ORDINANCE NO. 605

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, CONCERNING THE CITY CRITICAL AREA CODE; ADOPTING FINDINGS; AMENDING CHAPTER 21.06 WMC AND REPEALING CHAPTER 21.24 WMC; ADOPTING A NEW CHAPTER 21.24 WMC DEVELOPMENT STANDARDS - CRITICAL AREAS FOR REGULATING CRITICAL AQUIFER RECHARGE AREAS, GEOLOGICAL HAZARD AREAS, FLOOD HAZARD AREAS, FISH AND WILDLIFE CONSERVATION AREAS, AND WETLANDS AS REQUIRED BY THE GROWTH MANAGEMENT ACT; MAKING FINDINGS OF FACT AND THE FOLLOWING AMENDMENTS; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION BY TITLE ONLY.

WHEREAS, the Growth Management Act, including RCW 36.70A.130(5)(a), requires that Woodinville, along with King County and other cities within King County take action to review, and, if needed, revise their comprehensive plan and development regulations to ensure that the plans and regulations comply with the requirements of Chapter 36.70A RCW; and

WHEREAS, the City of Woodinville adopted the 2015 Comprehensive Plan and PRO Plan by Ordinance No. 591 on December 15, 2015 after an extensive public participation process, recommendation by the Planning Commission, and concurrence by the City Council consistent with the requirements of the Growth Management Act; and

WHEREAS, RCW 36.70A.172 requires that the City of Woodinville include the best available science in developing policies and development regulations to protect the functions and values of critical areas and whereas WAC 365-195-900 requires special consideration to the conservation or protection necessary to preserve or enhance anadromous fisheries; and

WHEREAS, The Watershed Company prepared a *Best Available Science Review* dated December 31, 2013 and *Critical Areas Ordinance Gap Analysis* dated May 2014, listing the best available science applicable to Woodinville's critical areas and provided recommendations for updating the critical areas regulation consistent with best available science; and

WHEREAS, the goals and policies of the Environmental Chapter of the City of Woodinville 2015 Comprehensive Plans recognizes balancing growth with protecting Woodinville's environmental values and quality of life, and therefore requires the protection and enhancement of Woodinville's natural environment; and

WHEREAS, the requirements of the State Environmental Policy Act (SEPA) RCW 43.21C have been met;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts as findings the recitals expressed above.

1. Pursuant to Chapter 17 Woodinville Municipal Code (WMC), the Planning Commission is required to hold a public hearing on the proposed amendments and make a recommendation to the City Council.
2. The City issued an SEPA Final Environmental Impact Statement on June 10, 2015. The appeal period ended without any comments or appeals received.
3. Pursuant to the Growth Management Act, the proposed amendments were submitted to the Washington State Department of Commerce for review and comment. The state initiated the required 60-day state agency review period on November 18, 2014.
4. The Planning Commission held three public hearings on March 18, 2015, March 25, 2015 and April 1, 2015 and received written comments and public testimony, deliberated and produced a public record and recommendations on the amendments. Public hearing notices were issued in the Woodinville Weekly and posted in city posting locations.
5. The City Council considered the Planning Commission's public record and recommendations concerning the amendments that are subject of this Ordinance at public hearings on April 14, 2015, May 5, 2015, May 12, 2015, May 19, 2015, June 2, 2015, June 9, 2015, June 16, 2015 July 7, 2015, July 14, 2015, July 21, 2015, September 1, 2015, September 8, 2015, September 15, 2015, October 6, 2015, October 13, 2015, October 20, 2015, November 3, 2015, November 10, 2015, , March 1, 2016, and March 8, 2016.
6. The City Council held first reading of Ordinance No. 605 on March 8, 2016 and second reading on March 15, 2016.
7. The critical areas code amendments that are the subject of this ordinance are consistent with the required decision criteria found in WMC 21.46.030 and WMC 21.44.070.

Section 2. Repeal and Replace Chapter 21.24 WMC, Development Standards – Critical Areas. Chapter 21.24 of the Woodinville Municipal Code is hereby repealed in its entirety and replaced as set forth in Attachment A.

Section 3. Amendment to Chapter 21.06, Technical Terms and Land Use Definitions, is hereby amended to read as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough,~~ all other provisions of these chapters shall remain unchanged and in full force and effect..

Chapter 21.06
TECHNICAL TERMS AND LAND USE DEFINITIONS

Sections:

21.06.241a Fish and wildlife habitat conservation areas.

21.06.135 Critical aquifer recharge area (CARA). Critical aquifer recharge area (CARA): areas ~~designated by WAC 365-190-080(2)~~ that ~~are determined to~~ have a critical recharging effect on aquifers used for potable water as ~~defined by~~ described in WAC 365-190-100~~30(2)~~. Due to soil infiltration conditions of these CARAs, they contribute significantly to the replenishment of groundwater, and often have a high potential for contamination of groundwater resources.

21.06.136 Critical areas. Critical areas: any of those areas in the City of Woodinville which are subject to natural hazards or those land features which support unique, fragile or valuable natural resources including fishes, wildlife and other organisms and their

habitat and such resources which carry, hold or purify water in their natural state. Critical areas include critical aquifer recharge areas, geologically sensitive areas, ~~erosion hazard areas~~, frequently flooded ~~hazard~~ areas, fish and wildlife habitat conservation areas, ~~landslide hazard areas, seismic hazard areas, steep slope hazard areas, streams and~~ wetlands, and their associated buffers.

21.06.240a Fish and wildlife habitat conservation areas. Fish and wildlife habitat conservation areas: those areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-130. These areas include:

(1) Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;

(2) State priority habitat and species identified by the Washington State Department of Fish and Wildlife;

(3) Habitat and species of local importance;

(4) Streams and watercourses;

(5) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds;

(6) Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington;

(7) Areas of rare plant species and high quality ecosystems as identified by the Washington State Department of Natural Resources through the Natural Heritage Program; and

(8) Native growth protection areas and other areas designated by the City.

21.06.245 Frequently flooded ~~Flood hazard~~ areas. Frequently flooded ~~Flood hazard~~ areas: those areas in the City of Woodinville subject to inundation by the base flood including, but not limited to, streams, lakes, wetlands and closed depressions. Frequently flooded areas shall include the floodplain, flood fringe, zero-rise floodway, and FEMA floodway.

21.06.282 Geologically sensitive areas. Geologically sensitive areas are those areas susceptible to erosion, sliding, earthquake, or other geological events. Geologically sensitive areas pose a risk to health and safety of citizens when incompatible development is located in areas of significant hazard. Geologically sensitive areas shall include erosion hazard, landslide hazard, seismic hazard, and other geologic hazard areas.

21.06.353 Landslide hazard areas. Landslide hazard areas: those areas susceptible to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. ~~in City of Woodinville subject to severe risks of landslides, including the~~ Examples of these may include, but are not limited to, the following:

(1) Areas of historic failures, such as areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geologic Survey or Washington Department of Natural Resources, and/or other research meeting the best available science criteria in WAC 365-195-915.

(2) Areas with all three of the following characteristics: ~~Any area with a combination of:~~

(a) Slopes steeper than 15 percent;

(b) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; ~~Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel;~~ and

(c) Springs or ground water seepage.

(3) Areas that have ~~(2) Any area which has~~ shown movement during the Holocene epoch~~,~~ (from 11,700 ~~10,000~~ years ago to the present)~~,~~ or ~~which is~~ that are underlain or covered by mass wastage debris from that epoch.

(~~4~~3) ~~Any a~~Areas potentially unstable due to ~~because of~~ rapid stream incision, stream bank erosion, or undercutting by wave action.

~~(4) Any area which shows evidence of or is at risk from snow avalanches.~~

(5) ~~Any a~~Areas located in a ravine, canyon or on an active alluvial fan, presently ~~subject to~~ or potentially subject to inundation by debris flows or catastrophic flooding ~~deposition of stream-transported sediments.~~; and

(6) Any area with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

21.06.520 Salmonid. Salmonid: a species of fish ~~member~~ of the ~~fish family~~ Ssalmonidae family, including~~:~~ salmon, trout, char, whitefishes, and graylings. The species of the Salmonidae family found within the City of Woodinville include, but are not limited to, the following:

(1) Oncorhynchus clarkii – Cutthroat trout

(2) Oncorhynchus gorbuscha – Pink salmon

(3) Oncorhynchus keta – Keta or chum salmon

(4) Oncorhynchus kisutch – Coho salmon

(5) Oncorhynchus nerka –Sockeye and kokanee salmon

(4) Oncorhynchus tshawytscha – Chinook salmon

(5) Oncorhynchus mykiss – Rainbow and steelhead trout

(6) Salvelinus confluentus – Bull trout and Dolly Varden

~~(1) Chinook, coho, chum, sockeye and pink salmon;~~

~~(2) Rainbow, steelhead and cutthroat trout salmon;~~

~~(3) Brown trout;~~

~~(4) Brook and dolly varden char;~~

~~(5) Kokanee; and~~

~~(6) Whitefish.~~

21.06.536 Seismic hazard areas. Seismic hazard areas: ~~t~~Those areas ~~in the City of Woodinville~~ subject to severe risk of ~~earthquake~~ damage as a result of earthquake-induced ground shaking, slope failure, settlement, surface rupture, or soil liquefaction.

21.06.695 Viable tree. Viable tree: a significant tree that a qualified tree professional has determined to be in good health, not classified as a hazard or nuisance tree, with a low risk of failure due to structural defects, ~~is relatively windfirm if isolated or remains as part of a grove~~, and is a species suitable for its location.

Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance

Section 5. Copy to Department of Commerce. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten days after adoption of this ordinance.

Section 6. Effective Date and Summary Publication. This ordinance shall become effective five days after passage and publication. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date by publication of the ordinance title.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 15th DAY OF MARCH, 2016.

Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:

Jennifer Kuhn
City Clerk/CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

Jeff Ganson
City Attorney

PASSED BY THE CITY COUNCIL: 03-15-2016
PUBLISHED: 03-21-2016
EFFECTIVE DATE: 03-28-2016
ORDINANCE NO. 605

Chapter 21.24
DEVELOPMENT STANDARDS – CRITICAL AREAS

Sections:

21.24.010 Purpose.

(1) Introduction. The purpose of this chapter is to designate and classify ecologically critical areas, to protect these areas and their functions and values, and to supplement the development regulations contained within the Woodinville Municipal Code through best available science and additional controls as required by the Growth Management Act.

Additionally, this chapter is intended to encourage development that meets the goals and policies of the City of Woodinville Comprehensive Plan. These goals include:

(a) Goal E-1: To preserve and enhance aquatic and wildlife habitat.

(b) Goal E-2: To protect the public from natural hazards resulting from disturbance of the environment.

(c) Goal E-3: To protect and improve water quality and management of water quantity.

(d) Goal E-4: To promote the preservation of Woodinville's Northwest woodland character.

(e) Goal E-5: To protect air quality, and proactively address climate change adaptation and mitigation.

(f) Goal E-6: To promote environmental sustainability and conservation in Woodinville and the Puget Sound Region.

(2) Scope. Critical areas include critical aquifer recharge areas, geologically sensitive areas, wetlands, frequently flooded areas, and fish and wildlife habitat conservation areas. The City of Woodinville recognizes that critical areas provide a variety of valuable and beneficial biological and environmental functions that benefit the City and its residents, but that some critical areas may pose a threat to public safety and property. The standards established in this chapter are intended to protect critical areas while providing property owners with reasonable use of their property. This chapter seeks to:

(a) Protect members of the public and public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, seismic events, soil subsidence or steep slope failures;

(b) Maintain and protect healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats, and conservation of the biodiversity of plant and animal species;

(c) Direct activities not dependent on critical areas resources to less ecologically sensitive areas and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas;

(d) Prevent cumulative adverse environmental impact to water quality and availability, net loss of wetlands, streams, lakes, frequently flooded areas, and fish and wildlife habitat conservation areas;

(e) Meet the requirements of the National Flood Insurance Program and maintain the City of Woodinville as an eligible community for federal flood insurance benefits;

(f) Alert members of the public including, but not limited to, appraisers, owners, potential buyers, or lessees, to the development limitations of critical areas;

(g) Provide for public enjoyment of critical areas by encouraging, when feasible and sensible, multiple use of critical area buffers; and

(h) Serve as a basis for exercise of the City's substantive authority under the State Environmental Policy Act (SEPA) and the City's SEPA rules.

21.24.020 Applicability.

(1) Compliance with This Chapter. The provisions of this chapter shall apply to all land uses and activities in the city limits, and all persons within the city limits shall comply with the requirements of this chapter. No permit or authorization shall be approved or issued to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement without first assuring compliance with the requirements of this chapter.

(2) Alterations. Any human activity that results or is likely to result in an impact upon the existing condition of a critical area or its buffer is an alteration that is subject to specific limitations as specified by this chapter. Alterations include, but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, or any

other activity that changes the character of the critical area. Alterations do not include walking, fishing, any other passive recreation, or other similar activities.

(3) Conflict of Provisions. When another provision of the Woodinville Municipal Code conflicts with this chapter or when the provisions of this chapter are in conflict, that provision which provides greater environmental protection to critical areas shall apply, unless specifically provided otherwise in this chapter or such provision conflicts with federal or state laws or regulations.

(4) Forest Practices. The provisions of this chapter shall apply to all forest practices over which the City has jurisdiction pursuant to Chapter 76.09 RCW and Title 222 WAC.

21.24.030 Critical area maps and inventories.

(1) Critical Areas Maps. The approximate location and extent of critical areas are shown on the City's adopted critical areas maps. The latest critical areas maps are available from the Development Services Department. The maps do not provide a final critical area determination. Adopted critical areas maps shall include, but are not limited to, the current adopted version the following:

(a) Federal Emergency Management Administration flood insurance rate maps;
(b) US Geological Survey landslide hazard, seismic hazard, and volcano hazard maps;
(c) Washington Department of Natural Resources seismic hazard maps for Western Washington;
(d) Washington Department of Natural Resources slope stability map;
(e) National Wetlands Inventory;
(f) Washington Department of Fish and Wildlife Priority Habitat and Species maps;
(g) Other critical area maps adopted by the City of Woodinville, including the Critical Aquifers Recharge Areas map and Geologically Sensitive Areas map.

(2) Reference Only. Maps showing critical areas are to be used for guidance purposes only and may be continuously updated as new critical areas are identified. If there is a conflict among the maps, inventory and site-specific features, the actual presence or absence of the features defined as critical areas in this chapter shall govern.

21.24.040 Complete exemptions.

(1) The following activities are exempt from the provisions of this chapter, provided they are otherwise consistent with other local, state, and federal law requirements:

(a) Emergency actions necessary to prevent an immediate threat to public health, safety and welfare or that pose an imminent risk of damage to public or private property. Alterations undertaken pursuant to this subsection shall be reported to the City immediately. The impacted critical areas and their buffers shall be fully restored in accordance with a critical areas report and mitigation plan;
(b) Agricultural activities in existence before March 31, 1993, as follows:
(i) Mowing of hay, grass, or grain crops;
(ii) Tilling, dicing, planting, seeding, harvesting and related activities for pasture, food crops, grass seed, or sod if such activities do not take place on steep slopes;
(iii) Normal and routine maintenance of existing irrigation and drainage ditches not used by fish species and not draining directly into salmon-bearing waterbodies; and
(iv) Normal and routine maintenance of farm ponds, fish ponds, manure lagoons and livestock watering ponds;
(c) Modifications to local collection and distribution utility lines, mains, equipment, appurtenances, including electric facilities with an associated voltage of 55,000 volts or less, not including substations; public sewer local collection; public water local

distribution; natural gas; cable communications; or telephone facilities. Modifications to local collection and distribution utilities may be allowed in critical areas or their buffers, as follows:

(i) Normal and routine maintenance or repair of existing utility structures; and

(ii) Replacement, operation, repair, modification, installation, relocation, or construction when such facilities are located within an improved public road right-of-way or City-authorized private roadway.

(d) Maintenance, operation, repair or replacement of publicly improved roadways or recreation areas, provided any such alteration does not involve the expansion of structures or related improvements into previously unimproved areas;

(e) Removal of non-native invasive species, limited to hand removal of non-native invasive species, unless permits from affected regulatory agencies have been obtained for approved biological or chemical treatments.

(f) Passive recreation, educational and scientific research that does not degrade critical areas or buffers, such as fishing, hiking and bird watching, not including trail building or clearing.

21.24.050 Nonconforming development.

(1) Nonconforming Developments. Alterations to legally established developments not conforming to critical areas, buffers, or setbacks pursuant to this chapter, including those approved under a reasonable use exception or variance may be permitted provided that the provisions of this chapter are met. Alterations shall include expansion, repair, modification, or replacement, but shall not include work where the alteration constitutes a substantial improvement under WMC 21.06.648.

(a) Single-family detached residences may be altered provided all of the following are met:

(i) Expansion within a critical area buffer or building setback is limited to 1,000 square feet beyond the existing footprint;

(ii) No portion of the modification, addition, or replacement is located closer to or extends farther into the critical area or its buffer;

(iii) The proposal includes on-site mitigation to offset any impacts to critical areas consistent with the provisions of this chapter;

(iv) The proposal preserves the functions and values of wetlands, fish and wildlife habitat conservation areas, and their buffers; and

(v) The proposal will not significantly affect any landslide hazards on neighboring properties, stream bank stability, drainage capabilities, or flood potential.

(b) All other structures, except single-family detached residences, may be altered provided all of the following are met:

(i) Expansion does not increase the existing footprint of the structure lying within a critical area buffer or building setback area;

(ii) No portion of the modification, addition, or replacement is located closer to or extends farther into the critical area or its buffer;

(iii) The proposal includes on-site mitigation to offset any impacts to critical areas consistent with the provisions of this chapter; and

(iv) The proposal will not significantly affect any landslide hazards on neighboring properties, fish and wildlife habitat, stream bank stability, drainage capabilities, and flood potential.

(c) Structures located within geologically sensitive areas that do not meet the development or design standards in WMC 21.24.260(1), WMC 21.24.260(3), and WMC 21.24.270(1) may be maintained or repaired, provided all of the following are met:

(i) The maintenance or repair does not increase to the footprint of the structure; and

(ii) The proposal does not increase risk to life or property as a result of the proposed maintenance or repair.

21.24.060 Public agency and utility critical areas exceptions.

(1) General. If the application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for a critical area exception pursuant to this section.

(a) The critical area exception shall be reviewed as a Type III project permit, pursuant to Chapters 17.07 through 17.17 WMC. The Hearing Examiner shall make a decision based on the following criteria:

(i) There is no other practical alternative to the proposed development with less impact on the critical area;

(ii) The application of this chapter would unreasonably restrict the agency's or utility's ability to provide services to the public;

(iii) Any impacts permitted to the critical area are mitigated in accordance with WMC 21.24.120 to the greatest extent possible;

(iv) The proposed development protects and/or enhances critical areas and buffer functions and values consistent with best available science; and

(v) The proposed development is consistent with other applicable regulations and requirements.

(b) This exception shall not allow the use of the following critical areas for regional retention/detention facilities except where the applicant clearly demonstrates that the facility will protect public health and safety or repair damaged natural resources:

(i) Type S stream and its buffers;

(ii) Category I or II wetland and its buffers with plant associations of infrequent occurrence; or

(iii) Category I or II wetland and its buffers, which provide critical or outstanding habitat for herons, raptors, or state or federal designated endangered or threatened species unless clearly demonstrated by the applicant that there will be no impact on such habitat.

21.24.070 Reasonable use permits.

(1) General. If the application of this chapter would deny all reasonable use of the property, the applicant may apply for a reasonable use permit pursuant to this section:

(a) The reasonable use permit shall be reviewed as a Type III project permit, pursuant to Chapters 17.07 through 17.17 WMC. The Hearing Examiner shall make a decision based on the following criteria:

(i) The application of this chapter would deny all reasonable use of the property;

(ii) The proposed development does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

(iii) Any alterations to the critical area shall be the minimum necessary to allow for reasonable use of the property;

(iv) Any impacts permitted to the critical area are mitigated in accordance with WMC 21.24.120 to the greatest extent possible;

(v) The proposed development protects critical areas and/or buffer functions and values consistent with best available science; and

(vi) The proposed development is consistent with other applicable regulations and requirements.

(b) Any authorized alteration of a critical area under this subsection shall be subject to conditions established by the Hearing Examiner to safeguard public health, safety, or welfare.

21.24.080 Subdivisions and density calculations within critical areas.

(1) Intent. The intent of this section is to provide for the preservation of critical areas and their buffers, flexibility in design, and consistent treatment of different types of development proposals.

(2) Subdivisions in Critical Areas. The subdivision and short subdivision of land including landslide and erosion hazard areas, frequently flooded areas, wetlands, streams, and fish or wildlife habitat conservation areas shall be subject to the following:

(a) Land that is located wholly within a critical area or its buffer may not be divided.

(b) Land that is located partially within a critical area or its buffer may be divided; provided, that the developable portion of each new lot and its access is located outside of the critical area or its buffer. Each resulting lot shall meet the minimum lot size, and have sufficient buildable area outside of, and will not affect the critical area or its buffer; and

(c) Access roads and utilities serving the proposed subdivision or short subdivision may only be permitted within the critical area and its buffers if the City determines that no other feasible alternative exists and when consistent with this chapter.

(3) On-Site Density Credits. For single-family residential subdivisions and short subdivisions on sites with critical areas or buffers, on-site density credits may be transferred from the critical area to a developable site area. In some cases, the maximum density credits may not be attainable due to other site constraints including, but not limited to, acreage constraints of the developable site area.

(a) For sites where up to 50 percent of the site is constrained by critical areas, up to 100 percent of the density that could be achieved on the constrained area portion of the site can be transferred to the developable portion of the property.

(b) For sites that are over 50 percent constrained by critical areas, up to 50 percent of the density that could be achieved on the constrained area portion of the site can be transferred to the developable portion of the property;

(4) Density Transfer. On-site density transfer is subject to the following:

(a) The density credit can only be transferred within the development proposal site. The on-site density transfer provided for in this section shall not be applied to allow density from a constrained site to be transferred to an unconstrained parcel, lot, or site when combined with a constrained site by subdivision, binding site plan, boundary line adjustment, or other means of land assemblage or arrangement for development.

(b) No additional density is allowed over the base density of the underlying zone.

(c) The minimum lot size and other dimensional requirements of the underlying zoning classification may be reduced to accommodate the transfers in densities per the following table:

Table 21.24.080(4)(c) – Reduced Dimensional Standards

Zone	Minimum Lot Size	Maximum Building Coverage	Maximum Impervious Surface	Lot Width at Street
R-1	31,000 sf	15%	20%	100 ft/ 75 ft on cul-de-sac

R-4	7,200 sf	35%	45%	60 ft
R-6	5,000 sf	50%	70%	50 ft
R-8	4,600 sf	55%	75%	30 ft

(d) All other applicable dimensional requirements pursuant to WMC 21.12.030 shall be met.
(e) The area to which the density is transferred shall not be constrained by another critical area regulation.
(f) No portion of the critical area shall be included as part of the minimum lot size.
(g) The lot sizes shall not be averaged pursuant to WMC 21.12.180.
(h) No panhandle lots are permitted.

(5) Except as allowed by WMC 21.32.095, in no event shall a lot be less in size than specified by subsection (4) of this section.

21.24.090 Disclosure and notice on title.

(1) Disclosure. The applicant shall disclose to the City the presence of critical areas on the project area and any mapped or identifiable critical areas within 200 feet of the subject property.

(2) Notice. The owner of any property containing critical areas or buffers on which a development proposal is submitted, except a public right-of-way or the site of a permanent public facility, shall file for record with the King County Auditor a notice approved in form by the City. The notice shall state the presence of critical areas or buffers on the property, of the application of this chapter to the property, and that limitations on actions in or affecting such critical areas or buffers may exist. The notice shall run with the land and failure to provide such notice to any purchaser prior to transferring interest in the property shall be a violation of this chapter.

(3) Submittal of Proof. The applicant shall submit proof to the City that the notice has been filed prior to approval of a development proposal for the property or, in the case of subdivisions, short subdivisions, and binding site plans, at or before recording.

(4) Indemnity and Hold Harmless for Work in Landslide and Erosion Hazard Areas. Where development is proposed within landslide and erosion hazard areas, the applicant shall provide assurance, which at the City's discretion, shall include one or more of the following:
(a) Liability insurance, including coverage for earth movement for the proposed development, naming the City as an additional insured under that liability insurance with respect to liability arising out of applicant's activities; or
(b) An agreement indemnifying and holding harmless the City, which shall be recorded as covenant and noted on the face of the deed or plat. The agreement shall provide for liability insurance through a contractual liability endorsement to the applicant's policy, to the extent reasonably available on the commercial market.

21.24.100 Critical area determination.

(1) Determination. The City shall perform a critical area determination for any development permit application or other request for permission to proceed with an alteration on a site that includes a critical area or is within an identified critical area buffer. As part of the critical area determination, the City shall:
(a) Determine whether any critical area exists on the property and confirm its nature and type;
(b) Determine whether a critical areas report is required;
(c) Evaluate the critical areas report;

(d) Determine whether the development proposal is consistent with this chapter;
(e) Determine whether any proposed alteration to the critical area is necessary; and
(f) Determine if the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety, and welfare, consistent with the goals, purposes, objectives, and requirements of this chapter.

(2) Appeals. The critical areas determination may be appealed pursuant to Title 17 WMC.

21.24.110 Critical areas report requirement.

(1) General. An application for a development proposal that includes a critical area or its buffer shall include a critical areas report that uses the best available science to evaluate the proposal and all probable impacts.

(2) Waiver. The Director may waive the requirement for a report or specific contents of the report if the applicant demonstrates that:
(a) There will be no alteration of the critical area or its buffer;
(b) The development proposal will not have an impact on the critical area or its buffer in a manner contrary to the goals, purposes, objectives and requirements of this chapter; and
(c) The minimum standards required by this chapter are met.

(3) Report Format. The critical areas report shall be in the form of a written document. A critical areas report may be combined with any studies required by other laws and regulations. If necessary to ensure compliance with this chapter, additional information from the applicant may be required, separate from the critical areas report.

(4) Area Limits. If the development proposal will affect only a part of the development proposal site, the Director may limit the scope of the required special report to include only that part of the site that may be affected by the development.

(5) Report Contents. A critical areas report shall evaluate the proposed project area and critical areas within 200 feet of the project area or have the potential to be affected by this proposal. A critical areas report shall include the following information:
(a) Existing conditions of the critical area, including an assessment of habitat and ecological functions and values;
(b) Assessment of the impacts of any alteration proposed for a critical area or buffer,
(c) A scale map of the project area. If only a portion of the development site has been mapped, the unmapped portion shall be clearly identified and labeled on the site plans. The site plans shall be attached to the notice on title required by WMC 21.24.090;
(d) Project narrative describing the proposal; anticipated temporary and permanent impacts to critical areas or their buffers; construction activities and sequencing; restoration, enhancement, or mitigation measures; and other relevant information; and
(e) Additional report requirements for each type of critical area or its buffer affected by the development proposal pursuant to WMC 21.24.230, WMC 21.24.260, WMC 21.24.270, WMC 21.24.330, WMC 21.24.380, and WMC 21.24.430.

(6) Site and construction plans showing the following:
(a) Site diagrams, cross-sectional drawings;
(b) Slope gradients, and existing and final grade elevations at two-foot intervals;
(c) Type and extent of all critical areas, and buffers on, adjacent to, or within 200 feet of, or that are likely to impact the proposal;
(d) Location of springs, seeps, surface water runoff features, or other surface expressions of groundwater on or within 200 feet of the project area;

(e) Proposed development, including the location of existing and proposed structures, fill, storage of materials, drainage facilities, and clearing limits with dimensions indicating distances to the critical area, if available; and

(f) Other drawings to demonstrate construction techniques and anticipated final outcomes.

(7) Mitigation. A description of proposed mitigation actions and mitigation site selection criteria. Mitigation shall be designed to achieve no net loss of ecological function consistent with WMC 21.24.120 and mitigation requirements for each type of affected critical area;

(8) Multiple Critical Areas Affected. Critical areas reports for two or more types of critical areas must meet the report requirements for each type of affected critical area.

(9) Previously Adopted Reports. A permit or approval sought as part of a development proposal for which multiple permits are required may adopt a previously approved critical areas report if:

(a) There is no material change in the development proposal since the prior review;

(b) There is no new information available that would change the evaluation of the critical area review of the site or particular critical area;

(c) The permit or approval under which the prior review was conducted has not expired, or if no expiration date exists, no more than five years have lapsed since the issuance of that permit or approval; and

(d) The prior permit or approval, including any conditions, has been met.

21.24.120 Mitigation requirements.

(1) General. Mitigation, maintenance, and monitoring measures shall be in place to protect critical areas and buffers from alterations resulting from proposed development.

(2) Mitigation Measures. Mitigation shall be in-kind and on-site where feasible, and shall be designed to maintain and enhance ecological functions and values, and to prevent risk from hazards posed by the critical area. Mitigation measures shall evaluate goals and objectives of proposed mitigation relating to impact to functions and values. Review of best available science supporting the proposed mitigation is required.

(3) Mitigation Sequencing. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for, as outlined by WAC 197-11-768, in the following order of preference:

(a) Avoiding the impact altogether by not taking a certain action or parts of actions;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing or providing substitute resources or environments; and/or

(f) Monitoring the impacts and taking appropriate corrective measures.

21.24.130 Maintenance, monitoring, and contingency.

(1) Maintenance and Monitoring. A maintenance and monitoring program shall be included as part of a mitigation plan. The program shall include the following, unless an alternative program is recommended under the guidance of a biologist and is approved by the City:

(a) Performance standards for mitigation or restoration sites, including:

(i) 100 percent survival of installed vegetation and less than 10 percent of the mitigation area covered in invasive species within the first two years of planting;
(ii) At least 50 percent vegetation coverage for installed vegetation after three years or more;
(iii) Less than 20 percent of the mitigation area covered in reed canarygrass, Himalayan blackberry, or other invasive species after three years or more.
(iv) No infestation of knotweed at any time during the duration of the program period.

(b) Contingency plan identifying a course of action and corrective measures to be taken if monitoring or evaluation indicates that the performance measures have not been met;

(c) A schedule for site monitoring, which includes at minimum one monitoring or inspection every 12 months;

(d) Monitoring period necessary to ensure that the performance standards have been met, not to be less than ten years for forested or shrub wetland mitigation and no less than five years for all other mitigation projects; and

(e) Information on maintenance bonds or financial guarantees to ensure that the mitigation plan is implemented.

(2) Performance Guarantee. A performance bond or other security equal to or greater than 150 percent of the actual cost of mitigation shall be posted in a form acceptable to the City prior to issuance of construction permits. Actual costs shall include all labor and materials associated with the mitigation activity. The security shall be sufficient to guarantee that all required mitigation measures will be completed in a timely manner in accordance with this chapter.

(3) Maintenance Guarantee. A maintenance/monitoring bond or other security equal to or greater than 20 percent of the cost of mitigation shall be posted in a form acceptable to the City prior to final inspection, occupancy, or release of the performance bond, whichever comes first. The security shall be sufficient to guarantee satisfactory workmanship on, materials in and performance of or related to structures and improvements allowed or required by this chapter for a period of up to five years. The duration of maintenance/monitoring obligations shall be established by the Director, based upon the nature of the proposed mitigation, maintenance or monitoring, and the likelihood and expense of correcting mitigation or maintenance failures.

(4) Corrective Measures. Where monitoring reveals a significant deviation from predicted impacts or a failure of mitigation or maintenance measures, the applicant shall be responsible for appropriate corrective action which, when approved, shall be subject to further monitoring.

(5) Restoration. Performance and maintenance/monitoring bonds or other security shall also be required for restoration of a critical area or buffer not performed as part of a mitigation or maintenance plan, except that no security shall be required for minor stream restoration carried out pursuant to this chapter. The bond or other security shall be in a form and amount deemed acceptable by the Director.

(6) Time Limit. Performance and maintenance/monitoring bonds or other security authorized by this section shall remain in effect until the City determines, in writing, that the standards bonded for have been met.

(7) Obligation. Depletion, failure, or collection of security funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

21.24.140 Critical area markers and signs.

(1) Survey Stakes. Permanent survey stakes delineating the boundary between the adjoining property and native growth protection area (NGPA) shall be set, using iron or concrete markers as established by current survey standards.

(2) When Required. Signage and fencing shall be required for all wetlands and fish and wildlife habitat conservation areas, unless otherwise specified in this chapter. The City shall determine if fencing and permanent signage is necessary to protect other types of critical areas. Signage and fencing shall be located along the outer boundary of a critical area buffer in order to protect the critical area.

(3) Permanent Signs. Signs shall be made of an enamel-coated metal face and attached to a metal post or other material of equal durability. Signs must be posted at an interval of 50 feet and must be maintained by the property owner in perpetuity. The sign shall follow the City's adopted signage standard, be worded as follows or with alternative language as approved by the City:

Protected Critical Area
Do Not Disturb
Help protect and care for this area
Contact City of Woodinville 489-2754

(4) Fencing. Required fencing shall be constructed of permanent and durable materials. Fencing shall be designed so as to not interfere with species migration and shall be constructed in a manner that minimizes impacts to the critical areas and associated habitat.

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21.24.150 Native growth protection areas and designations on site plans.

(1) Tracts. A native growth protection area (NGPA) in the form of a tract shall be used to delineate and protect those critical areas and buffers listed below for development proposals including new construction, subdivisions, short subdivisions, and binding site plans. NGPA tracts shall be depicted or designated on all title documents and recorded for all affected lots.

(a) All geologically sensitive areas and buffers which are one acre or greater in size;
(b) All fish and wildlife conservation areas;
(c) All wetlands and buffers.

(2) Tract Interest. Any required NGPA tract shall be held in an undivided interest by each owner of a building lot within the development. This ownership interest shall pass with the ownership of the lot or shall be held by an incorporated homeowner's association or other legal entity, which assures the ownership, maintenance, and protection of the tract.

(3) Site Plans. Site plans submitted as part of development proposals for construction permits shall include and delineate all critical areas, buffers, building setbacks, and native growth protection areas. If only a part of the development site has been mapped pursuant to WMC 21.24.030, the part of the site that has not been mapped shall be clearly identified and labeled on the site plans. The site plans shall be attached to the notice on title required by WMC 21.24.090.

(4) Easements. If a NGPA tract is not required in accordance with WMC 21.24.150(1), a NGPA in the form of an easement may be required over delineated critical areas to protect them in perpetuity.

(5) Recording. NGPAs shall be depicted or designated on the face of the plat or recorded drawing and on all title documents. of record and shall be designated on the face of the plat or recorded drawing.

(6) Markers and Signage. Native growth protection areas shall be marked with critical area signage and/or fencing to protect wildlife corridors and to discourage human intrusion into the critical area pursuant to WMC 21.24.140.

(7) Mitigation and Restoration. Native growth protection areas may be enhanced as part of a mitigation or restoration project. The NGPA shall be designated as protected habitat for fish and wildlife and shall be left in its natural state (with the exception of mitigation to enhance habitat). Any downed trees shall remain in the NGPA to provide habitat for wildlife.

21.24.200 Critical aquifer recharge areas – Designation.

(1) Definition. Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on aquifers used for potable water as described in WAC 365-190-100. Due to soil infiltration conditions of these CARAs, they contribute significantly to the replenishment of groundwater, and often have a high potential for contamination of groundwater resources.

(2) Designation. Identification of CARAs shall be based on the City's adopted Critical Aquifer Recharge Areas map pursuant to WMC 21.24.030. The critical aquifer recharge areas within the city limits have a medium to high susceptibility to groundwater contamination and are not located in a sole source aquifer or wellhead protection area.

(3) Declassification. An applicant can request that the City declassify a specific area included in the map adopted under WMC 21.24.030 of this chapter. The request must be supported by a critical areas report that includes a hydrogeologic assessment. The request to declassify an area shall be reviewed by the Director following the procedure in WMC 21.24.100.

21.24.210 Critical aquifer recharge areas – Development standards.

(1) Prohibited Activities. The following new uses and activities are not allowed in a critical aquifer recharge area:

(a) Mining of any type below the water table;

(b) Processing, storage, and disposal of radioactive substances;

(c) Hydrocarbon extraction;

(d) Commercial wood treatment facilities on permeable surfaces;

(e) Wrecking yards;

(f) Landfills for hazardous waste, municipal solid waste, or special waste; and

(g) On-site septic systems on lots smaller than one acre without a treatment system that results in effluent nitrate-nitrogen concentrations below 10 milligrams per liter.

21.24.220 Critical aquifer recharge areas – Permitted activities.

(1) Regulated Activities. The following standards apply to any development proposal in a critical aquifer recharge area:

(a) All storage tanks proposed to be located in a critical aquifer recharge area must comply with the International Building Code and the International Fire Code requirements for secondary containment.

(b) Commercial vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.

(c) No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility development must be abandoned using techniques approved by the Washington Department of Ecology prior to commencement of the proposed activity.

(d) The activities listed below shall be conditioned in accordance with the applicable state and federal regulations as necessary to protect critical aquifer recharge areas:

Table 21.24.220(1)(d) – Regulated Activities

Activity	Applicable State and Federal Regulations
Above-ground storage tanks	WAC 173-303-640
Animal feedlots	Chapter 173-216 WAC, Chapter 173-220 WAC
Automobile washers	Chapter 173-216 WAC, Vehicle and Equipment Washwater Discharges/Best Management Practices Manual (DOE 95-056)
Chemical treatment storage and disposal facilities	WAC 173-303-282
Hazardous waste generator (boat repair shops, biological research facility, dry cleaners, furniture stripping, motor vehicle service garages, photographic processing, printing and publishing shops, etc.)	Chapter 173-303 WAC
Injection wells	Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC
Junk yards and salvage yards	Chapter 173-304 WAC, Vehicle Recyclers: A Guide for Implementing the Industrial Stormwater General National Pollutant Discharge Elimination System (NPDES) Permit Requirements (DOE 94-146)
Oil and gas drilling	WAC 332-12-450, Chapter 173-218 WAC
On-site sewage systems (large scale)	Chapter 173-240 WAC
On-site sewage systems (< 14,500 gallons/day)	Chapter 246-272 WAC, Local Health Ordinances
Pesticide storage and use	Chapter 15.54 RCW, Chapter 17.21 RCW
Sawmills	Chapter 173-303 WAC, Chapter 173-304 WAC, Industrial Stormwater General Permit Implementation Manual for Log Yards (DOE 04-10-031)
Solid waste handling and recycling facilities	Chapter 173-304 WAC
Surface mining	WAC 332-18-015
Underground storage tanks	Chapter 173-360 WAC

Activity	Applicable State and Federal Regulations
Wastewater application to land surface	Chapter 173-216 WAC, Chapter 173-200 WAC

21.24.230 Critical aquifer recharge areas – Critical areas report additional requirements.

(1) In addition to the general critical areas report requirements in WMC 21.24.110, critical areas reports for CARAs shall include the following:

(a) Prepared by a Qualified Professional. A critical areas report for CARAs shall be prepared by a qualified professional who is a hydrogeologist, geologist, or engineer licensed in the State of Washington. The qualified professional shall have a minimum of five years of experience in the field and with experience in preparing hydrogeologic assessments.

(b) Hydrogeologic Assessment. For all proposed activities to be located in a critical aquifer recharge area, a critical areas report shall contain a Level I hydrogeological assessment. A Level 2 hydrogeologic assessment shall be required for any of the following proposed activities:

(i) Activities that result in five percent or more impervious site area;

(ii) Activities that divert, alter, or reduce the flow of surface or groundwater, or reduce the recharging of the aquifer;

(iii) The use of hazardous substances, other than household chemicals used according to the directions specified on the packaging for domestic applications;

(iv) The use of injection wells, including on-site septic systems, except those domestic septic systems releasing less than 14,500 gallons of effluent per day and that are limited to a maximum density of one system per one acre; or

(v) Any other activity determined by the City that is likely to have an adverse impact on ground water quality or quantity, or on the recharge of the aquifer.

(c) Level 1 Hydrogeologic Assessment. A Level 1 hydrogeologic assessment shall include the following information on the site and development proposal:

(i) Available information regarding geologic and hydrogeologic characteristics of the site including the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and permeability of the unsaturated zone;

(ii) Groundwater depth, flow direction, and gradient based on available information;

(iii) Currently available data on wells and springs within 1,300 feet of the project area;

(iv) Location of other critical areas, including surface waters, within 1,300 feet of the project area;

(v) Available historic water quality data for the area to be affected by the proposed activity; and

(vi) Best management practices proposed to be utilized.

(d) Level 2 Hydrogeologic Assessment. A Level 2 hydrogeologic assessment shall include the information required for a Level 1 hydrogeologic assessment and the following information:

(i) Historic water quality data for the area to be affected by the proposed activity compiled for at least the previous five-year period;

(ii) Groundwater monitoring plan provisions;

(iii) Discussion of the effects of the proposed project on the ground water quality and quantity, including:

(A) Predictive evaluation of groundwater withdrawal effects on nearby wells and surface water features; and

(B) Predictive evaluation of contaminant transport based on potential releases to ground water; and

(iv) A spill plan that identifies equipment and/or structures that could fail, resulting in an impact to the CARA. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment that could fail.

21.24.250 Geologically sensitive areas – Designation.

(1) Definition. Geologically sensitive areas are those areas susceptible to erosion, sliding, earthquake, or other geological events. Geologically sensitive areas pose a risk to health and safety of citizens when incompatible development is located in areas of significant hazard.

(2) Designation. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically sensitive area and subject to the provisions of this chapter.

(a) Erosion Hazard. Those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service or identified by a critical areas report as having a severe to very severe erosion potential.

(b) Landslide Hazard. Those areas susceptible to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these may include, but are not limited to the following:

(i) Areas of historic failures, such as areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey, Washington Department of Natural Resources, and/or other research meeting the best available science criteria in WAC 365-195-915;

(ii) Areas with all three of the following characteristics:

(A) Slopes steeper than 15 percent;

(B) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

(C) Springs or ground water seepage;

(iii) Areas that have shown movement during the Holocene epoch (from 11,700 years ago to the present) or that are underlain or covered by mass wastage debris of that epoch;

(iv) Areas potentially unstable due to rapid stream incision, stream bank erosion, or undercutting by wave action;

(v) Areas located in a ravine, canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and

(vi) Any area with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

(c) Seismic Hazard. Those areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, surface rupture, or soil liquefaction.

(i) Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by the magnitude of an earthquake; the distance from the source of an earthquake; the type and thickness of geologic materials at the surface; and the subsurface geologic structure;

(ii) Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table; and

(iii) Surface ruptures due to faults.

(d) Other Geologic Hazard. Other geological events including mass wasting debris flows, rock falls, and differential settlement.

21.24.260 Geologically sensitive areas – Erosion and landslide hazards.

(1) General Development Standards. Alterations of erosion and landslide hazard areas and their buffers may only occur for activities that:

(a) Will not increase the threat of the geological hazard, soil movement, or slope instability to adjacent properties beyond predevelopment conditions;

(b) Will not adversely impact other critical areas or their buffers;

(c) Are designed so that the hazard and risk of damage to the project is eliminated or mitigated to a level where there is no increased adverse impact relative to natural conditions prior to development, its associated land use, or adjacent properties; and

(d) Are designed and constructed in conformance with the recommendations of the critical areas report.

(2) Buffer and Setback Required. Based upon review of and City concurrence with a critical areas report prepared by a qualified professional, a buffer shall be established from all edges of erosion or landslide hazard areas. The size of the buffer eliminates or minimizes the risk of property damage, death, or injury resulting from erosion and landslides caused in whole or part by the development.

(a) Standard Buffer. The standard buffer shall be 50 feet.

(b) Buffer Reduction. The buffer may be reduced to a minimum of 15 feet when a qualified professional demonstrates that the reduction will provide adequate protection to the proposed development, adjacent developments and uses, and the subject critical area.

(c) Increased Buffer. The buffer may be increased when a qualified professional determines a larger buffer is necessary to prevent risk of damage to proposed and existing development.

(d) Building Setback. A minimum 10-foot building setback shall be required from the edge of the buffer for any building or structure to ensure adequate distance for maintenance and repair without encroaching into the buffers. Trails, sidewalks, or stormwater facilities may be located in the building setback as long as access for maintenance will not result in adverse impacts to the buffer.

(3) Design Standards. Development within an erosion or landslide hazard area and its buffer shall be designed to meet the following requirements, unless it can be demonstrated that an alternative design provides greater long-term slope stability while meeting all other provisions of this title:

(a) The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions;

(b) Structures and improvements shall be clustered to avoid geologically sensitive areas and other critical areas to the greatest extent possible;

(c) Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;

(d) Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

(e) The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

(f) The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and

(g) Development shall be designed to minimize impervious lot coverage.

(4) Alteration Criteria. Alterations shall be subject to the following requirements:

(a) Alterations of an erosion or landslide hazard area and its buffer may only occur for activities for which a geotechnical analysis demonstrates that:

(i) The development will not increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions;

(ii) The development will not decrease slope stability on the subject property and adjacent properties;

(iii) Such alterations will not adversely impact other critical areas; and

(iv) Steep slopes that are determined to be artificially created or man-made slopes through past grading or development activities may be modified under the recommendation of an approved geotechnical report that demonstrates that alteration will stabilize the slope and minimize erosion and landslide risk beyond predevelopment conditions.

(b) Vegetation Preservation. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.

(c) Seasonal Restriction. Clearing shall be allowed only from May 1st to October 1st of each year; provided, that the City may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions. Timber harvest, not including brush clearing or stump removal, may be allowed outside of seasonal restrictions pursuant to an approved forest practice permit issued by the Washington Department of Natural Resources.

(d) Utility Lines and Pipes. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground and properly anchored, and designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product approved by the City that is technically equal or superior.

(e) Point Discharges. Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area shall be prohibited except as follows:

(i) Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge;

(ii) Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed storm water runoff in the predeveloped state; or

(iii) Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and storm water runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.

(f) Subdivisions. The division of land in erosion and landslide hazard areas and associated buffers shall be subject to WMC 21.24.080.

(g) Septic Systems. On-site sewage disposal systems, including drain fields, shall be prohibited within erosion and landslide hazard areas and their buffers.

(5) Additional Report Requirements. In addition to the general critical areas report requirements of WMC 21.24.110, critical areas reports for erosion and landslide hazard areas shall include the following information:

(a) Prepared by a Qualified Professional. The critical areas report shall be prepared by a qualified professional who is a civil engineer, engineering geologist, and/or geologist licensed in the State of Washington. The qualified professional shall have a minimum of five years of experience in the field and experience in preparing reports for geologic, hydrologic, and groundwater flow systems.

(b) Analysis of Proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.

(c) Hazards Analysis. The hazards analysis shall include the following information on the site and development proposal:

(i) A description of the extent and type of vegetative cover;

(ii) A description of subsurface conditions based on data from site-specific explorations;

(iii) Descriptions of surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;

(iv) An analysis or estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;

(v) Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties;

(vi) A study of slope stability including an analysis of proposed cuts, fills, and other site grading;

(vii) Recommendations for building siting limitations;

(viii) An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion;

(ix) A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically sensitive areas;

(x) A review of the site history regarding landslides, erosion, and prior grading. A description of the vulnerability of the site to seismic and other geologic events; and

(xi) Documentation of data resulting from tests or analysis.

(d) Geotechnical Engineering Report. The technical information for a project within a landslide hazard area shall include a geotechnical engineering report prepared by a licensed engineer that presents engineering recommendations for the following:

(i) Parameters for design of site improvements including appropriate foundations and retaining structures. These should include allowable load and resistance capacities for bearing and lateral loads, installation considerations, and estimates of settlement performance;

(ii) Recommendations for drainage and subdrainage improvements;

(iii) Earthwork recommendations including clearing and site preparation standards, fill placement and compaction standards, temporary and

permanent slope inclinations and protection, and temporary excavation support, if necessary; and

(iv) Mitigation of adverse site conditions including slope stabilization measures and seismically unstable soils, if necessary.

(e) Erosion and Sediment Control Plan. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required. The erosion and sediment control plan shall be prepared in compliance with requirements set forth in the adopted King County Surface Water Design Manual.

(f) Drainage Plan. The technical information shall include a drainage plan for the collection, transport, treatment, discharge, and/or recycle of water prepared in accordance with the adopted King County Surface Water Design Manual.The drainage plan should consider on-site septic system disposal volumes where the additional volume will affect the erosion or landslide hazard area.

(g) Monitoring Surface Waters. If the City determines based on the recommendation of a qualified professional that there is a significant risk of damage to downstream receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the technical information shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the City.

(h) Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologically sensitive area based upon the geotechnical analysis.

(i) Mitigation Assessment. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the predevelopment level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Mitigation may be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

21.24.270 Geologically sensitive areas – Seismic hazard areas and other hazard areas.

(1) Development Standards. Alterations of seismic hazard areas or other hazard areas and their buffers may only occur for activities that:

(a) Will not increase the threat of the geological hazard, soil movement, or slope instability to adjacent properties beyond predevelopment conditions;

(b) Will not adversely impact other critical areas or their buffers;

(c) Are designed so that the hazard and risk of damage to the project is eliminated or mitigated to a level where there is no increased adverse impact relative to natural conditions prior to development, its associated land use, or adjacent properties; and

(d) Are designed and constructed in conformance with the recommendations of the critical areas report.

(2) Additional Report Requirements. In addition to the general critical areas report requirements of WMC 21.24.110, critical areas reports for seismic and other hazard areas shall include the following information:

(a) Prepared by a Qualified Professional. The critical areas report shall be prepared by a qualified professional who is a civil engineer, engineering geologist, and/or geologist licensed in the State of Washington. The qualified professional shall have a minimum of five years of experience in the field and experience in preparing reports for geologic, hydrologic, and groundwater flow systems.

(b) Analysis of Proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.

(c) Hazards Analysis. The hazards analysis shall include a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement).

(d) Geological Assessment. The report shall include an assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region. The assessment shall include:

(i) A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;

(ii) A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically sensitive areas; and

(iii) A review of the site history regarding landslides, erosion, and prior grading, including a description of the vulnerability of the site to seismic and other geologic events.

(e) Geotechnical Engineering Report. A geotechnical engineering report shall evaluate the physical properties of the subsurface soils, particularly the thickness of unconsolidated deposits and their liquefaction potential. If it is determined that the site is subject to liquefaction, mitigation measures shall be recommended and implemented.

(f) Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologically sensitive area based upon the geotechnical analysis.

(g) Mitigation Assessment. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the predevelopment level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Mitigation may be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

21.24.300 Wetlands – Designation and rating.

(1) Definition. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation 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 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, 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 may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

(2) Designation. Identification of wetlands and delineation of their boundaries shall be in accordance with the current approved federal wetland delineation manual and applicable regional supplements as set forth in WAC 173-22-035. Areas meeting the wetland designation criteria are critical areas and subject to the provisions of this chapter.

(3) Wetland Rating and Categories. Wetlands shall be rated according to the current approved version of the Department of Ecology Washington State Wetland Rating System for Western Washington. Definitions and the methodology for determining criteria as provided in this document are hereby adopted by reference.

(a) Categories. Wetlands shall be designated based on the table below. Special characteristic wetlands shall be designated through the current Ecology wetland rating system. If the wetland qualifies under more than one category, the greater wetland rating shall apply.

Table 21.24.300(3)(a) – Wetland Categories

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.

(b) Date of Wetland Rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modification.

(c) Delineation. The wetland's boundaries shall be delineated through a survey and field investigation by a qualified professional applying the most current federal wetland delineation manual and applicable regional supplement. Wetland delineations are valid for five years; after such date, the City shall determine whether a revision or additional assessment is necessary.

21.24.310 Wetlands – Development standards.

(1) Standard Wetland Buffers. Activities and uses shall be prohibited within wetlands and their buffers except as provided for in this chapter. For activities and uses meeting the minimized impact standards in subsection (2), the width of the wetland buffers shall be determined according to the wetland category and habitat point scoring shown in Table 21.24.310(1). The outer edge of the wetland buffer shall be delineated through a survey and field investigation by a qualified professional.

Table 21.24.310(1) – Wetland Buffer Widths

Wetland Category	Buffer width based on habitat points			
	3-4 habitat points	5 habitat points	6-7 habitat points	8-9 habitat points
Category I	75 feet	105 feet	165 feet	225 feet
Category II	75 feet	105 feet	165 feet	225 feet
Category III	60 feet	105 feet	165 feet	225 feet
Category IV	40 feet			

(2) Minimized Impact Standards. The following minimized impact standards must be adhered to in the table below. If an applicant chooses not to apply mitigation standards, the wetland buffer widths in Table 21.24.310(1) shall be increased by 33 percent.

Table 21.24.310(2) – Minimized Impact Standards

Disturbance	Required Measures to Minimize Impacts
Lights	- Direct lights away from wetland
Noise	- Locate activity that generates noise away from wetland - If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source - 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
Toxic runoff	- Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered - Limit use of pesticides within 150 feet of wetland meeting surface water discharge requirements of Chapter 13.04 WMC. - Apply integrated pest management
Stormwater runoff	- Retrofit stormwater detention and treatment for roads and existing adjacent development - Prevent channelized flow from lawns that directly enters the buffer - Use Low Intensity Development techniques (per PSAT publication on LID techniques) - Design the on-site stormwater system to comply with the current approved version of the King County Surface Water Design Manual
Change in water regime	- Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	- Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion - Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	- Use best management practices to control dust
Disruption of corridors or connections	- Maintain connections to offsite areas that are undisturbed - Restore corridors

(3) Increased Buffers. An increased buffer width shall be required in accordance with the recommendations of a qualified professional and best available science when a larger buffer

is necessary to protect wetland functions and values. This determination shall be based on one or more of the following critical areas:

(a) Geologically Sensitive Areas. If the buffer or abutting uplands include a geologically sensitive area, the buffer width shall be the greater of either the required wetland buffer or 25 feet beyond the top of the geologically sensitive area.

(b) Other Critical Areas. If the wetland and its buffer are located adjacent to other critical areas, a larger buffer may be required to protect other critical areas in accordance to the recommendations of a qualified professional and best available science.

(c) Species Habitat. The wetland contains documented habitat for endangered, threatened, priority species or species of local importance. The buffer shall be established based on a habitat assessment pursuant to WMC 21.24.400 through WMC 21.24.440.

(4) Existing Roads or Structures in Buffers. Where a legally established roadway transects a wetland buffer, a modification to the minimum required buffer width may be granted to the edge of the roadway or structure, provided that the proposed development does not increase the degree of nonconformity.

(5) Buffer Averaging. The minimum buffer width may be averaged in accordance with an approved critical areas report using the best available science. Averaging of buffer widths may only be allowed if all of the following criteria are met:

(a) It will provide additional protection to wetlands and result in a net improvement of wetland habitat, functions, and values;

(b) The buffer width is not reduced by more than 25 percent of the standard width in any one location;

(c) The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;

(d) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and

(e) When wetland standard buffers are reduced, wetland areas shall not to be filled to create wetland buffers.

(6) Building Setback. A minimum 10-foot building setback shall be required from the edge of the buffer for any building or structure to ensure adequate distance for maintenance and repair without encroaching into the buffers. Trails, sidewalks, or stormwater facilities may be located in the building setback as long as access for maintenance will not result in adverse impacts to the buffer.

(7) Temporary and permanent signs and fencing shall be installed along the outer boundary of the wetland buffer in accordance with WMC 21.24.140.

(8) Livestock. Property owners shall implement a farm management plan or standards to protect and enhance wetland water quality pursuant to Chapter 21.30 WMC.

21.24.320 Wetlands – Permitted activities.

(1) Alterations. Alterations to wetlands and their buffers may be allowed in addition to those established in WMC 21.24.040 and WMC 21.24.050, if the City determines that there is no practical alternative location with less adverse impacts on the wetland or its buffer, subject to mitigation requirements set forth in this chapter, as follows:

(a) Conservation and Restoration Activities. Conservation and restoration activities include activities that are aimed at protecting soil, water, vegetation, or wildlife.

(b) Public and Private Utilities. Utilities may be allowed in wetland buffers if all of the following criteria are met:

(i) Placement of the utilities may be located in the outer 25 percent of the buffer area;
(ii) The utility corridor and construction area are the minimum size necessary;
(iii) The utility is not located in a wetland or buffer designated as a fish and wildlife habitat conservation area pursuant to WMC 21.24.400;
(iv) Mitigation is required that minimizes the impact of the proposal on the wetland buffer;
(v) The utility corridor meets the provisions of Policies U-1.5 and U-1.8 of the Comprehensive Plan;
(vi) Construction and maintenance protects the wetland and buffer and is aligned to avoid cutting trees greater than 12 inches in diameter at breast height; and
(vii) For public sewer and water distribution only, if the corridor cannot be located in the outer 25 percent of the buffer area due to gravity flow, it may be located in another part of the buffer with the least adverse impact to the wetland.

(c) Drilling for Utilities or Utility Corridors under a Wetland. Entrance/exit portals shall be located completely outside of the wetland buffer, provided that drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.

(d) Utility Joint Use. Joint use of an approved utility corridor by other utilities may be allowed.

(e) Stormwater Facilities. The following stormwater facilities are permitted only within the outer 25 percent of the buffer of a Category III or IV wetland:
(i) Surface water discharge of treated stormwater to a wetland from a detention facility, presettlement pond, or other surface water management activity or facility may be allowed only if the discharge does not increase the rate of flow, change the native plant composition in a wetland, or decrease the water quality of the wetland; and
(ii) Stormwater management facilities, limited to stormwater dispersion, outfalls, and bioswales, may be allowed only if no other location is feasible and the location will not degrade functions and values of the wetland.

(f) Dispersal Trenches. Grass-lined swales, dispersal trenches, and energy dissipaters may be located in the outer 25 percent of the buffer area of a Category III or Category IV wetland only. Other surface water management facilities are not allowed within the buffer area.

(g) Trails. Public and private trails, or visual access areas, may be located in the outer 25 percent of wetland buffers provided:
(i) The trail surface shall not be made of impervious materials, except that public multi-purpose trails may be made of impervious materials if they meet all other requirements, including water quality and quantity; and
(ii) Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas.

(h) Existing Roads. Widening of existing roads may be allowed on the outer 25 percent of the buffer area if:
(i) There is no practical alternative access with less environmental adverse impact;
(ii) The proposal minimizes impact to the wetland and provides mitigation for unavoidable impacts through restoration, enhancement, or replacement of disturbed areas;
(iii) The proposal does not change the overall wetland hydrology;

(iv) The proposal does not diminish the flood storage capacity of the wetland;
(v) The proposal is constructed during summer low water periods; and
(vi) Crossings are the minimum size or length necessary to provide access.

(2) There shall be no introduction of any plant or wildlife that is not indigenous to the Puget Sound region into any wetland or buffer unless authorized by a state or federal permit or approval.

(3) The use of hazardous substances, pesticides, and fertilizers in the wetland and its buffer is prohibited.

21.24.330 Wetlands – Critical areas report additional requirements.

(1) Additional Report Requirements. In addition to the general critical areas report requirements of WMC 21.24.110, critical areas reports for wetlands shall include the following information:

(a) Prepared by a Qualified Professional. The critical areas report shall be prepared by a qualified professional who is a professional wetland scientist. The qualified professional shall have a minimum of five years of experience in the field of wetland science and experience in preparing wetland reports.

(b) Wetland Assessment. The wetland assessment shall include the following information on the site:

(i) Wetland delineation, rating, category, and required buffers;
(ii) Existing wetland acreage, which may be approximated if the wetland extends onto adjacent properties;
(iii) Vegetative, faunal, and hydrologic characteristics;
(iv) Soil and substrate conditions;
(v) A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year – drift lines, algal layers, moss lines, and sediment deposits); and
(vi) Clearing limits.

(c) Habitat and Vegetation Conservation. A habitat and native vegetation conservation strategy that addresses methods to protect and enhance on-site habitat and wetland functions.

(d) Proposed Mitigation. If required, a mitigation plan consistent with WMC 21.24.120 and WMC 21.24.340. The mitigation plan shall include a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:

(i) Proposed wetland acreage;
(ii) Proposed vegetative, faunal, and hydrologic characteristics;
(iii) Surface and subsurface hydrologic conditions including an analysis of existing and future hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
(iv) Proposed soil and substrate conditions;
(v) Proposed adjacent site conditions;
(vi) Required wetland buffers (including any buffer reduction and mitigation proposed to increase the plant densities, remove weedy vegetation, and replant the buffers);
(vii) Information demonstrating how enhancement will increase functions of degraded wetlands and how the increase will mitigate for loss of wetland areas and functions at the impact site.

(e) Maintenance and Monitoring. A written plan outlining proposed maintenance, monitoring, and management practices that will provide long-term protection of the wetland consistent with WMC 21.24.130.

(f) Data sheets. Copies of all wetland determination data sheets and supporting figures.

21.24.340 Wetlands – Mitigation.

(1) General. Mitigation shall be consistent with the requirements in WMC 21.24.120. An evaluation of mitigation sequencing, including avoidance, minimization, and compensation, shall be provided pursuant to WMC 21.24.120. Selection of mitigation sites should be guided by watershed plans for basins and sub-basins where those plans are available.

(2) Mitigation for Lost Functions and Values. Mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement, and shall provide similar wetland functions as those lost, except when:

(a) The lost wetland provides minimal functions as determined by a site-specific function assessment and the proposed mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal watershed assessment plan or protocol; or

(b) Off-site replacement will best meet formally identified regional goals, such as replacement of historically diminished wetland types.

(3) Preference of Mitigation Actions. Mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:

(a) Restoring wetland acreage and functions to an area where those functions formerly occurred.

(b) Creating new wetland areas and functions in an area where they did not previously occur.

(c) Enhancing an existing wetland.

(d) Preserving existing high-quality wetlands from future loss or degradation.

(4) Type and Location of Mitigation. Mitigation actions shall be in-kind and located on the same site as the alteration, except when:

(a) There is no opportunity for on-site mitigation or on-site opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, wildlife impacts, or on-site buffers or connectivity are inadequate;

(b) Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland;

(c) Off-site locations shall be in Water Resource Inventory Area (WRIA) 8 and in the same sub-basin as the impacted wetland; and

(d) The off-site location wetland mitigation will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

(5) Mitigation Ratios.

(a) Acreage Replacement Ratios. The following ratios shall apply to creation or restoration that is in-kind, on-site, the same category, timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from unauthorized alterations; greater ratios shall apply in those cases. These ratios do not apply to the use of credits from a state-certified wetland mitigation bank or approved in-lieu fee program. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

Table 21.24.340(5)(a) – Acreage Replacement Ratios

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement

Category I: Bog, Natural Heritage site	Not considered possible	Case by case	Case by case
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

(b) Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance "Wetland Mitigation in Washington State Parts I and II" (Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006), the City may allow mitigation based on the "credit/debit" method developed by the Department of Ecology in "Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report," (Ecology Publication #10-06-011, Olympia, WA, March 2012, or as revised).

(c) Buffer Mitigation Ratios. Impacts to buffers shall be mitigated at a 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.

(6) Mitigation Timing. Where feasible, mitigation projects shall be completed prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.

(7) Monitoring and Maintenance. Mitigation projects shall be monitored and maintained consistent with WMC 21.24.130.

(8) Buffers for Mitigation Sites. Mitigation sites shall have buffers consistent with the requirements of this chapter. The buffer for a wetland that is created, restored, or enhanced as compensation for approved wetland alterations shall be subject to the buffer of the highest wetland category involved.

(9) Wetland Mitigation Banks. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands.

(a) The following criteria shall be met in order to apply credits from a wetland mitigation bank when:

(i) The bank is certified under Chapter 173-700 WAC;

(ii) The City determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

(iii) The proposed use of credits is consistent with the terms and conditions of the bank's certification.

(b) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

(c) 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, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

(10) In-Lieu Fee. To aid in the implementation of off-site mitigation, the City may develop an in-lieu fee program. This program shall be developed and approved through a public process and be consistent with federal rules, state policy on in-lieu fee mitigation, and state water quality regulations. An approved in-lieu-fee program sells compensatory mitigation credits

to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor, a governmental or non-profit natural resource management entity. Credits from an approved in-lieu-fee program may be used if all of the following apply:

(a) The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts.

(b) The mitigation will occur on a site identified using the site selection and prioritization process in the approved in-lieu-fee program instrument.

(c) The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.

(d) Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three years of the credit sale.

(e) Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland scientist using the method consistent with the credit assessment method specified in the approved instrument for the in-lieu-fee program.

(f) Credits from an approved in-lieu-fee program may be used to compensate for impacts located within the service area specified in the approved in-lieu-fee instrument.

(11) Alternative Mitigation Plans. The City may approve alternative critical areas mitigation plans that are based on best available science, such as priority restoration plans that achieve restoration goals identified in the Shoreline Master Program (SMP). Alternative mitigation proposals must provide an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this chapter. The following criteria shall be met for approval of an alternative mitigation proposal:

(a)The proposal uses a watershed approach consistent with Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Ecology Publication #09-06-32, Olympia, WA, December 2009).

(b) Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.

(c) Mitigation according to WMC 21.24.340(4) is not feasible due to site constraints such as parcel size, stream type, wetland category, or geologic hazards.

(d) There is clear potential for success of the proposed mitigation at the proposed mitigation site.

(e) The plan shall contain clear and measurable standards for achieving compliance with the specific provisions of the plan.

(f) The plan shall be reviewed and approved as part of overall approval of the proposed use.

21.24.350 Frequently flooded areas - Designation.

(1) Definition. Frequently flooded areas are those areas meeting one or more of the following components. These areas shall be designated as frequently flooded areas and shall be subject to the provisions of this chapter:

(a) Floodplain;

(b) Flood fringe;

(c) Zero-rise floodway; and

(d) FEMA floodway.

(2) Designation. Frequently flooded areas shall include the following areas:

(a) Areas Identified on Flood Insurance Map(s). Those areas of special flood hazard identified by the Federal Insurance and Mitigation Administration (FIMA) in the current county-adopted version of the Flood Insurance Study for King County with accompanying flood insurance rate maps (FIRM). The Flood Insurance Study and accompanying maps are hereby adopted by reference

(b) Areas Identified By the City. Those areas of special flood hazard identified by the City based on a review of base flood elevation and floodway data available from federal, state, county or other agency sources when base flood elevation data has not been provided from FIMA, identified as A and V zones of the flood insurance maps.

(3) New Structures. For all new structures or substantial improvements in a frequently flooded area, the applicant shall provide certification by a professional civil engineer or land surveyor licensed by the State of Washington for the following:

(a) The actual as-built elevation of the lowest floor, including basement; and

(b) The actual as-built elevation to which the structure is flood-proofed, if applicable.

(4) Supplemental Information. The City may use additional flood information that is more restrictive or detailed than that provided in the Flood Insurance Study to designate frequently flooded areas, including data on channel migration, historical data, high water marks, photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information.

(5) Flood Elevation Data. When base flood elevation data is not available (A and V zones), the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer this Chapter.

(6) Designation Made by City. The flood insurance maps are to be used as a guide for the City, project applicants, and the public and should be considered a minimum designation of frequently flooded areas. Flood insurance maps are subject to continuous updates as areas are reexamined or new areas are identified. Newer and more restrictive information for frequently flooded area identification shall be the basis for regulation.

(7) The Building Official shall maintain the certifications required by this section for public inspection.

21.24.360 Frequently flooded areas – Development standards.

(1) Base Flood Storage Volume. Development shall not reduce the effective base flood storage volume of the floodplain. Grading or other activity that would reduce the effective storage volume shall be mitigated by creating compensatory storage on the site or off the site. Legal arrangements shall be made to assure that the effective compensatory storage volume will be preserved in perpetuity.

(2) Notification. In addition to requiring the applicant to meet the requirements of WMC 21.24.350 through 21.24.380 and other applicable local, state, and federal requirements, the City shall:

(a) Notify adjacent communities and the Washington Department of Ecology prior to any alteration or relocation of a watercourse designated in a zone beginning with A on a FIRM map, and submit evidence of such notification to the Federal Insurance and Mitigation Administration.

(b) Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(3) Low Impact Development. Stormwater and drainage features shall incorporate low impact development techniques, if technically feasible, that mimic pre-development and hydrologic conditions, such as stormwater infiltration, rain gardens, grass swales, filter strips, disconnected impervious areas, permeable pavement, and vegetative roof systems.

21.24.370 Frequently flooded areas – Permitted activities.

(1) Alterations. Alterations to frequently flooded areas may be allowed in addition to those activities and uses established in WMC 21.24.040 and WMC 21.24.050.

(2) Flood Fringe. The following shall apply to development located within the flood fringe:

(a) No structure shall be allowed which would be at risk due to stream bank destabilization including, but not limited to, that associated with channel relocation or meandering.

(b) Subdivisions, short subdivisions and binding site plans shall meet the following requirements:

(i) New building lots shall contain 5,000 square feet or more of buildable land outside the zero-rise floodway, and building setback areas shall be shown on the face of the plat to restrict permanent structures to this buildable area;

(ii) All utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage consistent with subsections (c), (d) and (e) of this section;

(iii) Base flood data and flood hazard notes shall be shown on the face of the recorded subdivision, short subdivision or binding site plan including, but not limited to, the base flood elevation, required flood protection elevations and the boundaries of the floodplain and the zero-rise floodway, if determined; and

(iv) The following notice shall also be shown on the face of the recorded subdivision, short subdivision, or binding site plan for all affected lots:

NOTICE

Lots and structures located within flood hazard areas may be inaccessible by emergency vehicles during flood events. Residents and property owners should take appropriate advance precautions.

(v) All such proposals are consistent with the need to minimize flood damage within the flood-prone area; and

(vi) Adequate drainage is provided to reduce exposure to flood hazards.

(c) New structures and substantial improvements of existing structures as defined in WMC 21.06.648 shall meet the following requirements:

(i) The lowest floor, including basement, shall be elevated one foot above the base flood elevation.

(ii) Portions of a structure which are below the lowest floor that are subject to flooding shall be used only for parking, storage, or building access and shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for satisfying this requirement shall meet or exceed the following requirements:

(A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(B) The bottom of all openings shall be no higher than one foot above grade; and

(C) Openings may be equipped with screens, louvers, or other coverings or devices provided they permit the unrestricted entry and exit of floodwaters;

(iii) Materials shall be resistant to flood damage and firmly anchored to prevent flotation. Materials harmful to aquatic wildlife are prohibited below the flood protection elevation;

(iv) All electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities shall be elevated above the flood protection

elevation. All utility lines below the flood protection elevation shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;

(v) The structures shall be certified by a professional civil or structural engineer licensed by the State of Washington that the flood-proofing methods are adequate to withstand the anticipated flood depths, pressures, velocities, impacts, uplift forces and other factors associated with the base flood. After construction, the engineer shall verify that the permitted work conforms with the approved plans and specifications; and

(vi) Approved building permits for flood-proofed nonresidential structures shall contain a statement notifying applicants that flood insurance premiums shall be based upon rates for structures that are one foot below the flood-proofed level.

(vii) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(d) Mobile and manufactured homes shall meet the following requirements:

(i) New mobile and manufactured homes or substantial improvements of existing mobile and manufactured homes shall be elevated on a permanent foundation in accordance with WMC 21.24.370(2)(c).

(ii) All new or substantially improved manufactured and mobile homes shall be securely anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors consistent with FEMA's "Manufactured Homes Installation in Flood Hazard Areas" guidebook.

(iii) Compliance with this chapter shall be required for new construction or expansion of a mobile home park, reconstruction of streets or utilities, or substantial improvements to pads in an existing mobile home park.

(e) Recreational vehicles shall meet one of the following requirements:

(i) Be on the site for fewer than 180 consecutive days;

(ii) Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect-type utilities and security devices, and have no permanently attached additions; or

(iii) Meet the requirements of subsection (d) of this section and the elevations and anchoring requirements of manufactured and mobile homes.

(f) Utilities shall meet the following requirements:

(i) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(ii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

(iii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

(iv) Sewage and agricultural waste storage facilities shall be flood-proofed to the flood protection elevation;

(v) Above-ground utility transmission lines, other than electric transmission lines, shall only be allowed for the transport of nonhazardous substances; and

(vi) Buried utility transmission lines transporting hazardous substances shall be buried at a minimum depth of four feet below the maximum depth of scour for the base flood, as predicted by a professional civil engineer licensed by the

State of Washington, and shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.

(g) Critical public facilities may be allowed within the flood fringe only when no feasible alternative site is available.

(i) Critical public facilities constructed within the flood fringe shall have the lowest floor elevated to three or more feet above the base flood elevation. Flood-proofing and sealing measures shall be taken to ensure that hazardous substances will not be displaced by or released into floodwaters.

(ii) Access routes to and from the critical facility shall be protected to the elevation of the 500-year flood.

(h) Prior to approving any permit for alterations in the flood fringe, the City shall determine that all permits required by state or federal regulations have been obtained.

(3) Zero-rise Floodway and FEMA Floodway. The requirements that apply to the flood fringe in Subsection (2) shall apply to the zero-rise floodway and FEMA floodway in addition to the requirements below. The more restrictive requirements shall apply where there is a conflict.

(a) New residential or nonresidential structures are prohibited within the FEMA floodway.

(b) A development proposal including, but not limited to, new or reconstructed structures shall not cause any increase in the base flood elevation unless the following requirements are met:

(i) Amendments to the Flood Insurance Rate Map are adopted by FEMA, in accordance with 44 CFR Part 70, to incorporate the increase in the base flood elevation; and

(ii) Appropriate legal documents are prepared in which all property owners affected by the increased flood elevations consent to the impacts on their property. These documents shall be filed with the title of record for the affected properties.

(c) The following are presumed to produce no increase in base flood elevation and shall not require a critical areas report to establish this fact:

(i) New residential structures outside the FEMA floodway on lots in existence before March 31, 1993, which contain less than 5,000 square feet of buildable land outside the zero-rise floodway and which have a total building footprint of all proposed structures on the lot of less than 2,000 square feet;

(ii) Substantial improvements of existing residential structures in the zero-rise floodway, but outside the FEMA floodway, where the footprint is not increased;

(iii) Substantial improvements of existing residential structures meeting the requirements for new residential structures in WMC 21.24.370(2)(c); or

(iv) Substantial improvements of existing residential structures in the FEMA floodway, meeting the requirements of WAC 173-158-070, as amended.

(d) Post or piling construction techniques which permit water flow beneath a structure shall be used.

(e) All temporary structures or substances hazardous to public health, safety, and welfare, except for hazardous household substances or consumer products containing hazardous substances, shall be removed from the zero-rise floodway during the flood season from September 30th to May 1st.

(f) Utilities may be allowed if the City determines that no feasible alternative site is available, subject to the following requirements:

(i) Installation of new on-site sewage disposal systems shall be prohibited unless a waiver is granted by the King County Department of Public Health; and

(ii) Construction of sewage treatment facilities shall be prohibited.

(g) Structures and installations that are dependent upon the floodway may be located in the floodway if the development proposal is approved by all agencies with jurisdiction. Such structures include, but are not limited to:

(i) Dams or diversions for water supply, flood control, hydroelectric production, irrigation, or fisheries enhancement;

(ii) Flood damage reduction facilities, such as levees and pumping stations;

(iii) Stream bank stabilization structures where no feasible alternative exists for protecting public or private property;

(iv) Stormwater conveyance facilities subject to the development standards for streams and wetlands and the City's adopted surface water design manual;

(v) Boat launches and related recreation structures;

(vi) Bridge piers and abutments; and

(vii) Other fisheries enhancement or stream restoration projects.

21.24.380 Frequently flooded areas – Critical areas report additional requirements.

(1) In addition to the general critical areas report requirements of WMC 21.24.110, critical areas reports for frequently flooded areas shall include a flood hazard assessment and the following information:

(a) Prepared by a Qualified Professional. The critical areas report shall be prepared by a qualified professional who is a hydrologist or engineer licensed in the State of Washington. The qualified professional shall have a minimum of five years of experience in the field and experience in preparing flood hazard assessments.

(b) Site Areas. The following areas shall be addressed:

(i) The site area of the proposed activity;

(ii) All areas of a special flood hazard, or other flood area as indicated in the flood insurance maps within 200 feet of the project area; and

(iii) All other flood areas indicated on the flood insurance maps within 200 feet of the project area.

(c) Watercourse Alteration. Alteration of natural watercourses shall be avoided, if feasible. If unavoidable, a critical areas report shall include:

(i) A description of and plan showing the extent to which a watercourse will be altered or relocated as a result of the proposal;

(ii) A maintenance program that provides maintenance practices for the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished; and

(iii) Information describing and documenting how the proposed watercourse alteration complies with the requirements of WMC 21.24.400 through 21.24.440, the adopted Shoreline Master Program, and other applicable state or federal permit requirements.

(d) Habitat Impact Assessment. A permit application to develop in a frequently flooded area shall include an assessment of the impact of the project on federal, state, or locally protected species and habitat, water quality, and aquatic and riparian habitat. A habitat assessment shall be one of the following:

(i) A Biological Evaluation or Biological Assessment developed in accordance with 50 C.F.R. § 402.12;

(ii) Documentation that the activity fits within Section 4(d) of the Endangered Species Act;

(iii) Documentation that the activity fits within a Habitat Conservation Plan approved pursuant to Section 10 of the Endangered Species Act, where such assessment has been prepared and made available; or

(iv) A habitat impact assessment prepared in accordance with the current adopted FEMA Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X. The assessment shall determine if the project would adversely affect:

(A) Species that are federal, state, or locally listed as threatened or endangered;

(B) The primary constituent elements for critical habitat, when designated, including but not limited to water quality, water quantity, flood volumes, flood velocities, spawning substrate, and/or floodplain refuge for listed salmonids;

(C) Essential fish habitat designated by the National Marine Fisheries Service;

(D) Fish and wildlife habitat conservation areas; and

(E) Other protected areas and elements necessary for species conservation.

21.24.400 Fish and wildlife habitat conservation areas – Designation.

(1) Definition. Fish and wildlife habitat conservation areas are those habitat areas that meet any of the criteria listed below. Fish and wildlife habitat conservation areas do not include irrigation ditches, canals, stormwater run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

(a) Areas with Which State or Federally Designated Endangered, Threatened, and Sensitive Species Have a Primary Association.

(i) Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current listing status.

(ii) State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington identified by the Washington Department of Fish and Wildlife (WDFW), that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. The Washington Department of Fish and Wildlife should be consulted for current listing status.

(b) State Priority Habitat and Species. Habitats associated with state priority species or designated as state priority habitats are considered priorities for conservation and management. Priority species require protective habitat measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the Washington Department of Fish and Wildlife.

(c) Habitat and Species of Local Importance. Habitats and species of local importance are those identified by the City of Woodinville that due to their population status, or sensitivity to habitat manipulation, warrant protection.

(i) The following species are designated as species of local importance:

Table 21.24.400(c)(i) – Species of Local Importance

Common Name	Scientific Name
Bald eagle	*Haliaeetus leucocephalus*
Peregrine falcon	*Falco peregrines*
Common loon	*Gavia immer*
Pileated woodpecker	*Dryocopus pileatus*
Vaux's swift	*Chaetura vauxi*
Purple martin	*Progne subis*
Western grebe	*Aechmophorus occidentalis*
Great blue heron	*Ardea herodias*
Green heron	*Butorides virescens*
Osprey	*Pandion haliaetus*
Western big-eared bat	*Plecotus townsendii*
Keen's myotis	*Myotis keenii*
Long-eared myotis	*Myotis evotis*
Oregon spotted frog	*Rana pretiosa*
Western pond turtle	*Clemmys marmorata*
Bull trout	*Salvelinus confluentus*
Chinook salmon	*Oncorhynchus tshawyscha*
Coho salmon	*Oncorhynchus kisutch*
Sockeye/kokanee salmon	*Oncorhynchus nerka*
River lamprey	*Lampetra ayresi*

(ii) Nominations for habitats or species of local importance shall be processed as a Type V permit pursuant to Chapter 17.07 WMC. Nominations for habitats or species of local importance shall demonstrate the following:

(A) Habitat or species rarity or vulnerability to rarity, as evidenced by restricted, small, or declining species population and habitats or community loss or degradation;

(B) The need for protection, maintenance, and/or restoration of the nominated habitat to ensure the long-term survival of a species;

(C) If applicable, the ability of the site to maintain connectivity between habitat areas or to contribute significantly to regional biodiversity as evidenced by species use, richness, abundance, and/or rarity;

(D) Why special protection is needed and how existing county, state and federal programs and regulations do not provide adequate protection; and

(E) Any proposed management strategies for the affected species or habitat supported by best available science.

(d) Streams and Watercourses. Streams shall be classified using the current approved version of the State Water Typing System pursuant to WAC 222-16-030 and WAC 222-16-031. Streams meeting the designation criteria below and all associated riparian habitat areas, identified as stream buffers in this chapter, are subject to the provisions of this chapter.

Table 21.24.400(1)(d) – Stream Classifications

Classification	Brief Description	Full Description
Type S	Shoreline of the State	All waters, within their bank-full width, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW including periodically inundated areas of their associated wetlands. Within the City of Woodinville, the Sammamish River and Little Bear Creek are designated as Type S streams.
Type F	Fish bearing stream (perennial or seasonal)	Segments of natural waters other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following four categories: (a) Waters, which are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type F Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less; (b) Waters, which are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type F Water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality. The department may allow additional harvest beyond the requirements of Type F Water designation provided the department determines after a landowner-requested on-site assessment by the Washington Department of Fish and Wildlife, Washington Department of Ecology, the affected tribes and interested parties that: (i) The management practices proposed by the landowner will adequately protect water quality for the fish hatchery; and (ii) Such additional harvest meets the requirements of the water type

Classification	Brief Description	Full Description
		designation that would apply in the absence of the hatchery. (c) Waters, which are within a federal, state, local, or private campground having more than 10 camping units: provided, that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement; (d) Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria: (i) The site must be connected to a fish habitat stream and accessible during some period of the year; and (ii) The off-channel water must be accessible to fish.
Type Np	Non-fish bearing perennial stream	All segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry any time of a year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.
Type Ns	Non-fish bearing seasonal stream	All segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an aboveground channel system to Type S, F, or Np Waters.

(e) Naturally Occurring Ponds Under 20 Acres. Naturally occurring ponds are those ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

(f) Waters of the State. Waters of the state include lakes, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington, as classified in WAC 222-16-031.

(g) Areas of Rare Plant Species and High Quality Ecosystems. Areas of rare plant species and high quality ecosystems are identified by the Washington State Department of Natural Resources through the Natural Heritage Program.

(h) Native growth protection areas (NGPA) and other areas designated by the City.

(2) Fish and wildlife habitat conservation areas are usually found in conjunction with another critical area listed in this chapter. The critical areas report shall address all criteria for each critical area specifically.

21.24.410 Fish and wildlife habitat conservation areas – Development standards.

(1) Standard Buffers. Activities and uses shall be prohibited within fish and wildlife habitat conservation areas and their buffers, except as provided for in this chapter.

(a) Habitat Conservation Area Buffers. The City shall require the establishment of buffer areas for activities adjacent to habitat conservation areas, when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity, functions, and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby, and shall be consistent with the management recommendations issued by the Washington Department of Fish and Wildlife.

(b) Stream Buffers. Stream buffers shall be established for habitats that include aquatic and terrestrial ecosystems that mutually benefit each other and that are buffers located adjacent to rivers, perennial or intermittent streams, seeps, and springs.

(i) Stream Buffer Widths. The stream buffers shall be determined according to the stream type shown in Table 21.24.410(1)(b)(i). Widths shall be measured outward in each direction on the horizontal plane from the ordinary high water mark or from the top of the bank if the ordinary high water mark cannot be identified.

Table 21.24.410(1)(b)(i) – Stream Buffer Widths

Stream Type	Standard Area Width
S	Buffers established per Woodinville Shoreline Master Program (SMP)
F	140 feet
Np	70 feet
Ns	50 feet

(ii) Measurement. The outer edge of the stream buffer shall be delineated through a survey and field investigation by a qualified professional.

(iii) Increased Widths. An increased buffer shall be required in accordance with the recommendations of a qualified professional and the best available science in the following circumstances:

(A) Where the standard width is insufficient to prevent habitat degradation and to protect the structure and functions of the habitat area;

(B) Where the frequently flooded area exceeds the standard stream buffer, the width shall extend to the outer edge of the frequently flooded area;

(C) Where the channel migration zone exceeds the standard stream buffer, the width shall extend to the outer edge of the channel migration zone; or

(D) The habitat area is in an area of high blowdown potential, the stream buffer shall be expanded an additional 50 feet on the windward side.

(iv) Urban Stream Designation. The City may approve further decreases to buffer widths on streams designated as "urban" in accordance with the recommendations of a qualified professional biologist and the best available science on a case-by-case basis. No buffer shall be reduced on a stream designated as "urban" to less than 50 feet wide unless the stream is not used by fish whereas the minimum buffer will be 35 feet. Stream enhancement measures shall be required to improve overall stream function. The City may designate a stream as "urban" if all of the following criteria are met:

(A) The stream is not a Type S stream;

(B) The stream has degraded channel conditions (e.g., presence of piping, sedimentation, channelization, etc.);

(C) The stream has buffers that are currently degraded or developed;

(D) The portion of the buffer affecting the subject property or development is located within the CBD, GB, or I zones;

(E) Stream enhancement shall be sufficient to protect stream buffer functions and values based on site-specific characteristics and must include enhancement measures implemented to provide a net improvement in overall stream and buffer function and value.

(2) Buffer Averaging. The minimum buffer width may be averaged in accordance with an approved critical areas report using the best available science and any management recommendations issued by the Washington Department of Fish and Wildlife. Averaging of buffer widths may only be allowed if all of the following criteria are met:

(a) It will provide additional protection to the fish and wildlife habitat conservation area and result in a net improvement of the habitat functions and values;

(b) It will not adversely affect salmonid habitat;

(c) The buffer width is not reduced by more than 25 percent of the standard width in any one location;

(d) It will provide additional natural resource protection, such as buffer enhancement;

(e) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;

(f) The proposal includes revegetation and restoration of the averaged buffer using native plants; and

(g) Buffer averaging is not used in conjunction with a stream buffer reduction or urban stream designation.

(3) Building Setback. A minimum 10-foot building setback shall be required from the edge of the buffer for any building or structure to ensure adequate distance for maintenance and repair without encroaching into the buffers. Trails, sidewalks, or stormwater facilities may be located in the building setback as long as access for maintenance will not result in adverse impacts to the buffer.

(4) Protection. Whenever activities are proposed in or adjacent to a habitat conservation area with which state or federally endangered or threatened species have a primary association, such area shall be protected through the application of measures in accordance with a

critical areas report and approved by the city and guidance provided by the appropriate state and federal agencies.

(5) Special Conditions. Buffers shall also be subject to modifications under the following site conditions:

(a) Geologically Sensitive Areas. The buffer or abutting uplands include a geologically sensitive area. The buffer width shall be the greater of either the required buffer or twenty-five feet beyond the top of the hazard area;

(b) Wetlands. Any fish and wildlife habitat conservation area adjoined by a riparian wetland shall have the buffer required for the habitat conservation area involved or the buffer which applies to the wetland, whichever is greater; or

(c) Other Critical Areas. If the habitat conservation area buffer is located adjacent to other critical areas, a larger buffer shall be required to protect other critical areas in accordance to the recommendations of a qualified professional and best available science.

(6) Signage and Fencing. Temporary and permanent signs and fencing shall be installed along the outer boundary of the fish and wildlife habitat conservation area buffer in accordance with WMC 21.24.140.

(7) Livestock. Property owners shall implement a farm management plan or standards to protect and enhance water quality pursuant to Chapter 21.30 WMC.

(8) Seasonal Restrictions. When a species is more susceptible to adverse impacts during specific periods of the year, as determined by the Washington State Department of Fish and Wildlife, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.

21.24.420 Fish and wildlife habitat conservation areas – Permitted activities.

(1) Approval of Activities. The City shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions shall be based on the best available science and may include, but are not limited to, the following:

(a) Establishment of buffer zones;

(b) Preservation of critically important vegetation and/or habitat features such as snags and downed wood;

(c) Limitation of access to the habitat area, including fencing to deter unauthorized access;

(d) Seasonal restriction of construction activities;

(e) Establishment of a duration and timetable for periodic review of mitigation activities; and

(f) Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.

(2) Hazardous Substances. The use of hazardous substances, pesticides, and fertilizers in the stream and its buffer is prohibited.

(3) Non-native Species. The introduction of any plant, wildlife, or fish species not indigenous to the region shall be prohibited from fish and wildlife habitat conservation areas unless authorized by a state or federal permit or approval.

(4) Alterations. Alterations to fish and wildlife habitat conservation areas and their buffers, except for in-stream environments, may be allowed in addition to those established in WMC 21.24.040 and WMC 21.24.050. Where applicable, activities and uses shall also be subject to the Woodinville Shoreline Master Program (SMP).

(a) Utilities. Utilities may be allowed within fish and wildlife habitat conservation areas if:

(i) No practical alternative location is available;

(ii) The requirements for sewer utility corridors in WMC 21.24.320 are met;

(iii) Joint use of an approved utility corridor by more than one utility may be allowed; and

(iv) The utility corridor meets the provisions of Policies U-1.5 and U-1.8 of the City of Woodinville Comprehensive Plan.

(b) Surface Water Management Activities and Facilities. The following may be allowed within fish and wildlife habitat conservation areas as follows:

(i) Surface water discharge to a stream from a detention facility, presettlement pond or other surface water management activity or facility may be allowed if the discharge is in compliance with the City's adopted surface water design manual;

(ii) Storm Water Management Facilities. Grass-lined swales and dispersal trenches may be located in the outer 25 percent of the buffer area. All other surface water management facilities are not allowed within the buffer area.

(c) Trails. Public and private trails, and/or visual access to the habitat conservation area may be allowed if

(i) Trail surface shall not be made of impervious materials, except that public multi-purpose trails may be made of impervious materials if they meet all other requirements including water quality and quantity; and

(ii) Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas.

(5) The following shall apply for areas with endangered or threatened species:

(a) No development shall be allowed within a habitat conservation area or its buffer with which state or federally endangered, threatened, or sensitive species have a primary association, except that which is provided for by a management plan established by the Washington Department of Fish and Wildlife or applicable state or federal agency.

(i) Areas shall be protected through the application of protection measures in accordance with a critical areas report prepared by a qualified professional and approved by the City.

(ii) Approval for alteration of land adjacent to the habitat conservation area or its buffer shall not occur prior to consultation with the Washington State Department of Fish and Wildlife for animal species and the Washington Department of Natural Resources for plant species and other appropriate federal or state agency.

(b) Bald Eagle Habitat.

(i) Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292) and the Federal Bald Eagle Protection Act.

(ii) Whenever activities are proposed within 800 feet of a verified nest territory or communal roost or within a quarter-mile of a shoreline foraging area, a critical areas report shall be developed by a qualified professional.

(iii) The applicant shall consult with US Fish and Wildlife Service to determine if a permit is required.

(i) The City shall verify the location of eagle management areas for each proposed activity.

(c) Great Blue Heron Rookeries.

(i) A buffer equal to the distance of 820 feet radius measured from the outermost nest tree in the rookery will be established around an active rookery. This area will be maintained in native vegetation.

(ii) Between January 1st and July 31st, no clearing, grading or land disturbing activity shall be allowed within 900 feet of the rookery, unless approved by the City and Washington Department of Fish and Wildlife.

(iii) Approval of all activities requiring permits shall not occur within 900 feet of a heron rookery prior to the approval of a critical areas report by the City and Washington Department of Fish and Wildlife.

(d) Anadromous Fish.

(i) All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to the following standards:

(A) Activities shall be timed to occur only during the allowable work window as designated by the Washington State Department of Fish and Wildlife for the applicable species;

(B) An alternative alignment or location for the activity is not feasible;

(C) The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas;

(D) Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques, according to an approved critical areas report; and

(E) Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical areas report.

(ii) Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed.

(iii) Fills, when authorized pursuant to the City of Woodinville's Shoreline Management Master Program, shall not adversely impact anadromous fish or their habitat or shall mitigate any unavoidable impacts, and shall only be allowed for a water-dependent use.

(6) Alterations to streams and their buffers may be allowed in addition to those established in WMC 21.24.040 and the Woodinville Shoreline Master Program for Type S streams, as follows:

(a) Existing Roads. Widening of existing roads may be allowed on the outer 25 percent of the buffer area if:

(i) There is no practical alternative access with less adverse environmental impact;

(ii) The proposal minimizes impact to the stream and provides mitigation for unavoidable impacts through restoration, enhancement, or replacement of disturbed areas;

(iii) The proposal does not change the overall stream hydrology;

(iv) The proposal does not diminish the flood storage capacity of the stream;

(v) The proposal is constructed during summer low water periods; and

(vi) The proposal is the minimum size or length necessary to provide access.

(b) Stream Crossings. The use of existing crossings, including but not limited to utility corridors, road and railroad rights-of-way across streams or buffers for public or private trails is preferred to new crossings. Stream crossings may be allowed if:

(i) All crossings use bridges or other construction techniques in accordance with best management practices, which do not disturb the stream bed or bank,

except that bottomless culverts or other appropriate methods demonstrated to provide fisheries protection may be used for Type F or Np streams if the applicant demonstrates that such methods and their implementation will pose no harm to the stream or inhibit migration of fish;

(ii) All crossings are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to resident or anadromous fish including salmonids;

(iii) Crossings do not occur over resident or anadromous fish spawning areas unless the City determines that no other possible crossing site exists;

(iv) Bridge piers or abutments are not placed within the FEMA floodway or the ordinary high water mark;

(v) Crossings do not diminish the flood-carrying capacity of the stream;

(vi) Underground utility crossings are laterally drilled and located at a depth of four feet below the maximum depth of scour for the base flood predicted by a civil engineer licensed by the State of Washington; and

(vii) The number of crossings is minimized and consolidated to serve multiple purposes and properties whenever possible.

(c) Stream Relocations. Relocations may be allowed subject to the following limitations:

(i) Type F, Np, and Ns streams as part of a public road project for which a public agency and utility exception is granted pursuant to WMC 21.24.060;

(ii) Type F, Np, and Ns streams for the purpose of enhancing or restoring resources in the stream if:

(A) Appropriate floodplain protection measures are used;

(B) The relocation occurs on the site, except that relocation off the site may be allowed if the applicant demonstrates that any on-site relocation is impracticable, the applicant provides all necessary easements and waivers from affected property owners and the off-site location is in the same drainage sub-basin as the original stream; and

(C) A critical areas report shows that the relocation is beneficial to fish and wildlife habitat.

(iii) Relocations are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to resident or anadromous fish including salmonids;

(iv) Streams shall not be relocated solely for development purposes; and

(v) The applicant shall demonstrate, based on information provided by a civil engineer and a qualified biologist, that:

(A) Equivalent base flood storage volume and function will be maintained;

(B) No adverse impact to local groundwater will occur;

(C) No increase in velocity will occur upstream or downstream;

(D) No increase in the sediment load will occur upstream or downstream;

(E) Requirements set out in the mitigation plan are met;

(F) Relocation conforms to other applicable laws; and

(G) All work will be carried out under the direct supervision of a qualified biologist.

(vi) The applicant shall obtain all required state and federal permits and authorization prior to conducting site work.

(d) Stream Channel Stabilization. A stream channel may be stabilized if:

(i) Movement of the stream channel threatens existing residential or commercial structures, public facilities or improvements, unique natural resources or the only existing access to property;

(ii) Stabilization is done in compliance with the requirements of WMC 21.24.350 through 21.24.380; and

(iii) Soft-bank stabilization techniques are utilized unless the applicant demonstrates that soft-bank techniques are not a reasonable alternative due to site-specific soil, geologic and/or hydrologic conditions.

(e) Enhancements. Stream enhancement not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance, and monitoring prepared by a civil engineer and a qualified biologist and carried out under the direct supervision of a qualified biologist pursuant to provisions of this chapter.

(f) Stream Restoration. A minor stream restoration project for fish habitat enhancement may be allowed if the restoration is:

(i) Sponsored or approved by a public agency with a mandate to do such work;

(ii) Not associated with mitigation of a specific development proposal;

(iii) Limited to placement of rock weirs, log controls, spawning gravel, culvert replacement and other specific habitat improvements for resident and anadromous fish including salmonid;

(iv) Involves the use of hand labor and light equipment; and or the use of helicopters and cranes that deliver supplies to the project site; provided, that they have no contact with critical areas or their buffers; and

(v) Performed under the direct supervision of a qualified biologist.

21.24.430 Fish and wildlife habitat conservation area – Critical areas report additional requirements.

(1) In addition to the general critical areas report requirements of WMC 21.24.110, critical areas reports for fish and wildlife habitat conservation areas shall include the following information:

(a) Prepared by a Qualified Professional. The critical areas report shall be prepared by a wildlife, stream or wetland biologist or scientist. The qualified professional shall have a minimum of five years of experience in the field and experience in preparing reports for fish and wildlife habitat conservation areas.

(b) Areas Addressed in Critical Areas Report. The following areas shall be addressed in a critical areas report for habitat conservation areas:

(i) The project area of the proposed activity;

(ii) All habitat conservation areas and recommended buffers within 200 feet of the project area; and

(iii) All shoreline areas, floodplains, other critical areas, and related buffers within 200 feet of the project area.

(c) Habitat Assessment. The report shall include an assessment of the presence or absence of potential critical fish or wildlife habitat. A habitat assessment shall include the following information:

(i) Extent of fish and wildlife habitat areas and required buffers;

(ii) Existing habitat area acreage;

(iii) Vegetative, faunal, and hydrologic characteristics;

(iv) Identification of species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area;

(v) Assessment of potential project impacts to the use of the site by the species;

(vi) A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area; and

(vii) A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality.

(d) Proposed Mitigation. If required, a mitigation plan consistent with WMC 21.24.120 and WMC 21.24.440. The mitigation plan shall include a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:

(i) Prohibition or limitation of development activities within the fish and wildlife habitat conservation area;

(ii) Establishment of a buffer around the fish and wildlife habitat conservation area;

(iii) Retention of certain vegetation or areas of vegetation critically important to the listed species;

(iv) Limitation of access to the fish and wildlife habitat conservation area and buffer;

(v) Seasonal restrictions on construction activities on the subject property;

(vi) Clustering of development on the subject property as appropriate; and

(vii) Preservation or creation of a habitat area for the listed species.

(e) Habitat Management. When appropriate due to the type of habitat or species present or the project area conditions, the City may also require a habitat management plan to include:

(i) A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs;

(ii) An evaluation by the Washington State Department of Fish and Wildlife, affected tribes, or other qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; and

(iii) A request for consultation with the Washington Department of Fish and Wildlife, affected tribes or other appropriate agency; and

(iv) Detailed surface and subsurface hydrologic features both on and adjacent to the site.

21.24.440 Fish and wildlife habitat conservation areas – Mitigation.

(1) General. Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biologic functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site as appropriate. Mitigation shall be supported by best available science and address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis. Mitigation should occur in the same sub-drainage basin as the habitat.

(2) Sites. Mitigation sites shall be located to achieve contiguous wildlife habitat corridors in accordance with a mitigation plan and habitat management plan to minimize the isolating effects of development on habitat areas. Mitigation of aquatic habitat shall be located within the same aquatic ecosystem as the area disturbed.

(3) Restoration. Restoration or mitigation shall be required as part of a development proposal whereby impacts, either direct or indirect, to the habitat conservation area occur. Restoration shall also be required when a habitat conservation area or its buffer is altered in violation of law or without any specific permission or approval by the City. A mitigation plan for the restoration or mitigation, included as part of the critical areas report, shall demonstrate that:

(a) Habitat conservation area has been degraded and will not be further degraded by the restoration or mitigation activity;

(b) Restoration or mitigation will reliably and demonstrably improve the water quality and fish and wildlife habitat;
(c) Restoration or mitigation will result in no net loss and no significant adverse impact will occur to habitat functions; and
(d) On sites where nonnative vegetation was cleared, restoration shall include installation of native vegetation with a density equal to or greater than the predevelopment site conditions; and
(e) Restoration or mitigation will assist in stabilizing the stream channel.

(4) Stream Restoration and Mitigation. All restoration and/or mitigation projects for streams shall meet the following:
(a) All work shall be carried out under the direct supervision of a qualified biologist;
(b) Basin analysis shall be performed to determine hydrologic conditions;
(c) Natural channel dimensions shall be replicated including its depth, width, length, and gradient at the original location, and the original horizontal alignment (meander lengths) shall be replaced;
(d) Identical or similar materials shall be used to restore the stream bottom;
(e) Bank and buffer configuration shall be restored to its original condition;
(f) Channel, bank and buffer areas shall be replanted with native vegetation which replicates the original vegetation in species, sizes and densities; and
(g) Pre-existing biologic functions of the stream shall be recreated.

(5) Stream Replacement or Enhancement. Replacement or enhancement for approved stream or buffer alterations shall be accomplished in streams and on the site unless the applicant demonstrates that:
(a) Enhancement or replacement on the site is not possible or on-site opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;
(b) Off-site location is in the same drainage sub-basin as the original stream; and
(c) Greater biologic and hydrologic functions will be achieved.

(6) Surface Water Management. Surface water management or flood control alterations shall not be considered enhancement unless other functions are simultaneously improved.

(7) Daylighting. Daylighting a stream is encouraged when redeveloping. The Director may modify the requirements pertaining to aquatic areas and their buffers, when locating or day lighting a stream.

(8) Monitoring and Maintenance. Mitigation sites shall be monitored and maintain consistent with WMC 21.24.130.

STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

March 21, 2016

Jennifer Kuhn
City Clerk
City of Woodinville
17301 - 133rd Avenue Northeast
Woodinville, Washington 98072

Dear Ms. Kuhn:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Woodinville - Adopted Ordinance No. 605 concerning the city critical area code; adopting findings; amending Chapter 21.06 WMC and repealing Chapter 21.24 WMC; adopting a new Chapter 21.24 WMC development standards - critical areas for regulating critical aquifer recharge areas, geological hazard areas, flood hazard areas, fish and wildlife conservation areas, and wetlands as required by the Growth Management Act; making findings of fact and the following amendments; providing for severability; establishing an effective date and for summary publication by title only. These materials were received on March 17, 2016 and processed with the Material ID # 22187.

City of Woodinville - Adopted Ordinance No. 626 adopting zoning amendments to Chapter 21.08 WMC permitted uses and to the city's zoning map pursuant to RCW 35A.63.220 and RCW 36.70A.390; and providing for severability; and establishing and effective date. These materials were received on March 17, 2016 and processed with the Material ID # 22188.

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than May 16, 2016. Please remember to submit the final adopted amendment to Commerce within ten (10) days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491.

Sincerely,

Review Team
Growth Management Services

STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

April 21, 2016

The Honorable Bernie Talmas
Mayor of Woodinville
17301 133rd Avenue Northeast
Woodinville, Washington 98072

Dear Mayor Talmas:

Thank you for sending Growth Management Services adopted Ordinance No. 605 and Ordinance No. 626 that we received on March 17, 2016. These materials indicate the completion of the comprehensive plan and development regulation update process required under RCW 36.70A.130. Your community has reviewed its comprehensive plan and development regulations, including critical areas, to ensure the community is growing as envisioned and to bring your plan up to date with the latest laws and regulations. We recognize the substantial investment of time, energy, and resources that these documents represent, and we congratulate you for completing this process.

Congratulations to you, your planning commission, staff, and involved citizens for the good work represented by your update. If you have any questions or concerns about our comments or any other growth management issues, please call Anthony Boscolo at (360) 259-6795. We extend our continued support to the City of Woodinville in achieving the goals of growth management.

Sincerely,

Jeffrey S. Wilson, AICP
Senior Managing Director
Growth Management Services

AB:JSW:lw

cc: David Kuhl, AICP, Development Services Director, City of Woodinville
David Andersen, AICP, Eastern Region Manager, Growth Management Services
Ike Nwankwo, Western Region Manager, Growth Management Services
Anthony Boscolo, AICP, Senior Planner, Growth Management Services

Puget Sound Regional Council
PSRC

April 29, 2016

Bernie Talmas, Mayor
City of Woodinville
17301 133rd Avenue NE
Woodinville, WA 98072

Dear Mayor Talmas,

I would like to extend my thanks to you and your staff for working with PSRC through the comprehensive plan update and certification process, as well as my congratulations on completing the periodic update. On February 25, 2016, the Puget Sound Regional Council's Executive Board acted to certify the City of Woodinville Comprehensive Plan. This recognizes that the majority of transportation-related provisions of the plan meet certification requirements – including conformity with Growth Management Act requirements for transportation planning and consistency with VISION 2040 and Transportation 2040. We have appreciated working with your staff through this process and congratulate the city on this important accomplishment.

The Growth Management Act emphasizes coordinated planning to make progress towards our shared goals and VISION 2040 has been adopted to provide an integrated and collaborative approach. This regional framework relies on local implementation for its success, and the City of Woodinville Comprehensive Plan goes a long way towards advancing many of the provisions in VISION 2040.

PSRC has prepared a **certification and consistency report** (attached) that contains a summary of PSRC's review of the City of Woodinville Comprehensive Plan. PSRC staff coordinated with city staff in the development of the report. The report describes the scope of the certification review as guided by the Plan Review Manual and Local Comprehensive Plan Checklist, highlights exemplary provisions of the plan, and identifies areas where future work is needed to more fully address VISION 2040, Transportation 2040, or Growth Management Act planning requirements.

Thank you for working with us through the plan review and certification process. Additional resources and information are available online at *psrc.org/growth/planreview*, and PSRC staff are available to provide assistance and review future plan updates as they are being developed. If you or your staff have questions or need additional information regarding the review of local plans or the certification process, please contact Erika Harris at eharris@psrc.org, phone (206) 464-6360.

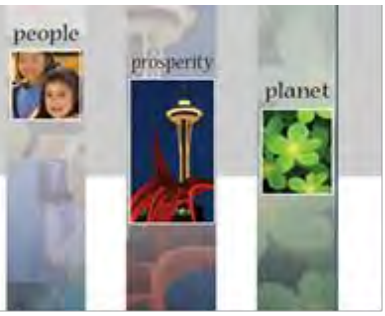
Sincerely,

J. W. Brown

Josh Brown, Executive Director
Puget Sound Regional Council

cc: Dave Kuhl, Development Services Director

PSRC PLAN REVIEW REPORT & CERTIFICATION RECOMMENDATION



CITY OF WOODINVILLE COMPREHENSIVE PLAN

January 28, 2016

BACKGROUND

The Washington State Growth Management Act calls for coordination between local, regional, and state planning efforts. To advance this coordination, state law requires PSRC to certify that regional transit plans, countywide planning policies, and local comprehensive plans within the central Puget Sound region conform to: (1) established regional guidelines and principles, (2) the adopted long-range regional transportation plan, and (3) transportation planning requirements in the Growth Management Act. Within the central Puget Sound region, the multicounty planning policies in VISION 2040 have been established as the regional guidelines and principles under Revised Code of Washington (RCW) 47.80.026. Certification of local comprehensive plans is also a requirement for jurisdictions and agencies that intend to apply for PSRC funding or proceed with any project submitted into the Regional Transportation Improvement Program, regardless of funding source.

Within the central Puget Sound region, local governments and PSRC have worked together to develop an overall process (Adopted Policy and Plan Review Process, Revised September 2003) for reviewing and certifying local, countywide, regional, and transit agency policies and plans.[1] This process also provides an opportunity to coordinate and share information related to local and regional planning. A set of materials, compiled in a Plan Review Manual, provides details on the review and certification process, background, and framework. The manual also provides guidance and checklists for aligning plans and policies with VISION 2040, Transportation 2040, and Growth Management Act requirements.

DISCUSSION

This report summarizes the findings and recommendations regarding the periodic update to the comprehensive plan for the City of Woodinville, adopted by the city on December 15, 2015. PSRC last certified the City of Woodinville's comprehensive plan in February 2012. PSRC staff reviewed the updated 2015 comprehensive plan and coordinated with city staff in the development of this report.

CERTIFICATION RECOMMENDATION

Based on the review of the City of Woodinville comprehensive plan, the following action is recommended to the PSRC Growth Management Policy Board, Transportation Policy Board, and Executive Board:

> **The Puget Sound Regional Council certifies that the transportation-related provisions in the City of Woodinville 2015 comprehensive plan update conform to the Growth Management Act and are consistent with multicounty planning policies and the regional transportation plan.**

The remainder of this report contains a summary of the PSRC review of the City of Woodinville comprehensive plan update. Under each heading, the scope of the certification review, as guided by the Plan Review Manual and

[1] The certification requirement in the Growth Management Act is described in RCW 47.80. The specific requirements for transportation elements in local comprehensive plans are spelled out in RCW 36.70A.070. PSRC's Interlocal Agreement, Section VII, also provides direction for the review of local comprehensive plans and countywide policies (Resolution A-91-01, amended March 1998). The Council's Executive Board last updated its process for Policy and Plan Review in September 2003. The process is also described in VISION 2040, Part IV: Implementation.

Local Comprehensive Plan Checklist, is listed in high level bullets. Discussion in each topic area highlights exemplary provisions of the plan, as well as issues identified through the certification review where future work is needed to more fully address VISION 2040, Transportation 2040, and Growth Management Act planning requirements.

Part I: Conformity with Growth Management Act Transportation Planning Requirements

SCOPE OF REVIEW

The Growth Management Act (RCW 36.70A.070(6)) includes several requirements related to transportation elements in local comprehensive plans. These requirements are summarized as follows:

Land use assumptions and forecasts of travel demand that are internally consistent and consistent with growth targets.

Service and facility needs, including inventories of existing facilities, and level-of-service standards and concurrency provisions that address multiple modes of travel, planned land uses and densities, and state highways.

Financing and investments, including a multiyear financing plan and reassessment strategy to address potential funding shortfalls.

Intergovernmental coordination with neighboring cities, counties, and regional and state agencies.

Demand management, including programs to implement the Commute Trip Reduction Act.

Pedestrian and bicycle planning, including project funding and capital investments, education, and safety.

Land uses adjacent to airports, identifying relevant facilities, existing and planned uses, and policies that discourage incompatible uses.

Air quality is largely an interjurisdictional issue in which each jurisdiction's travel behaviors, measured through vehicle emissions, affect the regional airshed. The Washington Administrative Code (WAC) requires local transportation elements and plans to include "policies and provisions that promote the reduction of criteria pollutants" for mobile sources (WAC 173-420-080). When PSRC reviews plans, it also certifies that the comprehensive plans include air quality policies and provisions, including a commitment to meeting the requirements of applicable federal and state air quality legislation.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The City of Woodinville's comprehensive plan effectively addresses many of the transportation planning requirements of the Growth Management Act and includes adequate air quality policies and provisions. Highlights include:

- ☑ The plan directs the city to provide for a complete system of sidewalks in the downtown area that connects the retail areas to transit, the regional trail system, parking, parks and public facilities (Policy T-2.5).
- ☑ Policies T-4.1.B, C and D provide the basis for multimodal level-of-service standards, including pedestrian, bicycle and transit standards.
- ☑ Policy T-7.1 promotes using Transportation Demand Management techniques to help increase the person-carrying capacity of the transportation system, reduce peak period traffic congestion, encourage the use of high-occupancy vehicles, and increase use of public transportation.

DISCUSSION: AREAS FOR FURTHER WORK

The city should address the following comment at the earliest opportunity through future amendments to the comprehensive plan, subarea plans, or functional plans:

☐ RCW 36.70A.070(6)(a)(iv) requires local plans to include a multiyear transportation financing plan for the mobility needs identified for the 20-year planning period. The plan provides important information such as lists of transportation projects with estimated costs. Financing needs through 2035 could be more clearly identified if the estimated costs and revenues were assembled and summed in a table. Based on the comparison of estimated costs and revenues, it may be necessary to revise and expand on the current reassessment strategy to document steps the city could take to close the gap, if any, between costs and revenues. Commerce's Transportation Element Guidebook discusses finance on pages 202 through 212.

Part II: Consistency with Regional Plans and Policies

OVERVIEW

This section discusses consistency with the adopted multicounty planning policies (established regional guidelines and principles under RCW 47.80.026) adopted in VISION 2040, and Transportation 2040, the region's long-range transportation plan. In addition to the multicounty planning policies, VISION 2040 contains a regional growth strategy with a preferred distribution of the region's residential and employment growth, as well as a number of implementation actions for local governments to carry out. Each policy area addressed in VISION 2040 is discussed in turn below.

VISON 2040 Context Statement

VISION 2040 calls for local plans to include a context statement that describes how the comprehensive plan addresses regional policies and provisions adopted in VISION 2040. The Regional Plan Coordination section in Chapter 1 describes how the comprehensive plan addresses regional policies and provisions adopted in VISION 2040.

Environment

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following environmental policy topics:

Stewardship, including addressing the natural environment throughout the plan, decisions based on best-available science, and regional environmental initiatives.

Earth and habitat, including open space protection, restoration and protection of native vegetation, and coordination with adjacent jurisdictions.

Water quality, including actions that maintain hydrologic functions and reduce water pollution in ecosystems, watersheds, shorelines, and estuaries.

Air quality and climate change, addressing federal and state laws, reduction of pollutants, Puget Sound Clean Air Agency policies, and reduction of greenhouse gas emissions and adaptation to climate change.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The Woodinville comprehensive plan addresses the environmental policy topics in VISION 2040 with strong goals and actionable policies. Highlights include:

- ☑ Goal E-1 and Policies E-1.1-12 encourage the preservation and enhancement of aquatic and wildlife habitat through strategies such as protecting critical areas, providing restoration incentives, and encouraging preservation of the urban forest.
- ☑ Goal E-3 and Policies E-3.1-5 protect and improve water quality and management of water quantity through promoting low impact development techniques and reduction of impervious surfaces.
- ☑ The plan includes provisions to protect air quality and proactively address climate change adaptation and mitigation (Goal E-5 and Policies E-5.1-3).

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with regional environmental guidelines and principles.

Development Patterns – Including Regional Growth Strategy

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following development patterns policy topics:

Urban areas, including targets for housing and employment growth, compact communities that support transit and walking, and provisions for redevelopment of underused land.

Centers, including planning for one or more central places as locations for compact, mixed-use development, with policies that prioritize funding to centers to advance development.

Unincorporated urban areas, including policies that advance annexation and orderly transition of governance.

Resource lands, including identification of steps to limit development.

Regional design, addressing local provisions that apply the Transportation 2040 Physical Design Guidelines, energy efficient building, historic preservation, and enhanced sense of community.

Health and active living, addressing healthy environment, physical activity and well-being, and safety.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses many of the development patterns policies in VISION 2040. Highlights include:

- ☑ Policy LU-2.1 directs the city to focus growth in compact and inviting mixed-use centers that have the capacity to absorb development (i.e., areas with vacant or underdeveloped land and available utility, street, park, and school capacity, or where such facilities can be effectively provided) and where environmental impacts can be minimized. Policy T-3.3 D supports this center strategy by encouraging the allocation of resources for downtown improvements.
- ☑ The plan promotes land use and community design that encourage healthy living through encouraging active transportation, providing recreational facilities, and increasing access to healthy foods (Goal LU-3 and Policies LU-3.1-5).
- ☑ Goal LU-6 and Policies LU-6.1-4 encourage the development and integration of inviting and distinctive public spaces throughout the city with greatest emphasis in downtown, mixed-use areas, and within multifamily districts.
- ☑ The plan supports the efficient use of urban land by promoting infill development (Policy H-2).

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with regional land use guidelines and principles.

Housing

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following housing policy topics:

Increased housing production opportunities, including diverse types and styles for all income levels and demographic groups.

Affordable housing needs, including an assessment of existing and future housing needs based on regional and local factors, including household income, demographics, special needs populations, and adequacy of existing housing stocks.

Regional housing objectives in VISION 2040, including promotion of housing diversity and affordability, jobs-housing balance, housing in centers, and flexible standards and innovative techniques.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses the housing provisions contained in VISION 2040. Highlights include:

- ☑ The plan supports a variety of housing types through encouraging mixed use development, small and large lot single family development, accessory dwelling units, townhomes, duplexes, multiplexes, apartments, and manufactured housing (Policy H-1).
- ☑ Policy H-3 directs the city to accommodate Woodinville's regionally determined housing growth target and support regional objectives for housing diversity, affordability, innovative and flexible techniques, and jobs-housing balance.
- ☑ The plan promotes affordable housing by calling for height and density bonuses for affordable housing, a first-time homebuyers program for low- or moderate-income buyers, and permit and impact fee waivers for affordable units (Policy H-9).

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with regional housing guidelines and principles.

Economy

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following economic development policy topics:

Include an **economic development element** that addresses: business, people, and places.

Retention and recruitment efforts that support family wage jobs, industry clusters that export goods and services, and small businesses that are locally owned.

Equitable benefits and impacts, including provisions and programs that promote economic vitality in distressed areas or areas with disadvantaged populations.

Adequate housing growth in centers through collaboration with the private sector and provision of infrastructure.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan addresses many of the economic provisions of VISION 2040. Highlights include:

- ☑ The plan encourages the growth and diversification of the city's businesses by focusing business attraction and retention efforts on targeted sectors and locally owned firms (Goal ED-1 and Policy ED-1.1).
- ☑ Policy ED-1.6 supports small businesses, professional businesses, and businesses that serve minority populations through preserving lower cost incubator space through zoning and incentives, partnering with the Chamber and local educational institutions to provide business support programs, and conducting regular business outreach to understand how the city can ease the challenges of local small businesses including, codes, fees, and access to city services.
- ☑ The plan supports the quality and quantity of Woodinville's job base and businesses by directing the city to increase housing options for residents and workers for a mix of income levels (Policy ED-3.1).

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with regional guidelines and principles on economic development.

Transportation

SCOPE OF REVIEW

VISION 2040 and Transportation 2040 call for local comprehensive plans to address the following transportation policy topics:

Maintenance, management, and safety, including clean transportation with reductions in pollution and greenhouse gas emissions, environmental factors, health and safety, stable and predictable funding sources, system and demand management strategies, and security and emergency response.

Support for the regional growth strategy, including system improvements that align with planned growth, prioritized investments that support compact development in centers, joint- and mixed-use development, complete streets and improvements to promote biking and walking, and context-sensitive design.

Improved transportation options and mobility, including alternatives to driving alone, facilities and services for special needs transportation, avoidance of new or expanded facilities in rural areas, and financing methods.

Linking land use and transportation, including integrating Transportation 2040 physical design guidelines in planning for centers and transit station areas, and land development tools that promote transportation alternatives.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The Woodinville comprehensive plan addresses the major transportation emphases in VISION 2040 and Transportation 2040, including maintenance, management, and safety; support for the Regional Growth Strategy; and providing greater options and mobility. Highlights include:

- ☑ Policy T-3.1 E directs the city to design transportation infrastructure in a manner that is compatible with the natural environment by incorporating features based on science and low-impact development approaches.
- ☑ The plan supports emergency preparedness through committing to continue membership in the Emergency Services Coordinating Agency, or other coordinating agency, and to ensure that future transportation planning efforts are consistent with regional hazard mitigation plans (Policy T-3.7).
- ☑ Goal T-6 and Policies T-6.1-6 promote nonmotorized travel through a commitment to ensuring safety, convenience, and comfort. This includes development of a community-wide trail system with connections to regional trails.

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with regional transportation guidelines and principles. See Part I for the comment on Conformity with Growth Management Act Transportation Planning Requirements.

Public Services

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following public services policy topics:

Promote more efficient use of existing services, such as waste management, energy, and water supply, through conservation – including demand management programs and strategies.

Promote renewable energy and alternative energy sources.

Plan for long-term water needs, including conservation, reclamation and reuse.

Discussion: Exemplary Plan Provisions

The Woodinville comprehensive plan update contains policies that address the public services provisions of VISION 2040. Highlights include:

- ☑ The plan encourages reduced energy consumption, conservation, the use of renewable technologies, and energy responsible land use decisions (Goal U-2 and Policy U-2.1).
- ☑ Policy U-3.1 promotes recycling, creative solutions to reduce waste, and conservation of resources.
- ☑ The plan encourages and supports conservation strategies aimed at reducing average annual and peak day water use (Policy E-6.5).

Discussion: Areas for Further Work

The certification review did not identify any major areas for improvement of the plan to better align with regional public services guidelines and principles.

Conclusion

PSRC staff thanks the city for working through the plan review and certification process. PSRC is available to provide assistance for future plan updates. Additional planning resources can also be found at http://www.psrc.org/growth/planreview/resources/. If the city has questions or needs additional information, please contact Erika Harris at 206-464-6360 or eharris@psrc.org.