23.60.050 (K)(a)

DNR Stream Type	Streams of This Type in Pacific	Standard Buffer Width	Minimum Modified Buffer Width
Type S (subject to Shorelines Management Act)	<ul style="list-style-type: none"> • White/Stuck River 	200 feet	100 feet except 50 feet in urban shoreline environment
Type F (fish-bearing other than S)	<ul style="list-style-type: none"> • Jovita Creek • Milwaukee Ditch south of 5th Ave. S.W. 	100 feet	75 feet
Type Np (nonfish, perennial)	<ul style="list-style-type: none"> • Milwaukee Ditch, middle portion • Boeing Ditch 	50 feet	35 feet
Type Ns (nonfish, seasonal)	<ul style="list-style-type: none"> • Milwaukee Ditch east of Tacoma Blvd. 	25 feet	20 feet

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Table 23.60.050 (K)(b)

<u>Shoreline Environment</u>	<u>Standard Buffer Width</u>	<u>Administrative Modified Buffer Width¹</u>	<u>Conditional Use Modified Buffer Width²</u>
<u>Type S (subject to Shoreline Management Act)</u>			
<u>Urban Conservancy</u>	<u>200</u>	<u>100</u>	<u>50³</u>
<u>Shoreline Residential</u>	<u>100</u>	<u>20⁴</u>	<u>10⁴</u>
<u>Shoreline Recreation</u>			
<u>Water Dependent Use</u>	<u>100</u>	<u>0⁵</u>	<u>NA</u>
<u>Water Oriented Use</u>	<u>100</u>	<u>50</u>	<u>25</u>
<u>Other Use</u>	<u>100</u>	<u>75</u>	<u>50</u>
<u>Shoreline Commercial</u>			
<u>Water Dependent Use</u>	<u>100</u>	<u>0⁵</u>	<u>NA</u>
<u>Water Oriented Use</u>	<u>100</u>	<u>50</u>	<u>25</u>
<u>Other Use</u>	<u>100</u>	<u>75</u>	<u>50</u>

1. Administrative Modification of Buffer Width shall be processed in accordance with the criteria of PMC 23.60.050.M.
2. Conditional use permit modification of Buffer Width shall be processed in accordance with the criteria and procedures of PMC 21.50.160,
3. Limited to utility, transportation and Essential Public Facilities for which there is no feasible alternative, and provided that facilities that must cross the water may locate facilities within the buffer provided mitigation for ecological impacts are implemented.
4. Modification limited to subdivisions existing prior to 1975.
5. May be approved only in conjunction with a Shoreline Substantial Development Permit or Conditional Use Permit.

L. The director may impose greater than the standard buffer widths as necessary to fully protect riparian functions. For example, the buffer may be extended to the outer edge of the floodplain or windward into an area of high tree blow-down potential.

M. The director may approve a buffer width no less than the “minimum modified buffer width” in the above table when the full width is unnecessary to fully protect riparian functions, or in exchange for restoration of degraded areas in accordance with an approved plan, or for buffer averaging in accordance with PMC [23.10.130\(G\)](#).

N. When conformance to this title would prohibit land uses allowed by the city’s shoreline management master program, such as bulkheads, launching ramps, docks, roads, trails, or

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bridges, the city shall resolve the conflict by allowing said uses with reasonable protections to minimize loss of natural functions and values.

O. To the extent facilities are allowed in habitat conservation areas, the following regulations shall apply. Within Shoreline jurisdiction the additional regulations and procedures of PMC Title 21 shall also apply:

1. Trails other than those within the White/Stuck River network shall be on the outer edge of the stream buffer, except for limited viewing platforms and crossings designed to be “environmentally friendly” and utilizing best management practices. Trails and platforms shall be of pervious materials as far as possible.
2. Road bridges and culverts shall be designed according to the Washington Department of Fish and Wildlife Fish Passage Design at Road Culverts, 1999, and the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossings, 2000.
3. Utility lines shall be accomplished by boring beneath the scour depth and hyporheic zone (the saturated zone beneath and adjacent to streams that filters nutrients and maintains water quality). Utilities shall avoid paralleling streams or changing the natural rate of shore or channel migration.
4. New and expanded public flood protection measures shall require a biological assessment approved by the agency responsible for protecting federally listed species.
5. In-stream structures such as high-flow bypasses, sediment ponds, instream ponds, retention and detention facilities, tide gates, dams, and weirs shall be allowed only as part of an approved restoration project.
6. Storm water conveyance structures shall incorporate fish habitat features and the sides of open channels and ponds shall be vegetated to retard erosion, filter sediments, and shade the water.
7. Watercourse alterations: see PMC [23.40.030\(H\)](#). (Ord. 1592 § 1, 2004).

Section 7. A new Section 23.20.045 is hereby added to the Pacific Municipal Code, which shall read as follows:

23.20.045 Buffers in Shoreline Jurisdiction

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- A. Buffer Requirements. The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication #14-06-029, or as revised and approved by Ecology). The adjacent land use intensity is assumed to be high.
1. For wetlands that score 6 or more points for habitat function, the buffers in Table 23.20.045.1 can be used if both of the following criteria are met:
 - A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. The latest definitions of priority habitats and their locations are available on the WDFW web site at: <http://wdfw.wa.gov/hab/phshabs.htm>)
The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.
Presence or absence of a nearby habitat must be confirmed by a qualified biologist. If no option for providing a corridor is available, Table 23.20.045.1 may be used with the required measures in Table 23.20.045.2 alone.
 - The measures in Table 23.20.045.2 are implemented, where applicable, to minimize the impacts of the adjacent land uses.
 2. For wetlands that score 3-5 habitat points, only the measures in Table 23.20.045.2 are required for the use of Table 23.20.045.1
 3. If an applicant chooses **not** to apply the mitigation measures in Table 23.20.045.2, or is unable to provide a protected corridor where available, then Table 23.20.045.3 **must** be used.
 4. The buffer widths in Table 23.20.045.1 and 23.20.045.3 assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

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*Table 23.20.045.1 Wetland Buffer Requirements for Western Washington
if Table 23.20.045.2 is Implemented and Corridor Provided*

<u>Wetland Category</u>	<u>Buffer width (in feet) based on habitat score</u>		
	<u>3-5</u>	<u>6-7</u>	<u>8-9</u>
<u>Category I:</u> <u>Based on total score</u>	<u>75</u>	<u>110</u>	<u>225</u>
<u>Category I:</u> <u>Bogs and</u> <u>Wetlands of High</u> <u>Conservation Value</u>	<u>190</u>		<u>225</u>
<u>Category I:</u> <u>Interdunal</u>	<u>225</u> (buffer width not based on habitat scores)		
<u>Category I:</u> <u>Forested</u>	<u>75</u>	<u>110</u>	<u>225</u>
<u>Category I:</u> <u>Estuarine and Coastal</u> <u>Lagoons</u>	<u>150</u> (buffer width not based on habitat scores)		
<u>Category II:</u> <u>Based on score</u>	<u>75</u>	<u>110</u>	<u>225</u>
<u>Category II:</u> <u>Interdunal Wetlands</u>	<u>110</u> (buffer width not based on habitat scores)		
<u>Category II:</u> <u>Estuarine and Coastal</u> <u>Lagoons</u>	<u>110</u> (buffer width not based on habitat scores)		
<u>Category III (all)</u>	<u>60</u>	<u>110</u>	<u>225</u>
<u>Category IV (all)</u>	<u>40</u>		

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Table 23.20.045.2 Required measures to minimize impacts to wetlands

(Measures are required if applicable to a specific proposal)

<u>Disturbance</u>	<u>Required Measures to Minimize Impacts</u>
<u>Lights</u>	<ul style="list-style-type: none"> • <u>Direct lights away from wetland</u>
<u>Noise</u>	<ul style="list-style-type: none"> • <u>Locate activity that generates noise away from wetland</u> • <u>If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</u> • <u>For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</u>
<u>Toxic runoff</u>	<ul style="list-style-type: none"> • <u>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</u> • <u>Establish covenants limiting use of pesticides within 150 ft of wetland</u> • <u>Apply integrated pest management</u>
<u>Stormwater runoff</u>	<ul style="list-style-type: none"> • <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u> • <u>Prevent channelized flow from lawns that directly enters the buffer</u> • <u>Use Low Intensity Development techniques (for more information refer to the drainage ordinance and manual)</u>
<u>Change in water regime</u>	<ul style="list-style-type: none"> • <u>Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</u>
<u>Pets and human disturbance</u>	<ul style="list-style-type: none"> • <u>Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion</u> • <u>Place wetland and its buffer in a separate tract or protect with a conservation easement</u>
<u>Dust</u>	<ul style="list-style-type: none"> • <u>Use best management practices to control dust</u>

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*Table 23.20.045.3 Wetland Buffer Requirements for Western Washington
if Table 23.20.045.2 is NOT Implemented or Corridor NOT provided*

Wetland Category	Buffer width (in feet) based on habitat score		
	3-5	6-7	8-9
<u>Category I:</u> <u>Based on total score</u>	<u>100</u>	<u>150</u>	<u>300</u>
<u>Category I:</u> <u>Bogs and</u> <u>Wetlands of High</u> <u>Conservation Value</u>	<u>250</u>		<u>300</u>
<u>Category I:</u> <u>Interdunal</u>	<u>300</u> (buffer width not based on habitat scores)		
<u>Category I:</u> <u>Forested</u>	<u>100</u>	<u>150</u>	<u>300</u>
<u>Category I:</u> <u>Estuarine and Coastal</u> <u>Lagoons</u>	<u>200</u> (buffer width not based on habitat scores)		
<u>Category II:</u> <u>Based on score</u>	<u>100</u>	<u>150</u>	<u>300</u>
<u>Category II:</u> <u>Interdunal Wetlands</u>	<u>150</u> (buffer width not based on habitat scores)		
<u>Category II:</u> <u>Estuarine and Coastal</u> <u>Lagoons</u>	<u>150</u> (buffer width not based on habitat scores)		
<u>Category III (all)</u>	<u>80</u>	<u>150</u>	<u>300</u>
<u>Category IV (all)</u>	<u>50</u>		

Section 8. A new Section 23.20.060 is hereby added to the Pacific Municipal Code, which shall read as follows:

23.20.060 Provisions for Small Wetlands Within Shoreline Jurisdiction

Within Shoreline jurisdiction Category 4 wetlands of less than 4,000 square feet may be displaced provided that:

- A. The wetlands are not associated with riparian areas or their buffers.

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- B. Are not part of a wetland mosaic.
- C. Do not score 6 or more points for habitat function based on the 2014 update to the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-029, or as revised and approved by Ecology).
- D. Do not contain a Priority Habitat or a Priority Area1 for a Priority species identified by the Washington Department of Fish and Wildlife and does not contain federally listed species or their critical habitat.
- E. Impacts are fully mitigated pursuant to PMC 23.20.050.

Section 9. A new Section 23.20.065 is hereby added to the Pacific Municipal Code, which shall read as follows:

23.20.065 Provisions for Small Wetlands Outside of Shoreline Jurisdiction

For wetlands not in Shoreline jurisdiction, the following may be exempt from the requirement to avoid impacts, and they may be filled if the impacts are fully mitigated:

- A. All isolated Category IV wetlands less than 4,000 square feet that:
 - 1. Are not associated with riparian areas or their buffers;
 - 2. Are not associated with shorelines of the state or their associated buffers;
 - 3. Are not part of a wetland mosaic;
 - 4. Do not score 6 or more points for habitat function based on the 2014 update to the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-029, or as revised and approved by Ecology);
 - 5. Do not contain a Priority Habitat or a Priority Area1 for a Priority Species identified by the Washington Department of Fish and Wildlife, do not contain federally listed species or their critical habitat, or species of local importance.
- B. Wetlands less than 1,000 square feet that meet the above criteria and do not contain federally listed species or their critical habitat are exempt from the buffer provisions contained in this Chapter.

Section 10. A new Section 23.20.070 is hereby added to the Pacific Municipal Code, which shall read as follows:

23.20.070 Wetland Buffer Averaging

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Within Shoreline Management Act jurisdiction, the Director may average wetland buffer widths on a case-by-case basis when the applicant demonstrates through a wetland study to the satisfaction of the Director that all the following criteria are met:

- A. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower rated area.
- B. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion.
- C. The total area of the buffer after averaging is equal to the area required without averaging and all increases in buffer dimension for averaging are generally parallel to the wetland edge.
- D. The buffer at its narrowest point is never less than 3/4 of the required width except where an existing road or other existing barrier interrupts ecological functions.
- E. Wetland buffer averaging to allow reasonable use of a parcel may be permitted when all of the following are met:
 - 1) There are no feasible alternatives to the site design that could be accomplished without buffer averaging;
 - 2) The averaged buffer will not result in degradation of the wetland’s functions and values as demonstrated by a wetland assessment study
 - 3) The total buffer area after averaging is equal to the area required without averaging and all increases in buffer dimension for averaging are generally parallel to the wetland edge; and
 - 4) The buffer at its narrowest point is never less than 3/4 of the required width except where the director finds that there is an existing feature such as a roadway that limits buffer dimension, or an essential element of a proposed development such as access that must be accommodated for reasonable use and requires a smaller buffer.