Comprehensive Plan & Municipal Code Update

June 2, 2015

BERK MAKERS architecture · planning · urban design

Planned Action Ordinance

What is in an environmental impact statement (EIS)?

- An EIS provides information on:
  - Current study area conditions,
  - Potential alternatives,
  - Natural and built environment impacts,
  - Mitigation measures, and
  - Significant, unavoidable adverse impacts

Non-project EIS focuses on alternatives and areawide/cumulative effects

Status

Scoped – 30 days in early 2014

Issued Draft EIS + Comment period 11/17/14 – 1/9/15

Innovative SEPA Tools

- SEPA provides for innovative advanced environmental review in conjunction with GMA planning to:
  - Streamline growth consistent with a community's plans, and
  - Recognize the detailed development regulations already in place (e.g. zoning, critical areas, transportation concurrency, etc.)

Tools:

Planned Action EIS & Ordinance

Programmatic EIS with Mixed Use/Infill Exemption

Programmatic EIS for Sub-Area Plans and Transit Stations

Advancing CBD Vision

- Use SEPA tools to facilitate adopted CBD Plan with either:
  - Planned Action Ordinance
  - Mixed Use/Infill Exemption

Draft ordinances in DEIS appendix

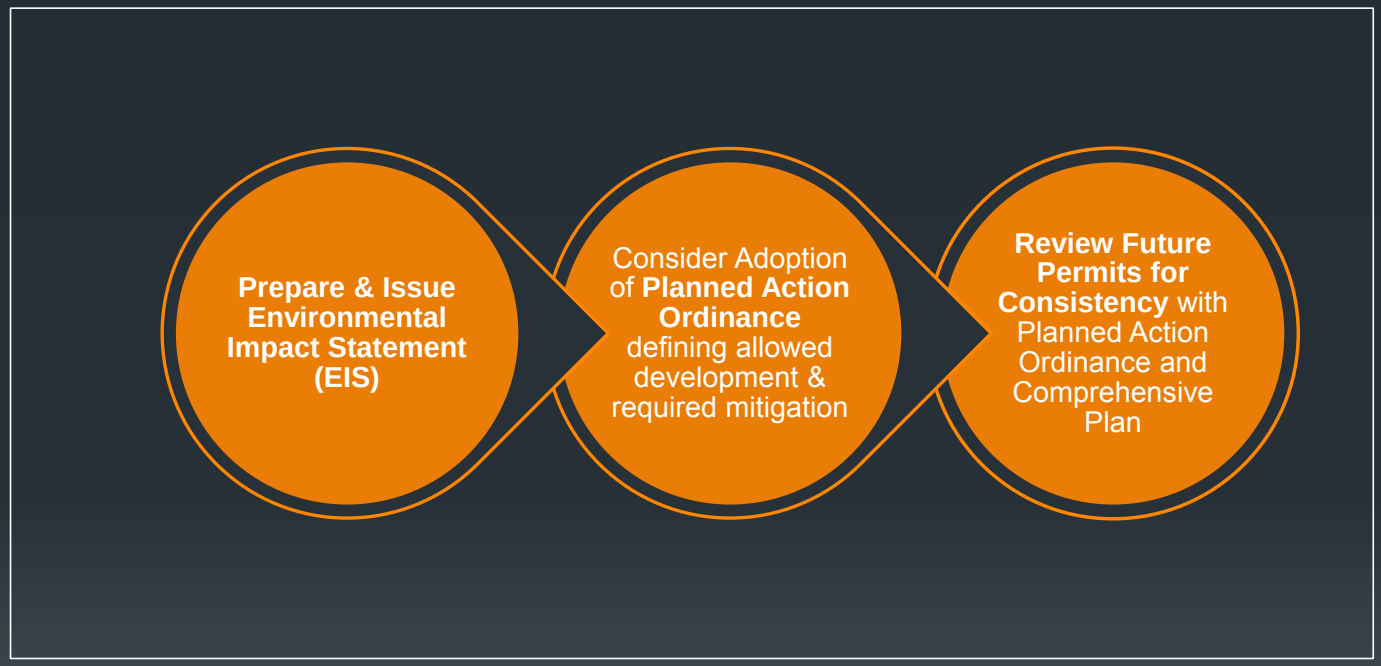
Recommend Planned Action to move forward

- Well trod path
- Predictable
- More flexible

Purpose of Planned Action

- A Planned Action:
  - Studies the environmental impact of proposed development in a designated subarea within a city or UGA
  - Identifies the type and amount of development (e.g. units, trips)
  - Shifts environmental review to the planning stage rather than permit stage
  - Means future proposals would not need additional SEPA if consistent with planned action assumptions & mitigation
    - *Proposals still go through permit review.*
  - Helps facilitate investment in the study area

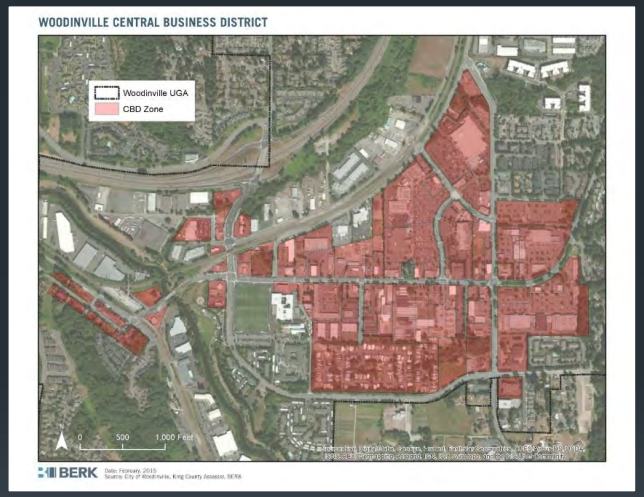
Steps in Planned Action Process



City's permit process and noticing still applies to planned actions.

Planned Action Area

- CBD anticipated to accommodate:
  - more than half of the City's future growth in housing and
  - more than two-thirds of the City's future jobs.
- Focus of growth in CBD helps protect other residential neighborhoods from change in desired density (e.g. R-1).



Considerations

Positive Features

- More analysis up front at plan stage
- Expedited process for development consistent with plans and ordinances
- Clear rules – mitigation measures in ordinance
- Code still applies
- Review process to assure that original analysis is still applicable – can address something unanticipated
- Monitoring

Potential Concerns

- Requires agencies and public to pay attention early
- Relies on strength of code and permit process

City has a strong code – for example

- Design Standards
- Transportation Concurrency
- Stormwater Manual
- Critical Areas Regulations
- Codes in place at the time will apply – allows evolution of standards

Planned Action will require mitigation measures in addition to the Code

Ordinance Components

- Recitals, Purpose, Findings: Facts, procedures, laws.
- Procedures and Criteria for Evaluating and Determining Planned Action Projects within Planned Action Area:
  - Thresholds for growth, land use, and transportation.
  - Establishes criteria for planned action applications.
- Monitoring and Review:
  - Establishes a review process to monitor the progress of the Planned Action.
- Exhibits

Ordinance Exhibits

- **Exhibit A:**
  - Identifies the boundary of the Planned Action Area, the CBD.
- **Exhibit B:**
  - Identifies Planned Action EIS Mitigation Measures that apply to new development.
  - Mitigation addresses natural and built environment topics such as water resources and public services and utilities.
- **Exhibit C:** Agency actions

Mitigation Measures

- **Water Resources:**
  - Use of 2012 Ecology Stormwater manual – requires LID
  - Suggest clarifying 2012 manual or "its equivalent and as amended"

    City will need to adopt this manual or an equivalent by 2016 citywide per NPDES Phase II requirements

    City will continue to implement its 2010 stormwater management plan
- **Plants and Animals:**
  - Incorporate native planting and other special habitat features based on the recommendations of a critical area review
- **Aesthetics:**
  - Buildings over 3 stories in height or commercial over 25K square feet – axonometric or other three dimensional drawing or model illustrating the massing of the proposed project required

Mitigation Measures (cont.)

- **Transportation**
  - Draft EIS Alternative 2 transportation improvements, Transportation Master Plan, and the Woodinville Municipal Code.
- **Public Services and Utilities**
  - Design street layouts and recreation areas that promote visibility for residents and police.
  - Street and sidewalk lighting and safety measures for vehicles, cyclists, and pedestrians shall be to meet crime prevention through environmental design (CPTED) principles.
- **Cultural Resources**
  - Stop work if resources are uncovered
  - For future projects that involve significant excavation in the study area the City must enter into consultation with DAHP
  - If needed, a study may required to identify potential impacts and mitigation measures to avoid or minimize impacts
  - Require the development prepare an archaeological unanticipated discovery plan if near existing waterways

Planned Action Review

- Ongoing review – with each application
  - Application Form / Checklist
  - Determine if criteria are met
  - Ensure compliance with Comp Plan and Downtown Plans and Code
  - Consider environmental conditions are similar to those of EIS
  - Subject to land use and transportation thresholds
- Code compliance and inspections required as with any development
- Additional substantive review of Ordinance – in 5 years at minimum

CRITICAL AREAS ORDINANCE
ORDINANCE NO. 605

UPDATES

- Critical areas last reviewed in April 2015
- Revisions include:
  - Inclusion of urban streams
  - Streams updated to meet state's rating system and the Shoreline Master Program
  - "Geologically hazardous" to "geologically sensitive"
  - Language for constructing in conformance with report recommendations
  - Revisions to roads alterations in wetlands

ORGANIZATION

Administration

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

Individual Critical Areas

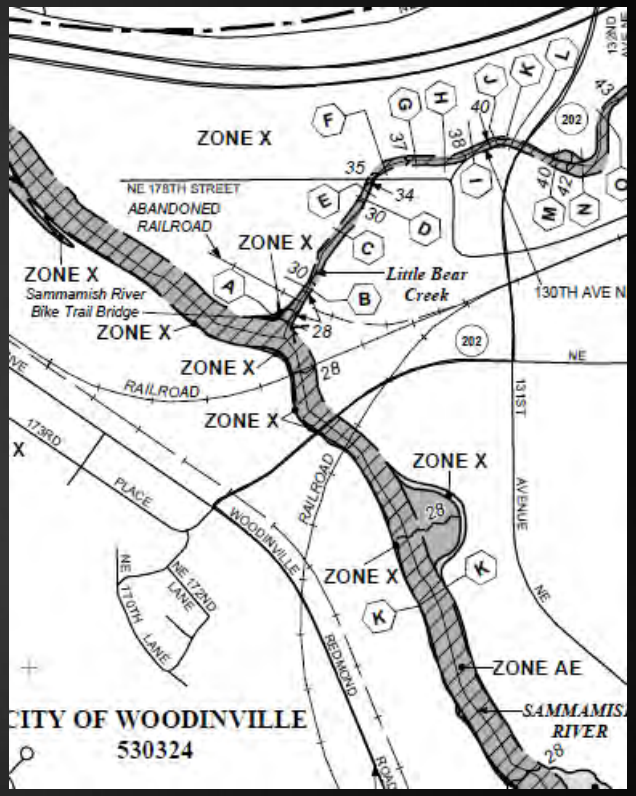
- Critical Aquifer Recharge Areas
- Geologically Sensitive Areas
- Wetlands
- Frequently Flooded Areas
- Fish and Wildlife Habitat Conservation Areas

CRITICAL AQUIFER RECHARGE (200-240)

- Removed Category I CARA – City does not have a sole source aquifer
- No significant changes to section
- Added critical area report requirements

FREQUENTLY FLOODED AREAS (350-380)

- Includes floodplains (100-year flood) identified in FEMA maps and documents
- Requirements for development and alterations
- Specific report requirements



FEMA Flood Insurance Rate Map

GEOLOGICALLY SENSITIVE AREAS (250-270)

- Includes areas that may be susceptible to seismic, erosion, or landslide hazards
- Properties with geologically sensitive areas require additional review
  - Review includes examining specific site conditions AND engineering design measures on a case-by-case basis
- Primary changes to code section include adding criteria such as criteria for altering sensitive areas, analysis, and report requirements

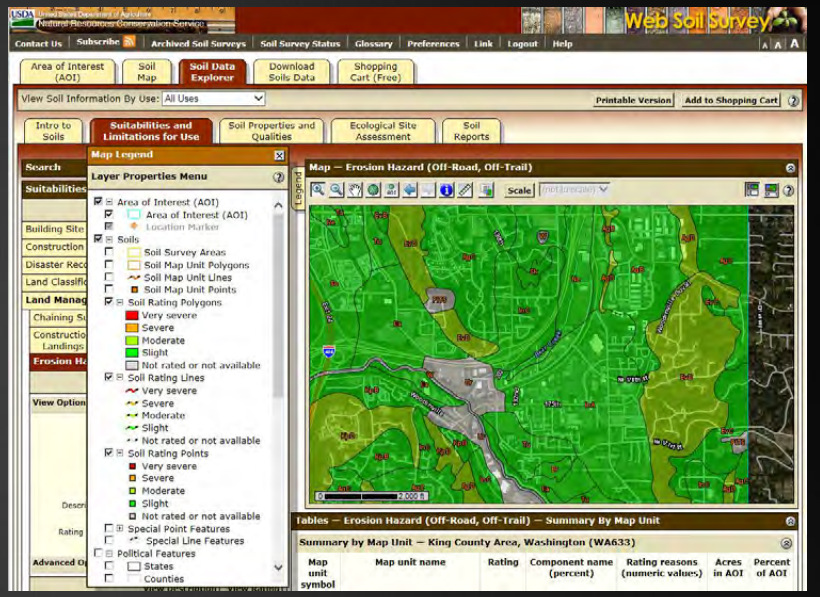
GEOLOGICALLY SENSITIVE AREAS (250-270)

Erosion hazard areas

- Identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a severe to very severe erosion potential

Seismic hazard areas

- Areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, surface rupture, or soil liquefaction
- Depends on soil type, groundwater table elevation, and other factors identified in geotechnical reports



USDA Natural Resource Conservation Service Web Soil Survey

GEOLOGICALLY SENSITIVE AREAS (250-270)

Landslide hazard areas

- Areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. Typically includes areas with:
  - Historic soil movements or failures
  - Stream bank erosion
  - Slopes with groundwater seepage and permeable soils over bedrock
  - Slopes over 40% and more than 10 feet in height

GEOLOGICALLY SENSITIVE AREAS (250-270)

- Development standards
  - Will not increase the threat of the geological hazard, soil movement, or slope instability to adjacent properties beyond predevelopment conditions
  - Will not adversely impact other critical areas or their buffers
  - 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 beyond predevelopment condition to the project or its associated land use and
  - Are designed and constructed in conformance with the recommendations of the critical areas report.

GEOLOGICALLY SENSITIVE AREAS (250-270)

- Individual standards created each type of hazard
  - Design standards for structures (right)
  - Criteria for alteration to hazard areas
  - Requirements for utilities, seasonal restrictions, and vegetation preservation
  - Buffers (erosion and landslide hazard only)
  - Report requirements
    - Hazard analysis
    - Geotechnical engineering report
    - Erosion control plans
    - Drainage plans
    - Mitigation assessment

EROSION AND LANDSLIDE HAZARD DESIGN STANDARDS

(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.

WETLANDS (300-340)

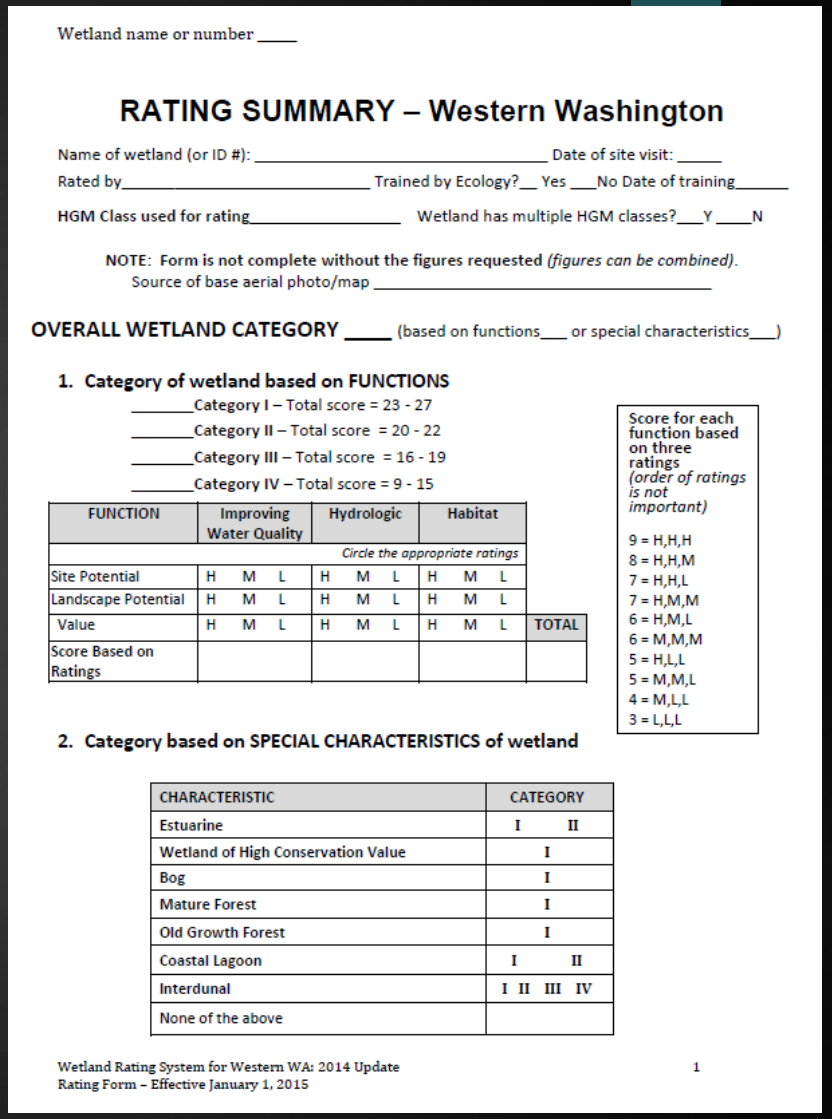
- Areas that are saturated with water on a permanent or seasonal basis. Features plant species that thrive in saturated conditions
- Key features
  - May be associated with a stream or lake, or may be isolated
  - Supports diverse range of plant and animal species
  - Treats and detains stormwater
  - Serves as flood storage and flood control
  - Serves as natural erosion control
  - Often associated with high groundwater tables

WETLANDS (300-340)

- Establishing wetlands requires field reconnaissance
- Wetland ratings impact buffer widths and development potential on sites
- Rating is based on category and habitat score

Category (points)
Category I (<23)
Category II (20-22)
Category III (16-19)
Category IV (9-15)

Habitat score (up to 9 points)
Site potential to provide habitat
Landscape potential to support habitat function
Value to society provided by the habitat



Wetland name or number ____

RATING SUMMARY – Western Washington

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

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

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

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

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

1. Category of wetland based on FUNCTIONS

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

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

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

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

2. Category based on SPECIAL CHARACTERISTICS of wetland

CHARACTERISTIC	CATEGORY
Estuarine	I II
Wetland of High Conservation Value	I
Bog	I
Mature Forest	I
Old Growth Forest	I
Coastal Lagoon	I II
Interdunal	I II III IV
None of the above	

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

WETLANDS (300-340)

Wetland buffers are based off the category and habitat scores

Category (points)
Category I (<23)
Category II (20-22)
Category III (16-19)
Category IV (9-15)

+

Habitat score (up to 9 points)
Site potential to provide habitat
Landscape potential to support habitat function
Value to society provided by the habitat

→

Wetland Category	Buffer Width according to Habitat Score			
	3-4 points	5 points	6-7 points	8-9 points
Category I (<23)	75 ft	105 ft	165 ft	225 ft
Category II (20-22)	75 ft	105 ft	165 ft	225 ft
Category III (16-19)	60 ft	105 ft	165 ft	165 ft
Category IV (9-15)	40 feet			

WETLANDS (300-340)

- Wetland buffers are based off the Washington State Wetland Rating System (BAS)
- In general, buffers are increasing in size
- No reductions included in this system
- Due to use of different systems, how many properties are impacted and by how much is unknown

EXISTING SYSTEM

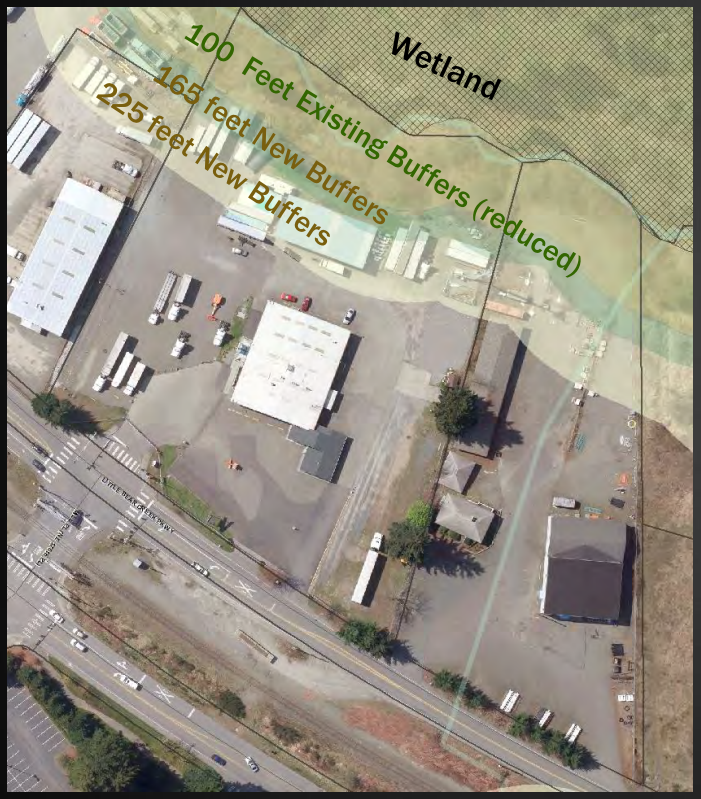
Wetland Category	Buffer width based on restoration	
	Reduced	Standard
Class 1	100 feet	150 feet
Class 2	50 feet	100 feet
Class 3	25 feet	50 feet

PROPOSED SYSTEM

Wetland Category	Buffer Width based on Habitat Score			
	3-4 points	5 points	6-7 points	8-9 points
Category I (<23)	75 ft	105 ft	165 ft	225 ft
Category II (20-22)	75 ft	105 ft	165 ft	225 ft
Category III (16-19)	60 ft	105 ft	165 ft	165 ft
Category IV (9-15)	40 feet			

WETLANDS (300-340)

Buffer Examples



WETLANDS (300-340)

Buffer Examples

FISH AND WILDLIFE HABITAT (400-440)

- Species and habitat of state, federal, and local importance
- Stream classifications using the State's Water Typing System
  - Stream buffers updated to BAS
  - Intended to have buffer reductions match existing widths
  - Type S streams will follow Shoreline Master Program

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

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

Proposed		
Type	Width	Reduction
S	See SMP	
F	150 ft	33% (99)
Np	75 ft	33% (50)
Ns	50 ft	33% (33)

FISH AND WILDLIFE HABITAT (400-440)

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

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

FISH AND WILDLIFE HABITAT (400-440)

- Urban Stream Designation included in code with revised language

The City may designate a stream as "urban" if all of the following criteria are met:

- The stream is not a Type S stream
- 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;
- The stream has degraded channel conditions (e.g., presence of piping, sedimentation, channelization, etc.)
- The stream has buffers that are currently degraded or developed
- The portion of the buffer affecting the subject property or development is located within the CBD, GB or I zones
- 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

QUESTIONS