

CITY OF BUCKLEY 2016 CRITICAL AREAS ORDINANCE (CAO) UPDATE – FINAL GAP ANALYSIS

NUMBER	CODE REFERENCE	EXISTING LANGUAGE	GAP IDENTIFIED	PROPOSED CODE CHANGES	CITY COMMENTS	AHBL RESPONSE
1	12.08.035 Definitions	“Adaptive management” relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty.	Revise definition to be consistent with SMP	“Adaptive management” <u>means a systematic process for improving management policies and practices by learning from the outcomes of previous policies and practices. Related to compensatory mitigation, it involves the permittee and the agencies discussing the problems occurring on a compensation site and coming to agreement on possible solutions or alternative approaches necessary to bring the site into compliance.</u> <del>relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty.</del>		
2	12.08.035 Definitions	“Adjacent” means immediately adjoining (in contact with the boundary of the influence area) or within a distance that is less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. “Adjacent” shall mean any activity or development located:  (a) On a site immediately adjoining a critical area.	Revise definition to be consistent with SMP	“Adjacent” means immediately adjoining (in contact with the boundary of the influence area) or within a distance that is less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. “Adjacent” shall mean any activity or development located: <u>(1) On a site immediately adjoining a critical area;</u> <u>(2) A distance equal to or less than the required critical area buffer width and building setback;</u> <u>(3) A distance equal to or less than one-half mile (2,640 feet) from a bald eagle nest;</u> <u>(4) A distance equal to or less than three hundred (300) feet upland from a stream, wetland, or water body;</u> <u>(5) Bordering or within the floodway, floodplain, or channel migration zone;</u> <u>A distance equal to or less than two hundred (200) feet from a critical aquifer recharge area.</u>		
3	12.08.035 Definitions	N/A	Add definition from SMP	“Fill” <u>means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material that raises the elevation or creates dry land.</u>		
4	12.08.035 Definitions	Fish and Wildlife Habitat Conservation Areas. “Fish and wildlife habitat conservation” means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean cooperative and coordinated land use planning is critically important among counties and cities in a region. In some cases, intergovernmental cooperation and coordination may show that it is sufficient to assure that a species will usually be found in certain regions across the state. (a) Fish and wildlife habitat conservation areas include: (i) Areas with which endangered, threatened, and sensitive species have a primary association; and (ii) Habitats and species of local importance; and (iii) Commercial and recreational shellfish areas; and (iv) Kelp and eelgrass beds; herring and smelt spawning areas; and (v) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; and (vi) Waters of the state; and (vii) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; or (viii) State natural area preserves and natural resource conservation areas.	Revise definition to be consistent with RCW definition	Fish and Wildlife Habitat Conservation Areas. “Fish and wildlife habitat conservation” means land management for maintaining species in suitable habitats within their natural geographic distribution so that <u>the habitat available is sufficient to support viable populations over the long term and</u> isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does <u>mean not degrading or reducing populations or habitats so that they are no longer viable.</u> <del>mean cooperative and coordinated land use planning is critically important among counties and cities in a region. In some cases, intergovernmental cooperation and coordination may show that it is sufficient to assure that a species will usually be found in certain regions across the state.</del> (1) Fish and wildlife habitat conservation areas include: (a) Areas with which endangered, threatened, and sensitive species have a primary association; and (b) Habitats and species of local importance; and (c) Commercial and recreational shellfish areas; and (d) Kelp and eelgrass beds; herring and smelt spawning areas; and (e) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; and (f) Waters of the state; and (g) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; or (h) State natural area preserves and natural resource conservation areas. (2) <u>Fish and wildlife habitat conservation areas does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company, and/or other government agencies.</u>		
5	12.08.035 Definitions	N/A	Add definition from SMP	“Flood hazard management projects” <u>are those actions taken with the primary purpose of preventing or mitigating damage because of flooding. Flood hazard management projects or programs may employ any or several physical or regulatory controls, including dikes, dams, lakes, engineered floodways, bioengineering, planning and zoning (land use management). These provisions also apply to repair and maintenance of flood hazard management systems if the systems are enlarged or otherwise modified.</u>		
6	12.08.035 Definitions	N/A	Add definition to support wetland buffer table for	<u>-Definition included in 12.09.030(6)(a). High intensity means Commercial, Urban, Industrial, Institutional, Retail Sales, Residential with more than 2 units/acre, New agriculture (high- intensity processing such as dairies,</u>		

CITY OF BUCKLEY 2016 CRITICAL AREAS ORDINANCE (CAO) UPDATE – FINAL GAP ANALYSIS

NUMBER	CODE REFERENCE	EXISTING LANGUAGE	GAP IDENTIFIED	PROPOSED CODE CHANGES	CITY COMMENTS	AHBL RESPONSE
7	12.08.035 Definitions	“Hydric soil” means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.	lo/mod/high intensity land use buffers  Remove reference to outdated Wetland Identification and Delineation Manual	<del>nurseries and green houses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), High intensity recreation (golf courses, ball fields), hobby farms.</del>  “Hydric soil” means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the <a href="#">Washington State Wetland Identification and Delineation Manual</a> <del>approved Federal wetland delineation manual and applicable regional supplements.</del>		
		“Hydrophytic vegetation” means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.	Remove reference to outdated Wetland Identification and Delineation Manual	“Hydrophytic vegetation” means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the <a href="#">approved Federal wetland delineation manual and applicable regional supplements</a> <del>Washington State Wetland Identification and Delineation Manual.</del>		
9	12.08.035 Definitions	“Isolated wetlands” means those Class IV wetlands which are less than two acres in size and/or Class III wetlands less than one-third acre in size and: (a) Are outside of and not contiguous to any 100-year floodplain of a lake, river or stream; and (b) Have no contiguous hydric soils between the wetland and any surface waters.	Revise per comments from Department of Ecology:  “Isolated wetlands means those Class IV wetlands that: (a) Are outside of and not contiguous to any 100-year floodplain of a lake, river or stream; and (b) (b) Have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface waters.”	“Isolated wetlands” means those Class IV wetlands <del>which are less than two acres in size and/or Class III wetlands less than one-third acre in size and that:</del> (1) Are outside of and not contiguous to any 100-year floodplain of a lake, river or stream; and (2) Have no contiguous hydric soils between the wetland and any surface waters.	Buckley lies on the Oseola Mudflow is almost 100% hydric. It makes it really restrictive.	Propose leaving definition as is.
10	12.08.035 Definitions	N/A	Add definition to support wetland buffer table for lo/mod/high intensity land use buffers	<a href="#">Definition included in 12.09.030(6)(a). Low intensity means Forestry, Open space (low-intensity such as passive recreation and natural resources preservation)</a>		
11	12.08.035 Definitions	“Mitigation” means avoiding, minimizing or compensating for adverse critical areas impacts. “Mitigation,” in the following order of preference, means: (a) Avoiding the impact altogether by not taking a certain action or parts of an action; (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts; (c) Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project; (d) Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other	Revise definition to be consistent with SMP	“Mitigation” means avoiding, minimizing or compensating for adverse critical areas impacts. “Mitigation <del>sequencing;</del> ” in the following order of preference, means: (1) Avoiding the impact altogether by not taking a certain action or parts of an action; (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts; (3) Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project; <del>(4) Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;</del> <del>(5)(4)</del> Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action; <del>(6)(5)</del> Compensating for the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and <del>(7)(6)</del> Monitoring the hazard or other required mitigation and taking remedial <del>action or corrective measures</del>		

CITY OF BUCKLEY 2016 CRITICAL AREAS ORDINANCE (CAO) UPDATE – FINAL GAP ANALYSIS

NUMBER	CODE REFERENCE	EXISTING LANGUAGE	GAP IDENTIFIED	PROPOSED CODE CHANGES	CITY COMMENTS	AHBL RESPONSE
		<p>methods;</p> <p>(e) Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;</p> <p>(f) Compensating for the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and</p> <p>(g) Monitoring the hazard or other required mitigation and taking remedial action when necessary.</p> <p>Note: Mitigation for individual actions may include a combination of the above measures.</p>		<p>when necessary.</p> <p>Note: Mitigation for individual actions may include a combination of the above measures.</p>		
12	12.08.035 Definitions	N/A	Add definition to support wetland buffer table for lo/mod/high intensity land use buffers	Definition provided in 12.09.030(6)(a). Moderate intensity means Residential with 2 units/acre or less, Moderate-Intensity Open Space (parks), New agriculture (moderate-intensity such as orchards and hay fields)		
13	12.08.035 Definitions	<p>“Priority habitat” means habitat type or elements with unique or significant value to one or more species as classified by the Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element (WAC 173-26-020(34)).</p>	Revise definition to be consistent with SMP. New reference is WAC 173-26-020(28).	<p>“Priority habitat” means habitat type or elements with unique or significant value to one or more species as classified by the Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element (WAC 173-26-020(28)).</p>		
14	12.08.035 Definitions	<p>“Water typing system” means waters classified according to WAC 222-16-031 as follows:</p> <p>(1) “Type 1 water” means all waters, within their ordinary high water mark, as inventoried as “shorelines of the state” under Chapter 90.58 RCW and the rules promulgated pursuant to Chapter 90.58 RCW, but not including those waters associated with wetlands as defined in Chapter 90.58 RCW.</p> <p>(2) “Type 2 water” means segments of natural waters that are not classified as Type 1 water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:</p> <p>(a) Are diverted for domestic use by more than 100 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 of Natural Resources to be a valid appropriation of water and only considered Type 2 water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, or whichever is less;</p> <p>(b) Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type 2 water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality;</p>	Revise per WAC 222-16-030 updated water typing system.	<p>“Water typing system” means waters classified according to WAC 222-16-030<del>1</del> as follows:</p> <p>(1) “Type <del>1-S</del> water” means all waters, within their <del>ordinary high water mark</del><u>bankfull width</u>, as inventoried as “shorelines of the state” under Chapter 90.58 RCW and the rules promulgated pursuant to Chapter 90.58 RCW <del>including periodically inundated areas of their associated wetlands, but not including those waters associated with wetlands as defined in Chapter 90.58 RCW.</del></p> <p>(2) “Type <del>2-F</del> water” means segments of natural waters that are not classified as Type <del>1-S</del> waters, <del>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 areas of 0.5 acres or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following four categories: and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:</del></p> <p>(a) Are diverted for domestic use by more than 10<del>0</del> 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 of Natural Resources to be a valid appropriation of water <del>source for such users.</del> <u>and only such waters shall be</u> considered Type <del>2-F</del> water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, or whichever is less;</p> <p>(b) Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type <del>2-F</del> water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality;</p> <p>(c) Are within a federal, state, local or private campground having more than <del>30-10</del> 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, <u>trail or other park improvement;</u></p> <p><del>(d) Are used by fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:</del></p> <p><del>(i) Stream segments having a defined channel 20 feet or greater within the bankfull width and having a gradient of less than four percent.</del></p> <p><del>(ii) Lakes, ponds, or impoundments having a surface area of one acre or greater at seasonal low water; or</del></p>		

CITY OF BUCKLEY 2016 CRITICAL AREAS ORDINANCE (CAO) UPDATE – FINAL GAP ANALYSIS

NUMBER	CODE REFERENCE	EXISTING LANGUAGE	GAP IDENTIFIED	PROPOSED CODE CHANGES	CITY COMMENTS	AHBL RESPONSE
		<p>(c) Are within a federal, state, local or private campground having more than 30 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;</p> <p>(d) Are used by fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:</p> <p>(i) Stream segments having a defined channel 20 feet or greater within the bankfull width and having a gradient of less than four percent.</p> <p>(ii) Lakes, ponds, or impoundments having a surface area of one acre or greater at seasonal low water; or</p> <p>(e) 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:</p> <p>(i) The site must be connected to a fish-bearing stream and be accessible during some period of the year; and</p> <p>(ii) The off-channel water must be accessible to fish through a drainage with less than a five percent gradient.</p> <p>(3) "Type 3 water" means segments of natural waters that are not classified as Type 1 or 2 waters and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:</p> <p>(a) 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 of Natural Resources to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 waters upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;</p> <p>(b) Are used by fish for spawning, rearing or migration. The requirements for determining fish use are described in the State Forest Practices Board Manual, Section 13. If fish use has not been determined:</p> <p>(i) Waters having the following characteristics are presumed to have fish use:</p> <p>(A) Stream segments having a defined channel of two feet or greater within the bankfull width in Western Washington; or three feet or greater in width in Eastern Washington; and having a gradient of 16 percent or less.</p> <p>(B) Stream segments having a defined channel of two feet or greater within the bankfull width in Western Washington; or three feet or greater within the bankfull width in Eastern Washington, and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size in Western Washington or greater than 175 acres in contributing basin size in Eastern Washington, based on hydrographic boundaries;</p> <p>(C) Ponds or impoundments having a surface area of less than one acre at seasonal low water and having an outlet to a fish stream;</p> <p>(D) Ponds or impoundments having a surface area greater than one-half acre at seasonal low water.</p> <p>(ii) The Department of Natural Resources shall waive or modify the characteristics in subsection (c)(ii)(A) of this definition where:</p> <p>(A) Waters have confirmed, long-term, naturally occurring water quality parameters incapable of supporting fish;</p> <p>(B) Snowmelt streams have short flow cycles that do not support successful life history phases of fish. These streams typically have no flow in the winter months and discontinue flow by June 1st; or</p> <p>(C) Sufficient information about a geomorphic region is available to support a departure from the characteristics in subsection (c)(ii)(A) of this definition, as determined in consultation with the Department of Fish and Wildlife, Department of Ecology, affected tribes and interested parties.</p> <p>(4) "Type 4 water" means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type 4 waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see State Forest Practices</p>	<p><del>(e)(d)</del> <u>Riverine ponds, wall-based channels, and other channel features that <del>Are</del> 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:</u></p> <p>(i) The site must be connected to a fish-bearing <u>habitat</u> stream and be accessible during some period of the year; and</p> <p>(ii) The off-channel water must be accessible to fish <u>through a drainage with less than a five percent gradient.</u></p> <p>(3) "Type <del>3</del> <u>Np</u> water" means <u>all</u> segments of natural waters <u>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 the year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. that are not classified as Type 1 or 2 waters and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:</u></p> <p><del>(a)</del> <u>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 of Natural Resources to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 waters upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;</u></p> <p><del>(b)</del> <u>Are used by fish for spawning, rearing or migration. The requirements for determining fish use are described in the State Forest Practices Board Manual, Section 13. If fish use has not been determined:</u></p> <p><del>(i)</del> <u>Waters having the following characteristics are presumed to have fish use:</u></p> <p><del>(A)</del> <u>Stream segments having a defined channel of two feet or greater within the bankfull width in Western Washington; or three feet or greater in width in Eastern Washington; and having a gradient of 16 percent or less.</u></p> <p><del>(B)</del> <u>Stream segments having a defined channel of two feet or greater within the bankfull width in Western Washington; or three feet or greater within the bankfull width in Eastern Washington, and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size in Western Washington or greater than 175 acres in contributing basin size in Eastern Washington, based on hydrographic boundaries;</u></p> <p><del>(C)</del> <u>Ponds or impoundments having a surface area of less than one acre at seasonal low water and having an outlet to a fish stream;</u></p> <p><del>(D)</del> <u>Ponds or impoundments having a surface area greater than one-half acre at seasonal low water.</u></p> <p><del>(ii)</del> <u>The Department of Natural Resources shall waive or modify the characteristics in subsection (c)(ii)(A) of this definition where:</u></p> <p><del>(A)</del> <u>Waters have confirmed, long-term, naturally occurring water quality parameters incapable of supporting fish;</u></p> <p><del>(B)</del> <u>Snowmelt streams have short flow cycles that do not support successful life history phases of fish. These streams typically have no flow in the winter months and discontinue flow by June 1st; or</u></p> <p><del>(C)</del> <u>Sufficient information about a geomorphic region is available to support a departure from the characteristics in subsection (c)(ii)(A) of this definition, as determined in consultation with the Department of Fish and Wildlife, Department of Ecology, affected tribes and interested parties.</u></p> <p><del>(4)</del> <u>"Type 4 water" means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type 4 waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see State Forest Practices</u></p>			

CITY OF BUCKLEY 2016 CRITICAL AREAS ORDINANCE (CAO) UPDATE – FINAL GAP ANALYSIS

NUMBER	CODE REFERENCE	EXISTING LANGUAGE	GAP IDENTIFIED	PROPOSED CODE CHANGES	CITY COMMENTS	AHBL RESPONSE
		<p>bankfull width in Western Washington; or three feet or greater in width in Eastern Washington; and having a gradient of 16 percent or less.</p> <p>(B) Stream segments having a defined channel of two feet or greater within the bankfull width in Western Washington; or three feet or greater within the bankfull width in Eastern Washington, and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size in Western Washington or greater than 175 acres in contributing basin size in Eastern Washington, based on hydrographic boundaries;</p> <p>(C) Ponds or impoundments having a surface area of less than one acre at seasonal low water and having an outlet to a fish stream;</p> <p>(D) Ponds or impoundments having a surface area greater than one-half acre at seasonal low water.</p> <p>(ii) The Department of Natural Resources shall waive or modify the characteristics in subsection (c)(ii)(A) of this definition where:</p> <p>(A) Waters have confirmed, long-term, naturally occurring water quality parameters incapable of supporting fish;</p> <p>(B) Snowmelt streams have short flow cycles that do not support successful life history phases of fish. These streams typically have no flow in the winter months and discontinue flow by June 1st; or</p> <p>(C) Sufficient information about a geomorphic region is available to support a departure from the characteristics in subsection (c)(ii)(A) of this definition, as determined in consultation with the Department of Fish and Wildlife, Department of Ecology, affected tribes and interested parties.</p> <p>(4) "Type 4 water" means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type 4 waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost</p>		<p><del>Board Manual, Section 23), then Type 4 waters begin at a point along the channel where the contributing basin area is:</del></p> <p><del>At least 13 acres in the Western Washington coastal zone (which corresponds to the Sitka spruce zone defined in Franklin and Dyrness, 1973);</del></p> <p><del>At least 52 acres in other locations in Western Washington;</del></p> <p><del>At least 300 acres in Eastern Washington.</del></p> <p>(6) "Type <del>5-Ns</del> waters" means all segments of natural waters within the bankfull width of the defined channels that are not Type <del>1S, 2F, 3,</del> or <del>4-Np</del> waters. These are seasonal, non-fish-habitat streams in which surface flow is not present for at least some portion of <del>a year of normal rainfall</del>the year and are not located downstream from any stream reach that is a Type <del>4-Np</del> water. <del>Type-5Ns</del> waters must be physically connected by an above-ground channel system to Type <del>1S, 2F, 3,</del> or <del>4-Np</del> waters.</p>		

CITY OF BUCKLEY 2016 CRITICAL AREAS ORDINANCE (CAO) UPDATE – FINAL GAP ANALYSIS

NUMBER	CODE REFERENCE	EXISTING LANGUAGE	GAP IDENTIFIED	PROPOSED CODE CHANGES	CITY COMMENTS	AHBL RESPONSE
15		<p>point of perennial flow cannot be identified with simple, nontechnical observations (see State Forest Practices Board Manual, Section 23), then Type 4 waters begin at a point along the channel where the contributing basin area is:</p> <p>At least 13 acres in the Western Washington coastal zone (which corresponds to the Sitka spruce zone defined in Franklin and Dyrness, 1973);</p> <p>At least 52 acres in other locations in Western Washington;</p> <p>At least 300 acres in Eastern Washington.</p> <p>(5) "Type 5 waters" means all segments of natural waters within the bankfull width of the defined channels that are not Type 1, 2, 3, or 4 waters. These are seasonal, non-fish-habitat streams in which surface flow is not present for at least some portion of the year and are not located downstream from any stream reach that is a Type 4 water. Type 5 waters must be physically connected by an above-ground channel system to Type 1, 2, 3, or 4 waters.</p>				
	12.08.035 Definitions	<p>"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. 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 to mitigate the conversion of wetlands. For identifying and delineating a wetland, local government shall use the Washington State Wetland Identification and Delineation Manual.</p>	Remove reference to outdated Wetland Identification and Delineation Manual	<p>"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. 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 to mitigate the conversion of wetlands. <del>For identifying and delineating a wetland, local government shall use the Washington State Wetland Identification and Delineation Manual.</del></p>		
	12.08.330 Variances.	<p>(1) An applicant who seeks a modification from the requirements of this title may pursue a variance by filing a written application with the city. Upon the filing of a proper application, the board of adjustment shall conduct a duly noticed public hearing and review the application and make a finding that the request meets or fails to meet the variance criteria.</p>	Board of adjustment no longer exists. Update decision maker.	<p>(1) An applicant who seeks a modification from the requirements of this title may pursue a variance by filing a written application with the city. Upon the filing of a proper application, the <del>board of adjustment</del> <u>hearing examiner</u> shall conduct a duly noticed public hearing and review the application and make a finding that the request meets or fails to meet the variance criteria.</p>		
17	12.08.390 Building setbacks.	<p>(1) Landscaping, provided the plant material is not an invasive species per the Washington State Noxious Weed Control Board or Washington State Department of Agriculture (a list of class A through C noxious</p>	Delete appendix from code and remove reference.	<p>(2) Landscaping, provided the plant material is not an invasive species per the Washington State Noxious Weed Control Board or Washington State Department of Agriculture (a list of class A through C noxious weeds is a brochure from the Washington State Noxious Weed Control Board <del>and is included in Appendix A at the end of this chapter</del>);</p>		

CITY OF BUCKLEY 2016 CRITICAL AREAS ORDINANCE (CAO) UPDATE – FINAL GAP ANALYSIS

NUMBER	CODE REFERENCE	EXISTING LANGUAGE	GAP IDENTIFIED	PROPOSED CODE CHANGES	CITY COMMENTS	AHBL RESPONSE
16	12.09.010 Designation, rating and mapping wetlands.	weeds is a brochure from the Washington State Noxious Weed Control Board and is included in Appendix A at the end of this chapter);	Remove reference to outdated Wetland Identification and Delineation Manual and revise per comments from Department of Ecology:	(1) Designating Wetlands. Wetlands are those areas, designated in accordance with the <del>Washington State Wetland Identification and Delineation Manual</del> <u>approved federal wetland delineation manual and applicable regional supplements, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions.</u>	Don't add last sentence from Ecology comments – wetlands will be designated according to the delineation manual, but should not be designated critical areas until they are delineated by a qualified professional.	
		(1) Designating Wetlands. Wetlands are those areas, designated in accordance with the Washington State Wetland Identification and Delineation Manual, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions.	"Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City of Buckley meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter."	(2) Wetland Ratings. Wetlands shall be rated according to the Department of Ecology wetland rating system found in the Washington State Wetland Rating System documents (Western Washington, Ecology Publication No. 93-74) or as revised by Ecology. These documents contain the definitions and methods for determining if the criteria below are met.		
17	12.09.010 Designation, rating and mapping wetlands.	(2) Wetland Ratings. Wetlands shall be rated according to the Department of Ecology wetland rating system found in the Washington State Wetland Rating System documents (Western Washington, Ecology Publication No. 93-74) or as revised by Ecology. These documents contain the definitions and methods for determining if the criteria below are met. (a) Wetland Rating Categories. (i) Category I. Category I wetlands are those that meet the following criteria: (A) Documented habitat for federal- or state-listed endangered or threatened fish, animal, or plant species; (B) High-quality native wetland communities, including documented Category I or II quality Natural Heritage wetland sites and sites which qualify as a Category I or II quality Natural Heritage wetland (defined in the rating system documents); (C) High-quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, estuarine, wetlands, or mature forested swamps (defined in the rating system documents); or (D) Wetlands of exceptional local significance. (ii) Category II. Category II wetlands are those not defined as Category I wetlands and that meet the following criteria: (A) Documented habitats for state-listed sensitive plant, fish or animal species;	Revise wetland rating system publication number and revise per new rating system.	(a) Wetland Rating Categories. (i) Category I. Category I wetlands are those that <u>1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of functions. The following types of wetlands are Category I meet the following criteria:</u> (A) <del>Documented habitat for federal- or state-listed endangered or threatened fish, animal, or plant species; Wetlands that perform many functions well (scoring 23 points or more)</del> (B) <del>High-quality native wetland communities, including documented Category I or II quality Natural Heritage wetland sites and sites which qualify as a Category I or II quality Natural Heritage wetland (defined in the rating system documents) Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program (WNHP) or Washington Department of Natural Resources (WDNR);</del> (C) <del>High-quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, estuarine, wetlands, or mature forested swamps (defined in the rating system documents) Bogs; or</del> (D) <del>Wetlands of exceptional local significance Mature and old-growth forested wetlands larger than 1 acre;</del> (E) <del>Wetlands in coastal lagoons;</del> (F) <del>Relatively undisturbed estuarine wetlands larger than 1 acre; or</del> (G) <del>Interdunal wetlands that score 8 or 9 habitat points and are larger than 1 acre. Wetlands that perform many functions well (scoring 23 points or more).</del>		

CITY OF BUCKLEY 2016 CRITICAL AREAS ORDINANCE (CAO) UPDATE – FINAL GAP ANALYSIS

NUMBER	CODE REFERENCE	EXISTING LANGUAGE	GAP IDENTIFIED	PROPOSED CODE CHANGES	CITY COMMENTS	AHBL RESPONSE
		<p>(B) Wetlands that contain plant, fish or animal species listed as priority species by the Department of Fish and Wildlife;</p> <p>(C) Wetland types with significant functions that may not be adequately replicated through creation or restoration;</p> <p>(D) Wetlands possessing significant habitat value based on a score of 22 or more points in the habitat rating system; or</p> <p>(E) Documented wetlands of local significance.</p> <p>(iii) Category III. Category III wetlands are those that do not satisfy Category I, II, or IV criteria, and with a habitat value rating of 21 points or less.</p> <p>(iv) Category IV. Category IV wetlands are those that meet the following criteria:</p> <p>(A) Wetlands which do not meet the criteria of a Category I or II wetland; and</p> <p>(B) Isolated wetlands that are less than or equal to two acres in size, and have only one wetland class, and have only one dominant plant species (monotypic vegetation); or</p> <p>(C) Isolated wetlands that are less than or equal to two acres in size, and have only one wetland class and a predominance of exotic species.</p>		<p>(ii) Category II. Category II wetlands are those not defined as Category I wetlands and <del>that meet the following criteria include:</del></p> <p><del>(A) Documented habitats for state listed sensitive plant, fish or animal species;</del></p> <p>(A) <u>Wetlands that contain plant, fish or animal species listed as priority species by the Department of Fish and Wildlife</u><del>Interdunal wetlands larger than 1 acre of those found in a mosaic of wetlands;</del></p> <p><del>Wetland types with significant functions that may not be adequately replicated through creation or restoration</del></p> <p>(B) <u>Estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre;</u></p> <p><del>(B)(C) Wetlands with a moderately high level of functions (scoring between 20 and 22 points);</del></p> <p><del>(B) Wetlands possessing significant habitat value based on a score of 22 or more points in the habitat rating system; or</del></p> <p><del>Documented wetlands of local significance.</del></p> <p>(iii) Category III. Category III wetlands are <del>those that do not satisfy Category I, II, or IV criteria, and with a habitat value rating of 21 points or less</del><u>1) wetlands with a moderate level of functions (scores between 16 and 19 points), 2) can often be adequately replaced with a well-planned mitigation project; and 3) interdunal wetlands between 0.1 and 1 acre in size. Wetlands scoring between 16-19 points generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.</u></p> <p>(iv) Category IV. Category IV wetlands <u>have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.</u><del>are those that meet the following criteria:</del></p> <p><del>(A) Wetlands which do not meet the criteria of a Category I or II wetland; and</del></p> <p><del>(B) Isolated wetlands that are less than or equal to two acres in size, and have only one wetland class, and have only one dominant plant species (monotypic vegetation); or Isolated wetlands that are less than or equal to two acres in size, and have only one wetland class and a predominance of exotic species.</del></p>		
18	12.09.010 Designation, rating and mapping wetlands.	(4) The identification, classification, extent and location of any wetland shall be determined through the performance of a field investigation by a qualified consultant applying the Washington State Wetlands Identification and Delineation Manual as required by RCW 36.70A.175 (Ecology Publication No. 96-94). (Ord. 21-05 § 2, 2005).	Remove reference to outdated Wetland Identification and Delineation Manual	(4) The identification, classification, extent and location of any wetland shall be determined through the performance of a field investigation by a qualified consultant <u>using the approved Federal wetland delineation manual and applicable regional supplements</u> <del>applying the Washington State Wetlands Identification and Delineation Manual as required by RCW 36.70A.175 (Ecology Publication No. 96-94). (Ord. 21-05 § 2, 2005).</del>		
19	12.09.030 Performance standards – General requirements.	(4) Category II. With respect to activities proposed in Category II wetlands, the following standards shall apply: (a) Water-dependent activities may be allowed where there are no practicable alternatives that would not have a less adverse impact on the wetland and other critical areas.	Revise per comments from Department of Ecology: “Water-dependent activities as provided for under the City’s Shoreline Master Program may be allowed where there are no feasible alternatives that would have a less adverse impact on the wetland, its buffers and other critical areas”	(4) Category II. With respect to activities proposed in Category II wetlands, the following standards shall apply: (a) Water-dependent activities <u>as provided for under the City’s Shoreline Master Program</u> may be allowed where there are no <del>practicable-feasible</del> alternatives that would not have a less adverse impact on the wetland, <u>its buffers</u> and other critical areas.		
20	12.09.030 Performance	(6) Wetland Buffers. (a) Standard Buffer Widths. The standard buffer	Revise per comments from Department of Ecology:	(6) Wetland Buffers. (a) <u>Land Use Intensity. Wetland buffers in the City of Buckley are determined based on the category of</u>	Leave buffer widths as is	We have updated the rating system

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	<p><i>standards – General requirements.</i></p>	<p>widths presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the vegetation is inadequate then the buffer should be planted to maintain the standard width. Required standard wetland buffers, based on wetland category and land use intensity, are as follows:</p> <table border="1" data-bbox="428 524 1041 903"> <thead> <tr> <th colspan="3">Alternative 2 Buffer Widths, Based Upon Category and Land Use Intensity</th> </tr> <tr> <th>Category (2004 Wrn. WA Rating System)</th> <th>Total Points in Rating System</th> <th>Alternative 2 Buffer Category + Land Use Intensity (lo/mod/hi)</th> </tr> </thead> <tbody> <tr> <td>I</td> <td>&gt;70</td> <td>lo 150, mod 225, hi 300</td> </tr> <tr> <td>II</td> <td>51 – 69</td> <td>lo 100, mod 150, hi 300</td> </tr> <tr> <td>III</td> <td>30 – 50</td> <td>lo 25, mod 25, hi 50</td> </tr> <tr> <td>IV</td> <td>&lt;30</td> <td>lo 10, mod 10, hi 25</td> </tr> </tbody> </table> <p>(b) Measurement of Wetland Buffers. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category and the proposed land use. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.</p> <p>(c) Wetland Buffer Width Averaging. The planning director may allow modification of the standard wetland buffer width in accordance with an approved critical areas report and the best available science on a case-by-case basis by averaging buffer widths. Averaging of buffer widths may only be allowed where a qualified wetlands consultant demonstrates that:</p> <ul style="list-style-type: none"> <li>(i) It will not reduce wetland functions or values;</li> <li>(ii) 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;</li> <li>(iii) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;</li> </ul>	Alternative 2 Buffer Widths, Based Upon Category and Land Use Intensity			Category (2004 Wrn. WA Rating System)	Total Points in Rating System	Alternative 2 Buffer Category + Land Use Intensity (lo/mod/hi)	I	>70	lo 150, mod 225, hi 300	II	51 – 69	lo 100, mod 150, hi 300	III	30 – 50	lo 25, mod 25, hi 50	IV	<30	lo 10, mod 10, hi 25	<p>“The habitat points need to be revised to be consistent with the updated rating system. And the buffer widths for II, III, and IV wetlands are narrower than what we recommend.”</p>	<p><u>the wetland and the land use intensity proposed. Land use impact “intensity” is based on development types and the estimated impact based on the proposed change in land use.</u></p> <table border="1" data-bbox="1445 306 2511 1012"> <thead> <tr> <th colspan="2">Land Use Impact "Intensity" Based on Development Types</th> </tr> <tr> <th>Rating of impact from proposed changes in land use</th> <th>Types of land uses that cause the impact based on common zoning categories</th> </tr> </thead> <tbody> <tr> <td>High</td> <td>Commercial, Urban, Industrial, Institutional, Retail Sales, Residential with more than 2 units/acre, New agriculture (high-intensity processing such as dairies, nurseries and green houses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), High intensity recreation (golf courses, ball fields), hobby farms</td> </tr> <tr> <td>Moderate</td> <td>Residential with 2 units/acre or less, Moderate-Intensity Open Space (parks), New agriculture (moderate-intensity such as orchards and hay fields)</td> </tr> <tr> <td>Low</td> <td>Forestry, Open space (low-intensity such as passive recreation and natural resources preservation)</td> </tr> </tbody> </table> <p><del>(a)(b) Standard Buffer Widths. The City of Buckley establishes the following The standard</del> buffer widths <u>based on category and land use intensity, as defined above. These buffer widths</u> presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. <del>If the vegetation is inadequate then the buffer should be planted to maintain the standard width.</del> Required <del>standard</del> wetland buffers, based on wetland category and land use intensity, are as follows:</p> <table border="1" data-bbox="1476 1199 2191 1582"> <thead> <tr> <th colspan="3">Alternative 2 Buffer Widths, Based Upon Category and Land Use Intensity</th> </tr> <tr> <th>Category (2004 2014 Wrn. 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The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.</p> <p><u>(e) Modification of Buffer Widths. The buffer widths of BMC 12.09.030(6)(b) may be decreased through buffer width averaging in BMC 12.09.030(6)(e) or reduction mechanisms of this section.</u></p> <p><u>(i) The buffer widths recommended for land uses with "high intensity" impacts to wetlands can be</u></p>	Land Use Impact "Intensity" Based on Development Types		Rating of impact from proposed changes in land use	Types of land uses that cause the impact based on common zoning categories	High	Commercial, Urban, Industrial, Institutional, Retail Sales, Residential with more than 2 units/acre, New agriculture (high-intensity processing such as dairies, nurseries and green houses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), High intensity recreation (golf courses, ball fields), hobby farms	Moderate	Residential with 2 units/acre or less, Moderate-Intensity Open Space (parks), New agriculture (moderate-intensity such as orchards and hay fields)	Low	Forestry, Open space (low-intensity such as passive recreation and natural resources preservation)	Alternative 2 Buffer Widths, Based Upon Category and Land Use Intensity			Category (2004 2014 Wrn. 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21	12.10.040	<p>(iv) The buffer width is not reduced to less than 50 percent of the standard width or 50 feet, whichever is greater, except for buffers between Category III and IV wetlands and low or moderate intensity land uses; and</p> <p>(v) Buffer width averaging is being conducted and/or implemented within or on the property where the averaging is being requested.</p>	Consider allowing:	<p><u>reduced to those recommended for "moderate intensity" impacts under the conditions identified below.</u></p> <p><u>(A) For wetlands that score moderate or high for habitat (6 points or more), the width of the buffer around th wetland can be reduced if the following measures to minimize the impacts of different land uses on wetlands are applied.</u></p> <table border="1" data-bbox="1401 399 2551 1332"> <thead> <tr> <th data-bbox="1401 399 1609 499"><u>Examples of Disturbance</u></th> <th data-bbox="1609 399 2013 499"><u>Examples of Measures to Minimize Impacts</u></th> <th data-bbox="2013 399 2551 499"><u>Activities that Cause the Disturbance</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="1401 499 1609 606"><u>Lights</u></td> <td data-bbox="1609 499 2013 606"><u>Direct lights away from wetland</u></td> <td data-bbox="2013 499 2551 606"><u>Parking Lots, Warehouses, Manufacturing, High Density Residential</u></td> </tr> <tr> <td data-bbox="1401 606 1609 713"><u>Noise</u></td> <td data-bbox="1609 606 2013 713"><u>Place activity that generates noise away from the wetland.</u></td> <td data-bbox="2013 606 2551 713"><u>Manufacturing, High Density Residential</u></td> </tr> <tr> <td data-bbox="1401 713 1609 1010"><u>Toxic runoff</u></td> <td data-bbox="1609 713 2013 1010"><u>Route all new untreated runoff away from wetland.</u> <u>Covenants limiting use of pesticides within 150 feet of wetland</u> <u>Integrated pest management programs</u></td> <td data-bbox="2013 713 2551 1010"><u>Parking Lots, Roads, Manufacturing, Residential Areas, Application of Agricultural Pesticides, Landscaping</u></td> </tr> <tr> <td data-bbox="1401 1010 1609 1165"><u>Change in water regime</u></td> <td data-bbox="1609 1010 2013 1165"><u>Infiltrate or treat, detain and disperse into buffer new runoff from surfaces</u></td> <td data-bbox="2013 1010 2551 1165"><u>Any impermeable surface, Lawns, Tilling</u></td> </tr> <tr> <td data-bbox="1401 1165 1609 1272"><u>Pets and Human disturbance</u></td> <td data-bbox="1609 1165 2013 1272"><u>Fence around buffer</u></td> <td data-bbox="2013 1165 2551 1272"><u>Residential areas</u></td> </tr> <tr> <td data-bbox="1401 1272 1609 1332"><u>Dust</u></td> <td data-bbox="1609 1272 2013 1332"><u>BMP's for dust</u></td> <td data-bbox="2013 1272 2551 1332"><u>Tilled fields</u></td> </tr> </tbody> </table> <p>(e)(f) Wetland Buffer Width Averaging. The planning director may <u>also</u> allow modification of the <del>standard</del> wetland buffer width in accordance with an approved critical areas report and the best available science on a case-by-case basis by averaging buffer widths. Averaging of buffer widths may only be allowed where a qualified wetlands consultant demonstrates that:</p> <ul style="list-style-type: none"> <li>(i) It will not reduce wetland functions or values;</li> <li>(ii) 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;</li> <li>(iii) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;</li> <li>(iv) The buffer width is not reduced to less than 50 percent of the <del>standard-high intensity buffer</del> width or 50 feet, whichever is greater, except for buffers <del>between-for</del> Category III and IV wetlands and low or moderate intensity land uses; and</li> <li>(v) Buffer width averaging is being conducted and/or implemented within or on the property where the averaging is being requested.</li> </ul>	<u>Examples of Disturbance</u>	<u>Examples of Measures to Minimize Impacts</u>	<u>Activities that Cause the Disturbance</u>	<u>Lights</u>	<u>Direct lights away from wetland</u>	<u>Parking Lots, Warehouses, Manufacturing, High Density Residential</u>	<u>Noise</u>	<u>Place activity that generates noise away from the wetland.</u>	<u>Manufacturing, High Density Residential</u>	<u>Toxic runoff</u>	<u>Route all new untreated runoff away from wetland.</u> <u>Covenants limiting use of pesticides within 150 feet of wetland</u> <u>Integrated pest management programs</u>	<u>Parking Lots, Roads, Manufacturing, Residential Areas, Application of Agricultural Pesticides, Landscaping</u>	<u>Change in water regime</u>	<u>Infiltrate or treat, detain and disperse into buffer new runoff from surfaces</u>	<u>Any impermeable surface, Lawns, Tilling</u>	<u>Pets and Human disturbance</u>	<u>Fence around buffer</u>	<u>Residential areas</u>	<u>Dust</u>	<u>BMP's for dust</u>	<u>Tilled fields</u>		
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<u>Dust</u>	<u>BMP's for dust</u>	<u>Tilled fields</u>																									

CITY OF BUCKLEY 2016 CRITICAL AREAS ORDINANCE (CAO) UPDATE – FINAL GAP ANALYSIS

NUMBER	CODE REFERENCE	EXISTING LANGUAGE	GAP IDENTIFIED	PROPOSED CODE CHANGES	CITY COMMENTS	AHBL RESPONSE
22	Activities allowed in critical aquifer recharge areas.	12.08.160, the following activities are allowed in critical aquifer recharge areas and do not require submission of a critical areas report: (1) Construction of structures and improvements, including additions, resulting in less than five percent or 2,500 square feet (whichever is greater) total site impervious surface area that do not result in a change of use or increase the use of a hazardous substance. (2) On-site 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. (Ord. 21-05 § 2, 2005).	Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent (5%) total site impervious surface area that do not increase the use of a hazardous substance.	aquifer recharge areas and do not require submission of a critical areas report: (1) Construction of structures and improvements, including additions, resulting in less than five percent or 2,500 square feet (whichever is greater) total site impervious surface area that do not result in a change of use or increase the use of a hazardous substance. <u>(2) Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent (5%) total site impervious surface area that do not increase the use of a hazardous substance.</u> <del>(2)</del> <u>(3)</u> On-site 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. (Ord. 21-05 § 2, 2005).		
	12.10.070 Performance standards – Specific uses.	(5) State and Federal Regulations. The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations. <b>Statutes, Regulations, and Guidance Pertaining to Ground Water Impacting Activities</b>	Update WAC reference	(5) State and Federal Regulations. The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations. <b>Statutes, Regulations, and Guidance Pertaining to Ground Water Impacting Activities</b>		
23						
	12.12.090 Performance standards – Specific hazards.	(1) Erosion and Landslide Hazard Areas. Activities on sites containing erosion or landslide hazards shall meet the following requirements: ... (g) 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 hazard areas downstream from the discharge; and (ii) Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater 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 stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.	Revise to be consistent with SMP.	(1) Erosion and Landslide Hazard Areas. Activities on sites containing erosion or landslide hazards shall meet the following requirements: ... (g) 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) <u>Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope; or both of the following:-</u> (ii) Conveyed via continuous storm pipe downslope to a point where there are no erosion hazard areas downstream from the discharge; and (iii) Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; or <u>Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.</u>		
24	12.13.010 Designation of fish and wildlife habitat conservation	(1) Fish and wildlife habitat conservation areas include: ... (e) Waters of the State. Waters of the state include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other	Update WAC reference to reflect updated water typing.	(1) Fish and wildlife habitat conservation areas include: ... (e) Waters of the State. Waters of the state include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in <u>WAC 222-16-031</u> <del>WAC 222-16-030</del> <del>or WAC 222-16-030,</del>		

CITY OF BUCKLEY 2016 CRITICAL AREAS ORDINANCE (CAO) UPDATE – FINAL GAP ANALYSIS

NUMBER	CODE REFERENCE	EXISTING LANGUAGE	GAP IDENTIFIED	PROPOSED CODE CHANGES	CITY COMMENTS	AHBL RESPONSE																							
25		areas. surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-030.		<del>depending on classification used).</del>																									
	12.13.040 Performance standards – Specific habitats.	(1) Endangered, Threatened, and Sensitive Species. (a) No development shall be allowed within a habitat conservation area or buffer with which state or federal endangered, threatened, or sensitive species have a primary association.	Consider allowing public trails within habitat conservation area or buffer	(1) Endangered, Threatened, and Sensitive Species. (a) No development <b>except public trail development</b> shall be allowed within a habitat conservation area or buffer with which state or federal endangered, threatened, or sensitive species have a primary association.																									
26		(4) Riparian Habitat Areas. Unless otherwise allowed in this title, all structures and activities shall be located outside of the riparian habitat area. ... (b) Riparian Habitat Area Widths. Recommended riparian habitat area widths are shown in the table below...		(4) Riparian Habitat Areas. Unless otherwise allowed in this title, all structures and activities shall be located outside of the riparian habitat area. ... (c) Riparian Habitat Area Widths. Recommended riparian habitat area widths are shown in the table below...																									
	12.13.040 Performance standards – Specific habitats.	<table border="1"> <thead> <tr> <th colspan="2">Riparian Habitat Areas</th> </tr> <tr> <th>Stream type</th> <th>Recommended RHA widths</th> </tr> </thead> <tbody> <tr> <td>Type I</td> <td>150 feet</td> </tr> <tr> <td>Type II</td> <td>100 feet</td> </tr> <tr> <td>Type III</td> <td>50 feet</td> </tr> <tr> <td>Type IV and V</td> <td>25 feet</td> </tr> </tbody> </table>	Riparian Habitat Areas		Stream type	Recommended RHA widths	Type I	150 feet	Type II	100 feet	Type III	50 feet	Type IV and V	25 feet	Update to reflect new water typing system.	<table border="1"> <thead> <tr> <th colspan="2">Riparian Habitat Areas</th> </tr> <tr> <th>Stream type</th> <th>Recommended RHA widths</th> </tr> </thead> <tbody> <tr> <td><del>Type I</del><b>Type S</b></td> <td>150 feet</td> </tr> <tr> <td><del>Type II</del><b>Type F</b></td> <td>100 feet</td> </tr> <tr> <td><del>Type III</del><b>Type Np</b></td> <td>50 feet</td> </tr> <tr> <td><del>Type IV and V</del><b>Type Ns</b></td> <td>25 feet</td> </tr> </tbody> </table>	Riparian Habitat Areas		Stream type	Recommended RHA widths	<del>Type I</del> <b>Type S</b>	150 feet	<del>Type II</del> <b>Type F</b>	100 feet	<del>Type III</del> <b>Type Np</b>	50 feet	<del>Type IV and V</del> <b>Type Ns</b>	25 feet	Change water typing but leave setbacks as is.
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