

WOODLAND PLANNING COMMISSION AGENDA

Planning Commission Regular Meeting – 7:00 PM

THURSDAY SEPTEMBER 15, 2016

Woodland City Council Chambers
200 E Scott Avenue, Woodland, Washington

CALL TO ORDER – 7:00 PM

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- August 18, 2016 meeting minutes

PUBLIC HEARING

- Community Development Department (Code Amendment)

WORKSHOP/DISCUSSION

- Critical Areas Ordinance (Code Update)
 - Staff Report
 - Wetland Delineation Report review
 - Updated Wetland Rating Form
 - Wetland Guidance for CAO Updates
 - Code Update
- Planned Unit Residential Development (PURD) Ordinance Review

UPDATE

- Project status – Report

ADJOURN

cc: Post (City Hall Annex, Library, Post Office, City Hall)
City of Woodland website
Planning Commission (4)
City Council (7)
Mayor
Department Heads
City Administrator

Staff Report: Community Development Department

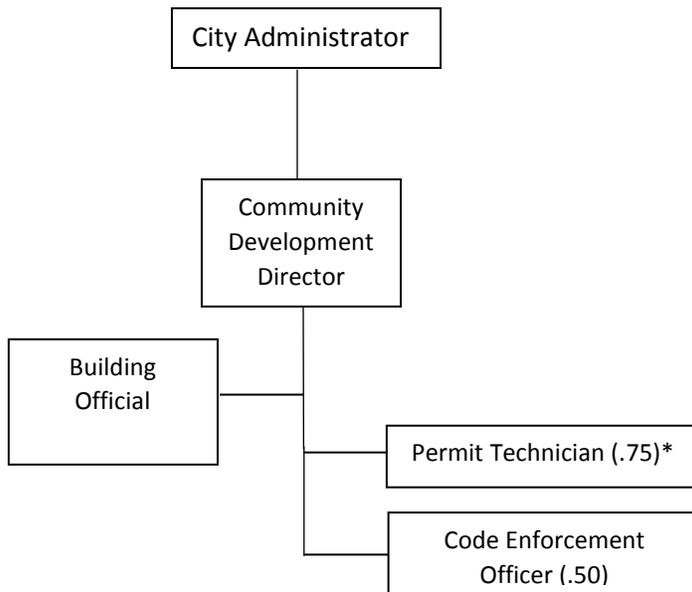
Date: August 19, 2016

To: Planning Commission

From: Amanda Smeller, Community Development Planner

Re: Community Development Department

Proposed Community Development Department organization chart. I will report directly to the City Administrator (which I have already started to do because the Public Works Director is no longer with the City).



To formally create our new department, there are a variety of code changes that are required. The two main changes required are amendments to Title 2 (Administration and Personnel) to add the Community Development Department, as well as define the department's role, and to add Community Development Director as a City Officer.

Change to Title 2, Chapter 2.08 – Departments Created

Section 2.08.010 – Departments created. Currently reads as follows:

There is hereby created and established the following departments in the city: police department; fire department; building department; clerk-treasurer department; and public works department. In addition, the following divisions are hereby created within the public works department: parks; planning; water; sewer; and streets. Additional departments may be created from time to time by ordinance with proper budgetary approval.

Section 2.08.010 – Departments created. Would be amended to read as follows:

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Change to Title 2, Chapter 2.10 – Officers:

Section 2.10.010 – Designated. Currently reads as follows:

The officers of the city, besides the mayor and councilmembers, shall be as follows: a clerk-treasurer, a city attorney, or city attorney and a city prosecutor as the mayor and council shall deem appropriate, a chief of police, a fire chief, a building official, and a public works director. Additional offices and employment shall be created in the budgetary process as necessary.

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Propose to amend Section 2.10.090 to read as follows:

2.10.090 – Community development director appointment/duties

- A. There is created the position of community development director. The community development director shall be appointed by the mayor, which appointment shall be subject to confirmation by a majority vote of the city council. Compensation payable to the community development director shall be as established in each annual budget.
- B. The community development director shall be in charge of all employees in the department of community development, including the divisions thereof, and shall perform those and responsibilities as listed in the job description, and as may be determined from time to time by the mayor.

Current 2.10.090 – Officers/employment contracts would be moved to new section 2.10.100.

I have attached the amended code (from the matrix previously provided) showing the following:

- Community Development Director: I used this position/term in the existing code to replace “city planner,” “planning official,” and “planning agency.” This makes sense as

we do the planning in house, and there is only one planner (the Director) in the City. I replaced the public works director with Community Development Director in many instances where the task is already the responsibility of the planning department. I also replaced "Building Inspector" with "Community Development Director" in a few occasions where the job is not the task of the building division. I added no new tasks to my job description as per these code changes

- Building Official. I replaced "building inspector" in the existing code with "Building Official." The city does not have a building inspector.

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TITLE 15 – CRITICAL AREAS

15.04.040 - Additional definitions.

In addition to those definitions contained within WAC 197-11-700 through WAC 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

"Aggrieved person" means any citizen of Woodland or any property owner residing within three hundred feet of the proposal.

"City" means the city of Woodland, Washington.

"Department" means the Community Development department.

"Director" means the Community Development Director or his/her designee.

"Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated DNS procedures).

"Ordinance" means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.

"Responsible official" means the Community Development Director or his/her designee.

"SEPA rules" means WAC Chapter 197-11 adopted by the Department of Ecology.

15.04.050 - Designation of responsible official.

- A. For those proposals for which the city is the lead agency, the responsible official shall be the Community Development Director or his/her designee.
- B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS, and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rules that were adopted by reference.

15.08.020 - Authority.

As provided herein, the director is given the authority to interpret and apply, and responsibility to enforce this chapter to accomplish the stated purpose. The city may withhold, condition, or deny permits or approvals to ensure that the proposed action is consistent with this chapter.

15.08.030 - Definitions.

Unless specifically defined below, words or phrases in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. The following words, phrases and terms, as used in this chapter, shall have the following meaning ascribed to them, unless a different meaning clearly appears from the context.

"Act" means the Growth Management Act (GMA).

"Adjacent" means any activity located:

1. On a site immediately adjoining a critical area;
2. A distance one-half mile or less from a bald eagle nests;
3. Within a floodway, floodplain or channel migration zones;
4. Within the required critical area buffer;
5. A distance of two hundred feet or less upland of a stream wetland or water body;
6. A distance of two hundred feet or less from a critical aquifer recharge area.

"Agricultural uses (existing and ongoing)" means farming, horticulture, aquaculture, irrigation or grazing of animals, and those activities involved in the production of crops or livestock, for example:

1. The operation and maintenance of farm and stock ponds or drainage ditches;
2. The operation and maintenance of all irrigation systems and their components;
3. Changes between agricultural activities (i.e., crops to grazing, farming to fallow);
4. Fencing activity;
5. Normal maintenance, repair, or operation of existing agricultural-related structures, facilities, or improved areas;
6. Preparation of the land for agricultural uses.

An operation ceases to be ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for five years, unless the idle land is registered in a federal or state soils conservation program.

"Alteration" means any human-induced action, which impacts the existing condition of a critical area. 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. Alteration does not include walking (except trails), passive recreation, fishing, or other similar activities.

"Anadromous fish" means fish that spawn and rear in freshwater and mature in the marine environment. While Pacific salmon die after their first spawning, adult char (bull trout) can live for many years, moving in and out of saltwater and spawning each year. The life history of Pacific salmon and char contains critical periods of time when these fish are more susceptible to environmental and physical damage than at other times. The life history of salmon, for example, contains the following stages: upstream migration of adults, spawning, inter-gravel incubation, rearing, smoltification (the time period needed for juveniles to adjust their body functions to live in the marine environment), downstream migration, and ocean rearing to adults.

"Applicant" means any person or business entity, which applies for a development proposal, permit, or approval, who is the owner of the land on which the proposed activity would be located, a contract purchaser, or authorized agent of such a person.

"Aquifer" means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Aquifer recharge area" means areas which, due to the presence of certain soils, geology, and surface water, act to recharge groundwater by percolation. (Also critical aquifer recharge area.)

"Base flood" means a flood event having a one percent chance of being equaled or exceeded in any given year, also referred to as the one-hundred-year flood.

"Best available science" means current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined in WAC 365-195-900 through WAC 365-195-925.

"Best management practices" means systems of practices and management measures that: (1) control soil loss and reduce water quality degradation caused by nutrients, animal waste and toxins; (2) control the movement of sediment and erosion caused by land alteration activities; (3) minimize adverse impacts to surface water and groundwater quality, flow and circulation patterns; and (4) minimize adverse impacts to the chemical, physical and biological characteristics of a critical area.

"Buffer" means an area contiguous to a stream or wetland that protects the integrity, functions and values, or habitat. An area adjacent to a critical area that is required for the continued maintenance, functioning, and/or structural stability of a critical area.

"City" means the city of Woodland, Washington.

"Clearing" means the cutting or removal of vegetation or other organic plant material by physical, mechanical, chemical, or any means other than vegetation management.

"Conservation easement" means an easement on a particular piece of real property that restricts or eliminates the building of structures or other improvements and activities that would result in encroachment onto a designated buffer.

"Critical areas" means and includes: aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in RCW 36.70A and this chapter.

"Cumulative impact or effect" means under National Environmental Policy Act (NEPA) regulations, the incremental environmental impact or effect of the action together with the impacts of past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions (40 CFR 1508.7). Under Endangered Species Act Section 7 regulations, the effects of future state or private activities not involving federal activities, that are reasonably certain to occur within the action area of the federal action subject to consultation (50 CFR 402.02).

"Degraded" means to have suffered a decrease in naturally occurring functions and values due to activities undertaken or managed by persons on or off a site.

"Department" means the Woodland Department of Community Development.

"Developable area" means a site or portion of a site that may be utilized as the location of development, in accordance with the rules of this chapter.

"Development" means any man-made change including, but not limited to, buildings or other structures, filling, grading, disturbance of vegetation, excavation or drilling, and the subdivision of property. Any activity upon the land that requires a building or use permit.

"Director" means the city of Woodland Community Development Director or designee.

"Enhancement" means actions performed to improve the condition or functions and values of an existing viable wetland or buffer, or fish and wildlife habitat area or buffer. Enhancement actions include, but are not limited to, increasing plant diversity, increasing fish and wildlife habitat, installing environmentally compatible erosion controls, removing invasive plant species such as milfoil and loosestrife.

"Erosion" means the process whereby wind, rain, water, and other agents natural or man-made mobilize and transport particles.

"Erosion hazard areas" means areas that contain soil types which, according to Soil Conservation Service's Classification System, may experience severe to very severe erosion process.

"Excavation" means the mechanical removal or displacement of earth material.

"Fill material" means a deposit of earth or other natural or man-made material placed by artificial means.

"Filling" means the act of placing fill material (on any critical area) including temporary stockpiling of fill material.

"Fish and wildlife habitat conservation areas" means and includes the following areas:

1. Areas with which endangered, threatened and sensitive species have a primary association;
2. Habitats and species of local importance;
3. Commercial and recreational shellfish areas;
4. Smelt spawning areas;
5. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
6. Water of the state (refer to WAC 222-16-030);
7. Lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity; and
8. State natural area preserves and natural resource conservation areas.

"Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood protection elevation" means the elevation that is one foot above the base flood elevation.

"Floodplain" means the total land area adjoining a river, stream, watercourse or lake subject to inundation by the base or one-hundred-year flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the surface water elevation more than one foot.

"Frequently flooded areas" means areas in the floodplain subject to a one percent or greater chance of flooding in any given year (one-hundred-year floodplain).

"Geologically hazardous area" means areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, may not be suited to siting commercial, residential, or industrial development due to health, safety or environmental standards. Types of geologically hazardous areas include erosion, landslide, seismic, mine, and volcanic.

"Geologist" means a person who has earned a degree in geology from an accredited college or university or a person who has equivalent educational training and has experience as a practicing geologist and who is state-licensed as a geologist.

"Geotechnical assessment" means an assessment prepared by a geologist or geotechnical engineer licensed with the state of Washington as a civil engineer, which evaluates the site conditions and the effects of a proposal and identifies mitigating measures necessary to insure that the risks associated with geologic hazards will be eliminated.

"Geotechnical engineer" means a practicing geotechnical engineer licensed as a professional civil engineer with the state of Washington with experience in landslide and slope stability evaluation.

"Grading" means any excavation, filling, or removing of earth on any piece of property.

"Groundwater" means water in a saturated zone or stratum beneath the surface of the land or water.

"Growth Management Act (GMA)" means RCW 36.70A and as amended.

"Habitat conservation areas" means areas designated as fish and wildlife habitat conservation areas.

"High intensity land use" means and includes land uses which are associated with high levels of human disturbance or substantial wetland habitat impacts including, but not limited to, commercial, urban, industrial, and residential uses (more than one unit/acre).

"Impervious surface" means a hard surface area that prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

"In-kind compensation" means to replace wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity.

"Intermittent streams" means a stream which flows only at certain times when it receives water from springs or from some other source, such as melting snow or rain.

"Isolated wetlands" means those wetlands that are outside of and not contiguous to any one-hundred-year floodplain of a lake, river, or stream, and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

"Lake" means a naturally existing or artificially created body of standing water, including reservoirs, twenty acres or greater in size, which exists on a year-round basis and occurs in a depression of land or expanded part of a stream.

"Landslide hazard areas" means areas that are potentially subject to risk of mass movement due to a geologic landslide resulting from a combination of geologic, topographic, and hydrologic factors. These areas are typically susceptible to landslides because of a combination of factors including: bedrock, soil, slope gradient, slope aspect (exposure), geologic structure, groundwater, or other factors.

"Lot" means a platted or unplatted parcel of land of record either unoccupied, occupied, or to be occupied by a principal use or structure together with such yards and open spaces.

"Low-intensity land use" means and includes land uses which are associated with low levels of human disturbance or low wetland habitat impacts and are compatible with the natural environment, including, but not limited to, forestry (cutting of trees only), unpaved trails, low-intensity open space and similar low-impact uses.

"Mitigation" means avoiding, minimizing or compensating for adverse critical areas impacts. Mitigation is listed in descending order of preference:

1. Avoiding the impact altogether by not taking 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 to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

4. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments;
6. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation for individual actions may include a combination of the above measures.

"Moderate-intensity land use" means and includes land uses that have a moderate level of disturbance and impact to wetlands including, but not limited to, residential (less than one unit/acre), paved trails, utility corridor or right-of-way and moderate-intensity open space (parks with biking, jogging, etc.).

"Monitoring" means evaluating the impacts of development proposals on the biological, hydrologic and geologic elements of a system and assessing the performance of required mitigation measures. Monitoring is achieved through the collection and analysis of data by various methods for the purposes of understanding and documenting changes in natural ecosystems and features, including the gathering of baseline data.

"Native vegetation" means plant species that are indigenous to the area and which reasonably could have been expected to naturally occur on the site. Native vegetation does not include noxious weeds.

"Natural disasters" means events caused by natural processes resulting in the loss of life and/or property, including flooding, landslides, erosion, volcanic eruptions, or seismic events.

"No net loss of function" means wetland losses must be offset by wetland gains. There must be no net loss of the structure, value, and functions of the natural systems constituting the protected critical area.

"Off-site compensation" means to replace wetlands away from the site on which a wetland has been impacted by a regulated activity.

"On-site compensation" means to replace wetlands on the site on which a wetland has been impacted by a regulated activity.

"Ordinary high water line" means the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland; provided, that in any area where the ordinary high water line cannot be found the ordinary high water line adjoining saltwater shall be the line of mean higher high water and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood.

"Passive recreation" means facilities designed and in accordance with an approved critical area report, including:

1. Walkways and trails, provided that those pathways that are generally parallel to the perimeter of the wetland shall be located in the outer twenty-five percent of the buffer area;
2. Wildlife viewing structures; and
3. Fishing access areas.

"Permeability" means the capacity of an aquifer or confining bed to transmit water. It is a property of the aquifer and is independent of the force causing movement.

"Pond(s)" means a naturally existing or artificially created body of standing water under twenty acres which exists on a year-round basis and occurs in a depression of land or expanded part of a stream.

"Priority habitat" means a 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)).

"Priority species" means fish and wildlife species requiring protective measures and/or management guidelines to ensure their perpetuation, as determined by the Washington Department of Fish and Wildlife's priority habitats and species list, as now exists or is hereafter amended.

"Qualified professional" means an accredited or licensed professional with a combination of education and experience in the discipline appropriate for the subject matter that is being commented on. Someone who would qualify as an expert in their field.

"Restoration" means the actions taken to return a wetland or other critical area to a state in which its stability, functions and values approach its naturally occurring unaltered state as closely as possible.

"Riparian" means areas that have vegetation requiring water year-round and seasonally. The width of these areas depends upon slope and vegetation cover.

"Riparian habitat" means areas adjacent to aquatic systems with flowing water that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. Widths shall be measured from the ordinary high water mark or from the top of the bank if the ordinary high water mark cannot be identified. It includes the entire extent of the floodplain and the extent of vegetation adapted to wet conditions as well as adjacent upland plant communities that directly influence the stream system. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities.

"Seismic hazard area" means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

"Significant" means, for the purposes of this chapter, to be significant something must be an important aspect or quality inherent in some larger whole. The aspect or quality must be measurable by a factual and scientific standard. The burden of establishing that something is significant must be borne by the party asserting it. A significant adverse impact occurs if a change eliminates some important aspect or quality of the larger whole. The party asserting a significant impact has the burden of:

1. Identifying the aspects or qualities of the larger whole;
2. Identifying the inherent important aspects or qualities;
3. Identifying a factual and scientific standard to be used for measuring the impact;
4. Establishing in a measurable fashion that an important aspect or quality will be impacted by such change.

"Slope" means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In these regulations, slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A forty percent slope, for example, refers to a forty-foot rise in elevation over a distance of one hundred feet.

"Site" means any parcel or combination of contiguous parcels, or right-of-way, or combination of contiguous rights-of-way under the applicant's ownership or control where the proposed project occurs.

"Species of local importance" means those species that are of local concern due to their population status or their sensitivity to habitat manipulation or that are game species.

"Species, priority" means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

"Species, threatened" means any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

"Stream" means water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or WAC 22-16-031 as listed under "water typing system." Streams do not include irrigation ditches, waste ways, drains, outfalls, operation spillways, channels, stormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse.

"Unavoidable and necessary impacts" means impacts for a use that, if not allowed, would deny all reasonable economic use of the land. The applicant shall demonstrate losses to all reasonable economic use. Such unavoidable impacts shall be mitigated.

"Wetland edge" means the boundary of a wetland as delineated, based on the definitions contained in this chapter.

"Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, bogs, marshes, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation facilities, wastewater treatment facilities, farm ponds, landscape amenities, or wetlands created after July 1, 1990, that were unintentionally created as a result of road, street, or highway construction. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversions of wetlands.

15.08.080 - Best available science.

- A. Critical area reports or decisions to alter critical areas shall rely on the best available science criteria as defined in WAC 365-195-900 through WAC 365-195-925. Best available science is scientific information prepared by qualified scientific professionals through a process. Best available science shall be used to protect the functions and values of critical areas.
- B. Evaluation of Scientific Process. To evaluate if the information received meets the requirements of best available science, the director shall determine whether the information has been derived from a valid scientific process. The following are characteristics of a valued scientific process:
 - 1. Peer Review. The information has been critically reviewed by other persons who are qualified scientific experts in that scientific discipline. The proponents of the information have addressed criticism by the peer reviewers.
 - 2. Methods. The methods to obtain the information are clearly stated and are reproducible. The methods are standardized in the scientific discipline or the methods have been appropriately peer reviewed to assure reliability and validity.
 - 3. Logical Conclusions and Reasonable Inferences. The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the assumptions and supported by the data presented. Gaps or inconsistencies with other information have been adequately explained.
 - 4. Context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of scientific knowledge.
 - 5. References. The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.
- C. Nonscientific Information. Nonscientific information may supplement scientific information, but is not an adequate substitute for valid and available scientific information.

15.08.090 - Applicability.

All development proposals within the city of Woodland, whether public or private, shall comply with the requirements of this chapter, whether or not a permit or authorization is required. Responsibility for the enforcement of this chapter shall rest with the Community Development Director. For the purposes of this chapter, development proposals shall include, but are not limited to the following:

- A. Any project or development that requires a federally issued permit;
- B. Any project or development that requires compliance with the Washington State Growth Management Act (RCW 36.70A);
- C. Alteration of a wetland or riparian habitat area as defined herein;
- D. Any project or development that requires a permit under the adopted building code;

- E. Any development or use that requires approvals under existing or subsequently adopted Woodland codes and/or ordinances (e.g., subdivision, zoning, shoreline, conditional use, etc.).

15.08.140 - Critical area identification checklist.

- A. Submittal. Prior to the city's consideration of a proposed activity not found to be exempt pursuant to this chapter, the applicant shall submit a complete critical area identification checklist to the city.
- B. Critical Area Identification Review Process. The director shall review the critical area identification checklist, review information available about the site, and perform a site visit.
- C. Site Inspection. Upon receipt of a completed critical area identification checklist, the director or designee shall conduct a site visit of the proposed project site to determine if any critical area conditions exist on site. The director shall notify the applicant prior to the inspection. Reasonable access shall be provided for the purposes of site inspections.
- D. Review of Available Information. The director may determine if a critical area report is needed by using the following indicators:
 - 1. Information obtained from the critical area identification checklist;
 - 2. Maps depicting critical areas, soil types and other appropriate features;
 - 3. Information and scientific opinions from appropriate agencies;
 - 4. Washington Department of Fish and Wildlife Priority Habitats and Species (PHS) and Salmonscape maps;
 - 5. Documentation from other scientific sources;
 - 6. Findings by qualified professionals or a reasonable belief by the director that a critical area may exist on or adjacent to the proposed activity.
- E. Determination If Critical Area Report Is Needed.
 - 1. No Critical Areas Present. If the director determines the proposed project is not within or adjacent to a critical area or buffer or that the project is not likely to degrade the functions or values of a critical area, then the director shall rule that no further critical area review is required. The director shall consult with resource agencies or individuals with special expertise, as necessary, to assist in the determination of critical areas and potential impacts associated with project proposals. A summary of the director's decision and review shall be included in the file and/or staff report.
 - 2. Critical Area Present But No Impact. If the director determines there are critical areas within the proposed project but that the project is not likely to degrade the functions or values of a critical area, then the director may waive the requirements of a critical area report. The director shall consult with resource agencies or individuals with special expertise, as necessary, to assist in the determination of critical areas and potential impacts associated with project proposals. A waiver may be granted if all of the following are met:
 - a. No alteration of the critical area or buffer will occur;
 - b. No impact to the critical area will occur that is contrary to the intent of this chapter;
 - c. The proposal is consistent with other applicable regulations and standards.
 - 3. Critical Areas May Be Affected. If the director determines that a critical area may be affected by a proposal, then the applicant shall be required to submit a critical area report prior to any further project activity. The director shall inform the applicant within ten business days following the site visit of his findings and indicate what critical area types should be addressed in the report.

A determination by the director is not an expert classification regarding the presence of critical areas. If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances. If a qualified professional determines no critical areas exist or will not be affected by the proposal, the director may reconsider their determination.

15.08.150 - Public notice of initial determination.

The city shall include in its notice of application the initial critical area determination by the director and any reasons for the determination. If a critical area report is required, a description of the critical area and location shall be included in the notice.

15.08.170 - Critical area report—Modifications.

- A. Study Area—Limitations. The director may modify the geographic area of the critical area report if:
 - 1. Permission to access adjacent properties cannot be obtained;
 - 2. Only a limited portion of the site will be affected by the activity.
- B. Required Contents—Modifications. The director may modify the required contents of the critical area report if, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and mitigation.
- C. Additional Information. The director may require additional information to be included with the critical area report when deemed necessary to the review of the proposed project.

15.08.210 - Determination and review.

- A. The director shall make a determination as to whether the proposed activity and mitigation is consistent with the provisions of this chapter. Any alteration to a critical area, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria:
- B. The director shall make a determination as to whether the proposed activity and mitigation is consistent with the provisions of this chapter. Any alteration to a critical area, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria:
 - 1. Impacts to critical areas are avoided or minimized in accordance with Section 15.08.190, Mitigation sequencing;
 - 2. There is no unreasonable threat to public health, safety, or welfare;
 - 3. The proposal is consistent with this chapter and the public interest;
 - 4. Permitted alterations are mitigated in accordance with Section 15.08.180, Mitigation requirements;
 - 5. The critical area functions and values are protected in accordance with the best available science; and
 - 6. The proposal is consistent with other applicable regulations and standards.
- C. The city may condition a proposed activity as necessary to mitigate for impacts to critical areas and to conform to standards of this chapter.

- D. Any project that cannot adequately mitigate for impacts to critical areas shall be denied except as provided in this chapter.

15.08.220 - Determination, favorable.

Upon determination that a proposed activity meets the requirements of Section 15.08.210 of this chapter, and complies with the requirements of this chapter, the director shall prepare a written notice of determination and identify any conditions of approval. Any changes to the conditions of approval shall void the previous determination pending a review of the alternative proposal and conditions by the director.

15.08.230 - Determination, unfavorable.

Upon determination that a proposed activity does not meet the above criteria and/or does not adequately mitigate for impacts to critical areas, the director shall prepare a written notice of determination and identify the findings. A revised critical area report may be submitted by the applicant for consideration, following notice of the determination. The director may make a new determination based on the revised critical area report.

15.08.270 - Unauthorized critical area alterations and enforcement.

- A. When a critical area or buffer has been altered in violation of this chapter, the city shall have the authority to issue a stop-work order to cease all ongoing development work and order restoration, rehabilitation or replacement at the owner's or responsible parties' expense.
- B. Restoration Plan Required. No work on the site shall be allowed until a restoration plan has been prepared and approved by the city in accordance with this chapter.
- C. Minimum Performance Standards.
 - 1. For unauthorized alterations to critical aquifer recharge areas, frequently flooded areas, wetlands habitat conservation areas, or associated buffers, the following shall be required at a minimum in accordance with an approved restoration plan:
 - a. Historic functional and structural values, water quality, habitat, and soils shall be restored;
 - b. Critical areas and buffers shall be replanted with native vegetation, types, sizes and densities, historically found on the site;
 - c. Historic functions and values shall be replicated.
 - 2. For flood and geological hazards, the following standards shall be met:
 - a. Risk of public or personal hazard resulting from the alteration shall be eliminated or significantly reduced to a level equal to the pre-altered state;
 - b. Hazard areas and buffers shall be replanted with native vegetation to minimize the hazard.
- D. Site Visits/Inspections. Reasonable access shall be provided. The director is authorized to make site visits/inspections as necessary to enforce this chapter.
- E. Penalties. Any person or entity determined to be in violation of this chapter is guilty of a misdemeanor. Each day or portion of a day the violation occurs shall constitute a separate offense. Any development conducted in violation of this chapter shall constitute a public nuisance and shall be subject to penalty in accordance with the Woodland Municipal Code.

15.08.280 - Markers and signs.

- A. Critical area boundaries shall be permanently delineated using iron or concrete markers in accordance with survey standards.

- B. The outer boundary of a critical area or buffer shall be identified with temporary signs prior to any site development or alteration. Permanent signs may be required by the director upon completion of the project.

15.08.360 - Initial project review.

Wetlands shall be identified and designated through a site visit and/or site assessment utilizing the definitions, methods, and standards as set forth in the Washington State Wetland Identification and Delineation Manual, Department of Ecology Publication #93-74.

A site visit shall be conducted by the director to confirm the presence of wetland indicators listed in the critical areas checklist or identified in the State Environmental Policy Act (SEPA) checklist. The site visit shall be used to determine if a wetland or wetland buffer area are within two hundred feet of a proposed project or activity. A positive confirmation that wetland indicators are present or that the proposed project may impact the wetland area will then require a professional site assessment. The director shall use the following map references to assist in making a determination: (1) National Wetland Inventory Map; and (2) any records of previously mapped wetlands.

15.08.380 - Critical area report—Requirements for wetlands.

In addition to the general critical area report requirements of Section 15.08.160 of this chapter, wetland critical area reports must meet the requirements of this section. Critical area reports that include two or more types of critical areas must meet the report requirements for each type of critical area. If a wetland critical area report is required, the report shall meet the following requirements:

- A. Wetland Reconnaissance by Qualified Professional. A wetland reconnaissance shall be performed by a qualified wetlands professional. The reconnaissance shall identify the presence of wetlands within two hundred feet of the proposed project or activity area. If this reconnaissance demonstrates no wetlands within two hundred feet of the activity area, then no further study is required. If the reconnaissance identifies wetlands present within two hundred feet of the proposed project or activity, then a wetland critical areas report shall be prepared by a qualified professional.
- B. Preparation of Report by Qualified Professional. A wetland critical areas report shall be prepared by a qualified professional who is a wetland biologist with experience in preparing wetland reports.
- C. Area Addressed in Wetland Critical Area Report. The following areas shall be addressed in a wetland critical area report:
 - 1. The project area of the proposed activity;
 - 2. All wetlands and recommended buffers within two hundred feet of the project area; and
 - 3. All shoreline areas, water features, floodplains, and other critical areas, and related buffers within two hundred feet of the project area.
- D. Wetland Analysis. A wetland critical area report shall contain an analysis of the wetlands including the following site and proposal related information:
 - 1. A written assessment of the wetlands and buffers within two hundred feet of the project area including:
 - a. Maps of the wetland and buffer areas;
 - b. Wetland delineation and required buffers;
 - c. Acreage of the existing wetland;
 - d. The wetland category including vegetation, faunal, and hydrologic characteristics;
 - e. Soil and substrate conditions;

- f. Topographic contours at five-foot contours.
- 2. Proposed measures to avoid damaging the existing wetland and current levels of function or ways to minimize damage to the wetland and current levels of function.
- 3. A habitat and native vegetation plan that addresses methods to protect and/or enhance wetland functions and habitat.
- 4. Proposed mitigation, if needed.
 - a. Existing and proposed wetland acreage;
 - b. Existing and proposed vegetative, faunal, and hydrologic conditions;
 - c. Relationship to wetland with existing water bodies and to the watershed;
 - d. Existing and proposed adjacent site conditions;
 - e. Required buffers;
 - f. List of all property owners.
- 5. A list of management practices that will be used to protect and maintain the quality of the wetland and/or covenants and restrictions that will be used in managing the wetland.
- E. Additional Information. Additional information may be required when deemed necessary by the director.

15.08.400 - Wetland buffers.

- A. Measurement of Wetland Buffers. All buffers shall be measured from the wetland boundary as surveyed in the field. Buffer widths shall be determined according to wetland category and intensity of the proposed land use. The buffer of a created, restored, or enhanced wetland shall be in conformance with the category of the wetland.
- B. Standard Buffer Widths. The standard buffer width is intended to protect the wetland functions and values in relation to the project intensity at the time of the proposed activity. Required buffer widths are as follows:

Table 15.08.400-1

Wetland Buffers

Wetland Category	Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use
Category 1	Natural Heritage Wetlands	Low - 125 feet
		Moderate - 190 feet
		High - 250 feet
	Bogs	Low - 125 feet
		Moderate - 190 feet
		High - 250 feet
	High level of function for habitat (score for habitat 29-36 points)	Low - 150 feet
		Moderate - 225 feet
		High - 300 feet

Wetland Category	Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use
	Moderate level of function for habitat (score for habitat 20-28 points)	Low - 75 feet
		Moderate - 110 feet
		High - 150 feet
	High level of function for water quality improvement (24-32 points) and low for habitat (<20 points)	Low - 50 feet
		Moderate - 75 feet
		High - 100 feet
	Not meeting any of the above characteristics	Low - 50 feet
		Moderate - 75 feet
		High - 100 feet
Category 2	High level of function for habitat (score for habitat 29-36 points)	Low - 150 feet
		Moderate - 225 feet
		High - 300 feet
	Moderate level of function for habitat (score for habitat 20-28 points)	Low - 75 feet
		Moderate - 110 feet
		High - 150 feet
	High level of function for water quality improvement and low for habitat (score for water quality 24-32 points; habitat <20 points)	Low - 50 feet
		Moderate - 75 feet
		High - 100 feet
	Not meeting above characteristics	Low - 50 feet
		Moderate - 75 feet
		High - 100 feet
Category 3	Moderate level of function for habitat (score for habitat 20-28 points)	Low - 75 feet
		Moderate - 110 feet
		High - 150 feet
	Not meeting above characteristic	Low - 40 feet
		Moderate - 60 feet
		High - 80 feet
Category 4	Score for all 3 basic functions is less than 30 points	Low - 25 feet
		Moderate - 40 feet
		High - 50 feet

- C. Increased Wetland Buffer Widths. The director shall require increased buffer widths when recommendations by a qualified professional biologist and the best available sciences deem additional buffer widths necessary. The determination shall be based on the following:
 - 1. An increased buffer area is necessary to protect other critical areas within the same project area;
 - 2. The buffer area or adjacent uplands have a slope greater than fifteen percent or the buffer is susceptible to erosion where standard erosion controls will not prevent adverse impacts to the wetland;
 - 3. Where an increased buffer is recommended due to minimal vegetation cover, a vegetation planting plan may be implemented as a substitute to the increased buffer width. A vegetation planting plan shall not result in a decrease in the buffer area. The vegetation planting plan shall include measures to monitoring and maintenance of the vegetated area.
- D. Reduction of Wetland Buffer Widths.
 - 1. The director may allow for a reduction in the standard buffer width in accordance with an approved critical areas report and following the best available science. Reductions in buffer widths shall be done on a case-by-case basis and only when it has been determined that a smaller buffer area is adequate to protect the wetland functions and values based on site-specific characteristics.
 - 2. A determination for reduced wetland buffer area shall be supported by documentation that shows that a reduced buffer is adequate based on the following criteria:
 - a. The critical area report provides sound rationale for a reduced buffer based on the best available science and site-specific conditions;
 - b. The existing buffer area is densely vegetated or will be significantly enhanced with native species and has less than ten percent slopes; and
 - c. No present or future adverse impacts to the wetland will result from the proposed activity. The director may determine that long-term monitoring is required. The director may require monitoring of the wetland to determine if there are any adverse impacts as a result of the project. If adverse impacts are discovered, corrective actions may be required.
 - 3. Under no circumstances may the standard buffer width be reduced by more than twenty-five percent, nor shall the buffer width be less than fifty feet except where the standard buffer width is already less than fifty feet.
- E. Special Conditions for a Possible Reduction in Buffer Widths. Distinct from the provisions of Section 15.08.100(D) of this chapter, the buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts under the following conditions, and only after submittal of a critical areas report prepared by a qualified professional that provides clear justification for the reduced buffer:
 - 1. For wetlands that score moderate or high for habitat (twenty points or more for the habitat functions), the width of the buffer can be reduced if both of the following criteria are met:
 - a. A relatively undisturbed, vegetated corridor at least one hundred feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife ("relatively undisturbed" and "vegetated corridor" are defined in questions H 2.1 and H 2.2.1 of the Washington State Wetland Rating System for Western Washington—Revised. The corridor must

- be protected for the entire distance between the wetland and the priority habitat by some type of legal protection such as a conservation easement.
- b. Measures to minimize the impacts of different land uses on wetlands, such as the examples summarized in Table 15.08.400-2, are applied.

Table 15.08.400-2
 Examples of Measures to Minimize Impacts to Wetlands from Proposed Change in Land Use That Have High Impacts
 (This is not a complete list of measures.)

Examples of Disturbance	Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts
Lights	Parking lots	Direct lights away from wetland
	Warehouses	
	Manufacturing	
	Residential	
Noise	Manufacturing	Locate activity that generates noise away from wetland
	Residential	
Toxic runoff*	Parking lots	Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered
	Roads	
	Manufacturing	
	Residential areas	Establish covenants limiting use of pesticides within 150 feet of wetland
	Application of agricultural pesticides	Apply integrated pest management
Landscaping		
Stormwater runoff	Parking lots	Retrofit stormwater detention and treatment for roads and existing adjacent development
	Roads	Prevent channelized flow from lawns that directly enters the buffer
	Manufacturing	
	Residential areas	
	Commercial	
	Landscaping	
Change in water regime	Impermeable surfaces	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
	Lawns	

Examples of Disturbance	Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts
	Tilling	
Pets and human disturbance	Residential areas	Use privacy fencing; 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
Dust	Tilled fields	Use best management practices to control dust

* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.

2. For wetlands that score less than twenty points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying measures to minimize the impacts of the proposed land uses (see examples in Table 15.08.400-2).
- F. Averaging of Buffer Widths. The director may allow for the standard buffer width to be averaged in accordance with an approved critical area report on a case-by-case basis. Averaging of buffer widths shall only be allowed when a qualified wetlands professional demonstrates that:
1. Averaging will not reduce wetland functions or values;
 2. The wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places due to varying wetland quality;
 3. The total area of the averaged buffer is not less than would be contained if there were no buffer averaging; and
 4. The buffer width is not reduced to less than twenty-five percent of the standard buffer width or fifty feet, whichever is greater in any one location.
- G. Buffer Conditions Shall Be Maintained. Wetland buffers in their natural state shall not be altered and shall be maintained in an undisturbed condition except as allowed in this chapter.
- H. Mitigation Buffers. Any wetland that is created, restored, or enhanced as compensation for approved regulated wetland alterations shall have the standard buffer required for the category of the created, restored, or enhanced wetland.
- I. Altered Wetland and/or Buffer Areas. Wetlands or buffer areas that have been altered and have lost their ecological functions and values are encouraged to be restored in order to replace these lost functions. Prior to the issuance of a development permit that is proposed adjacent to degraded wetlands or buffers, the property owner shall agree to undertake restoration activities or authorize such activities to occur, through an approved legal device such as a conservation program or restoration effort, or by legal agreement with restoration agencies or groups. Access shall be granted by the property owner for such restoration activities.
- J. Functionally Isolated Buffer Areas. Areas which are functionally separated from a wetland and do not protect the wetland from adverse impacts due to preexisting roads, structures, or vertical separation shall be excluded from buffers otherwise required by this chapter on a case-by-case basis subject to a critical area report and review as determined by the director.

- K. Exempted Wetlands. Isolated Category 4 wetlands less than five thousand square feet in size and Category 3 wetlands less than one thousand square feet that are not located in the buffer of a nonexempt wetland are exempted from the provisions of this chapter. If the city has established a fee program for wetland impacts, these nonexempt wetlands are subject to such a fee unless preserved.
- L. Use of Buffer Areas. The following uses may be permitted within a required wetland buffer unless otherwise prohibited:
 - 1. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
 - 2. Passive Recreation. Passive recreation in accordance with an approved critical area report. Such activities include but are not limited to:
 - a. Walking paths or trails (no motorized use) located in the outer twenty-five percent of the buffer area. Trails shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed area and may need to be enhanced with screening. Trails or paths within a wetland or buffer area shall be planned to minimize removal of vegetation (trees, shrubs, etc.) and important wildlife habitat. Trail widths shall not be wider than three feet for private trail and ten feet for public use or publicly owned trails. Trail surfaces shall be comprised of natural materials (gravel, rock, bark) and permanent surfacing materials (asphalt or concrete) shall require a variance. No construction or surfacing materials shall significantly alter the existing drainage or negatively affect the wetland or buffer area;
 - b. Wildlife viewing structures, platforms, interpretive areas, picnic areas, benches and associated activities shall be designed and located to minimize disturbance to wildlife habitat and/or critical wetland and/or buffer values or functions;
 - c. Access to fishing areas.
 - 3. Hazard Tree Removal. When a threat to human life or property is determined, the director may allow the falling of a danger or hazard tree subject to the following criteria:
 - a. Tree removal shall be the minimum necessary to balance the protection of the wetland or buffer area with the protection of life or property;
 - b. For every hazard tree removed, a minimum of two should be planted as mitigation.
 - 4. Stormwater Management Facilities. Stormwater management facilities such as bioswales or retention ponds may be allowed within the outer twenty-five percent of the required buffer area for Category 3 and 4 wetlands only, provided that:
 - a. No other location is feasible; and
 - b. Locating such facilities within the buffer area will not degrade the wetland values or functions or alter the hydroperiod of the wetland or adversely affect water quality; and
 - c. Compensatory mitigation shall be included for all losses of wetland function as a result of the stormwater management facility.

15.08.410 - Signing and fencing wetlands.

- A. Temporary Markers. The outer perimeter of a wetland or buffer area and the limit of the wetland or buffer area to be disturbed pursuant to an approved permit, shall be marked in the field in such a way as to prevent unauthorized disturbance of the wetland or buffer area. Temporary marking shall be maintained throughout the permitted activity and shall not be removed until final inspections are completed and approved permanent signs, if required, are in place. The location of temporary markers shall be shown on all site plans

and final plats associated with the proposal. Temporary markers shall be composed of one-half inch galvanized pipe or equivalent monument, at least eighteen inches long, and shall show above the surface at least two inches. Temporary markers shall be spaced no more than fifty feet apart or as determined by the director.

- B. Permanent Signs. The director may require the applicant to install permanent signs along the boundary of Class 1 and Class 2 wetlands or buffer areas as a condition of any permit. The director may also require signs for Class 3 or Class 4 wetlands.
- C. Temporary Fencing. All wetlands shall be temporarily fenced between the permitted activity and the buffer with a highly visible and durable protective barrier during the proposed activity to prevent access and to protect the critical area and buffer. The director may waive this requirement if an alternative to fencing which achieves the same objective is proposed and approved.
- D. Permanent Fencing. The director may require the wetland and/or buffer area to be fenced for any proposed project. Permanent fencing shall be installed at the applicant's expense and height and type shall be such that it provides protection yet is not sight-obscuring.

15.08.430 - Wetland mitigation.

- A. Mitigation Options. As a condition of any permit allowing for the alteration of wetlands, the applicant will engage in the restoration, creation or enhancement of wetlands in order to offset the impacts resulting from the alteration. An appropriate mitigation plan shall be developed by a qualified professional with experience in wetland mitigation, and shall be approved by the director. The following mitigation measures shall be considered for any mitigation plan:
 1. Avoid the impact completely by not taking certain action or parts of the action;
 2. Minimize impacts by reducing the magnitude of the action or by avoiding or reducing impacts;
 3. Resolve the impact by repairing, rehabilitating, or restoring the affected environment;
 4. Reduce or eliminate the impact over time by preservation, restoration and maintenance;
 5. Compensate for the impact by replacing or enhancing the affected area;
 6. Monitoring the impacted area.
- B. Mitigation Ratios. Any wetland that is degraded as a result of a permitted or nonpermitted activity shall be restored, created or enhanced at an area equal to or greater than the wetland area that was altered in order to compensate for losses to wetland acreage or functions according to the following ratios:

Wetland Area Impacted	Wetland Replacement Area Required		
Category 1	1	to	6
Category 2 or 3	1	to	3.0
Category 4	1	to	1.5

- C. Wetland Enhancement. Any applicant proposing to degrade wetlands may propose to enhance existing wetlands in order to compensate for wetland losses. Applicants proposing to enhance wetlands shall present an enhancement program designed by a qualified professional with experience in wetland enhancement. Acreage replacement ratios may be increased up to one hundred percent at the recommendation of a qualified professional

performing the enhancement program, with the approval of the director, if the following conditions exist:

1. High degree of uncertainty as to the probable success of the proposed restoration or creation;
 2. Significant (greater than twelve months) period of time between destruction and replacement of wetland functions;
 3. Projected losses in functional value and other uses, such as recreation, scientific research and education, are relatively high;
 4. Not possible to create or restore the same type of wetland.
- D. Decreased Replacement Ratio. The replacement ratio may be decreased only under the following circumstances:
1. Scientifically supported evidence, which demonstrates that no net loss of wetland function or value is attained under the decreased ratio;
 2. In all cases a minimum ratio of 1:1 shall be required.
- E. In-Kind/Out-of-Kind Mitigation. In-kind mitigation shall be provided except where the applicant can demonstrate that either:
1. The wetland system was already degraded prior to any activity and out-of-kind replacement will result in a wetland with greater functional value; or
 2. Technical problems such as exotic vegetation and changes in watershed hydrology make implementation of in-kind mitigation impossible.
- F. On-Site/Off-Site Mitigation. On-site mitigation shall be provided except where the applicant can demonstrate that:
1. The hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be damaged by the loss of the on-site wetland; and
 2. On-site mitigation is not scientifically feasible due to problems with hydrology, soils, or factors such as other potentially adverse impacts from surrounding land uses; or
 3. Existing functional values at the site of the proposed restoration are significantly greater than the lost wetland functional values; or
 4. Goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify locating mitigation measures at another site.
- G. Mitigation Site Selection. Mitigation sites shall be selected in accordance with a prepared wetland report by a certified wetland biologist and shall be within the existing city limits or with the director's approval, within the approved and adopted Woodland Urban Growth Boundary.
- H. Timing of Mitigation. Mitigation shall be completed prior to activities that will disturb wetlands where feasible. Bonding or other financial guarantee is required if mitigation projects cannot be completed prior to project completion. Mitigation projects shall be timed to reduce impacts to existing wildlife or vegetation.
- I. Components of Mitigation Plans. All wetland restoration, creation and/or enhancement projects required pursuant to this chapter either as a permit condition or as the result of an enforcement action shall follow a mitigation plan approved by the city. The applicant or violator must receive written approval by the director for the mitigation plan prior to the commencement of any wetland restoration, creation, or enhancement activity. The mitigation plan shall contain at least the following components:
1. Baseline Information. A written assessment and accompanying maps of the impacted wetland including, at a minimum, wetland delineation, existing wetland acreage, proposed wetland impacts, vegetative, faunal, and hydrologic characteristics, soil and substrate conditions, and topographic elevations. If the mitigation site is different from

the impacted wetland site, baseline information should also include surface hydrology, existing and proposed adjacent land uses, proposed buffers, and a list of all property owners within five hundred feet of the edge of the wetland.

2. Timing and Objectives. The following shall be submitted in writing: proposed timing of the mitigation, a complete description of the functions and values intended to be created or enhanced.

15.08.450 - Critical area report—Additional requirements for aquifer recharge areas.

In addition to the general critical report requirements of Section 15.08.160 of this chapter, proposed developments within critical aquifer recharge areas must also meet the following:

- A. Report—Prepared by Qualified Professional. A critical area report for an aquifer recharge area shall be prepared by a qualified professional who is licensed by the state as a hydrologist, geologist, or engineer and who has experience in preparing hydrologic assessments.
- B. Assessment Required—Hydrologic. All proposed activities, except those permitted activities above, shall have a level one hydrological assessment prepared. A level two hydrologic assessment shall be required for the following activities:
 1. Activities that result in five percent or more impervious surface area;
 2. Any activity that diverts, alters, or reduces the flow of surface or groundwater or reduces aquifer recharge;
 3. The use of hazardous substances other than household chemicals used in accordance with the package directions for domestic applications;
 4. Injection wells, except domestic septic systems;
 5. Any activity determined by the director that may likely have an adverse effect on aquifer recharge or groundwater quality.
- C. Level One Hydrologic Assessment. A level one hydrologic assessment shall include all of the following:
 1. Geologic and hydrologic characteristics for the site and immediately surrounding areas, if applicable, and any surface aquifer recharge areas;
 2. Groundwater depth and flow direction and quantity;
 3. Data on springs or wells within one thousand feet of the site;
 4. Location of other critical areas within one thousand feet of the site;
 5. Water quality data;
 6. Proposed best management practices for the project.
- D. Level Two Hydrologic Assessment. In addition to the requirements of a level one hydrologic assessment, a level two hydrologic assessment shall also include all of the following:
 1. Historic water quality data for the affected area for the past five years;
 2. Provisions for a groundwater monitoring plan;
 3. Effects the proposed project may have on groundwater quantity and quality, including:
 - a. Evaluation of groundwater withdrawal effects on nearby wells or surface water;
 - b. Evaluation of groundwater contamination from potential releases;
 4. A spill plan identifying structures or equipment that may fail and result in an impact. A spill plan shall include provisions for regular inspections, repair, and replacement of structures or equipment.

15.08.630 - Allowed activities.

The director may allow the following activities within other geologically hazardous areas if the activity will not increase the risk of the hazard:

- A. Construction of new buildings with less than two thousand five hundred square feet of floor area or roof area, whichever is greater;
- B. Additions to existing residences that are two hundred fifty square feet or less; and
- C. Installation of fences.

15.08.640 - Regulation.

For all regulated activities proposed within landslide and erosion hazard areas, a geotechnical report prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering shall be submitted. Where the applicant can clearly demonstrate to the department through submittal of a geotechnical assessment that the regulated activity or any related site alterations will not occur within the landslide or erosion hazard area or any associated buffers, the requirements for a geotechnical report may be waived. A geotechnical assessment may be prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering. A geotechnical assessment may also be prepared by a professional geologist/hydrologist or soils scientist who has earned a bachelor's degree in geology, hydrology, soils science, or closely related field from an accredited college or university or equivalent educational training, and having five years' experience assessing erosion and landslide hazards.

A. Geotechnical Assessments.

- 1. If an applicant questions the presence of landslide or erosion hazard areas on a site, the applicant may submit a geotechnical assessment.
- 2. A geotechnical assessment shall include all of the following:
 - a. A description of the topography, surface and subsurface hydrology, soils, geology, and vegetation of the site;
 - b. An evaluation of the analysis area's inherent landslide and erosion hazards and any other critical areas and buffers, and any critical areas that may be likely to impact the site;
 - c. A site plan of the area delineating all areas of the site subject to landslide and erosion hazards, based on sources and criteria above;
 - d. The submittal must include a contour map of the proposed site, at a scale of one inch equals twenty feet or as deemed appropriate by the department. Slopes shall be clearly delineated for the ranges between fifteen percent and twenty-nine percent, and thirty percent or greater, including figures for area coverage of each slope category on the site. When site-specific conditions indicate the necessity, the department may require the topographic data to be field surveyed. When possible, the footprint of the proposed project shall be shown.

B. Geotechnical Reports. A geotechnical report shall be prepared by a professional engineer licensed by the state of Washington with experience in geotechnical engineering and shall address the existing geology, topographic and hydrologic conditions of the site, including an evaluation of the ability of the site to accommodate the proposed activity. The geotechnical report shall include at a minimum the following:

- 1. Site geology information required:
 - a. Topographic Data. The submittal must include a contour map of the proposed site, at a scale of one inch equals twenty feet or as deemed appropriate by the department. Slopes shall be clearly delineated for the ranges between fifteen percent and twenty-nine percent, and thirty percent or greater, including figures for area coverage of each slope category on the site. When site-specific conditions

- indicate the necessity, the department may require the topographic data to be field surveyed. When possible, the footprint of the proposed project shall be shown;
- b. Subsurface Data. The submittal must include boring logs and exploration methods; soil and rock stratigraphy, groundwater levels, and seasonal changes of groundwater levels;
 - c. Site History. The submittal must include a description of any prior grading, soil instability, or slope failure; and
 - d. Seismic Hazard. The submittal shall include data concerning the vulnerability of the site to seismic events.
2. Geotechnical engineering information required:
 - a. Slope stability studies and opinion(s) of slope stability;
 - b. Proposed angles of cut and fill slopes and site grading requirements;
 - c. Structural foundation requirements and estimated foundation settlements;
 - d. Soil compaction criteria;
 - e. Proposed surface and subsurface drainage;
 - f. Lateral earth pressures;
 - g. Vulnerability of the site to erosion;
 - h. Suitability of on-site soil for use as fill;
 - i. Laboratory data and soil index properties for soil samples; and
 - j. Building limitations.
 1. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be utilized and a new report may not be required. If any changed environmental conditions are associated with the site or surrounding the site, or the proposed activity has changed, the applicant shall submit an amendment to the geotechnical report.
 2. The development proposal may be approved, approved with conditions, or denied based on the department's evaluation of the ability of the proposed mitigation measures to reduce risks associated with the erosion and landslide hazard area.
 3. Other critical areas or buffers on or adjacent to the site that may impact the proposal.
- C. Performance Standards. The department shall evaluate all geotechnical reports for landslide and erosion hazard areas to insure that the following standards are met:
1. Location and extent of development:
 - a. The development shall be located to minimize disturbance and removal of vegetation;
 - b. Structures shall be clustered where possible to reduce disturbance and maintain natural topographic character; and
 - c. Structures shall conform to the natural contours of the slope, and foundations should be tiered where possible to conform to the existing topography of the site.
 2. Design of development:
 - a. All development proposals shall be designed to minimize the building footprint and other disturbed areas;
 - b. All development shall be designed to minimize impervious surfaces;
 - c. Roads, walkways, and parking areas shall be designed to parallel the natural contours; and
 - d. Access shall be in the least sensitive area of the site.
 3. The department may approve, approve with conditions, or deny development proposals based on these performance standards.

- D. Buffer Requirements.
1. A buffer consisting of undisturbed natural vegetation and measured in a perpendicular direction from all landslide and erosion hazard areas shall be required. The buffer shall be from the top of the slope and toe of the slope of all landslide or erosion hazard areas that measure ten feet or more in vertical elevation change from top to toe of slope, as identified in the geotechnical report, maps, and field checking. The minimum buffer distance requirements from the top of slope and toe of slope of the landslide or erosion hazard areas shall be the same as for setbacks from slopes as identified in the Uniform Building Code.
 2. To increase the functional attributes of the buffer, the director may require that the buffer be enhanced through the planting of indigenous species.
 3. The edge of the buffer area shall be clearly staked, flagged, and fenced prior to any clearing, grading or construction. The buffer markers shall be clearly visible, durable, and permanently affixed to the ground. Site clearing shall not commence until the engineer has submitted written notice to the director that the buffer requirements of this chapter have been met. The buffer shall be permanently protected through a protective easement or other appropriate permanent protective measure.
- E. Modification to Buffer Width. When a geotechnical report demonstrates that a lesser buffer distance may be achieved through design and engineering solutions, such reduced buffer and design and engineering solutions may be permitted. If a geotechnical report demonstrates that a greater buffer distance is needed, the greater buffer shall be required.
- F. Building Setback and Construction Near Buffer. The setback for any proposed building or impervious surface from a buffer area shall be the same setback as required for that zoning district or ten feet, whichever is greater. No building or impervious surface shall be constructed closer than ten feet to any buffer area. Clearing, grading, and filling within the required setback shall only be allowed if the applicant can demonstrate that vegetation within the buffer will not be damaged.
- G. Erosion Control Plan. Erosion control plans shall be required for all regulated activities in erosion hazard areas.

15.08.710 - Critical area report—Additional requirements for habitat conservation areas.

In addition to the general critical area report requirements of Section 15.08.160 of this chapter, critical area reports for habitat conservation areas shall meet the requirements of this section. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

- A. Prepared by Qualified Professional. A critical report for a habitat conservation area shall be prepared by a qualified professional biologist with experience preparing reports for the appropriate type of habitat.
- B. Area Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for habitat conservation areas:
 1. The total area of the proposed activity;
 2. All habitat conservation areas and recommended buffers within two hundred feet of the project area; and
 3. All shoreline areas, floodplains and other critical areas with related buffers within two hundred feet of the project area.
- C. Habitat Assessment. A habitat assessment or investigation of the proposed project area that evaluates the presence of a potential fish or wildlife species or habitat shall be prepared. A

habitat conservation area report shall contain an assessment of following site and proposal related information:

1. Detailed description of vegetation and other habitat features on and adjacent to the proposed project area;
 2. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association habitat on or adjacent to the proposed project area;
 3. An assessment of potential impacts to the species by the proposed project;
 4. A discussion of any federal, state, or local special management recommendation that have been developed for species or habitats on or adjacent to the proposed project;
 5. A detailed discussion of the potential impacts to the habitat by the proposed project, including impacts to water quality or quantity;
 6. A discussion of measures, including avoidance, minimization and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded in accordance with Section 15.08.190 (Mitigation sequencing) of this chapter;
 7. A discussion of continuing management practices that will protect habitat after the project site has been developed, including monitoring and maintenance programs.
- D. Additional Information Required. The director may require additional information when the type of habitat or species dictates the need. The habitat management additional requirement shall include:
1. An evaluation by an independent qualified professional regarding the analysis and effectiveness of proposed mitigation or programs, including any recommendations as appropriate;
 2. A request for consultation with the Department of Fish and Wildlife; and
 3. A detailed surface and subsurface hydrologic features both on and adjacent to the proposed project site.

15.08.720 - Performance standards—General requirements.

- A. Alterations Shall Not Degrade the Functions and Values of Habitat. A habitat conservation area may only be altered if the proposed alteration of the habitat does not degrade the quality or quantity of functions or values of the habitat. All new structures are prohibited from habitat conservation areas except in accordance with this chapter.
- B. Nonindigenous Species Shall Not Be Introduced. Unless authorized by a state or federal permit of approval, no species not indigenous to the region shall be introduced into a habitat conservation area.
- C. Mitigation, Contiguous Corridors. Mitigation sites shall be located so as to achieve continuous habitat corridors in accordance with an approved mitigation plan.
- D. Approvals May Be Conditioned. The director may condition approvals of allowed activities within or adjacent to habitat conservation areas or buffers. Conditions may include, but are not limited to, the following:
 1. Establishment of buffer zones;
 2. Preservation of critically important vegetation;
 3. Limiting access, including fencing;
 4. Seasonal restriction of construction activities.
- E. Mitigation Shall Achieve Equivalent or Greater Functions. Mitigation activities shall achieve equivalent or greater biologic functions and shall include mitigation for adverse impacts upstream or downstream of the development site. Mitigation shall address each function.
- F. Approval shall be supported by the best available science.

G. Buffers.

1. The director shall require buffer areas to be established for all activities in or adjacent to habitat conservation areas when needed for habitat protection. Buffers shall be undisturbed areas of native vegetation, or shall be areas identified for restoration, to protect the integrity, functions, and values of the affected habitat. Buffers shall reflect the sensitivity of the habitat and intensity of the proposed project, and shall be consistent with recommendations by the State Department of Fish and Wildlife. Buffers shall be preserved in perpetuity.
2. Seasonal Restrictions. If a species is more prone to disturbance during specific times of the year, seasonal restrictions may apply. Larger buffers may be required, and activities may be restricted during that specific season.
3. Habitat Buffer Averaging. The director may allow the recommended buffer width to be reduced in accordance with an approved critical area report, best available science, and management recommendations by the State Department of Fish and Wildlife. Averaging may only occur if:
 - a. Averaging will not reduce habitat or stream functions;
 - b. It will not adversely affect salmonid habitat;
 - c. Additional natural resource protection such as buffer enhancement will be provided;
 - d. The total of the averaged buffer area is not less than what would be contained in the standard buffer;
 - e. The buffer area width is not reduced by more than twenty-five percent.

H. Signs and Fencing.

1. Temporary Markers. The outer perimeter of the habitat conservation area or buffer and the limits of the area to be disturbed shall be marked in such a way as to prevent unauthorized intrusion. The marking shall be verified by the director prior to any activities taking place. Temporary marking shall be maintained throughout the project timeline until permanent signs, if required, are in place.
2. Permanent Signs. The director may require permanent signs along the boundary of a habitat conservation area or buffer. The signs, if required, must be made of a durable material, mounted on a metal post. Signs shall be posted approximately fifty feet apart. The property owner shall maintain the signs.
3. Fencing.
 - a. The director may require permanent fencing of a habitat conservation area or buffer when fencing will prevent future impacts to the area.
 - b. Permanent fencing shall be required if domestic grazing animals are present or may be introduced in the future.
 - c. If permanent fencing is required, it shall be the sole responsibility of the applicant to install and maintain.
 - d. Fencing shall not interfere with species migration and shall be installed in a manner that minimizes habitat impacts.

I. Subdivisions/Short Subdivisions.

1. Land that is located entirely within a habitat conservation area or its buffer shall not be subdivided. Buffer areas shall be identified on the face of subdivision maps and shall be protected in perpetuity with conservation covenants, deed restrictions, or other legally binding mechanisms.
2. Land that is located partially within a habitat conservation area or buffer may be divided provided an accessible portion of each new lot is located outside the conservation area or buffer. A lot may be subdivided into lots outside the conservation area or buffer and a

lot entirely within the buffer area, so long as the lot within the conservation area or buffer area is designated as not developable on the final plat.

3. Roads and utilities serving the proposed subdivision may only be permitted in the conservation area or buffer if the city determines that no other feasible alternative exists and adverse impacts to critical areas and buffers are fully mitigated in accordance with all mitigation and critical area report requirements of this chapter.

15.08.730 - Performance standards—Specific habitats.

A. Endangered, Threatened and Sensitive Species.

1. No development shall be allowed within a habitat conservation area or buffer where state or federally endangered, threatened, or sensitive species have a primary association.
2. Proposed activities adjacent to a conservation area where state or federally endangered, threatened, or sensitive species have a primary association shall be protected in accordance with an approved critical area report. No activity shall be permitted prior to consultation with the State Department of Fish and Wildlife and/or appropriate federal agency.
3. Bald eagle habitat shall be protected pursuant to Washington State Bald Eagle Protection Rules (WAC 232-12-292). For activities proposed adjacent to a verified nest or communal roost a habitat management plan shall be developed by a qualified professional. Activities are adjacent to a bald eagle site when they are within eight hundred feet or within two thousand six hundred forty feet and in a shoreline foraging area. The city shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not occur prior to approval of the habitat management plan by the Department of Fish and Wildlife.

B. Anadromous Fish.

1. All activities, uses, and alterations proposed to be located within 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:
 - a. Activities shall be timed in accordance with the allowable work window as specified by the Department of Fish and Wildlife for the applicable species;
 - b. The activity is designed so it will not degrade the functions or values of the fish habitat or other critical areas;
 - c. Any impacts to the functions or values are mitigated in accordance with an approved critical area report;
 - d. Hydraulic project approval may be required from the Department of Fish and Wildlife.

C. Wetland Habitats. All proposed activities within or adjacent to habitat conservation areas containing wetlands shall conform to the wetland portion of this chapter. If wetland and nonwetland critical areas are present at the same location, the provisions that afford the greatest protection shall apply.

D. Riparian Habitat Areas. Unless otherwise allowed in this chapter, all structures and activities shall be located outside of the riparian habitat area.

1. Establishment of Riparian Habitat Areas. Riparian areas shall be established for habitats that include aquatic and terrestrial ecosystems that mutually benefit each other, and are located adjacent to rivers, perennial or intermittent streams, and springs.

2. Riparian Habitat Area Widths. Riparian habitat area widths shall be as shown in the following table:

Table 15.08.730-1

Riparian Habitat Areas (RHA)

Stream Type	RHA Width
Type 1(S) and 2(F); or shorelines of the state, or shorelines of statewide significance	250 feet
Type 3(F); or other perennial or fish bearing streams, 5-20 feet wide	200 feet
Type 3(F); or other perennial or fish bearing streams, <5 feet wide	150 feet
Type 4(Np) and 5(Ns); or intermittent streams and washes with high mass wasting potential	225 feet
Type 4(Np) and 5(Ns); or intermittent streams and washes with low mass wasting potential	100 feet

A riparian habitat shall have the width specified unless a greater width is required, or a lesser width is allowed. Widths shall be measured from the ordinary high water mark or from the top of the bank if the ordinary high water mark cannot be identified.

3. Riparian Habitat Required. A riparian habitat area shall apply only to projects permitted after the adoption date of the ordinance codified in this chapter.
4. Streams, Not Classified. Projects where streams have not been classified on a map are exempt from this portion of the critical areas ordinance, but must comply with all other portions of the critical areas ordinance.
5. Increased Riparian Widths. Riparian habitat widths shall be increased when:
 - a. The director determines that the recommended width is insufficient to prevent habitat degradation and to protect the functions of the habitat area;
 - b. A channel migration zone exceeds the recommended riparian width. The width shall be extended to the outer edge of the channel migration zone;
 - c. The riparian area is in an area of high blowdown potential. The riparian habitat area shall be expanded an additional fifty feet on the windward side;
 - d. The riparian area is within an erosion or landslide area. The buffer width will be that of the critical area affording the greatest protection.
6. Reduction of Habitat Buffer Widths. The director may allow the standard habitat buffer width to be reduced in accordance with an approved critical area report and the best available science on a case-by-case basis when it is determined that a smaller area is adequate to protect the habitat functions and values based on site-specific characteristics and when all of the following criteria are met:
 - a. The critical area report provides a sound rationale for a reduced buffer based on the best available science;
 - b. The existing buffer area is well-vegetated or will be significantly enhanced with native species and has less than a ten percent slope;
 - c. No direct or indirect, short-term or long-term, adverse impacts to habitats will result from the proposed activity;
 - d. As required by the director, a five-year monitoring program of the buffer and habitat shall be included. Subsequent corrective actions may be required if adverse impacts to the habitats are discovered during the monitoring period;
 - e. In no case shall the standard buffer width be reduced by more than fifty percent using this provision.

7. Riparian Habitat Area Width Averaging. The director may allow the riparian habitat area width to be averaged in accordance with a critical area report only if:
 - a. The reduction will not degrade the habitat;
 - b. The reduction will not reduce the stream or habitat functions;
 - c. The reduction will not reduce non-fish habitat functions;
 - d. Additional habitat protection will be provided;
 - e. The total area of the riparian area is not reduced by more than twenty-five percent in any one location;
 - f. The total area of the riparian area is not decreased;
 - g. The reduction in width will not be within another critical area or buffer; and
 - h. The reduction in habitat area is supported by best available science.
 8. Riparian Habitat Mitigation. Mitigation of adverse impacts shall result in equivalent functions and values on a per function basis. The mitigation shall be located as near the alteration as possible, and be located in the same sub-drainage basin as the impacted habitat.
 9. Alternative Mitigation for Riparian Areas. If the applicant demonstrates that greater habitat functions can be obtained as a result of alternate mitigation measures, the director may modify the requirements of the performance standards of this section, including the riparian habitat area buffers.
 10. Use of Buffer Area. Buffers for fish and wildlife habitat conservation areas not subject to the shoreline master program, shall follow the same rules as those outlined in Section 15.08.400(L) of this chapter.
 11. Functionally Isolated Riparian Habitat Area. Areas which are functionally separated from a riparian habitat area due to preexisting roads, structures, or similar circumstances, shall be excluded from buffers otherwise required by this chapter on a case-by-case basis subject to a critical area report and review as determined by the director.
- E. Aquatic Habitat/Shoreline Jurisdiction. The following activities may be permitted within a riparian habitat area when the activity is done in accordance with the shoreline management program and this chapter, including Section 15.08.040:
1. Clearing and grading as part of a permitted activity.
 - a. Grading is allowed only in the dry season as determined by the director.
 2. Shoreline Erosion Control. Shoreline erosion control measures may be permitted in accordance with an approved shoreline permit and critical areas report that demonstrates the following:
 - a. Natural shoreline process will be maintained;
 - b. There will be no increased beach or other erosion;
 - c. Fish and wildlife habitat will not be degraded;
 - d. There is no net loss of functions or values.
 3. Streambank Stabilization. Only in accordance with an approved critical area report and shoreline permit.
 4. Boat Ramps. Boat ramps may be permitted in accordance with a shoreline permit and approved critical area report that demonstrates the following:
 - a. Natural shoreline process will be maintained;
 - b. There will be no increased shoreline, bank or other erosion;
 - c. Fish and wildlife habitat will not be degraded;
 - d. There is no net loss of functions or values.

5. Roads, Trails, Bridges, Rights-of-Way. Roads, trails, bridges, and rights-of-way may be permitted up to thirty feet wide in accordance with a shoreline permit and approved critical area report that demonstrates the following:
 - a. There is no feasible alternative route with less environmental impact;
 - b. Roads do not run parallel to the water body;
 - c. Trails are located on the outer edge of the riparian area;
 - d. Crossings shall be as near perpendicular to the water body as possible;
 - e. Mitigation for impacts is provided;
 - f. Trail shall not be made of continuous impervious materials.
6. Utility Facilities. New utility lines and facilities may be permitted in accordance with an approved critical area report that demonstrates compliance with the following:
 - a. Fish and wildlife area shall be avoided to the maximum extent possible;
 - b. Utilities shall cross at an angle greater than sixty degrees;
 - c. Crossings shall be contained within an existing road or utility crossing where feasible;
 - d. The utility shall avoid paralleling a stream;
 - e. The utility shall not increase or decrease the natural rate of shore or channel migration.
7. Public Flood Protection Measures. Public flood protection measures may be permitted subject to the city's review and approval of a critical area report and shoreline permit.
8. Instream Structures. May be permitted in accordance with an approved critical area report and shoreline permit. The structure shall be designed to avoid modifying flows and adversely affecting water quality.
9. Stormwater Conveyance Facilities. Conveyance facilities may be permitted in accordance with an approved critical area report subject to the following:
 - a. No other feasible alternatives with less impact exist;
 - b. Mitigation for impacts is provided;
 - c. Conveyance facilities shall incorporate habitat features; and
 - d. Vegetation shall be maintained.
10. On-Site Sewage Systems and Wells.
 - a. New on-site sewage systems and individual wells may be permitted in accordance with an approved critical area report only for residences where it is not feasible to connect to the public sanitary sewer system.
 - b. Repairs to failing on-site sewage systems associated with an existing structure shall be by utilizing one of the following methods that results in the least impact:
 - i. Connection to the public sanitary sewer system;
 - ii. Replacement with a new on-site system located in a portion of the site that has already been disturbed;
 - iii. Repair to the existing system.

15.10.030 - Authority and general requirements.

- A. The city hereby adopts the BMP manual by reference.
- B. The Public Works Director is hereby given the authority to interpret and apply, and the responsibility to enforce this chapter. The Public Works Director may withhold, approve, approve with conditions, or deny erosion control plans in accordance with the provisions outlined in this chapter and the BMP manual.
- C. Meeting the requirements of this chapter and the BMP manual is the responsibility of the property owner on whose parcel the land disturbing activity occurs and the person

undertaking such activities. In addition, if the land disturbing activity involves a city issued permit, the permit holder is also responsible for meeting the requirements of this chapter.

- D. If the BMPs applied to a site are insufficient to prevent sediment from reaching water bodies, adjacent properties, or public right-of-way, then the Public Works Director shall require additional BMPs.

15.10.040 - Definitions.

This chapter adopts by reference the uniform usage and definitions of terms from the BMP manual. Unless specifically defined in this section or in the BMP manual, the words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Best available science" means current scientific information, used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined in WAC 365-195-900 through WAC 365-195-925.

"Best management practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

"BMP manual" means the most current issue of the Stormwater Management Manual for Western Washington (SMMWW).

"City" means the city of Woodland, Washington.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to the construction and expansion of buildings, other structures, sewers or streets, creation of impervious surfaces, demolition, mining, dredging, paving, excavating, compaction, clearing, landscaping, and filling or grading in amounts greater than five hundred cubic yards on any lot.

"Director" means the Community Development Director or his/her designee.

"Emergency" means any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

"Erosion" means the movement of soil particles resulting from actions of water, wind, gravity or mechanical forces.

"Erosion control plan" means a plan showing any temporary or permanent measures to be taken to reduce erosion, control siltation and sedimentation, and ensure that sediment-laden water does not leave the site.

"Erosion control permit" means a stormwater pollution prevention plan (SWPPP) required by the Washington Department of Ecology (WDOE).

"Excavation" means any act of development by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, exposed or relocated.

"Fill" means any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed for the purposes of development or redevelopment.

"Grading" means any stripping, clearing, stumping, excavating, filling, or stockpiling of the land, or any combination thereof, including the land in its excavated or filled condition.

"Impervious surface" means a hard surface area that prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

"Land disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or existing soil topography. Land disturbing activities include, but are not limited to demolition, reconstruction, construction, expansion, compaction, associated with stabilization of structures, clearing, grading, filling, excavation, and landscaping.

"Large parcel development" means creation or addition of five thousand or more square feet of new impervious surface or land disturbing activities of one acre or more provided that the construction of individual detached single-family residences and duplexes shall be treated as small parcel developments.

"Owner" means any party, including an owner, part owner or agent that has a legal interest in a piece of real property upon which development is proposed, or their designated representatives.

"Person" means any individual, group of individuals, association, corporation, partnership, limited liability company or any business entity.

"Pollution" means contamination or other alteration of the physical, chemical, or biological properties, of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

"Sediment" means any soil, sand, dirt, dust, mud, rock, gravel, refuse, mineral or any other organic or inorganic material that is in suspension, is transported, has been moved or is likely to be moved by erosion.

"Small parcel development" means construction of individual, detached, single-family residences and duplexes, or creation or addition of less than five thousand square feet of impervious surface, or land disturbing activities of less than one acre.

"Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface waterbody, or a constructed infiltration facility.

15.10.050 - Exemption.

The following categories of land disturbing activity are exempt from the requirements of this chapter:

- A. Commercial agricultural and forest practices regulated under WAC Chapter 222, except for Class IV general forest practices that are conversions from timber land to other uses.
- B. Road maintenance in the public right-of-way, including but not limited to, pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regarding drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, and vegetation maintenance.
- C. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to requirements concerning the construction stormwater pollution prevention provisions outlined in the BMP manual.
- D. Installation and maintenance of the public utilities by the city or utility companies or their contractors.
- E. Routine gardening and landscape maintenance activities on existing landscaped areas on developed lots, including pruning, weeding, and planting.
- F. Removal of trees and groundcover in emergency situations involving immediate danger to life or property or substantial fire hazards.
- G. Removal of diseased, dead or dying trees upon written verification by a qualified arborist or landscape architect, or landscape contractor which states that removal of the trees is essential for the protection of life, limb, or property and is filed with the director.

15.10.060 - Required submittals.

An erosion control plan is required for all land disturbing activity, and such erosion control plan shall satisfy the applicable requirements in Section 15.10.110 or 15.10.120 and shall include the following information:

- A. Clearing and grubbing for perimeter controls;
- B. Installation of perimeter controls;
- C. Construction phasing;
- D. Clearing and grubbing, grading and trenching for activities other than perimeter control;
- E. Final grading, landscaping, and stabilization;
- F. Work on or at bridges and other watercourse structures;
- G. Utility installation and removal;
- H. Work required in any wetlands;
- I. Monitoring of rainfall;
- J. Inspection of controls;

- K. Installation and maintenance of permanent controls;
- L. Installation, maintenance and removal of temporary controls; and
- M. Disposal of waste materials generated on-site;
- N. If required by the director or applicable law, all plans, studies, and reports shall be stamped, signed and dated by the professional civil engineer(s) registered in the state of Washington and, if required by the director, the registered soil scientist(s). The plan shall include a soils survey or a written description of the soil types of the exposed land area contemplated for the earth change. An erosion control plan shall contain methods and measures to be used during and after construction to prevent or control erosion prepared in compliance with the provisions in the BMP manual;
- O. The erosion control plan shall indicate that erosion control measures will be managed and maintained during the land disturbing activity. The erosion control plan shall also indicate that erosion control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures;
- P. Alternative BMPs;
- Q. Vicinity maps;
- R. Other maps showing the contours and the following:
 - 1. Steep slopes,
 - 2. Floodplains,
 - 3. Wetlands, and
 - 4. Shoreline management areas;
- S. Any other information required by the director to demonstrate compliance with this chapter.

15.10.090 - General approval procedure.

- A. The director shall review the erosion control plan for compliance with the BMPs, and withhold, approve, approve with conditions, or deny the plan with notice of the decision to the applicant. The erosion control plan shall be approved prior to issuance of the associated land use or building permits. Upon issuance of the land use or building permit, the owner or his/her designated representative of the land subject to the land disturbing activity shall implement the plan.
 - 1. If the land disturbing activity does not require a land use or building permit, the director may withhold, approve, approve with conditions, or deny the erosion control plan with notice of the decision to the applicant. Upon approval of the plan, the owner or his/her designated representative of the land subject to the land disturbing activity shall implement the plan.
 - 2. The director may approve the alternative BMPs based on the provisions in the BMP manual and the best available science.
- B. A stormwater pollution prevention permit (SWPPP), if required by the WDOE, shall be submitted concurrent with the erosion control plan. The SWPPP is required to be approved by the WDOE prior to the issuance of the associated land use or building permit.
- C. The city may inspect the site of land disturbing activity to determine compliance with the approved erosion control plan and associated permit.
- D. Approval of an erosion control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

15.10.100 - Applicable minimum requirements for small parcel developments.

Small parcel developments shall comply with the requirements in this section:

- A. Construction Access. Construction vehicle access shall be limited, wherever possible, to only one route. Access points shall be stabilized with two- to four-inch diameter gravel to minimize tracking of sediment or debris onto public roads. Vehicles not performing a construction activity shall not be permitted off-street. Worker personal vehicles shall be parked on adjacent streets or other approved areas.
- B. Stabilization of Denuded Areas. All exposed and unworked soils shall be stabilized by suitable application of BMPs, including but not limited to sod or other vegetation, plastic covering, mulching, or application of ground base on areas to be paved. All BMPs shall be selected, designed, and maintained in accordance with the BMP manual. From October 1st through April 30th of any calendar year, no soils shall remain exposed for more than two days. From May 1st through September 30th of any calendar year, no soils shall remain exposed for more for seven days. Construction materials such as lumber shall be delivered and stored on designated locations that are stabilized and protected from erosion. All sidewalk areas shall be pre-graded and stabilized for use as sediment traps.
- C. Protection of Water Bodies and Adjacent Properties. Water bodies and adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes, mulching, or by a combination of these measures and other appropriate BMPs. Each owner, builder, or permit holder shall install and maintain inlet protection on storm drain inlets impacted from construction activity on their site.
- D. Maintenance. All erosion control BMPs shall be inspected and maintained and repaired as needed to ensure continued performance of their intended function. Maintenance and repair shall be conducted in accordance with the BMP manual or approved site plans. A maintenance log for private facilities shall be provided and kept as a permanent record. The maintenance log shall be in a designated on-site location. Uncompleted construction sites shall be inspected at least once a week and after each rainfall and shall be repaired if needed. An inspection log shall be maintained from the beginning of construction until the completion of the warranty period and final project inspection.
- E. Sediment Removal from Roadways. If sediment, mud or debris is transported onto a road surface, the roads shall be cleaned thoroughly at the end of the workday, or more often if necessary. Significant soil deposits shall be removed from roads by shoveling or sweeping. Street washing, which must be approved by the Public Works Director, shall be allowed only after sediment is removed in this manner. Prior to washing, all inlets and downstream facilities must be protected.
- F. The methods of cutting and removal of the existing vegetation and significant trees shall comply with the provisions of the BMP manual.

15.10.110 - Applicable minimum requirements for large parcel developments.

Large parcel developments shall comply with the requirements in this section:

- A. Construction Access Route. Construction vehicle access shall be limited to specific access points. Access points shall include a temporary sedimentation pond or other approved BMP to contain or treat wash water from construction vehicles. Additional accesses shall be approved by the Public Works Director. Access points shall be stabilized with four- to eight-inch diameter gravel, and a minimum of twelve-inch thick, fifteen-foot wide, and one hundred-foot deep, to minimize the tracking of sediment or debris onto public roads. Evidence of tracking of material from a construction site may require construction activities to cease until corrections are made.

- B. Sediment Removal from Roadways. If sediment or debris is transported onto a road surface, the roads shall be cleaned thoroughly at the end of the workday, or more often if necessary. Significant soil deposits shall be removed from roads by shoveling or sweeping. Street washing, which must be approved by the Public Works Director, shall be allowed only after sediment is removed in this manner. Prior to washing, all inlets and downstream facilities must be protected.
- C. Delineate Clearing and Easement Limits. At the site, mark clearing limits and/or any easements, setbacks, sensitive/critical areas and their buffers, trees and drainage courses.
- D. Stabilization and Sediment Trapping. All exposed and unworked soils shall be stabilized by suitable application of BMPs. From October 1st to April 30th of any calendar year, no soils shall remain unstabilized for more than two days. From May 1st to September 30th of any calendar year, no soils shall remain unstabilized for more than seven days. Prior to leaving the site, stormwater runoff shall pass through a sediment pond or sediment trap, or other appropriate BMPs.
- E. Protection of Water Bodies and Adjacent Properties. Water bodies and properties adjacent to the site shall be protected from sediment deposition by appropriate use of BMPs. Prior to leaving sites larger than one acre, stormwater runoff shall pass through a sediment pond, sediment trap, or other appropriate BMP designed in accordance with the BMP manual. Sediment traps alone are not adequate on sites greater than three acres. BMPs shall be selected, designed and maintained in accordance with the BMP manual.
- F. Timing of Sediment Trapping Measures. Sediment ponds and traps, perimeter dikes, sediment barriers, and other BMPs intended to trap sediment on-site shall be constructed as a first step in grading. These BMPs shall be stabilized and functional before land disturbing activities take place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched according to the timing indicated in subsection (D) of this section concerning stabilization and sediment trapping.
- G. Infiltration System Protection. Permanent infiltration systems shall be isolated and protected from sedimentation by sediment traps, sacrificial systems, duplicate systems, or redundant systems.
- H. Controlling Off-Site Erosion. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. Acceptable BMPs include temporary or permanent detention ponds and temporary infiltration BMPs limiting the discharge from a two-year storm to one-half the pre-development two-year storm peak runoff rate.
- I. Stabilization of Temporary Conveyance Channels and Outlets. All temporary on-site conveyance channels shall be designed, constructed and stabilized to prevent erosion from the expected velocity of flow from a two-year, twenty-four-hour frequency storm for the developed condition. Stabilization adequate to prevent erosion of outlets, adjacent streambanks, slopes and downstream reaches shall be provided at the outlets of all conveyance systems. BMPs shall be selected, designed and maintained in accordance with the BMP manual. Outlet protection shall also include energy dissipation structures or devices that retard peak flows to non-erosive conditions.
- J. Storm Drain Inlet Protection. All storm drain inlets shall be protected so that stormwater runoff shall not enter the conveyance system without first being filtered or otherwise treated to remove sediment. BMPs shall be selected, designed and maintained in accordance with the BMP manual. Other BMPs may be utilized, provided they have prior approval by the responsible official. The details on the methods of storm drain inlet protection will be developed after the ordinance is adopted.

- K. Maintenance. All erosion control BMPs shall be inspected, maintained and repaired as needed to ensure continued performance of their intended function. Maintenance and repair shall be conducted in accordance with the BMP manual or approved site plan. A maintenance log for private facilities shall be provided and kept as a permanent record. The maintenance log shall be in a designated on-site location. Uncompleted construction sites shall be inspected at least once a week and after each rainfall and shall be repaired if needed. An inspection log shall be maintained from the beginning of construction until the completion of the warranty period and final project inspection.
- L. Underground Utility Construction. The construction of underground utility lines shall be subject to the following criteria:
 1. Where feasible, no more than five hundred feet of trench shall be opened at one time;
 2. Excavated material shall be placed to minimize runoff into the trench and adjacent roadways consistent with safety and space considerations;
 3. Trench dewatering devices shall discharge into a sediment trap or sediment pond;
 4. BMPs shall be used to control erosion during and after construction;
 5. BMPs damaged during construction shall be replaced or repaired; and
 6. An erosion control plan specifically related to underground work shall be submitted and approved prior to beginning work.
- M. Construction Site Dewatering. Dewatering devices shall discharge into a sediment trap or sediment pond. Off-site dewatering discharges shall not be authorized unless the applicant has received prior approval from the appropriate permitting authority.
- N. Control of Pollutants Other Than Sediment on Construction Sites. All pollutants other than sediment that occur on-site during development shall be handled and disposed of in a manner that does not cause contamination of stormwater or waters of the state.
- O. Removal of Temporary BMPs. All temporary erosion and sediment control BMPs shall be removed within thirty days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on-site. Disturbed soil areas resulting from removal shall be permanently stabilized.
- P. Cut and Fill Slopes. Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. In addition, slopes shall be stabilized in accordance with subsection (D) above concerning stabilization and sediment trapping.
- Q. If the BMPs approved and applied to a site are insufficient to prevent sediment from reaching water bodies, adjacent properties, or public rights-of-way, additional BMPs shall be implemented immediately by the property owner, person undertaking the activity, or permit holder.
- R. The methods of cutting and removal of the existing vegetation and significant trees shall comply with the provisions of the BMP manual.

15.10.120 - Authority to inspect and enforce provisions.

- A. Any authorized official of the city is given the authority to inspect any site of land disturbing activities, pursuant to WMC 1.16.010, for the purpose of determining compliance with the provisions in this chapter.
- B. If the director finds that the facilities and techniques approved in an erosion control plan are not sufficient to prevent erosion during any land disturbing activity regulated by this chapter, the director shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion control measures as specified in the BMP manual, required by the director, or otherwise directed by WDOE (Washington Department of Ecology).

15.10.130 - Penalty.

The city adopted this chapter pursuant to its police powers to protect the public's health, safety, and welfare. It shall be unlawful to violate this chapter. Whenever the director determines that a violation has occurred or is occurring, the director, in response to the seriousness and severity of the violation, may utilize one or a combination of the enforcement mechanisms in this section. The following enforcement mechanisms may be used instead of, or in addition to, any other remedies available under law:

- A. Correction Notice. The director may issue a correction notice to any person who violates this chapter. The correction notice shall specify the violated provisions of this chapter and impose a date certain by which corrective action must be taken.
- B. Civil Infraction. The director may issue a civil infraction to the person(s) who violate this chapter, as provided in Chapter 1.12 of the Woodland Municipal Code. Each violation of this chapter shall constitute a Class 1 Civil Infraction. The director may issue a separate civil infraction to the person(s) who violate this chapter each day a violation continues. Every civil infraction shall cite the provision(s) of this chapter that has been violated.
- C. Stop Work Order. The director may issue a stop work order to the person who is in violation of this chapter until the violator demonstrates compliance with this chapter's requirements.
- D. Criminal Prosecution. A violator(s) of this chapter may be criminally prosecuted as provided in Woodland Municipal Code Chapter 1.12.

15.10.140 - Appeal.

Any appeal of the director's decision to require, approve, approve with conditions, or deny an erosion control plan may be appealed in accordance with WMC 19.08.

TITLE 16 – SUBDIVISIONS

16.04.050 - Actual cost of inspection.

"Actual cost of inspection" means the cost, including overhead, to the Public Works Director, or his designee, of inspecting subdivision improvements.

16.04.710 - Street classification system.

"Street classification system" means the categorization of streets and alleys, by the following classes: freeway or expressway, major (primary) arterial, minor (secondary) arterial, collector street, local street in multifamily housing areas, local street in single-family housing areas, and alleys. Classification of any given street is based upon its location, present and prospective traffic volume, and relative importance and function. Streets providing egress from a subdivision to connecting streets outside are generally collectors. Authority for determination of the class of a street shall rest with the Public Works Director.

~~**16.04.750 – Supervisor.**~~

~~"Supervisor" means the public works supervisor of the city of Woodland.~~

16.06.040 - City clerk-treasurer.

The clerk-treasurer shall refer prospective subdivision applicants to the Community Development Director, and shall not accept applications, proposed preliminary plats or application fees until the prospective subdivider has met with the Building Official and Community Development Director. The clerk-treasurer is not required to participate in preapplication conferences.

16.06.050 - Prospective applicants.

- A. In the early concept stages of subdivision design and prior to designing a preliminary plat, a prospective subdivider should meet with the Building Official or Community Development Director to arrange for a preapplication conference. Prospective sub-dividers participating in a conference shall provide the following at the conference:
1. At least six copies of a sketch plan, conforming to the specifications listed in Section 16.18.010;
 2. A tentative schedule of development;
 3. A statement on how improvements will be financed and maintained;
 4. A profile of the steepest proposed road grade;
 5. An indication of contemplated drainage facilities;
 6. A description of existing uses of the subject property and of uses of adjacent properties.

- B. If a prospective subdivider prepares a plan more typifying a preliminary plat than a sketch plan, said plan nonetheless shall be the basis for the preapplication conference discussion and shall have the status of a sketch plan.

16.06.060 – Community Development Director.

The Community Development Director, shall perform the following duties in connection with the preapplication conference:

- A. Inform prospective subdividers of the purpose and desirability of a preapplication conference;
- B. Arrange, coordinate and notify participants of pre-application conferences. In establishing a date and location for preapplication conferences, he shall strive to determine the date of earliest convenience for the participants. The date ordinarily shall be within two weeks of a prospective subdivider's request for a preapplication conference;
- C. Provide an application form for preliminary plat approval;
- D. Provide an environmental checklist and instructions for completing it;
- E. Inform prospective subdividers about procedures, fees, specifications for plats and plans, design and improvement standards and options, and assurances for completion and maintenance of improvements;
- F. Review the sketch plan's relationship to the city's shoreline master program; flood damage ordinance maps and standards; zoning classifications and standards; and comprehensive plan classifications, goals and policies;
- G. Determine need for any special permits or approvals;
- H. If the subject property lies within the one-hundred-year floodplain, provide the required elevation of first floors of buildings;
- I. Encourage prospective subdividers to become familiar with the subdivision ordinance and comprehensive plan;
- J. Insure that the prospective subdivider is furnished a preapplication conference summary checklist as a follow-up to the conference. Such checklist shall contain the conclusions and recommendations of each of the city employee participants and the ~~city planner or planning agency~~ Community Development Director. The director, shall encourage participants who are not city employees to complete a checklist or submit other written summaries.

16.06.070 - Public Works Director.

- A. In addition to the responsibilities of the Community Development Director undertaken by the Public Works Director in the absence of the Community Development Director, the Public Works Director shall have the following responsibilities in connection with the preapplication conference:
- B. Inform prospective subdividers about specifications for plats and plans, design and improvement standards and options, assurances for completion and maintenance of improvements, and inspections;
- C. Determine the availability of water and sewer service and identify connection points while considering the proposal's relationship to the capital improvements program and growth management policies;
- D. Determine the possibility of conformance to fire flow requirements and provide fire hydrant location standards;
- E. Provide standards for drainage control and review potential impacts on existing off-site drainage systems;

- F. Review the adequacy and desirability of the proposed circulation system and the proposal's potential impacts on existing streets;
- G. Determine potential need for construction, repair, expansion, improvement or other provision of off-site improvements;
- H. Determine the project site's location by soil map classification pursuant to Sections 16.14.110 through 16.14.160. If a geologic feasibility report is required, provide a list of consultants who may be able to prepare such report.

16.06.080 - Fire chief or assistant.

The fire chief or an assistant is an optional participant but shall be encouraged to attend by the Community Development Director. The fire chief or assistant may review sketch plans on the basis of fire flow requirements, need for on-site water storage, emergency vehicle access, road grades and hydrant location, and may make recommendations.

16.06.100 - Public utility district, special purpose district and private utility representatives.

Participation by the PUD, special districts and private utilities is optional but shall be encouraged by the Community Development Director.

16.06.110 - County planner.

The Community Development Director shall seek attendance by staff from the Cowlitz County department of community development when the subject property is adjacent to unincorporated area.

16.08.070 - Copies of plats—Distribution.

- A. The city clerk-treasurer shall distribute a copy of the preliminary plat, the public notice prepared pursuant to Sections 16.08.040 and 16.08.050 and, if applicable, the master plan to the following:
 1. City Building Official;
 2. City Public Works Director;
 3. City fire chief;
 4. City police chief;
 5. Woodland parks board chairman;
 6. City Community Development Director;
 7. Woodland school district;
 8. Cowlitz County communication center;
 9. Cowlitz-Wahkiakum health district;
 10. Cowlitz County department of community development, when a plat adjoins unincorporated area;
 11. State Department of Transportation, when a proposed subdivision is located adjacent to a state highway right-of-way;
 12. State Department of Ecology, when a proposed subdivision adjoins a river or stream or is located in a flood-control zone;
 13. Public utility district;
 14. Soil conservation service, Kelso office;
 15. Each planning commission member;
 16. Planning commission secretary;
 17. Natural gas company;

18. Telephone company.
- B. Any plat copies remaining after distribution shall be retained by the city clerk-treasurer for such additional distribution as may be called for. At the direction of city staff or the planning commission, applicants may be required to furnish copies in addition to the original twenty-five.

16.08.120 - Duties of city officials.

- A. The following persons shall prepare comments and recommendations to be considered by the planning commission and city council in review of proposed preliminary plats:
1. Public Works Director;
 2. City fire chief;
 3. Woodland parks board in the case of residential subdivisions, when requested, pursuant to Section 16.14.210;
 4. City Community Development Director.
- B. The Public Works Director, fire chief and parks board shall forward their comments and recommendations to the Community Development Director in a timely manner, and the planning commission secretary shall forward any comments received from the public, public agencies or utilities to the Community Development Director. The Community Development Director shall consolidate the comments and recommendations into a staff report to be considered by the planning commission.

16.08.175 - Curb, sidewalk, drainage and roadway improvements.

All lots of a subdivision abutting a street shall be improved with curbs, sidewalks, drainage, and roadway constructed to standards outlined in this chapter and approved by the Public Works Director to the centerline of such streets.

16.08.300 - Effect of preliminary plat approval.

Approval of a preliminary plat by the city council is approval of the proposed subdivision's design, relationship with adjoining property and improvements to be provided. Engineering, construction and installation of improvements and final platting detail shall be subject to approval of the Public Works Director. Approval of a preliminary plat shall not guarantee approval or constitute acceptance of the final plat. Rather, it shall be deemed to authorize the subdivider to proceed with preparation of the final plat in conformance with the approved preliminary plat and conditions set thereon, and, upon the Public Works Director's approval of detailed construction plans, to proceed with construction and installation of the required improvements.

16.08.310 - Submission of construction plans.

After approval of the preliminary plat and prior to the beginning of construction and installation of improvements or performance bonding or other assurance in lieu thereof, the subdivider's engineer shall submit to the Public Works Director detailed construction plans for all required improvements and applications for necessary permits. Such plans shall conform to the specifications set forth in Section 16.18.050. Upon the Public Works Director's approval of the construction plans, and prior to submission of the final plat, the subdivider shall proceed to construct and install required improvements to completion, unless the performance bonding or other option set forth in Chapter 16.12 is accepted.

16.10.010 - Preparation.

After approval of the preliminary plat and the detailed construction plans, and within the time limits set forth in Section 16.08.290, the subdivider shall cause to be prepared a final plat and the supplementary materials required by this chapter. The final plat shall:

- A. Be drawn to the specifications and contain the information required by Section 16.18.070;
- B. Conform to the preliminary plat approved by the city council and to any conditions that may have been part of the approval. Slight deviation from the approved preliminary plat may be allowed if the Community Development Director determines such deviations are necessary because of unforeseen technical problems;
- C. Include all of the area shown in the approved preliminary plat;
- D. Include, in the manner specified by Section 16.18.070, all formal, irrevocable offers of dedication to the public and space for the acknowledgments, endorsements and certifications required by Section 16.18.070.

16.10.030 - Sequence for obtaining signatures.

Signatures required by Section 16.18.070 for dedications, acknowledgments and endorsements normally shall be obtained in the following sequence:

- A. The owners in fee simple;
- B. Notary public in and for the state of Washington;
- C. Licensed land surveyor;
- D. Cowlitz County treasurer;
- E. Public Works Director;
- F. Planning commission chairman;
- G. Mayor;
- H. City clerk-treasurer;
- I. Cowlitz County auditor.

16.10.040 - Review by ~~public works supervisor~~ Public Works Director.

- A. The subdivider shall submit the original drawing of the proposed final plat and supplementary materials to the Public Works Director. The Public Works Director shall:
 - 1. Inspect the detail and computations of the final plat for conformance with the specifications and standards of this article; the Public Works Director's determinations shall be conclusive;
 - 2. Inspect the final plat for conformance with the preliminary plat approved by the city council and the conditions made a part of such approval;
 - 3. Determine either that all required improvements have been installed in accordance with these regulations or that certain improvements may properly be deferred under Chapter 16.12.
- B. When the Public Works Director is satisfied with the detail and computations of the plat, determines that the plat conforms with the approved preliminary plat and conditions set thereon, and determines that improvements either are complete or may properly be deferred, he shall signify his approval of the subdivision by signing the original and mylar copies of the final plat. Thereafter, he shall forward the plats and the supplementary material to the city clerk-treasurer, who shall arrange for planning commission review.
- C. If the Public Works Director is not satisfied with the detail and computations of the final plat, finds that the plat does not conform with the approved preliminary plat and conditions, determines that improvements were installed incorrectly, or is not satisfied with the extent or manner in which completion of improvements would be deferred, he shall withhold his

signature until the matter is corrected or resolved by the subdivider to the satisfaction of the Public Works Director.

16.10.050 - Review by planning commission.

- A. After the inspection by the Public Works Director the planning commission shall review the proposed final plat for conformance with the preliminary plat and conditions approved by the council. Such review shall take place at a regular public meeting.
- B. If the planning commission finds a final plat to be conforming, the commission chairman shall signify the commission's approval by signing the original drawing and mylar copies, then shall forward them to the city clerk-treasurer for consideration by the council.
- C. If the commission finds that a final plat contains significant divergences from the approved preliminary plat, it shall withhold its approval, return the plat sheets to the applicant and provide him with a statement indicating the reasons for the withholding of approval and the changes necessary. If the applicant does not modify the proposed final plat to the commission's satisfaction, the city's approval of the preliminary plat shall become null and void. To be reactivated, the plat must be resubmitted as a new preliminary plat subject to the provisions of this article, including payment of preliminary plat review fees.

16.10.060 - Review by city council.

- A. The city council shall review final plats at a public meeting considering the factors set forth in this subsection. The council review shall occur after the reviews by the Community Development Director, Public Works Director and planning commission. The council shall determine whether:
 - 1. The final plat conforms to the approved preliminary plat and conditions set thereon;
 - 2. The public use and interest will be served by the subdivision and the final plat meets the requirements of RCW Chapter 58.17 and of this article;
 - 3. Improvements have been completed or properly guaranteed to be completed in accordance with Chapter 16.12;
 - 4. The dedications, certifications and acknowledgments and signatures required by Section 16.18.070 have been duly stated and obtained;
 - 5. Inspection and street sign fees have been paid;
 - 6. Proposed covenants are in satisfactory form and ready for recording with the final plat;
 - 7. Any such supplementary materials required by this article or by the council have been satisfactorily completed.
- B. If the council affirmatively makes the determinations set out in subsection (A) of this section, the mayor shall inscribe and execute the council's will on the face of the original drawing and mylar copies of the final plat. If the council withholds approval, it shall return the plat sheets and supplementary material to the applicant and provide him with a statement of reasons for its decision and of the changes necessary to permit granting approval. Changes shall be subject to the time limit set forth in Section 16.08.290.

16.10.070 - Filing.

The subdivider shall file the original drawing of the final plat for recording with the Cowlitz County auditor. One reproduced full copy on mylar material shall be furnished to the Community Development Director.

16.12.030 - Future improvements.

The city council may defer construction or installation of any improvement required by this article when in its judgment future planning considerations, lack of connecting facilities, or other circumstances make the improvement inappropriate at the time. In such event, the council may require one or more of the following prior to final plat approval:

- A. That the applicant dedicate land for future construction or installation of the improvement;
- B. That the applicant pay to the city his share of the cost, as estimated by the Public Works Director, of constructing or installing the improvement at a later date; said payment shall be held in an account reserved for the future improvement, and any unused portion shall be returned to the subdivider;
- C. That the applicant post a bond or other security in conformance with this chapter assuring completion of the improvement by the applicant at the demand of the city.

16.12.040 - Permanent improvements—Option for completion.

No final plat shall be approved by the city council unless one or a combination of the following methods assuring completion and maintenance of permanent improvements required of the subdivider is satisfied:

- A. All improvements required of the subdivider have been completed by the subdivider to the satisfaction of the Public Works Director; or
- B. The subdivider posts a plat performance bond, as defined in Chapter 16.04; or
- C. The subdivider posts a personal bond cosigned by at least one additional person, together with evidence of financial responsibility and resources of those signing the bond sufficient to secure to the city satisfactory completion of the incomplete portions of improvements required of the subdivider; said bond shall be accompanied by an agreement executed by the subdivider and the city as set forth in Sections 16.12.060 through 16.12.130; or
- D. The subdivider submits a letter of credit from a bank authorizing a draft from the bank for an amount sufficient to assure satisfactory completion of improvements; said letter shall be accompanied by an agreement between the subdivider and the city as set forth in Section 16.12.060 through 16.12.130; or
- E. The subdivider submits a certified or cashier's check or assignment of funds securing to the city the satisfactory completion of the incomplete portion(s) of improvements required of the subdivider. Such check or assignment shall be made payable to the city clerk-treasurer, and shall be accompanied by an agreement between the city and subdivider as set forth in Sections 16.12.060 through 16.12.130.

16.12.050 - Interim improvements—Option for completion.

In any case when a subdivider is required to construct an interim improvement, one or a combination of the forms of security set forth in subsections (B), (C), (D) and (E) of Section 16.12.040 shall be required to assure maintenance and, at the appropriate time as determined by the Public Works Director, removal of the interim improvement.

16.12.080 - Amount of bond.

The amount of any bond or other security posted or submitted shall be at least one hundred twenty-five percent of the cost of completion of improvements as estimated by the Public Works Director. In the event of interim improvements, the amount shall include the cost of their completion, maintenance and removal as estimated by the Public Works Director. Amounts determined by the Public Works Director shall be conclusive. The subdivider may provide cost estimates to the Public Works Director.

16.12.090 - Bond or agreement—Time for completion.

The period in which improvements must be completed shall be specified in the plat performance bond or agreement, which period shall not exceed eighteen months from date of final plat approval. However, extensions may be granted. Requests for extension shall be made to the planning commission for consideration at a public meeting and shall require a recommendation from the Public Works Director. The commission shall determine whether sufficient progress has been made and good faith indicated to warrant an extension. The commission shall forward a recommendation to the city council, which shall have sole authority to grant extensions.

16.12.140 - Inspections.

Improvements shall be inspected by the Public Works Director or designee at the start, during, and at completion of construction and installation. The person, firm or contractor actually performing the work shall notify the Public Works Director at least twenty-four hours in advance of commencing operations or commencing any construction phase.

16.12.150 - Inspection fee.

After completion of improvements, the subdivider shall reimburse the city for the actual cost of the inspections. Such inspection fee shall be paid to the city prior to final plat approval for those improvements found by the Public Works Director to be complete. Payment of inspection fees for improvements whose completion is deferred by plat bonding or other security shall be made to the city upon completion of the improvements. The city shall have authority to invoke any bond or other security posted by the subdivider to recover actual inspection costs from the subdivider, surety company, bank or cosigner or to seek other remedy.

16.12.160 - Maintenance of permanent improvements.

As assurance against defective workmanship or materials employed in the construction or installation of permanent improvements dedicated to the public, the subdivider, at his expense, shall be responsible for maintenance of and correction of any defects in said improvements for a period of twelve months following certification of completion by the Public Works Director. If improvements are not maintained, or if defects are not corrected as requested by the Public Works Director, the city may invoke any bond or other security posted by the subdivider, may cause the work to be done, and may recover the full cost thereof from the subdivider, surety company, bank or cosigner, or may seek other remedy.

16.12.170 - Maintenance and removal of interim improvements.

The subdivider shall be responsible for maintenance of interim improvements and, at the time deemed appropriate by the Public Works Director, for their removal. If interim improvements are not adequately maintained, and at the appropriate time removed, the city may invoke any bond or other security posted by the subdivider, may cause the work to be done, and may recover the full cost thereof from the subdivider, surety company, bank or cosigner, or may seek other remedy.

16.12.190 - "As-built" plans.

After completion of all required improvements, but prior to acceptance of completed work by the Public Works Director, the subdivider shall furnish the Public Works Director with an acceptable set of reproducible plans indicating the "as-built" condition of the work. Such plans

shall show all changes, additions and deletions in alignments, grades, and other engineering detail from the original detailed construction plans, all of which shall be certified by an engineer registered in the state of Washington responsible for the work.

16.14.110 - Soil, geologic and hazard considerations—Effect on plat design.

- A. So that plat design reflects natural limitations and hazards inherent in the property, the following document shall be used in the design and review of plats for determining areas most appropriate for roads, building foundations, utilities and nondevelopment (open space): "Soil Survey for the Cowlitz Area, Washington" (Soil Conservation Service, 1974) and 1979 update.
- B. Areas with slopes greater than eight percent shall be deemed sensitive to development and shall be given careful consideration in plat design. Areas with slopes greater than thirty percent generally shall be deemed unsuitable for development, and instead suitable for open space, including unimproved park land.
- C. As slopes increase and as soils exhibit moderate to severe limitations for urban development, as documented by qualified geologists, soils scientists or engineers, the density of development should decrease. Thus plats should provide for larger lot sizes, fewer roads and clustering of development on more appropriate building areas.
- D. Areas documented to be hazardous or probably hazardous for development in geologic feasibility reports prepared pursuant to Section 16.14.130 shall be designed as open space, including unimproved park land.
- E. Areas that the city council, as recommended by the Public Works Director and/or the Community Development Director, determines to be unsuitable for development due to flood hazards, poor drainage, rock formations or other features likely to be harmful to the safety and welfare of future residents and adjacent landowners shall be designed as open space, unless protective improvements assuring maintenance of the public safety and welfare and acceptable to the Public Works Director can be developed.

16.14.140 - Maps controlling.

Soil maps contained in the soil survey shall be controlling in determining limitations for development by location by soil type. Determinations of location by soil type shall be made by the Community Development Director and shall be conclusive.

16.14.160 - Evaluation of geologic reports.

The Community Development Director shall be responsible for evaluating submitted geologic reports for adequacy and conformance to Section 16.18.040. The Community Development Director may consult with the soil conservation service, Washington Department of Natural Resources, or other qualified agencies or individuals with respect to the adequacy of the report. The Community Development Director may require additional information to be submitted by the applicant.

16.14.270 - Grade of streets.

Street grades shall not exceed seven percent for arterials. Collector and local street grades should not exceed ten percent. Streets with grades between six percent and ten percent shall be constructed of six-inch portland cement six-sack mix. All streets shall have a grade of at least 0.20 percent at the gutter. Intersections shall be designed with a flat grade whenever possible. In hilly areas, a leveling area of a distance acceptable to the Public Works Director shall be provided at the approach to intersections.

16.14.290 - Curves.

- A. Where a deflection angle of more than ten degrees occurs in the alignment of a street, a simple curve or reasonably long radius shall be designed subject to the approval of the Public Works Director. Acceptable centerline radii of curvature shall be determined by the Public Works Director, but no radius shall be less than one hundred fifty feet.
- B. Vertical curves may be required by the Public Works Director per standard construction practice.
- C. Tangent distances between reverse curves shall be acceptable to the Public Works Director.
- D. 16.14.300 - Slope of cut and fill embankments.
- E. The slope of cuts and fills for street construction shall not exceed two feet horizontal to one foot vertical, unless the Public Works Director determines conditions allow steeper slopes.

16.14.300 - Slope of cut and fill embankments.

The slope of cuts and fills for street construction shall not exceed two feet horizontal to one foot vertical, unless the Public Works Director determines conditions allow steeper slopes.

16.16.010 - Drainage system.

- A. A drainage system satisfactory to the Public Works Director shall be required in all subdivisions. Underground storm sewers or drainage-ways connecting or intended to connect in the future to storm sewers or drainageways outside the subdivision may be required by the Public Works Director.
- B. The drainage system shall be adequate to contain a twenty-five-year storm without ponding on private property except within drainage easements. In the calculation of system needs, a fully developed drainage basin upstream from the subdivision shall be assumed so that potential runoff of upstream areas can be accommodated.
- C. The drainage system shall be installed in the street rights-of-way. Storm sewer location shall conform to the standard utility location plans (see Figures 4, 5 and 6, included in Chapter 16.16). Installation shall conform to requirements of the Public Works Director and to the APWA specifications.
- D. Ditches and pumps may be required in low-lying areas, water retention basins in uphill areas, and such additional devices necessary to contain the twenty-five-year storm.
- E. The subdivider may be required to replace or make improvements to storm sewers and other drainage systems off the subdivision site.

16.16.040 - Grass in utility/planting strip.

The subdivider shall be responsible for insuring that, prior to issuance of an occupancy permit for a lot, the utility/planting strip abutting the curb adjacent to the lot is seeded in grass or sodded. Seeding or sodding shall be conducted in accordance with the APWA specifications. The subdivider shall be liable to the city for incomplete grass seeding or sodding at the cost of sodding as estimated by the Public Works Director. These provisions do not apply to utility strips located outside the sidewalk under the integral curb and sidewalk option for local streets serving single-family residential areas.

16.16.070 - Streets, curbs and sidewalks.

- A. Streets, curbs and sidewalks shall be constructed by the subdivider, all in accordance with the design standards of this article, the standard utility location plans, the APWA specifications, and the requirements of the Public Works Director.

- B. Timing and procedure for construction of sidewalks and driveway entrances shall be as follows:
1. The subdivider shall determine the location of all driveway entrances and indicate curb indentations in the detailed construction plans. Curb indentations for driveways shall be at least twenty feet in width.
 2. Where integral curbs and sidewalks are to be developed, the curb/sidewalk shall be constructed with driveway indentations at the points indicated on the plans at the same time as the street is constructed.
 3. Where sidewalks are to be separated from the street by the utility/planting strip, the curb shall be constructed with indentations. Construction of the sidewalk and of the portion of the driveway within the right-of-way shall be done on a lot-by-lot basis, prior to issuance of a certificate of occupancy for the lot. However, no later than three years after final plat approval or expiration of the plat performance bond or other security if one has been posted, the subdivider shall cause continuous sidewalks to be completed, including sidewalks in front of undeveloped lots. The subdivider shall be liable to the city for the cost of incomplete sidewalk construction as estimated by the Public Works Director.

16.16.080 - Installation of utilities.

- A. All distribution laterals and primary and secondary lines and wires serving the subdivision, including those providing electric, street lighting, telephone and cable television service, shall be placed underground. All utilities shall be installed to the property line of each and every lot prior to acceptance of improvements. The subdivider shall make necessary arrangements with utility providers or other appropriate persons for underground installations. This requirement does not apply to surface-mounted transformers, switching facilities, connection boxes, meter cabinets, temporary utility facilities used during construction, high capacity transmission lines, electric utility substations, cable television amplifiers, telephone pedestals, cross-connect terminals, repeaters, warning signs or traffic-control equipment.
- B. Sanitary sewers and water lines shall be installed to serve all subdivisions, by extension of existing city sewer and water lines when available. They shall be designed and sized in accordance with the city water and sewer plans and shall be of sufficient capacity to accommodate the ultimate development density of all intended phases and adjacent area.
- C. Timing for installation of lines, pipes, cables, hydrants and service connections for sanitary sewer, storm sewer, water, electric, gas, telephone, television and fire protection service shall be after grading in the rights-of-way is complete and before any street base material is applied.
- D. Utility installations shall be in accordance with the standard utility location plans, the APWA specifications, the Uniform Fire Code as may be amended by the city, the requirements of the Public Works Director, and, for streetlights, the additional documents cited in Section 16.16.090.

16.16.090 - Streetlight system.

A complete street lighting system, including conduits, wiring, concrete bases, poles, junction boxes, meter base, service cabinets and luminaires, shall be installed by the subdivider throughout the subdivision. Work shall be in accordance with the "State of Washington Standard Plans for Road and Bridge Construction," 1976, as may be amended; the "State of Washington Standard Specifications for Road and Bridge Construction," 1977, as may be

amended; the latest edition of the National Electrical Code, as may be amended; the standard utility location plans; and the requirements of the Public Works Director, public utility district, and the State Electrical Inspector. The subdivider's contractor shall submit plans and manufacturer's technical information to the Public Works Director and public utility district for approval of all specifications and materials used in the system.

16.16.100 - Monuments and property markers.

- A. Monuments shall be placed at all subdivision boundary angle points, points of curvature in streets, and such intermediate points required by the Public Works Director. The monuments shall be of concrete-filled pipe or tile, weighing at least fifty pounds, capped with a brass marker or a radioactive marker along with the brass marker, and bearing the surveyor's registration number. Street monuments shall be set between six inches and one foot below the finished street grades with casing as set forth in the APWA specifications.
- B. The boundary points of all blocks within the subdivision shall be marked by a galvanized iron pipe not less than one and one-half inches in diameter and thirty-six inches in length and firmly driven into the ground.
- C. All corners of all lots shall be marked by a reinforcement bar or iron pin not less than three-fourths inch in diameter and thirty-six inches in length, firmly driven into the ground.

16.18.70 - Final plat

- 5. EXAMINED AND APPROVED this day of 20_____
(Signed) _____(Seal)
Public Works Director

16.22.290 - Effect of approval of preliminary site plan and plat.

After council approval of the preliminary plat, preliminary site plan and accompanying material, and after submission and Public Works Director approval of the detailed construction plans, the subdivider may proceed to install the agreed upon improvements of a public nature, landscaping and recreational facilities excluding buildings or to pursue the other options assuring completion of such improvements, landscaping and recreational facilities set forth in Chapter 16.12. Such improvements shall conform to the approved preliminary site plan and accompanying materials, preliminary plat and the detailed construction plans.

16.24.040 - Enforcement authority.

It shall be the responsibility of the Public Works Director to enforce these regulations and to bring to the attention of the city attorney any violations or lack of compliance herewith.

16.32.015 - Definitions.

For the purpose of this article, the following terms shall be defined as follows. All other words used in this chapter shall carry the customary meanings.

"Administrator" means the Community Development Director or his/her designee.

"Boundary line adjustment" means a change in the location of lot lines which does not result in an increase in the number of lots contained therein.

"Building site" means a parcel of land occupied or intended to be occupied by one main building and its accessory buildings, together with all of the required yards, open space and setbacks.

"Commission" means the city planning commission.

"Comprehensive plan" means a coordinated plan for the physical development of the city, designating among other things, elements and programs to encourage the most appropriate use of land and to lessen congestion throughout the city in the interest of public health, safety, and welfare and promote efficiency and economy. For purposes of this chapter, the "comprehensive plan" is the text and map as adopted by the council, and thereafter amended.

"Contiguous common parcels" means land adjoining or touching other land at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different sections, different government lots or are separated from each other by roads or rights-of-way, unless such roads and rights-of-way are improved and maintained by the city.

"Council" means the Woodland city council.

"Day" means days that the office of the administrator is open for business, unless otherwise specified.

"Dedications" means the deliberate appropriation of land by an owner for any general or public uses reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

"Department" means the Community Development Department.

"Difficult development land" means land which the administrator has found to be environmentally sensitive or unsuitable for division due to flooding, bad drainage, steep slopes, slide areas and potential slide areas, rock formations, or other features likely to be harmful to the safety and general health of the future residents and adjacent land owners.

"Division of land" means any conveyance, not otherwise exempt or provided for in this chapter, which alters the legal description of any lot or parcel that was segregated and recorded prior to the effective date of the ordinance codified in this article, and shall include the development of two or more building sites on an existing parcel.

"Driveway" means any ingress or egress which provides access to only one lot or parcel and which joins with a private or public street and is intended for use by the occupant.

"Easement" means a written grant by a property owner to specific individuals, corporations or to the public or its agencies to use land for specific purposes.

"Engineer" means the Public Works Director or his/her designee.

"Final short plat" means the final drawing of the short subdivision, including dedication, prepared for filing for record with the Cowlitz County auditor and containing all the elements

and requirements that are set forth in this chapter and regulations adopted pursuant to this chapter.

"Improvement" means any structure or works constructed including, but not limited to roads, storm drainage systems, ditches and dikes, sanitary sewerage facilities, storm drainage containment facilities and water systems.

"Land surveyor" shall be defined by the Engineers and Land Surveyors Act as it now exists or is hereafter amended.

"Lot" means a fractional part of divided lands, having fixed boundaries being of sufficient area and dimensions to meet current minimum zoning requirements for width and area. The term shall include tracts, parcels or building sites.

"Original tract" means a unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of the ordinance codified in this article, configuration of which may be determined by the fact that all land abutting a tract is separately owned by others, not related to or associated by business partnership with the owner.

"Owner" means the owner of record, as determined by the records of the county auditor, provided that the owner under a real estate contract is the purchaser-vendee and the owner of mortgaged property is the mortgager.

"Person" means any natural person, firm, partnership, association, social and fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

"Plat" means the map or representation of the subdivision showing therein the division of a tract or parcel of land into more than four lots if any one of the divisions is less than five acres in size with blocks, streets, alleys and other divisions and dedications.

"Private road" means a particular ingress and egress, in private ownership, to more than one lot or parcel and used by the owner or those having an express or implied permission from the owner, but not for other persons.

"Right-of-way" is a general term denoting land, property or interest therein, usually in a strip acquired to or devoted for transportation and/or utility purposes.

"Road" means the improved and maintained portion of a right-of-way which provides vehicular circulation, or principal means of access to abutting properties.

"Short plat" means the map of the short subdivision.

"Short subdivision" means the division or re-division of land into four or fewer lots, tracts, sites, parcels or divisions which is less than five acres in size.

"The State Environmental Policy Act (SEPA)" means the State Environmental Policy Act as defined by RCW Chapter 43.21C as it now exists or is hereafter amended.

"Subdivision" means a division or re-division of land into five or more lots, tracts, parcels, sites or divisions.

"Title" refers to Title 16 of this code.

16.32.030 - Administrator duties.

The city council appoints the Community Development Director to be the administrator of this chapter. The administrator is vested with the duty of administering the provisions of this regulation and is authorized to summarily approve or disapprove short subdivision. The administrator may prepare and require the use of such application forms as he deems essential to assure compliance to this chapter. If the administrator deems it to be in the public interest, he may require that the short subdivision be placed before the planning commission to be approved or denied by them pursuant to this title.

16.32.078 - Approval and denial procedures.

5. EXAMINED AND APPROVED this _____ day of _____, 20_____.

(Signed) _____

Public Works Director

16.32.079 - Sequence for obtaining signatures.

Signatures required for Section 16.32.078 of this article for dedications, acknowledgements and endorsements shall be in the following sequence:

- A. The owners in fee simple;
- B. Notary public in and for the state;
- C. Professional land surveyor registered in the state;
- D. Cowlitz or Clark County treasurer;
- E. Public Works Director;
- F. Cowlitz or Clark County auditor.

16.32.100 - Monumenting and marking.

Monuments shall be located at all controlling corners on the boundaries of the short subdivision, and at each corner of each lot within the short subdivision, and shall be marked by three-quarter inch galvanized iron, or approved equivalent, monument driven into the ground. If the short subdivision included a road dedication, monuments shall be placed as required by the Public Works Director.

16.34.050 - Approval criteria.

The Community Development Director or his/her designee shall approve, disapprove or condition boundary line adjustment applications based on the following conditions:

- A. No new lots are created by the BLA proposal;
- B. The adjusted lots meet current zoning requirements related to property size including, but not limited to, minimum requirements for width, depth, and area. Whenever a lot involved in a proposed BLA does not meet minimum requirements for size prior to adjustment, the change may be approved so long as the change does not increase the existing nonconformity;

- C. No lot shall be reconfigured or adjusted which would render access for vehicles, utilities, fire protection, or existing easements impractical to serve their purpose. Blanket utility easements existing along lot lines, that are specifically required as a condition of development approval, may be moved during a boundary line adjustment; provided, there is compliance with RCW 64.04.175 and the easement is not occupied by a utility. If the easement is occupied, this provision is inapplicable, and the provisions of RCW 64.04.175 shall apply.
- D. A BLA proposal that is inconsistent with any restrictions or conditions of approval for a recorded plat or short plat shall not be approved;
- E. A BLA proposal between lots with different zoning designations shall not be approved;
- F. A BLA proposal that would reduce the overall area in a plat or short plat devoted to open space shall not be approved; and
- G. A BLA proposal that would adjust a boundary line across a public roadway shall not be approved.

TITLE 17 - ZONING

17.08.233 - Director.

"Director" means the Community Development Director or his/her designee.

17.20.037 - Administrative temporary uses.

The following uses in the MDR, HDR districts require administrative temporary use permit approval from the director per Chapter 17.70:

- A. Roadside produce stand;
- B. Farmer's market.

17.24.100 - Screening—Landscaping.

- A. Along the boundary between the site and any adjacent residential district shall be installed either a solid wall or sight-obscuring fence between five and six feet in height, or vegetative buffer.
- B. Where such a use is located across the street from a residential district the street frontage shall be planted to a depth of at least eight feet with substantial trees, shrubbery and ground cover. A landscape plan shall be submitted to the Community Development Director or designee for written approval prior to issuance of a building permit.

17.28.200 - Utilities.

All utilities shall be shown on the site plan, installed underground within the park, meet all applicable building, plumbing, electrical, health, and engineering codes and standards and be subject to approval by the Public Works Director. Utilities at the home site shall have the ability to be capped when a home is not on-site.

17.28.230 - Development plans.

- A. For development of a manufactured home park ten copies of a complete, detailed, and drawn-to-scale site development plan shall be submitted to the city for hearing examiner review through the public hearing process. The site development plan shall be considered a binding site plan pursuant to RCW 58.17.020(7) and 58.17.040(5). The site development plan or, if determined by staff to be needed, a separate plan showing grade changes, drainage and utilities shall be submitted to and reviewed by the city's development review committee for recommendations to the hearing examiner.
- B. The site development plan shall measure a minimum of eighteen inches by twenty-four inches, be drawn to a scale of not more than one inch equals one hundred feet, be certified by a registered land surveyor, and show the following:
 - 1. The name and address of the applicant (and the owner, if different from the applicant);

2. Name and address of the manufactured home park;
 3. Area, dimensions and general legal descriptions (quarter section, section, township, range) of the tract of land;
 4. True north direction arrow;
 5. Density calculation of the park;
 6. Topography, grade changes, and drainage improvements;
 7. Location and width of streets, sidewalks and walkways;
 8. Location, area and dimensions of all sites and the numbering thereof in an orderly manner;
 9. Location and number of all off-street parking spaces;
 10. Location and dimension of all structures including garages, carports, recreation, maintenance and storage buildings;
 11. Location and dimensions of recreation or open space and outside storage areas;
 12. Location and type of on-site and perimeter screening, fencing and landscaping;
 13. Method and plan of water supply, sewage disposal, garbage disposal and electrical service, including street and other outside lighting;
 14. Location of all easements of record pertaining to the property; and
 15. Such other information as the applicant, city staff, or hearing examiner deems necessary in the evaluation of the proposal.
- C. Hearing examiner approval of the plan shall be considered as binding on the manufactured home park design.
- D. The Community Development Director and Building Official shall check building and construction plans for basic consistency with the approved site development plan prior to issuing permits. If the building and construction plans indicate significant differences in dimensions, lots, setbacks, points of ingress/egress, parking, recreation areas, screening, or other pertinent features from the approved plan, a revised plan shall be required and reviewed and acted on by the hearing examiner.

17.30.100 - Fences and hedges.

In times of flood, the floodway contains flowing waters carrying debris. Fences and hedges can act as obstructions or dams diverting waters or otherwise exacerbating the flood hazard. Thus, care must be taken in the design and arrangement of any fences or hedges in the FW district. Therefore, the Community Development Director shall approve the design and arrangements of all fences and hedges in the FW district. Fences and hedges in the FW district shall be no higher than six feet. Fencing shall be reviewed with respect to its impact on the flood carrying capacity of the floodway in accordance with the "no rise" considerations of 44 CFR 60.3(d)3, Regulations for the National Flood Insurance Program.

17.32.028 - Conditional uses—Administrative.

The following uses in the central business district (C-1) require conditional use permit approval from the Community Development Director as per WMC Chapter 17.72.

1. Public utility uses except electrical substations and transfer facilities and power-generating units;
2. Vending stands and kiosks.

17.32.032 - Administrative temporary uses.

The following uses in the central business district (C-1) require temporary use permit approval from the Community Development Director or his or her designee as per WMC Chapter 17.70.

1. Agricultural stands;
2. Mobile vending carts;
3. Parking lot sales that are not ancillary to the indoor sale of similar goods and services;
4. Uses similar to the above to be located on a temporary basis in the C-1 district.

17.36.025 - Conditional uses—Administrative.

The following uses in the highway commercial district (C-2) require administrative conditional use permit approval from the Community Development Director per Chapter 17.72:

- A. Vending stands or kiosk (e.g. espresso stands).

17.36.026 - Administrative temporary uses.

The following uses in the highway commercial district (C-2) require temporary use permit approval from the Community Development Director per Chapter 17.70:

- A. Roadside produce stand;
- B. Farmer's market.

17.40.025 - Conditional uses—Administrative.

Vending stands or kiosk (e.g. espresso stands) to be situated in the neighborhood commercial district (C-3) requires administrative conditional use permit approval from the Community Development Director per Chapter 17.72.

17.44.023 - Conditional uses—Administrative.

Vending stands or kiosk (e.g. espresso stands) to be situated in the light industrial district (I-1) require administrative conditional use permit approval from the Community Development Director per Chapter 17.72.

17.44.024 - Administrative temporary uses.

The following uses in the light industrial district (I-1) require administrative temporary use permit approval from the Community Development Director per Chapter 17.70:

- A. Roadside produce stand;
- B. Farmer's market.

17.44.132 - Definitions.

As used in this chapter:

"Approving authority" means approving authority of the land use application or review authority for the appeal application. Director or his or her designee when a land use application is not required for the proposed development.

"Certified landscaping professional (CLP)" means a landscaping professional certified by PLANET (Professional Landcare Network).

"Outdoor hardscape features" means water features, walls, patios, walkways, and other permanent man-made features in the landscape.

17.46.031 - Conditional uses—Administrative.

Vending stands or kiosk (e.g. espresso stands) to be situated in the heavy industrial district (1-2) require administrative conditional use permit approval from the Community Development Director per Chapter 17.72.

17.46.122 - Definitions.

As used in this chapter:

"Approving Authority" means approving authority of the land use application or review authority for the appeal application. Director or his or her designee when a land use application is not required for the proposed development.

"Certified landscaping professional (CLP)" means a landscaping professional certified by PLANET (Professional Landcare Network).

"Outdoor hardscape features" means water features, walls, patios, walkways, and other permanent man-made features in the landscape.

17.52.070 - Commercial (C-1, C-2 and C-3) districts.

The following signs are permitted in the C-1, C-2 and C-3 zoning districts with an approved building permit:

A. On-premise Freestanding Signs.

1. Allowable Area. Primary frontage within the C-1 and C-3 districts shall be calculated at one square foot per linear foot of street frontage of the premises up to a maximum of one hundred square feet, provided that premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of street frontage up to a maximum of fifty square feet.
2. Primary frontage within the C-2 district shall be calculated at one square foot per linear foot of street frontage of the premises up to a maximum of two hundred square feet; provided that a premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of street frontage up to a maximum of one hundred square feet.
3. Number of Signs. Each commercial building shall have not more than one freestanding sign to be located either on a primary frontage or a secondary frontage. A business complex shall have not more than two freestanding signs; one sign to be located on a primary frontage and the second sign located on the secondary frontage.
4. Height of Sign. Maximum height in all C-2 districts shall not exceed thirty feet. Businesses or business complexes of 1.5 acres or greater located within five hundred feet of the traveled way of the I-5 corridor (including off ramps and the frontage roads known as Pacific and Atlantic) may be allowed one freeway oriented sign not to exceed forty-five feet in height. Such signs must be placed within five hundred feet of the travel way of the I-5 corridor. Maximum height in C-1 and C-3 districts shall not exceed twenty-five feet.
5. The placement of freestanding signs or pole signs shall be in such a fashion and location as to not unreasonably obstruct the safe vision of motorists and pedestrians, nor unreasonably obstruct the view of signs on adjacent properties.
6. Freestanding or pole signs shall not be located closer than one hundred feet to another freestanding sign along the same side of the street or right-of-way, except if the

establishment's lot width would result in less than one hundred feet, the distances between signs shall be the maximum possible.

7. Each freestanding or pole sign shall have a landscaped area twice the size of the sign face around the base of the sign. Pre-existing developments may be exempt from the landscape requirement subject to the approval of the Community Development Director or his or her designee.
 8. If more than one business in an area where businesses share the use of a parking lot, structure, parcel or facility, has the need of a freestanding, pole sign, or monument type sign, all signs shall be located together on the same joint use sign.
 9. One sandwich board or A frame sign is allowed. The sign shall be situated on the private property of the location of the business or within the planting strip immediately at the front of said business, and is erected only during hours of operation. Where the sidewalk immediately at the front of said business is six-feet wide or greater, an A frame sign may be situated in the public sidewalk as long as forty-four inches of pedestrian travel area, or current ADA standard, whichever is greater, is maintained at all times. Such signs shall not be placed so as to obstruct traffic or visibility.
 10. For the purpose of informing and directing traffic, on-premises directory signs, menu boards, bank machines and height warning signs are permitted; provided the signs are not oriented to and not intended to be legible from a street or other private property. On-site directory signs shall not exceed thirty-two square feet in area and eight feet in height.
 11. For the purpose of informing and directing traffic; on-premise directional signs are permitted; provided the placement of such signs shall be situated in such a way as not to create a vehicle or pedestrian hazard; shall be limited to not more than two signs per business; shall not exceed sixteen square feet in area and eight feet in height.
- B. Off-premise Signs.
1. Any second party sign that advertises goods, products, services or facilities, or directs persons to a location different from where the sign is installed and that does not relate strictly to the lawful use of the premises on which it is located may be allowed in the highway commercial (C-2) district provided; such signs shall be unobtrusive in nature; shall not exceed thirty-two square feet in gross area per sign face; shall be limited to one double faced sign on the premise of either the off-premise type or on-premise type; and shall be subject to written permission by the property owner of said site where the off-premise sign is located. Off-premise signs shall not exceed ten feet in height. Off-premise sign shall be subject to building permit approval.
 2. Off-premise signs shall not be posted in state, county or city rights-of-way, on telephone poles, utility poles, bridge abutments, traffic signs or other public structures. Off-premise signs shall not be affixed to or painted on trees, rocks, or other natural features. Such signs shall observe the corner vision requirements and shall be placed in such a manner that does not create any type of traffic hazard. All off-premise signs shall be aesthetically pleasing and unobtrusive in nature.
- C. On-premise Wall, Window, Roof Projecting.
1. Allowable Area. Primary frontage within the C-1 and C-3 districts shall be calculated at one square foot per linear foot of building frontage as measured horizontally along the side building elevation at the appropriate frontage, up to a maximum of one hundred square feet total sign area. Primary frontage within the C-2 district shall be calculated at one square foot per linear foot of building frontage as measured horizontally along the side building elevation at the appropriate frontage, up to a maximum of two hundred

square feet total sign area; provided that a building elevation with less than thirty-two feet of horizontal length shall be allowed a maximum of thirty-two square feet of sign area. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of building frontage up to a maximum of fifty square feet.

2. Number of Signs. Three per primary frontage; one per secondary frontage; and in no event shall there be more than a total of four wall, roof or projecting signs per business.
3. In any building occupied by more than one business, the maximum sign area on each primary frontage shall be shared proportionally by those businesses whose main public entrance is along that frontage. Where applicable, the sign allowed on the secondary frontage shall be a joint use sign.
4. The maximum sign area per primary frontage may be divided between projecting, wall and first floor window signs. The total sign area per frontage shall be determined by adding together the area for all types of signs.
5. Each business shall be allowed one painted window sign in addition to the maximum number of signs and square footage allowed by this chapter for the limited purpose of identifying the business owner, business name and hours of operation. The sign shall not cover more than six square feet of window area where it is located.
6. For buildings located on or within one foot of the street right-of-way line, projecting signs shall project no more than five feet from the walls to which they are attached.
7. All projecting signs shall be at least ten feet above sidewalks and walkways.

D. Awnings and Canopies.

1. Awnings and canopies shall not be considered signs, except that the area of any awning or canopy, which displays advertising copy, shall be considered a sign.
2. Advertising copy, which appears on any side of an awning, or canopy, which most nearly parallels the side of the building, shall be treated as a wall sign, and shall be subject to all the requirements of this chapter which apply to wall signs affixed directly to a building.
3. Advertising copy which appears on any side of an awning or canopy which is generally perpendicular to the side of the building, shall be treated as a projecting sign, and shall be subject to all of the requirements of this chapter which applies to projecting signs affixed directly to a building. In the event advertising copy appears on two sides of an awning or canopy which are perpendicular to the same wall, those sides shall be considered one projecting sign.
4. Marquees, awnings, and canopies shall not extend further than the curb of the street.

E. Sign Illumination. The light from any illuminated sign shall be shaded, shielded or directed so that the light will not be objectionable to surrounding uses, residential areas and public safety. No sign shall have rotating, flashing or blinking lights or other illuminating device that changes in lights or other illuminating device that changes in light intensity, brightness or color except as follows:

1. In the central business (C-1) district and the highway commercial (C-2) district one changing image sign shall be allowed per business.
2. In the central business (C-1) district and the highway commercial (C-2) district, changing image signs are allowed for alphanumeric messages. Changing image signs may scroll, travel and may not change information more frequently than once every two seconds.
3. In the central business (C-1) district changing image signs shall not exceed eight square feet in area and the lighting of the message area and lighting of the background shall not consist of more than one color each, for a possible two color changing image sign.

The allowed changing image sign area is to be included in the total allowed sign area, not in addition to.

4. In the highway commercial (C-2) district changing image signs shall not exceed eight square feet in area and the lighting of the message area and lighting of the background shall not consist of more than one color each, for a possible two color changing image sign. The allowed changing image sign area is to be included in the total allowed sign area, not in addition to.
5. Rotating barber poles are allowed in all commercial districts.
- F. For Sale, Lease or Rent Signs. No more than one double-face sign thirty-two square feet in area shall be allowed. The sign shall be located inside property lines as not to restrict site distance and shall be considered a temporary sign to be removed upon the sale, rental, or lease of said property. Sign shall be located on property for which the sale, lease or rental is referring and shall be no more than ten feet in height from ground level and more than ten feet from all property lines.

17.52.080 - Industrial (I-1 and I-2) districts.

The following signs are permitted in the I-1 and I-2 zoning districts with an approved building permit:

- A. On-premise Freestanding Signs.
 1. Allowable Area. Primary frontage shall be calculated at one square foot per linear foot of street frontage of the premises up to a maximum of two hundred square feet, provided that premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign.
 2. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of street frontage up to a maximum of one hundred square feet, provided that a premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign.
 3. Number of Signs. Each industrial business shall have not more than one freestanding business identification sign, located on the primary or secondary frontage. An industrial complex shall have not more than two freestanding signs; one to be located on a primary frontage and the second sign located on the secondary frontage. Entrance, delivery, warning and other strictly directional signs are permitted; provided each sign does not exceed sixteen square feet in area and eight feet in height.
 4. Height of Sign. Maximum height shall not exceed thirty feet.
 5. The placement of freestanding signs or pole signs shall be in such a fashion and location as to not unreasonably obstruct the safe vision of motorists and pedestrians, nor unreasonably obstruct the view of signs of adjacent property owners.
 6. Freestanding or pole signs shall not be located closer than one hundred feet to another freestanding sign along the same side of the street or right-of-way, except if the establishment's lot width would result in less than one hundred feet, the distances between signs shall be the maximum possible.
 7. Each freestanding or pole sign shall have a landscaped area twice the size of the sign face around the base of the sign. Pre-existing developments may be exempt from the landscape requirement subject to the approval of the Community Development Director or his or her designee.
 8. If more than one business in a complex where businesses share the use of a parking lot, structure, parcel or facility, has the need of a freestanding, pole sign or monument type sign, all signs shall be located together on the same joint use sign.

9. One sandwich board or A frame sign is allowed. The sign shall be situated on the private property of the location of the business or that portion of public right-of-way immediately at the front of said business, and is erected only during hours of operation. Such signs shall not be placed so as to obstruct traffic or visibility. A minimum of forty-four inches of pedestrian travel area, or current ADA standard, whichever is greater, must be maintained at all times.
- B. On-premises Wall, Window, Roof Projecting.
1. Allowable Area. One square foot per linear foot of building frontage as measured horizontally along a side building elevation, at the appropriate frontage, up to a maximum of two hundred square feet per sign; provided that a building elevation with less than thirty-two feet of horizontal length shall be allowed a maximum thirty-two square foot sign.
 2. Number of Signs. One per primary frontage; one per secondary frontage; and in no event shall there be more than a total of two wall, roof or projecting signs per business.
 3. In any building occupied by more than one business, the maximum sign area on each primary frontage shall be shared proportionally by those businesses whose main public entrance is along that frontage. Where applicable, the sign allowed on the secondary frontage shall be a joint use sign.
 4. Each business shall be allowed one painted window sign in addition to the maximum number of signs and square footage allowed by this chapter for the limited purpose of identifying the business owner, business name and hours of operation. The sign shall not cover more than six square feet of window area where it is located.
- C. Awnings and Canopies.
1. Awnings and canopies shall not be considered signs, except that the area of any awning or canopy, which displays advertising copy, shall be considered a sign.
 2. Advertising copy, which appears on any side of an awning, or canopy, which most nearly parallels the side of the building, shall be treated as a wall sign, and shall be subject to all the requirements of this chapter which apply to wall signs affixed directly to a building.
 3. Advertising copy which appears on any side of an awning or canopy which is generally perpendicular to the side of the building, shall be treated as a projecting sign, and shall be subject to all of the requirements of this chapter which apply to projecting signs affixed directly to a building. In the event advertising copy appears on two sides of an awning or canopy which are perpendicular to the same wall, those sides shall be considered one projecting sign.
 4. Marquees, awnings and canopies shall not extend further than the curb of the street.
- D. Sign Illumination. The light from any illuminated sign shall be shaded, shielded or directed so that the light will not be objectionable to surrounding uses, residential areas and public safety. No sign shall have rotating, flashing or blinking lights or other illuminating device that changes in lights or other light intensity, brightness or color.
- E. For Sale, Lease or Rent Signs. No more than one, double-faced sign, thirty-two square feet in area shall be allowed. The sign shall be located inside property lines as not to restrict site distance and shall be considered a temporary sign to be removed upon the sale, rental or lease of said property. Sign shall be located on property for which the sale, lease or rental is referring, and shall be no more than ten feet in height from ground level and more than ten feet from all property lines.

17.52.110 - Signs as public nuisance.

- A. The following signs are hereby declared to be a danger to the health, safety and welfare of the citizens of Woodland and not permitted by this chapter:
 1. Any sign illegal under this chapter or not exempt pursuant to WMC 17.52.030.
 2. Any abandoned sign. For purposes of this chapter, a sign shall be deemed "abandoned" if it is displayed without lawful authority on public property or private property.
 3. Any sign advertising a closing of a business still displayed after the closure of the business.
 4. Any graffiti placed on a sign, building, parking lot or landscaped area.
 5. Any temporary sign displayed after the passing of the temporary condition or event date.
 6. Any sign that is partially or wholly obscured by the growth of vegetation or weeds or obscured by the presence of debris or litter.
 7. And any sign which impairs the vision of the operators of motor vehicles.
- B. All signs described in subsection A are hereby deemed a public nuisance. Any such sign, unless subject to summary abatement, shall be removed either by the sign owner or the property owner within five days of oral or written notice from the Community Development Director or the director's designee.
- C. Voluntary Correction.
 1. General. The Community Development Director shall attempt to secure voluntary correction by contacting the person responsible for the violation when practical, explaining the violation and requesting correction.
 2. Issuance of Voluntary Correction Agreement. A voluntary correction agreement to abate the violation within a specified time and according to specified conditions may be entered into between the person responsible for the violation and the city acting through the Public Works Director or designee.
 - a. Right to a Hearing Waived. Upon entering into a voluntary correction agreement, the person responsible for the violation waives the right to an administrative appeal of the violation and of the corrective action.
 - b. Extension—Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the Community Development Director if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation but unforeseen circumstances render correction under the original conditions unattainable.
 - c. Abatement by the City. The city may abate the violation if the terms of the voluntary correction agreement are not met or performed in a timely manner.
 - d. Collection of Costs. If the terms of the voluntary correction agreement are not met the person responsible for the violation shall be responsible to reimburse the city for the cost of abatement.
- D. Notice of Civil Infraction.
 1. Issuance.
 - a. Except as set forth in subsection B, when the Community Development Director determines that a violation has occurred or is occurring, and is unable to secure voluntary correction, the Community Development Director may issue a notice of civil violation to the person responsible for the violation pursuant to WMC 1.12.020.
 - b. The Community Development Director may issue a notice of civil violation without having attempted to secure voluntary correction under the following circumstances:
 - i. When an emergency exists;
 - ii. When a repeat violation occurs;

- iii. When the person knows or reasonably should have known that the action is in violation of a city regulation.
 - iv. When the sign impairs the vision of operators of motor vehicles
 - 2. Monetary Penalty.
 - a. The monetary penalty for each violation per day or portion thereof as well as the other relief set forth in WMC 1.12.020 shall be as set forth in WMC 1.12.020:
 - i. First Violation—Class 4 Civil Infraction;
 - ii. Second Violation—Class 3 Civil Infraction;
 - iii. Third Violation—Class 2 Civil Infraction;
 - iv. Fourth and Subsequent Violations—Class 1 Civil Infraction.
 - b. Examples.
 - i. An illegal sign is displayed for three consecutive days. The sign owner could be cited for a first, second and third violation.
 - ii. An illegal sign is displayed but voluntarily corrected, another illegal sign is displayed a day later but not corrected. The sign owner could be cited for a first violation for the sign displayed a day later.
 - iii. Three illegal signs are displayed for several days and the sign owner is cited for only one violation for each sign. Each separate sign is a Class 4 infraction.
 - iv. Three illegal signs are displayed for three (3) days and the sign owner is cited for each day the signs are displayed. The sign owner could be cited for three separate Class 4, Class 3 and Class 2 violations.
 - 3. Continued Duty to Correct. Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice of civil violation was issued of the duty to correct the violation.
- E. Abatement by the City [See WMC 8.12].
 - 1. The city may abate a condition which was caused by or continues to be a civil violation when:
 - a. The terms of voluntary correction agreement have not been met; or
 - b. A notice of civil violation has been issued and the required correction has not been completed by the date specified in the hearing examiner's order; or
 - c. The condition is subject to summary abatement in subsection F; or
 - d. When the sign impairs the vision of operators of motor vehicles.
 - F. Summary Abatement. Whenever the placement or presence of an unpermitted sign impairs the vision of operators of motor vehicles or causes a condition the continued existence of which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the city may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. In addition to any fine, the person in violation shall reimburse the City for all costs of abatement including costs of enforcement and hearing.

17.52.150 - Review procedures.

- A. All sign permit applications shall be reviewed to comply with this chapter by the Community Development Director or designee as provided in this section:
 - 1. Name, address and telephone number of sign owners;
 - 2. Name, address and telephone number of sign contractor or erectors;
 - 3. Address of sign by site location;
 - 4. Two site plans showing locations of proposed sign(s);

5. Two plans of the proposed sign with sign style and size included with a scaled design;
6. Type of sign, whether illuminated or non-illuminated;
7. Electrical permit for the sign, if illuminated.

17.70.050 - Criteria for approval.

The director or designee may approve, or modify and approve an application for a temporary use permit if the application satisfies all of the following criteria:

1. The temporary use will not be materially detrimental to the public health, safety or welfare, nor injurious to property or improvements in the immediate vicinity;
2. The temporary use is compatible with the purpose and intent of this title, and the specific zoning district in which it will be located;
3. The temporary use is compatible in intensity and appearance with existing land uses in the immediate vicinity;
4. Structures proposed for the temporary use comply with the setback requirements of the specific zoning district in which it will be located;
5. Adequate on-site parking area is available to serve the temporary use;
6. Hours of operation of the temporary use are specified;
7. The temporary use will not cause noise, light, or glare which adversely impacts surrounding land uses;
8. The use must provide sanitary facilities if the director or designee finds it to be necessary.

17.70.060 - Time limitation.

A temporary use is valid for up to one hundred eighty calendar days from the effective date of the permit; however, the director may establish a shorter time frame. The director may grant one extension not to exceed sixty days, upon the applicant showing compliance with all conditions of permit approval. The property owner or holder of a temporary use permit may not file an application for a successive temporary use permit for sixty days following the expiration of an approved permit applying to that property. Within five days of the expiration of the temporary use permit, the applicant shall have the use and all physical evidence removed from the site.

17.70.070 - Abatement.

Prior to the approval of a temporary use permit, the applicant shall submit to the director an irrevocable, signed and notarized statement granting the city permission to summarily enter the applicant's property with reasonable notice and abate the temporary use, and all physical evidence of that use if it has not been removed as required by the terms of the permit. The statement shall also indicate that the applicant will reimburse the city for any expenses incurred in abating a temporary use under the authority of the chapter.

17.70.080 - Assurance device.

In appropriate circumstances the director may require a reasonable performance of maintenance assurance device, in a form acceptable to the finance department, to assure compliance with the provisions of this title and the temporary use permit as approved.

17.72.010 - Purpose.

It is the purpose of this chapter to establish review and permit approval procedures for unusual or unique types of land uses, which, due to their nature, require special consideration of their

impact on the neighborhood, and land uses in the vicinity. Administrative conditional uses or conditional uses may be located by special permission of the director and/or the hearing examiner under such conditions as the director or the hearing examiner as the case may be may impose.

17.72.030 - Permit—Application.

- A. Application for administrative conditional use permits or conditional use permits shall be made in accordance with Chapter 17.81 of this code. An application shall not be considered unless and until a written application for said request is submitted to the city containing the following:
 - 1. Vicinity map;
 - 2. Name, address, phone number of property owner;
 - 3. Name, address, phone number of engineer or agent;
 - 4. Boundaries and dimensions of property;
 - 5. Adjacent public street;
 - 6. Easements, existing and proposed;
 - 7. Location of building, including setbacks;
 - 8. Location and layout of off-street parking;
 - 9. Location and size of signs;
 - 10. Landscape detail;
 - 11. A narrative statement demonstrating that the requested conditional use conforms to the standards as set forth in Section 17.72.050.
- B. The site plan shall be properly dimensioned and drawn at a scale not less than one inch equals fifty feet. The site plan must be easily reproducible. Two copies of the site plan shall be submitted at the time of application.
- C. The site plan shall be made part of the permit and subsequent building permits and construction activity shall be in accordance with the approved site plan. The director may approve minor adjustments to the site plan.

17.72.050 - Permit—Criteria to grant.

The director or hearing examiner as the case may be shall be guided by the following criteria in granting a conditional use permit:

- A. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;
- B. The proposed use shall meet or exceed the performance standards that are required in the district in which the subject property is situated;
- C. The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
- D. The proposed use shall be in keeping with the goals and policies of the Woodland comprehensive plan;
- E. All measures have been taken to minimize the possible adverse impacts, which the proposed use may have on the area in which it is located.

17.72.060 - Conditions of approval.

The director or hearing examiner as the case may be may impose conditions on his/her approval of a conditional use, which he/she finds are necessary to ensure the use is compatible

with other uses in the vicinity. These conditions may include, but are not limited to, the following:

- A. Limiting the hours, days, place, and manner of operation;
- B. Requiring design features, which minimize environmental impacts such as, noise, vibration, air pollution, glare, odor, and dust;
- C. Requiring additional setback areas, lot area, or lot depth or width;
- D. Limiting the building height, size or lot coverage, or location on the site;
- E. Designating the size, number, location, and design of vehicle access points;
- F. Requiring street right-of-way to be dedicated and the street to be improved;
- G. Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
- H. Limiting the number, site location, height, and lighting of signs;
- I. Limiting or setting standards for the location and intensity of outdoor lighting;
- J. Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
- K. Requiring and designating the size, height, location, and materials for fences;
- L. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

17.72.070 - Performance security.

A performance bond or other adequate and appropriate security may be required by the director or hearing examiner as the case may be for any elements of the proposed project which the director and/or hearing examiner determines are crucial to the protection of the public welfare. Such bond shall be in an amount equal to one hundred percent of the cost of the installation or construction of the applicable improvements.

17.72.080 - Reapplication after permit denial.

An application for a conditional use permit, which has been denied, may not be resubmitted within six months from the date of the director's or hearing examiner's disapproval.

17.72.090 - Expiration of approval.

- A. Approval of a conditional use by the director and/or hearing examiner shall be void if:
 - 1. Initial construction of the approved plan has not been started within a one-year period;
 - or
 - 2. Construction on the site is a departure from the approved plan.
- B. The development review committee, upon written request by the applicant, may grant one extension of the approval period not to exceed one year provided that:
 - 1. No changes are made on the original conditional use plan as approved by the director and/or hearing examiner;
 - 2. The applicant can demonstrate that construction will be substantially complete on the site within the one year extension period; and
 - 3. There have been no changes to the applicable comprehensive plan policies and zoning ordinance provisions on which the approval was based.
- C. A conditional use permit shall be reviewed annually by a designated city official to ensure proper compliance with all permit provisions and conditions. At any time, if a permit is found to be in violation of permit conditions, the director and/or hearing examiner is empowered to review the permit and findings of the appropriate city official and, if deemed necessary, issue an order requiring compliance with the permit or revoke the permit.

- D. Notice of the decision shall be provided to the current permit holder and or owner of the property.

17.81.020 - Creation of land use hearing examiner.

The office of Woodland municipal land use hearing examiner, hereinafter referred to as "examiner," is created. The examiner shall interpret, review, and implement land use regulations and policies as provided in this chapter or by other ordinances of the city, including but not limited to the following:

- A. Conditional uses per Chapter 17.72. Applications for conditional uses when the zoning ordinance sets forth the specific uses to be made subject to conditional use permits.
- B. Major Variances. A major variance shall be defined as a variance to a measurable zoning standard which does not fall under a category of minor variances as outlined in WMC 17.81.180.A. The examiner shall decide upon application for major variances from the terms of this title; provided that any variance granted shall be subject to such conditions as will assume that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and:
 - 1. That such variance is necessary, because of special circumstances or conditions relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use, rights, and privileges, permitted to other properties in the vicinity and in the zone in which the subject property is located;
 - 2. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;
 - 3. If such permit for variance is denied, no reapplication shall be made within one year from the date of denial;
 - 4. An approved variance will go with or be assigned to the subject property and shall not be transferable to another property; and
 - 5. No use variance shall be granted except for lawfully created pre-existing uses in accordance with WMC 17.60.

Expiration of Approval—Major Variances. Approval of a major variance shall be void after three years, unless a building permit has been issued and substantial construction has taken place. The Community Development Director, for good cause, may extend approval for no more than one year. If a variance is specifically related to an approved phasing program, the validity of the variance shall be limited only by the phasing plan. Approval expiration shall apply to all applications deemed complete on or after the effective date of the ordinance from which this section is derived.

- C. Violations. Recognizing the fact that a building may be erected in good faith with every intent to comply with the provisions of this title in respect to the location of the building upon the lots and the size and location of required yards, and that it may later be determined that such building does not comply in every detail with such requirements, although not violating the spirit or intent of this title, the examiner may issue a waiver of violation, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.
- D. All appeals regarding SEPA matters, shoreline exemptions and supplemental environmental impact statements.

- E. Issuance of replats, plat vacations, shoreline development permits, shoreline conditional use permits and shoreline variances. See also Section 19.08.030 describing decision making and appeal authority of the hearing examiner.
- F. Appeals regarding written administrative decisions concerning a land use or environmental permit application as outlined in WMC 19.08.030 or written interpretations of a provision of the Woodland Municipal Code (WMC) issued by the development review committee (DRC) or Community Development Director.
- G. All city applications for any type of project proposal.

17.81.140 - Notice of examiner's decision.

Not later than five working days following the rendering of a written decision, copies thereof shall be personally delivered or mailed to the applicant, Community Development Director, Public Works Director, and to other parties of record in the case. "Parties of record" shall include all persons who specifically request notice of decision by signing a register provided for such purpose at the public hearing.

17.81.210 - Minor variances—Expiration of approval.

Approval of a minor variance shall be void after three years, unless a building permit has been issued and substantial construction has taken place. The Community Development Director, for good cause, may extend approval for no more than one year. If a variance is specifically related to an approved phasing program, the validity of the variance shall be limited only by the phasing plan. Approval expiration shall apply to all applications deemed complete on or after the effective date of the ordinance from which this section is derived.

17.84.130 - Site plan review and decision procedures—Development proposals.

The site development plan for development proposals shall accompany application for the building permit and shall be reviewed by the Community Development Director, Building Official, Public Works Director, and other affected agencies for conformance to standards, ordinances, and codes. The city staff will work with the applicant to correct any site plan deficiencies, if necessary. Approval of site plans for development proposals shall be by the Community Development Director, who shall denote approval on the face of the site plan for filing in city records. The approved site plan shall be binding on the ultimate design and construction of the project. Prior to decision, the Community Development Director may refer site plans for development proposals to the planning commission for review and comment and shall make such referral when requested by the planning commission.

17.84.140 - Site plan review and decision procedures—Zone changes.

- A. The site development plan for zone change proposals shall accompany the application for the zone change and shall be reviewed initially by the Community Development Director, Building Official, Public Works Director, and other affected agencies for conformance to standards, ordinances and codes. City staff will work with the applicant to correct any site plan deficiencies, if necessary. Staff findings and recommendations to the planning commission should address the merits of the site plan as well as of the proposed zone change.
- B. The planning commission shall review the zone change application and site development plan together according to normal rezone procedures. The commission's findings and recommendations to the city council should address the merits of the site plan as well as of

the zone change. City council approval of the site development plan at the time of rezone approval shall be considered as binding on the development design.

- C. The Community Development Director, Public Works Director, and Building Official shall check building and construction plans for basic consistency with the approved site development plan prior to issuing permits. If the building and construction plans indicate significant differences in dimensions, setbacks, points of ingress/egress, parking and loading spaces and areas, or other pertinent features from the approved site plan, a revised site development plan shall be required and reviewed and acted on by the city council.

17.92.010 - Definitions.

For purposes of this chapter, certain words and terms shall be used, interpreted, and defined as follows:

- A. Commercial/Noncommercial Ventures. Any person engaged in the development, management, sale, rental or use of property solely for the purpose of residential occupancy by the person or such person's immediate family shall be deemed to be engaged in a noncommercial venture. All other persons shall be deemed to be engaged in commercial ventures.
- B. "Hearing examiner" means the person or tribunal appointed by the city council to hear appeals or any appeal under this chapter or his duly authorized representative.
- C. "Land use ordinance" means this chapter and any other existing or future ordinance or resolution of the city which regulates the use and development of land, including but not limited to zoning regulations, subdivision regulations, short subdivision regulations, signing regulations, and all building, fire and construction codes. "Land use ordinance" also includes any existing or future law of the state legislature which regulates the use and development of land, including but not limited to the State Subdivision Law, RCW Chapter 58.17; the Shorelines Management Act, RCW Chapter 43.51; and the Solid Waste Management Act, RCW Chapter 70.95. This chapter shall be construed as, and is intended to be enacted as, a regulation adopted pursuant to any such state law and pursuant to Art. II, Sec. 11, Washington State Constitution.
- D. "Nuisance" means unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs, or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life or in the use of property.
- E. "Person" means any natural person, organization, corporation or partnership and their agents or assigns.
- F. "Public nuisance" means a nuisance which affects the rights of an entire community or neighborhood, although the extent of the nuisance may be unequal.

17.92.020 - Administration.

The director is authorized to utilize the procedure of this chapter in order to enforce any land use ordinance.

17.92.030 - Declaration of intent.

All violations of land use ordinances are determined to be detrimental to the public health, safety, and welfare and are declared to be public nuisances. All conditions which are determined by the director to be in violation of any land use ordinance shall be subject to the provisions of this chapter and shall be corrected by any reasonable and lawful means as provided in this chapter.

17.92.040 - Right of entry.

Whenever necessary to make an inspection to enforce the provisions of any land use ordinance, or whenever the director has reasonable cause to believe that any building, structure, property or portion thereof is being used in violation of any land use ordinance, the director may enter such building, structure, property or portion thereof at all reasonable times to inspect the same.

17.92.050 - Civil penalty.

In addition to or as alternative to any other judicial or administrative remedy provided in this chapter by law, any person who violates any land use ordinance, or rules and regulations adopted thereunder, or by each act of commission or omission procures, aids or abets such violation, shall be subject to a civil penalty in an amount of fifteen dollars in the case of noncommercial ventures, and fifty dollars in the case of commercial ventures per day for each continuous violation to be directly assessed by the director until such violation is corrected. The per diem penalty shall double for the second separate violation and triple for the third and subsequent separate violation of the same regulation within any five-year period. All civil penalties assessed will be enforced and collected in accordance with the lien, personal obligation, and other procedures specified in this title.

17.92.060 - Abatement.

In addition to or as an alternative to any other judicial or administrative remedy provided in this chapter by law, the director may order a land use ordinance violation to be abated. The director may order any person who creates or maintains a violation of any land use ordinance, or rules and regulations adopted thereunder, to commence corrective work and to complete the work within such time as the director determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the director will proceed to abate the violation and cause the work to be done. He will charge the costs thereof as a lien against the property and as both a joint and separate personal obligation of any person who is in violation.

17.92.070 - Additional enforcement.

Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of any land use ordinance or rules and regulations adopted thereunder.

17.92.090 - Notice and order.

Whenever the director has reason to believe that a violation of a land use ordinance or any rules and regulations adopted thereunder will be most promptly and equitably terminated by an administrative notice and order proceeding, he shall issue a written notice and order directed either to the owner or operator of the source of the violation, the person in possession of the property where the violation originates, or the person otherwise causing or responsible for the violation. The notice and order may be posted on the property and shall contain:

- A. The street address when available and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;
- B. A statement that the director has found a person to be in violation of a land use ordinance with a brief and concise description of the conditions found to be in violation;
- C. A statement of the corrective action required to be taken. If the director has determined that corrective work is required, the order shall require that all required permits be secured and the work physically commence within such time and be completed within such time as the director shall determine is reasonable under the circumstances;
- D. A statement specifying the amount of any civil penalty assessed on account of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent;
- E. Statements advising that (1) if any required work is not commenced or completed within the time specified, the director will proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation; and (2) if any assessed civil penalty is not paid, the director will charge the amount of the penalty as a lien against the property and as a joint and separate personal obligation of any person in violation;
- F. A statement advising that the order shall become final unless, no later than ten days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the hearing examiner.

17.92.110 - Appeals.

- A. Any person aggrieved by the order of the director may request in writing within ten days of the service of notice and order an appeal hearing before the hearing examiner. The request shall cite the notice and order appealed from and contain a brief statement of the reasons for seeking the appeal hearing. The method of appeal as provided in this chapter shall be sole and exclusive, and no appeal shall be had to the board of adjustment from any determination rendered under the authority of this chapter.
- B. The appeal hearing shall be conducted on the record and the hearing examiner shall have such rule making and other powers as were available to the director originally. Such appeal hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing will be sent to each appealing party, to the director whose order is being appealed, and to other interested persons who have requested in writing that they be so notified.
- C. All appeals shall be conducted in accordance with Washington Administrative Code Chapter 1-08 "Uniform Procedural Rules"; provided, however, that Sections 1-08-540 through 1-08-590 shall be excluded. Should any conflict arise between the provisions of this chapter and the applicable sections of WAC Chapter 1-08, the provisions of this chapter shall prevail. For the purposes of this chapter, all references in the WAC to "agency" shall mean "hearing examiner." In addition, the hearing examiner may promulgate and adopt such additional rules as are necessary for the conduct of a hearing.
- D. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.
- E. Following review of the evidence submitted, the hearing examiner shall make written findings and conclusions, and shall affirm or modify the order previously issued if he finds that a violation has occurred. The written decision of the hearing examiner shall be mailed by certified mail, postage prepaid, return receipt requested, to all parties.
- F. The appeal hearing before the hearing examiner shall occur within sixty days following receipt of the written notice of appeal, unless the matter is continued at the discretion of the hearing examiner after receiving consent of all parties to the proceeding.

17.92.120 - Final order.

- A. Any order duly issued by the director pursuant to the procedures contained in this chapter shall become final ten days after service of the notice and order unless a written request for hearing is received by the hearing examiner within the ten-day period.
- B. An order which is subjected to the appeal procedure shall become final twenty days after mailing of the hearing examiner's decision unless within that time period an aggrieved person initiates review by writ of certiorari in Cowlitz County Superior Court.

17.92.130 - Supplemental notice and order.

The director may at any time add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notices and orders as contained in this chapter.

17.92.140 - Enforcement of final order.

- A. If, after any order duly issued by the director has become final, the person to whom such order is directed fails, neglects, or refuses to obey such order, including refusal to pay a civil penalty assessed under such order, the director may:
 1. Cause such person to be prosecuted under this chapter; and/or
 2. Institute any appropriate action to collect a civil penalty assessed under this chapter; and/or
 3. Abate the land use violation using the procedures of this chapter; and/or
 4. File in the county auditor's office a certificate describing the property and the violation and stating that the owner has been so notified; and/or
 5. Pursue any other appropriate remedy at law or equity under this chapter.
- B. Enforcement of any notice and order of the director issued pursuant to this chapter shall be stayed during the pendency of any appeal under this chapter, except when the director determines that the violation will cause immediate and irreparable harm and so states in the notice and order issued.

17.92.150 - Settlement of civil penalty claims.

The director is authorized to settle and compromise claims for civil penalties accruing pursuant to this chapter where such settlement is clearly in the interests of the city; provided, that the director shall periodically report such settlements and compromises to the city council.

17.92.160 - Suspension of permits.

- A. The director may temporarily suspend any permit issued under a land use ordinance for

1. failure of the holder to comply with the requirements of any land use ordinance or rules and regulations promulgated thereunder, or
 2. failure to comply with any notice and order issued pursuant to this chapter.
- B. Such permit suspension shall be carried out through the notice and order provisions of this chapter, and the suspension shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such suspension as provided for in this chapter.
- C. Notwithstanding any other provision of this chapter, whenever the director finds that a violation of any land use ordinance or rules and regulations has created or is creating an unsanitary, dangerous or other condition which, in his judgment, constitutes an immediate and irreparable hazard, he may, without service of a written notice and order, suspend and terminate operations under the permit immediately.

17.92.200 - Notice lien may be claimed.

The notice and order of a director pursuant to this chapter shall give notice to the owner that a lien for the civil penalty of the cost of abatement, or both, may be claimed by the city.

TITLE 19 – DEVELOPMENT ADMINISTRATION

19.02.020 - Definitions.

"City" means the city of Woodland, Washington.

"Closed record appeal" means an administrative appeal on the record following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

"Days" means calendar days, including weekends and holidays.

"Department" means the department of Community Development.

"Determination of completeness" means a written determination by the director or his/her designee that all required elements of an application have been received by the city. This determination initiates the statutory review period for the application, if any, and subject to certain exceptions, entitles the applicant to have the application considered and reviewed pursuant to the laws, regulations and standards in effect on the date the application was complete.

"Development review committee" (DRC) means a group of city and fire agency staff composed of the Community Development Director, Public Works Director, Building Official and fire chief or designee who conduct preapplication conferences and review and/or approve development permit applications.

"Director" means the Community Development Director unless another department or agency is in charge of the project in which case it refers to the chief administrative officer of that department or agency.

"Feasibility review" means an optional preapplication meeting between a prospective applicant or development proponent and the DRC to provide limited information on applicable development and site requirements as a precursor to a "preapplication conference."

"Open record hearing" means a hearing, conducted by a single hearing body or officer that creates the record through testimony and submission of evidence and information. An open record hearing may be held prior to a decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing was held on the project permit.

"Planned action" means one or more types of project actions that are designated planned actions by city ordinance or resolution as more particularly outlined in Section 19.04.030 (B)(2).

"Preapplication conference" means a meeting between the applicant for a project permit and the DRC held prior to the actual submission of the permit application for the purposes described in Section 19.02.060.

"Project permit" means any land use or environmental permit or license required from the city for a project action, including but not limited to subdivisions, planned unit developments, conditional uses, shoreline substantial development permits, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection. Project action also includes any proposal for development of any new commercial/industrial or multifamily (three units or more) structure or addition or modification to a commercial/industrial or multifamily structure or change in occupancy of such an existing structure that changes utility requirements, parking requirements or necessitates additional site improvements.

19.02.030 - Development review committee established.

- A. There is hereby established a development review committee (DRC) as defined in WMC 19.02.020. Normally the Community Development Director will chair DRC meetings. The primary purpose of such committee is to make such decisions as are delegated to it by ordinance and administrative directive, conduct preapplication conferences and make post application determinations in conjunction with the issuance of project permits as well as staff recommendations where the hearing examiner, planning commission or city council is charged with approval authority.
- B. For all matters for which the planning commission or hearing examiner is the reviewing or decision making authority, the Community Development Director shall prepare the staff report.
- C. In the event of a tie vote the Community Development Director will make the decisive vote.

19.02.090 - Submission and acceptance of application.

- A. Determination of Completeness. Within twenty-eight days after receiving a project permit application or sooner, if completed, the department shall mail or personally provide a written determination to the applicant which states either: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete. (RCW 36.70B.070).

- B. Identification of Other Agencies With Jurisdiction. To the extent known by the city, other agencies with jurisdiction over the project permit application shall be identified in the city's determination required by Section 19.02.090(A). (RCW 36.70B.070).
- C. "Complete" Application/Additional Information. A project permit application is complete for purposes of this section when it meets the requirements of Section 19.02.080, as well as the submission requirements contained in all other applicable development regulations of the city. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The city's determination of completeness shall not preclude the city from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action. (RCW 36.70B.090(1)).
- D. Incomplete Application Procedure.
 - 1. If the applicant receives a determination from the city that an application is not complete, the applicant shall have ninety days to submit the necessary information to the city. Within fourteen days after an applicant has submitted the requested additional information or sooner if completed, the city shall make the determination as described in Section 19.02.080(A), and notify the applicant in the same manner.
 - 2. If the applicant either refuses or fails to submit the required information or additional information or does not submit such information within the ninety-day period, the application shall lapse. Upon failure to cure any deficiency the department shall refund fifty percent of the filing or application fees submitted with the incomplete application.
- E. City's Failure to Provide Determination of Completeness. A project permit application shall be deemed complete under this section if the city does not provide a written determination to the applicant that the application is incomplete as provided in Section 19.02.090. When the project permit application is complete, the director shall accept it, and note the date of acceptance. (RCW 36.70B.070(4)(a)).

19.02.110 - Use of consultants.

Whenever review of a land use application including, but not limited to, comprehensive plan map/text amendment, zoning map/text amendment, Annexation, development proposal, or building permit application requires the retention by the city for professional consulting services, the applicant shall reimburse the city, the cost of such professional consulting services. Such costs are due and payable to the city at the time of final plan or land use approval. The city may require the applicant to deposit an amount with the city estimated in the discretion of the Community Development Director, to be sufficient to cover anticipated costs of retaining professional consultant services and to ensure reimbursement for such costs.

19.04.040 - Determining time limits.

- A. Except as otherwise provided in subsection (B) of this section and Section 19.02.050, the director shall issue his/her notice of final decision on a project permit application within one hundred twenty days, or sooner if possible, after notifying the applicant that the application is complete, as provided in Section 19.02.090(F). In determining the number of days that have elapsed after the director has notified the applicant that the application is complete, the following periods shall be excluded:
 - 1. Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information.

- a. The period shall be calculated from the date the director notifies the applicant of the need for additional information until the earlier of the date the director determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided;
- b. If the director determines that the information submitted by the applicant under subsection (A)(1)(a) of this section is insufficient, he/she shall notify the applicant of the deficiencies and the procedures under subsection (A)(1)(a) of this section shall apply as if a new request for studies had been made;
2. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to RCW 43.21C;
3. Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period for considering and deciding shall not exceed: (a) ninety days for an open record appeal hearing; and (b) sixty days for a closed record appeal. The parties to an appeal may agree to extend these time periods; and
4. Any extension of time mutually agreed upon by the applicant and the director.
- B. The time limits established by subsection (A) of this section do not apply if a project permit application:
 1. Requires an amendment to the comprehensive plan or a development regulation;
 2. Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or
 3. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete. An application is substantially revised if proposed changes would have affected decisions in the approval process.
- C. If the director is unable to issue its final decision within the time limits provided for in this section, he/she shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

19.06.020 - Referral and review of project permit application.

As soon as possible, but in any event within ten days of accepting a complete application, the director shall do the following:

- A. Transmit a copy of the application, or appropriate parts of the application, to each affected agency and city department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have fifteen days to comment. The referral agencies or city departments are presumed to have no comments if comments are not received within the specified time period. The director shall grant an extension of time for comment only if the application involves unusual circumstances. Any extension shall only be for a maximum of three additional days. (RCW 36.70B.070).
- B. If hearing examiner approval is required, notice and hearing shall be provided as set forth in Chapter 17.81.

19.06.060 - Reconsideration in response to SEPA comments.

Any interested person may submit written comments and request reconsideration by the Community Development Director within fifteen days of the date any final recommendation

or decision attached to a SEPA threshold determination. Unless further action is taken by the development review committee in response to such comments, the period in which to file an appeal shall terminate twenty-one days after the date such final recommendation or decision is issued. SEPA exempt actions shall not be subject to reconsideration and shall be subject to only a fourteen-day appeal period.

19.08.010 - Department staff approval authorities.

As outlined in Section 19.08.030, department staff as assigned by the director or the DRC shall have the authority to review and approve, deny, modify, or conditionally approve, land use or environmental permits or licenses required from the city for a project action, including, but not limited to, site plan review, boundary line adjustments, administrative temporary and conditional use permits, building permits and other construction permits, SEPA procedural and substantive determinations, short plats, binding site plans, minor variances, minor modifications to approved administrative conditional use permits and conditional use permits, phasing and expiration extensions of subdivision preliminary plats, sign permits, certificates of occupancy, critical area permits, floodplain development permits, and shoreline exemptions, and to provide interpretations of codes and regulations applicable to such projects.

19.10.040 - Site plan review types and procedures.

- A. Except for exempt activities listed in WMC 19.10.030, site plan reviews shall be classified and processed as follows:
1. Type I Site Plan Review. Type I site plan reviews are typically relatively minor in nature, consistent with the zoning of surrounding land uses, and do not have a substantial impact on the natural and built environment. Type I applications are approved by the Community Development Director or his/her designee without public notice and without a public hearing. A pre-application conference is not required unless requested by the applicant. The following are classified as Type I site plan reviews:
 - a. Changes in use of an existing structure or site not exempt under WMC 19.10.030.
 - b. Any development or change of use that will result in thirty or fewer PM peak trips and that requires payment of a traffic impact fee. Trips shall be based on the latest edition of the International Transportation Engineer's Trip Generation Manual or substantial evidence by a professional engineer licensed in the State of Washington with expertise in traffic engineering.
 - c. New construction or expansions of existing construction that does not exceed any of the following:
 - i. Four thousand square feet of additional floor area;
 - ii. Twenty new parking spaces; or
 - iii. Four new multifamily residential units, except as provided for in WMC 19.10.030.
 2. Type II Site Plan Review. Type II site plan reviews are typically more substantial in nature and may have potential incompatibility with surrounding zoning or land uses or may have a more substantial impact on the natural and built environment. Type II reviews are approved by the development review committee with public notice and an opportunity for comment. A pre-application conference is required. The following are classified as Type II site plan reviews:
 - a. Any development which is not listed as a Type I site plan in subsection (A)(1) of this section or listed as exempt under WMC 19.10.030.

- b. Any development subject to SEPA pursuant to WMC Chapter 15.04 (Environmental Policy).
 - c. Any development or change of use that will result in thirty-one or more PM peak trips, based on the latest edition of the International Transportation Engineer's Trip Generation Manual, or substantial evidence by a professional engineer licensed in the State of Washington with expertise in traffic engineering.
3. Binding Site Plan Reviews. A binding site plan functions as an alternative to dividing commercial or industrial property through the platting process. A binding site plan is required for any proposal which involves the division of commercial or industrial property for the purposes of sale, lease, or transfer of ownership without completing the platting process pursuant to WMC Title 16 and RCW Chapter 58.17.
- a. There are two types of binding site plans:
 - i. Binding Site Plan—New Developments. This type of binding site plan includes all applications to create legal lots in conjunction with a new development. Any binding site plan of this type less than five acres in size shall be administratively approved by the development review committee. Land division associated with any binding site plan of this type five acres or greater in size shall first be approved by city council with a recommendation by the planning commission (preliminary binding site plan approval). Following preliminary approval of the proposed land division, staff shall administratively approve proposed site improvements.
 - ii. Binding Site Plan—Existing Developments. This type of binding site plan includes all applications to create legal lots in conjunction with an existing development or when no development is proposed. Any binding site plan of this type that is less than five acres shall be administratively approved by the development review committee. Any binding site plan of this type five (5) acres or greater shall be approved by city council with a recommendation by the planning commission.
 - a. A pre-application conference is required for all binding site plan applications. Binding site plans shall be completed consistent with the requirements and provisions of RCW 58.17.035 and this chapter and shall be valid for the same period as a Type I or II site plan.
 - b. Revisions to a binding site plan are permitted so long as any revisions are made through the site plan review process and are consistent with the regulations in effect at the time of application for revisions. If a binding site plan expires or is vacated, the parcel boundaries shall return to the original configuration. Vacation of a binding site plan shall require the signatures of all current owners of the parcels involved.
- B. If a site plan review is part of an overall application that is subject to a higher approval authority, site plan review shall be considered in conjunction with the overall application by that higher review authority.

19.10.060 - Criteria for site plan approval.

- A. In approving site plans, it shall be the responsibility of the Community Development Director to review each plan for compliance with all provisions of this chapter and any other applicable regulations that may affect the final plan as submitted or revised. The Community Development Director shall coordinate review with the Public Works Director, Building Official, staff or contract fire professionals, and the city's reviewing consultants.

- B. In reviewing a site plan for approval, the Community Development Director shall find that all of the following have been met:
 - 1. The proposal does or can comply with all applicable land use and development standards including but not limited to landscaping and screening requirements, parking and loading standards, frontage improvements, design standards, sewer and water standards, stormwater and erosion control standards, and critical areas standards, with or without conditions of approval. If compliance cannot be achieved by imposing conditions of approval, the application shall be denied.
 - 2. All conditions of any applicable previous approvals have been met.
 - 3. Proposed phasing plans comply with the requirements of WMC 19.10.120 and any necessary performance bonds or other suitable securities per WMC 19.10.110 have been secured.

19.10.070 - Preliminary site plan approval—Final civil plan approval.

- A. Where a site plan is issued subject to conditions that require the submittal of additional materials or changes to existing plans (preliminary approval), the Community Development Director may require that the applicant submit for final civil plan approval to determine if the revised plans comply with the conditions of approval. If so required, the proponent must submit final civil construction drawings for review and approval. Unless waived by the Community Development Director, the final civil plan set shall include the following elements:
 - 1. Overall site plan that is substantially the same as that preliminarily approved.
 - 2. Final grading plan.
 - 3. Final stormwater plan and report pursuant to WMC Chapter 15.12.
 - 4. Erosion control plan pursuant to WMC Chapter 15.10.
 - 5. Final landscaping plan.
 - 6. Final utilities plan.
 - 7. Additional information as required by the Community Development Director or his/her designee.
- B. Prior to decision, the Community Development Director may refer site plans for development proposals to the planning commission for review and comment and shall make such referral when requested by the planning commission or as the Community Development Director or Public Works Director deems appropriate.
- C. Approved binding site plans shall be filed with the county auditor at the applicant's expense and three copies of the recorded document shall be returned to the Community Development Department. All lots or parcels created through the binding site plan procedure shall be legal lots of record.

19.10.100 - Compliance required and expiration.

- A. All development of the property for which a site plan was approved shall conform to the approved site plan and any conditions imposed thereon unless amended or replaced by a subsequent city approval.
- B. An approved site plan (without phasing) shall be null and void if:
 - 1. Complete building permit applications for all proposed structures are not submitted to the Woodland Building Department within three years of site plan review approval.
 - 2. Construction does not commence within four years of site plan review approval.

- C. A site plan review approval with a phasing plan shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved phasing plan.
- D. Once expired, an applicant must re-apply for site plan review and receive approval before further development of the site proceeds. Expiration of site plan approval shall not apply to applicants with complete applications before the effective date of the ordinance from which this chapter is derived, September 16, 2013. The Community Development Director or his/her designee may approve up to two, one-year extensions if:
 - 1. There have not been any substantial changes in the laws governing the development of the site with which lack of compliance would be contrary to the changed laws;
 - 2. Approved building permits have been issued to the applicant; and
 - 3. The applicant has pursued development in good faith where good faith is evidenced by progress on final permitting, surveying, engineering, and construction of improvements.

19.10.110 - Completion prior to occupancy.

- A. All required public and site improvements and other conditions of site plan approval shall be met prior to occupancy of any site unless required sooner as a condition of approval provided that completion and occupancy may be accomplished in phases if approved by the Community Development Director or his/her designee as part of the site plan review process. Incomplete items may be secured by the issuance of a performance bond or other suitable security as a condition of approval to secure an applicant's obligation to complete the provisions and conditions of the approved site plan.
- B. For binding site plans, the roads and utilities shown on the plan need not be constructed and/or installed at the time the property is divided. However, no permit required to build permanent structures upon any portion of the property, other than for site preparation (including grading and infrastructure installations), shall be issued until the roads and utilities necessary to serve that portion of the property have been constructed and installed or until arrangements acceptable to the city have been made to ensure that the construction and installation of such roads and utilities will be accomplished.

19.10.120 - Phasing.

- A. Upon written request, the Community Development Director or his/her designee may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than eight years without reapplying for site plan review.
- B. The criteria for approving a phased site plan review application shall be as follows:
 - 1. All public facilities necessary to serve a phase shall be completed prior to or with the development of the phase.
 - 2. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable city standard.
 - 3. The phased development shall not result in requiring the city, other property owners, or latecomers, to construct public facilities that were required as part of the approved development proposal.

Staff Report: Critical Areas Ordinance Update

Date: September 8, 2016

To: Planning Commission

From: Amanda Smeller, Community Development Planner

Re: Critical Areas Ordinance Update

Planning Commission held a workshop at the August meeting in regards to the Critical Areas Ordinance update. The commission requested another work session to review the update.

Since we reviewed the draft at the August meeting, I have added additional information in the definitions and the exemptions sections. The Department of Ecology also provided comments, some of which I have incorporated and others that I left as comments that we can discuss. All comments on the document were made by Ecology. I will have the Department of Natural Resources as well as the Department of Fish and Wildlife review the document as well for needed updates.

The Commission also wanted to compare the proposed regulations against a wetland report that was done a few years back to assess how the new criteria would change how the wetland is categorized. However, the wetland rating form which is used to assess the wetland and help categorize it has changed as well. The points system has changed, so comparing the new system to a wetland report done under the old system isn't straightforward.

I have enclosed the proposed ordinance changes, a wetland report for Woodland Industrial Park from 2011, and the updated Western Washington Wetland Rating Form (effective January 1, 2015) for review. I have also attached the Final Wetland Guidance for CAO Updates in Western Washington document from Ecology.

Wetland Delineation Report

for the

**Woodland Industrial Park
Schurman Way
Woodland, Washington**

Prepared For:

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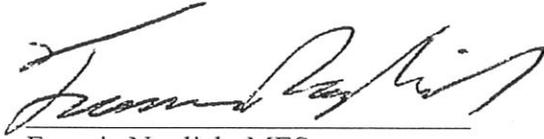
Prepared By:

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July 2011
ELS Project #438.03

SIGNATURES

The information and data in this report were compiled and prepared under the supervision and direction of the undersigned.

A handwritten signature in black ink, appearing to read "Francis Naglich". The signature is written in a cursive style with a horizontal line underneath it.

Francis Naglich, MES
Wetland Biologist

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Wetland Determination Data Forms
Wetland Rating Form for Western Washington

INTRODUCTION

Ecological Land Services, Inc. (ELS) has completed a wetland delineation on a 3.06-acre site located immediately west of Schurman Way in the City of Woodland, Washington (Sheet 1). The property owner, HCT Properties & Equipment, plans to construct a commercial building and associated improvements to allow for office, maintenance shop and sandblasting and coating activities. The site consists of Tax Parcel Number 507870102 and is located in the northwest quarter of Section 13, Township 5 North, Range 1 West of the Willamette Meridian. This report summarizes the findings of the wetland delineation according to the *City of Woodland Municipal Code (WMC) Chapter 15.08 Critical Areas Regulation*.

METHODOLOGY

The wetland was delineated using the Routine Determination Method according to the U.S. Army Corps of Engineers, *Wetland Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)* (U.S. Army Corps of Engineers 2010). By definition, wetlands are 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 typically adapted for life in saturated soil conditions. Wetlands are regulated as “Waters of the United States” by the U.S. Army Corps of Engineers, as “Waters of the State” by the Washington Department of Ecology (WDOE), and locally by the City of Woodland, Washington.

ELS conducted site visits on May 27, 2011 and June 29, 2011 to delineate the onsite critical areas, assess wetland functions, and gather vegetation, soils, and hydrology data. Wetlands were delineated onsite with consecutively numbered pin flags and “Wetland Boundary” flagging. The wetland boundaries were primarily determined by topographical changes and the presence of hydrology and hydrophytic vegetation. Vegetation, soil, and hydrology data were collected from 3 test plots to verify the presence and boundaries of the wetlands. These test plots were established in May 2009 by ELS during a previous wetland determination at this site, and are still relevant for 2011 site conditions. Several years prior to this, in 1994, ELS delineated the on-site wetland and the boundary was verified by the U.S. Army Corps of Engineers. Soil colors in test plots were evaluated by hue, value, and chroma using the Munsell Soil Color Chart (Munsell 2000). The wetland boundaries were subsequently surveyed by Minister-Glaeser Surveying Inc. and are shown on the attached Figure 2.

SITE DESCRIPTION

The 3.06-acre site is bordered by USNR to the north, Redwood Plastics to the south, Schurman Way to the east, and vacant land to the west (Figure 2). Site topography is generally level throughout the eastern three quarters of the site with a prominent to slight 1-to-3-foot drop of elevation into the wetland area (Wetland A) in the western portion of the site. The verified wetland boundary was found to be mostly unchanged from the previous delineations or wetland

site reconnaissance done in the past. The wetland is irregularly shaped and has several lobes that protrude outward from its center. The wetland is connected to a drainage ditch located along the north property line that conveys water offsite westerly to a series of ditches that drain to the north and west within the Consolidated Diking and Improvement District #2 (CDID 2) drainage area. The CDID pumps at the point where Burris Creek intersects the dike convey the water to sloughs connected to the Columbia River. The wetland is dominated by emergent vegetation, including slough sedge and reed canarygrass. Forested uplands dominated by a dense stand of black cottonwood trees surround the wetland.

SOILS

The soils within the study area are mapped as Maytown silt loam, 0-3 percent slopes (127), as referenced on the Natural Resources Conservation Service (NRCS) website (2011). Maytown silt loam is described as moderately well drained soil on floodplains. This soil is subject to occasional brief flooding from November to March. Available water capacity is high. Water moves slowly through this soil. The Maytown series is not listed as a hydric soil on the *Washington State Hydric Soils List* (NRCS 2011).

Evaluated wetland soils generally had a color matrix of dark grey (10YR 3/1). The evaluated upland soils had a very dark grayish brown (10YR 2/2) matrix. The upland soils were generally consistent with the mapped soil type of Maytown silt loam.

VEGETATION

Wetlands and Uplands

Wetland vegetation in Wetland A is dominated by patches of reed canarygrass (*Phalaris arundinacea*, FACW), slough sedge (*Carex obnupta*, OBL), water parsley (*Oenanthe sarmentosa*, OBL), and creeping butter cup (*Ranunculus repens*, FACW). Open spaces are present within the wetland containing bare ground with water stained leaves showing evidence of seasonal inundation. Dominant upland vegetation is comprised of black cottonwood (*Populus balsamifera*, FAC), snowberry (*Symphoricarpos alba*, FACU), Himalayan blackberry (*Rubus armeniacus*, FACU), sweet vernalgrass (*Anthoxanthum odoratum*, FACU), velvetgrass (*Holcus lanatus*, FAC), Canada thistle (*Cirsium arvense*, FACU), and bird's foot trefoil (*Lotus corniculatus*, FAC)

The dominant species of vegetation in each test plot have been recorded on the attached wetland delineation data sheets. The indicator categories following the common and scientific names indicate the likelihood of a species to be found in wetlands. Listed from most-likely to least-likely to be found in wetlands, the indicator categories are:

- **OBL** (obligate wetland) - almost always occurs (estimated probability >99%) in wetlands, under natural conditions.

- **FACW** (facultative wetland) - usually occur in wetlands (estimated probability 67%-99%), but occasionally found in non-wetlands.
- **FAC** (facultative) - equally likely to occur in wetlands or non-wetlands (estimated probability 34%-66%).
- **FACU** (facultative upland) - usually occur in non-wetlands (estimated probability 67%-99%), but occasionally found in wetlands (estimated probability 1%-33%).
- **UPL** (obligate upland) - almost always occur (estimated probability >99%) in non-wetlands, under natural conditions.

HYDROLOGY

Wetland A is a seasonally inundated depression wetland that extends offsite to the west and slightly to the south. Depth of water within the wetland is mainly less than 6 inches, however occasionally depths may reach up to 24 inches during periods of heavy precipitation and high groundwater. The wetland connects to a ditch that runs east-west along the north property line. This drainage ditch conveys water offsite westerly to a series of ditches that drain to the north and west within the CDID 2 drainage area. The CDID pumps at the point where Burris Creek intersects the dike convey the water to sloughs connected to the Columbia River.

WETLANDS INVENTORIES

National Wetlands Inventory

The U.S. Fish and Wildlife Service's National Wetlands Inventory (1988;NWI) map indicates the presence of a palustrine freshwater, emergent, seasonally flooded wetland within the western 2/3rds of the study area boundary (Sheet 4). NWI maps are typically used to gather wetland information about a region and, because of the large scale necessary for regional mapping, are limited in accuracy for localized analyses. In this case, the NWI mapping is incorrect except for that area of Wetland A that intersects the mapped area on Sheet 4. ELS staff performed a wetland delineation of Wetland A in 1994 during initial development in the area and construction of Schurman Way, and the wetland boundaries were concurred with by the U.S. Army Corps of Engineers. The boundary of Wetland A has stayed generally consistent since the first verified delineation in 1994 and the wetland reconnaissance site visit in 2009.

CONCLUSIONS

Wetlands

The site contains one Category III, palustrine, emergent, depression wetland, located near the western property line. The onsite area of Wetland A is 0.23 acres, while the entire wetland is approximately 0.27 acres. The information regarding the wetlands within the study area boundary is summarized in Table 1 below.

Wetlands Categorization and Buffer Requirements

Wetlands were categorized according to *City of Woodland Municipal Code (WMC) Chapter 15.08 Critical Areas Regulation*, using the *WDOE Wetland Rating Form for Western Washington* (Hruby 2006). The wetland categories and buffer requirements (*WMC 15.08.400*) for Wetland A within the study area are listed in Table 1. Wetland A has less than 20 habitat points (11) on the WDOE rating form and therefore has an 80-foot wide buffer for high land use intensity.

Table 1. Summary of Wetlands.

Wetland	Hydrogeomorphic Classification	Area (onsite)	Category	Corps Verification Year	Buffer Width for High Land Use Intensity
Wetland A	Depressional	0.23 acres	III	1994	80 feet

Wetland Mitigation

The landowner is currently considering options for wetland mitigation as it is their plan to maximize site development and usage. One of the preferred options from the applicant's viewpoint is considering offsite mitigation by purchasing mitigation credits at an approved wetland mitigation bank. Initial responses from resource agencies, including the Corps of Engineers and the City of Woodland, indicate that this mitigation approach is appropriate. A full mitigation plan and analysis will be prepared to address wetland mitigation at this site.

LIMITATIONS

ELS personnel base the conclusions contained within this report on standard scientific methodology and best professional judgment. In our opinion, local, state, and federal regulatory agencies should agree with the findings presented in this report.

The services described in this report were performed consistent with generally accepted professional consulting principles and practices. There are no other warranties, express or implied. The services performed were consistent with our agreement with our client. This report is prepared solely for the use of our client and may not be used or relied upon by a third party for any purpose. Any such use or reliance will be at such party's risk.

The opinions and recommendations contained in this report apply to conditions existing when services were performed. ELS is not responsible for the impacts of any changes in environmental standards, practices, or regulations after the date of this report. ELS does not warrant the accuracy of supplemental information incorporated in this report that was supplied by others.

REFERENCES

- City of Woodland. *Municipal Code, Chapter 15.08-Critical Areas Regulation*. Woodland, Washington.
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- U.S. Fish and Wildlife Service. 1988. *National Wetlands Inventory*. Accessed online March 2011. <http://wetlandsfws.er.usgs.gov/wtlnds/launch.html>.
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FIGURES

WASHINGTON



Latitude 45° 55' 25.35" N
Longitude 122° 45' 39.62" W

LOCATION MAP

R 1 W

	6			1
T				
5				
N				
	31			38

NOTE:
USGS topographic quadrangle map reproduced using MAPTECH Inc., Terrain Navigator Pro software.

PROJECT VICINITY MAP



SITE

0 15 30
SCALE IN MILES

PROPOSED: Fill 0.23 ac. of wetland

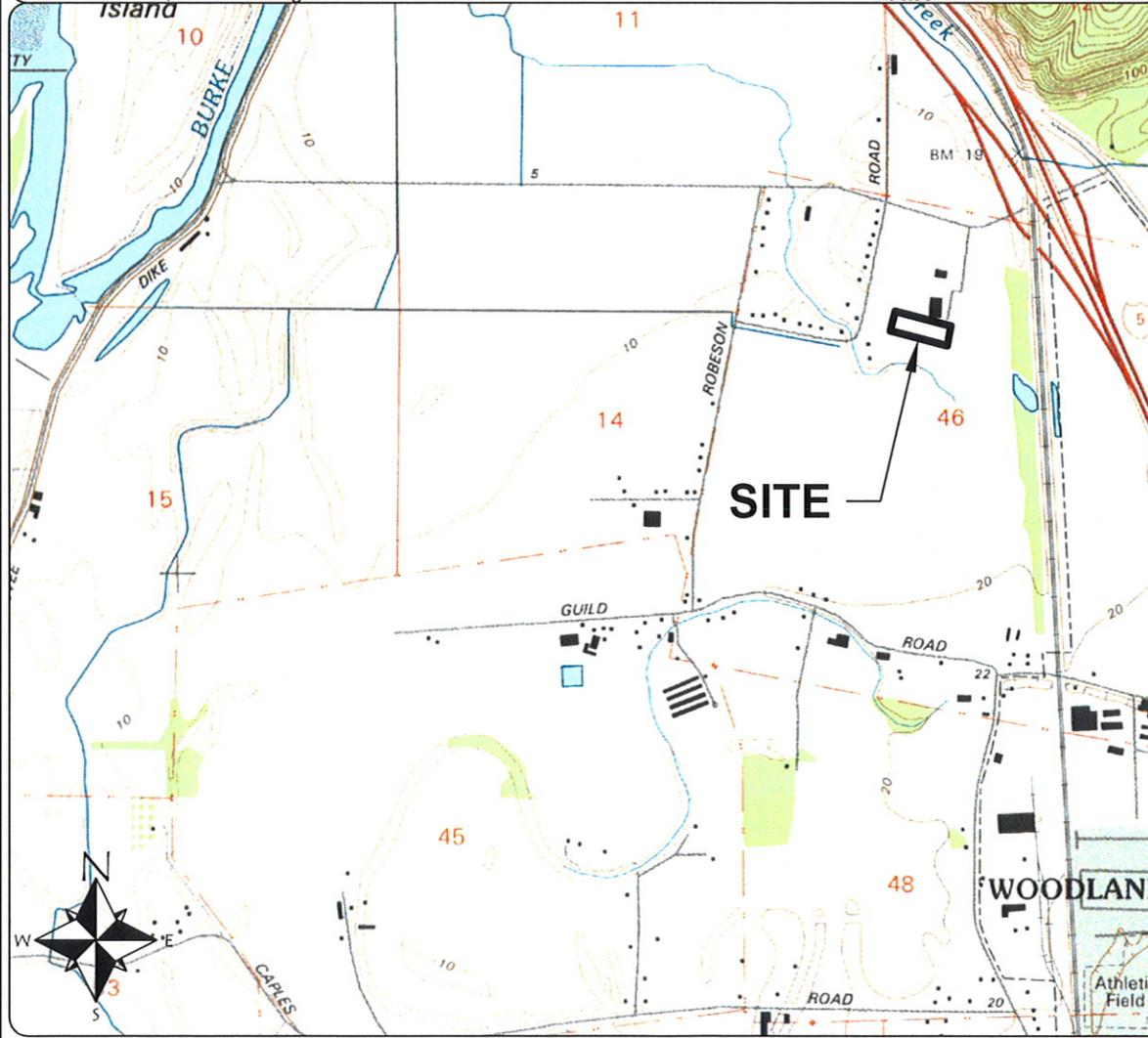
IN : Wetland
NEAR: Woodland
COUNTY: Cowlitz
SHEET 1 OF 7
STATE: WA
DATE: 7/28/11

VICINITY MAP

APPLICANT: Schlecht Construction
PROJECT NAME: HCT Properties and Equipment, LLC
REFERENCE #: Not yet assigned
SITE LOCATION ADDRESS:
1951 Schurman Way
Woodland, WA 98674

PURPOSE: Industrial Development

DATUM: NGVD 29
ADJACENT PROPERTY OWNERS:
See JARPA





NOTE(S):

1. Base map from Minister-Glaeser Surveying, Inc.
2. Aerial photograph (2010) provided by Google Earth™.
3. Wetland rating according to WDOE Wetland Rating System and City of Woodland Critical Areas Regulations 15.08.350.
4. Wetland buffer according to City of Woodland Critical Areas Regulations 15.08.400.



<p>PURPOSE: Industrial Development</p> <p>DATUM: N/A</p> <p>ADJACENT PROPERTY OWNERS: See JARPA</p>	<p>SITE MAP</p> <p>APPLICANT: Schlecht Construction</p> <p>PROJECT NAME: HCT Properties and Equipment, LLC</p> <p>REFERENCE #: Not yet assigned</p> <p>SITE LOCATION ADDRESS: 1951 Schurman Way Woodland, WA 98674</p>	<p>PROPOSED: Fill 0.23 ac. of wetland</p> <p>IN : Wetland</p> <p>NEAR: Woodland</p> <p>COUNTY: Cowlitz</p> <p>STATE: WA</p> <p>SHEET 2 OF 7</p> <p>DATE: 7/28/11</p>
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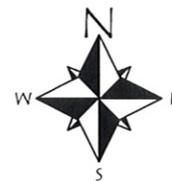


LEGEND:

127 Maytown silt loam, 0 to 3 percent slopes. Not hydric.

NOTE(S):

- Map provided on-line by NRCS at web address:
<http://websoilsurvey.nrcs.usda.gov/app/>



<p>PROPOSED: Fill 0.23 ac. of wetland</p>	<p>SOIL SURVEY MAP</p>	<p>PURPOSE: Industrial Development</p>
<p>IN : Wetland</p>	<p>APPLICANT: Schlecht Construction</p>	<p>DATUM: N/A</p>
<p>NEAR: Woodland</p>	<p>PROJECT NAME: HCT Properties and Equipment, LLC</p>	<p>ADJACENT PROPERTY OWNERS:</p>
<p>COUNTY: Cowlitz</p>	<p>REFERENCE #: Not yet assigned</p>	<p>See JARPA</p>
<p>STATE: WA</p>	<p>SITE LOCATION ADDRESS:</p>	
<p>SHEET 3 OF 7</p>	<p>1951 Schurman Way Woodland, WA 98674</p>	
<p>DATE: 7/28/11</p>		

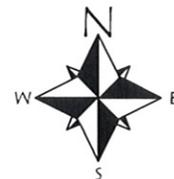


LEGEND:
 Freshwater Emergent Wetland

PEMC Palustrine, emergent, seasonally flooded.

NOTE(S):

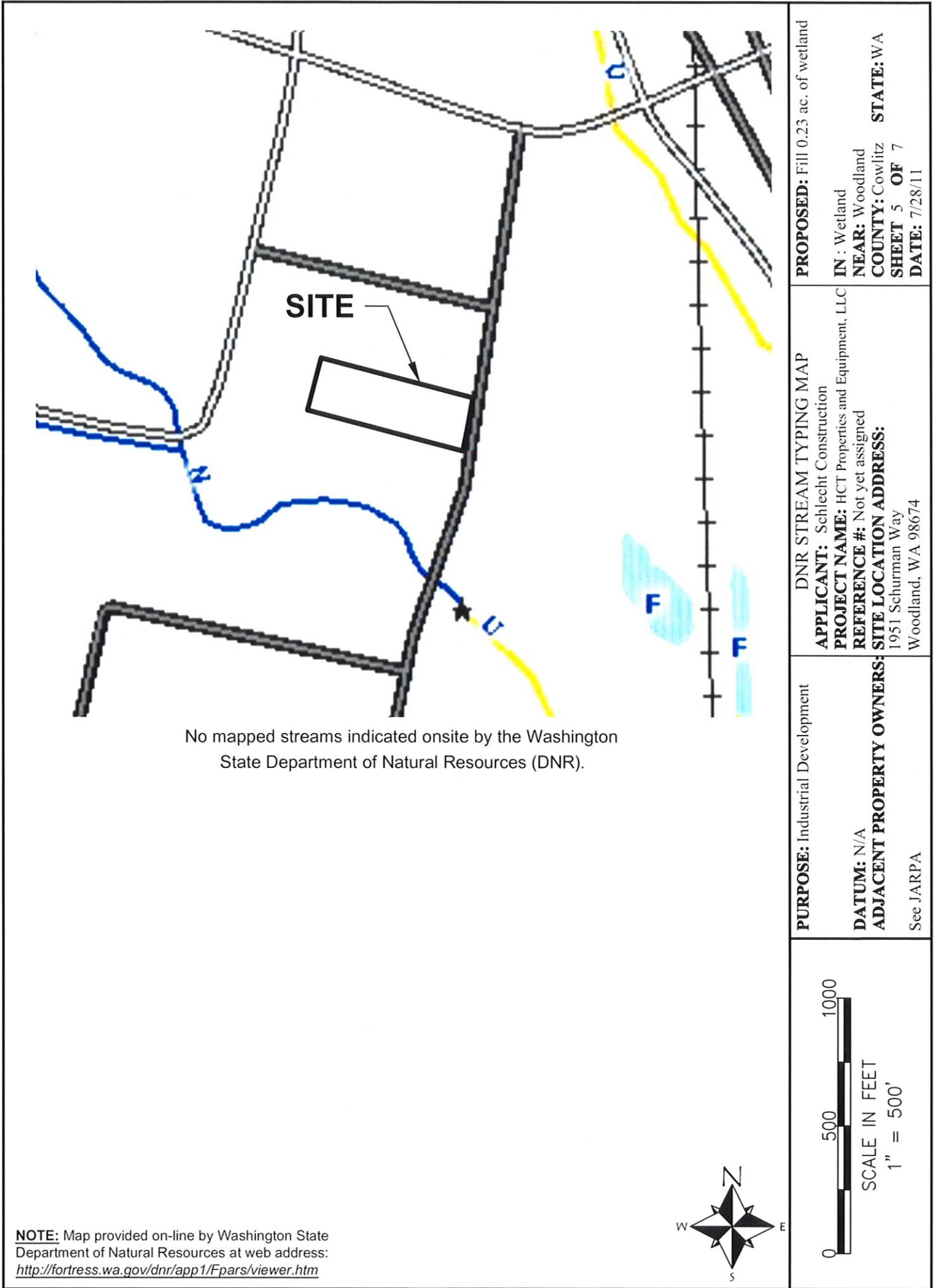
1. Map provided on-line by US Fish & Wildlife Service at web address:
<http://www.fws.gov/wetlands/data/index.html>



PURPOSE: Industrial Development
DATUM: N/A
ADJACENT PROPERTY OWNERS:
 See JARPA

NATIONAL WETLANDS INVENTORY MAP
APPLICANT: Schlecht Construction
PROJECT NAME: HCT Properties and Equipment, LLC
REFERENCE #: Not yet assigned
SITE LOCATION ADDRESS:
 1951 Schurman Way
 Woodland, WA 98674

PROPOSED: Fill 0.23 ac. of wetland
IN : Wetland
NEAR: Woodland
COUNTY: Cowlitz
STATE: WA
SHEET 4 OF 7
DATE: 7/28/11



No mapped streams indicated onsite by the Washington State Department of Natural Resources (DNR).

PROPOSED: Fill 0.23 ac. of wetland
IN : Wetland
NEAR: Woodland
COUNTY: Cowlitz
STATE: WA
SHEET 5 OF 7
DATE: 7/28/11

DNR STREAM TYPING MAP
APPLICANT: Schlecht Construction
PROJECT NAME: HCT Properties and Equipment, LLC
REFERENCE #: Not yet assigned
SITE LOCATION ADDRESS:
 1951 Schurman Way
 Woodland, WA 98674

PURPOSE: Industrial Development
DATUM: N/A
ADJACENT PROPERTY OWNERS:
 See JARPA

0 500 1000
 SCALE IN FEET
 1" = 500'



Photo 2
View across central portion of Wetland A.



Photo 1
View looking north across west side of Wetland A.

PURPOSE: Industrial Development
DATUM: N/A
ADJACENT PROPERTY OWNERS:
See JARPA

PHOTOPLATE 1
APPLICANT: Schlecht Construction
PROJECT NAME: HCT Properties and Equipment, LLC
REFERENCE #: Not yet assigned
SITE LOCATION ADDRESS:
1951 Schurman Way
Woodland, WA 98674

PROPOSED: Fill 0.23 ac. of wetland
IN : Wetland
NEAR: Woodland
COUNTY: Cowlitz
SHEET 6 OF 7
STATE: WA
DATE: 7/28/11



Photo 4
View of uplands east of Wetland A.



Photo 3
View of shallow ponded area in northwest corner of Wetland A.

PURPOSE: Industrial Development

DATUM: N/A

ADJACENT PROPERTY OWNERS:

See JARPA

PHOTOPLATE 2

APPLICANT: Schlecht Construction

PROJECT NAME: HCT Properties and Equipment, LLC

REFERENCE #: Not yet assigned

SITE LOCATION ADDRESS:

1951 Schurman Way
Woodland, WA 98674

PROPOSED: Fill 0.23 ac. of wetland

IN : Wetland

NEAR: Woodland

COUNTY: Cowlitz **STATE:** WA

SHEET 7 OF 7

DATE: 7/28/11

Wetland Routine Onsite Wetland Determination Data Forms

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Schurman Way Site City/County: Woodland/ Cowlitz Sampling Date: 5/29/2009
 Applicant/Owner: HCT Properties and Equipment State: WA Sampling Point: TP1
 Investigator(s): Travis Kessler Section, Township, Range: Section 13, Township 5N, Range 1W, W.M.
 Landform (hillslope, terrace, etc.): Terrace Local relief: None Slope (%): 1%
 Subregion (LRR): A Lat: 45, 55' 25.35" Long: 122, 45' 39.62" Datum: WGS84-DMS
 Soil Map Unit Name: Maytown Silt loam, 0-3% slopes (127) NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Area "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Hydric Soils Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
Wetland Hydrology Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
Remarks:					

VEGETATION (Use scientific names)

Tree Stratum (Plot size: _____ ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet	
1. _____	%	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A) Total Number of Dominant Species Across All Strata: <u>1</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A/B)	
2. _____	%	_____	_____		
3. _____	%	_____	_____		
4. _____	%	_____	_____		
Total Cover:	%				
Sapling/Shrub Stratum (Plot size: _____ ft. radius)					
1. _____	%	_____	_____	Prevalence Index worksheet Total % Cover of: _____ Multiply by: OBL species _____ x 1= _____ FACW species _____ x 2= _____ FAC species _____ x 3= _____ FACU species _____ x 4= _____ UPL species _____ x 5= _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A= _____	
2. _____	%	_____	_____		
3. _____	%	_____	_____		
4. _____	%	_____	_____		
5. _____	%	_____	_____		
Total Cover:	%				
Herb Stratum (Plot size: <u>5</u> ft radius)					
1. <i>Anthoxanthum odoratum</i>	60%	yes	FACU	Hydrophytic Vegetation Indicators: <input type="checkbox"/> 1 – Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> 2 – Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data In Remarks or on a separate sheet) <input type="checkbox"/> Wetland Non-Vascular Plants ¹ <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)	
2. <i>Holcus lanatus</i>	15%	no	FAC		
3. <i>Cirsium arvense</i>	15%	no	FACU		
4. <i>Lotus corniculatus</i>	10%	no	FAC		
5. _____	%	_____	_____		
6. _____	%	_____	_____		
7. _____	%	_____	_____		
8. _____	%	_____	_____		
Total Cover:	100%				
Woody Vine Stratum (Plot size: _____ ft radius)					
1. _____	%	_____	_____	¹ Indicators of hydric soil and wetland hydrology Must be present, unless disturbed or problematic.	
2. _____	%	_____	_____		
Total Cover:	%				
% Bare Ground in Herb Stratum _____ %				Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Remarks:

OIL

Sampling Point: TP1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-20	10YR 2/2	100%	None	0%			silt loam	
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- Histosal (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Minerals (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1) (except MLRA 1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils

- 2 cm Muck (A10)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and Wetland hydrology must be present

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Remarks:

Hydric Soil Present?

Yes No

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (min. of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or crust (B4)
- Iron Deposits (B5)
- Surface Soil Cracks (B6)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, & 4B)
- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres along Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Stunted or Stressed Plants (D1) (LRR A)
- Other (Explain in Remarks)

Secondary Indicators
(2 or more required)

- Water Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- Shallow Aquitard (D3)
- FAC-Neutral Test (D5)
- Raised Ant Mounds (D6) (LRR A)
- Frost-Heave Hummocks (D4)

Field Observations:

- Surface Water Present? Yes No
- Water Table Present? Yes No
- Saturation Present? Yes No
- (Includes Capillary fringe)
- Depth (Inches): _____
- Depth (Inches): _____
- Depth (Inches): _____

Wetland Hydrology Present?

Yes No

Describe Recorded Data (Stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Schurman Way Site City/County: Woodland/ Cowlitz Sampling Date: 5/29/2009
 Applicant/Owner: HCT Properties and Equipment State: WA Sampling Point: TP2
 Investigator(s): Travis Kessler Section, Township, Range: Section 13, Township 5N, Range 1W, W.M.
 Landform (hillslope, terrace, etc.): Terrace Local relief: None Slope (%): 1%
 Subregion (LRR): A Lat: 45, 55' 25.35" Long: 122, 45' 39.62" Datum: WGS84-DMS
 Soil Map Unit Name: Maytown Silt loam, 0-3% slopes (127) NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Area "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Hydric Soils Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Remarks:

VEGETATION (Use scientific names)

Tree Stratum (Plot size: _____ ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet	
1. <u>Populus trichocarpa</u>	80%	yes	FAC	Number of Dominant Species That Are OBL, FACW, or FAC:	4 (A)
2. _____	%			Total Number of Dominant Species Across All Strata:	4 (B)
3. _____	%			Percent of Dominant Species That Are OBL, FACW, or FAC	100 (A/B)
4. _____	%			Prevalence Index worksheet	
Total Cover:	80%			Total % Cover of:	Multiply by:
Sapling/Shrub Stratum (Plot size: _____ ft. radius)				OBL species	x 1= _____
1. <u>Rosa nutkana</u>	15%	yes	FAC	FACW species	x 2= _____
2. _____	%			FAC species	x 3= _____
3. _____	%			FACU species	x 4= _____
4. _____	%			UPL species	x 5= _____
5. _____	%			Column Totals:	(A) _____ (B) _____
Total Cover:	15%			Prevalence Index = B/A= _____	
Herb Stratum (Plot size: 5 ft radius)				Hydrophytic Vegetation Indicators:	
1. <u>Phalaris arundinacea</u>	20%	yes	FACW	<input type="checkbox"/> 1 – Rapid Test for Hydrophytic Vegetation	
2. <u>Ranunculus repens</u>	20%	yes	FACW	<input checked="" type="checkbox"/> 2 – Dominance Test is >50%	
3. _____	%			<input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹	
4. _____	%			4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)	
5. _____	%			<input type="checkbox"/> Wetland Non-Vascular Plants ¹	
6. _____	%			<input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)	
7. _____	%			¹ Indicators of hydric soil and wetland hydrology Must be present, unless disturbed or problematic.	
8. _____	%				
Total Cover:	40%			Hydrophytic Vegetation Present?	
Woody Vine Stratum (Plot size: _____ ft radius)				Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
1. _____	%				
2. _____	%				
Total Cover:	%				

% Bare Ground in Herb Stratum 60%
 Remarks:

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-20	10YR 3/1	100%		%			sand	
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Minerals (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1) (except MLRA 1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils

- 2 cm Muck (A10)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and Wetland hydrology must be present

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Remarks:

Hydric Soil Present?

Yes No

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (min. of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or crust (B4)
- Iron Deposits (B5)
- Surface Soil Cracks (B6)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, & 4B)
- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres along Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Stunted or Stressed Plants (D1) (LRR A)
- Other (Explain in Remarks)

Secondary Indicators
(2 or more required)

- Water Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- Shallow Aquitard (D3)
- FAC-Neutral Test (D5)
- Raised Ant Mounds (D6) (LRR A)
- Frost-Heave Hummocks (D4)

Field Observations:

Surface Water Present? Yes No Depth (Inches): _____
 Water Table Present? Yes No Depth (Inches): _____
 Saturation Present? Yes No Depth (Inches): _____
 (Includes Capillary fringe)

Wetland Hydrology Present?

Yes No

Describe Recorded Data (Stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Schurman Way Site City/County: Woodland/ Cowlitz Sampling Date: 5/29/2009
 Applicant/Owner: HCT Properties and Equipment State: WA Sampling Point: TP3
 Investigator(s): Travis Kessler Section, Township, Range: Section 13, Township 5N, Range 1W, W.M.
 Landform (hillslope, terrace, etc.): Terrace Local relief: None Slope (%): 1%
 Subregion (LRR): A Lat: 45, 55' 25.35" Long: 122, 45' 39.62" Datum: WGS84-DMS
 Soil Map Unit Name: Maytown Silt loam, 0-3% slopes (127) NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Area "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soils Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Remarks:

VEGETATION (Use scientific names)

Tree Stratum (Plot size: _____ ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet	
1. <u>Populus trichocarpa</u>	100%	yes	FAC	Number of Dominant Species That Are OBL, FACW, or FAC:	<u>1</u> (A)
2. _____	%			Total Number of Dominant Species Across All Strata:	<u>4</u> (B)
3. _____	%				
4. _____	%				
Total Cover:	100%			Percent of Dominant Species That Are OBL, FACW, or FAC	<u>25</u> (A/B)
Sapling/Shrub Stratum (Plot size: _____ ft. radius)	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet	
1. <u>Oemleria cerasiformis</u>	30%	yes	FACU	Total % Cover of:	Multiply by:
2. _____	%			OBL species _____	x 1= _____
3. _____	%			FACW species _____	x 2= _____
4. _____	%			FAC species _____	x 3= _____
5. _____	%			FACU species _____	x 4= _____
Total Cover:	30%			UPL species _____	x 5= _____
				Column Totals:	<u>(A)</u> <u>(B)</u>
				Prevalence Index = B/A= _____	
Herb Stratum (Plot size: <u>5</u> ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators:	
1. <u>Urtica dioica</u>	80%	yes	FACU	<input type="checkbox"/> 1 – Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 – Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ 4 - Morphological Adaptations ¹ (Provide supporting data In Remarks or on a separate sheet) <input type="checkbox"/> Wetland Non-Vascular Plants ¹ <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)	
2. <u>Rubus ursinensis</u>	20%	yes	FACU		
3. _____	%				
4. _____	%				
5. _____	%				
6. _____	%				
7. _____	%				
8. _____	%				
Total Cover:	100%				
Woody Vine Stratum (Plot size: _____ ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Footnote	
1. _____	%			¹ Indicators of hydric soil and wetland hydrology Must be present, unless disturbed or problematic.	
2. _____	%				
Total Cover:	%				

% Bare Ground in Herb Stratum 60%

Hydrophytic Vegetation Present? Yes No

Remarks:

SOIL

Sampling Point: TP3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-20	10YR 2/2	100%		%			silty clay loam	
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Minerals (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1) (except MLRA 1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils

- 2 cm Muck (A10)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and Wetland hydrology must be present

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Remarks:

Hydric Soil Present?

Yes No

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (min. of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or crust (B4)
- Iron Deposits (B5)
- Surface Soil Cracks (B6)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, & 4B)
- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres along Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Stunted or Stressed Plants (D1) (LRR A)
- Other (Explain in Remarks)

Secondary Indicators
(2 or more required)

- Water Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- Shallow Aquitard (D3)
- FAC-Neutral Test (D5)
- Raised Ant Mounds (D6) (LRR A)
- Frost-Heave Hummocks (D4)

Field Observations:

Surface Water Present? Yes No Depth (Inches): _____
 Water Table Present? Yes No Depth (Inches): _____
 Saturation Present? Yes No Depth (Inches): _____
 (Includes Capillary fringe)

Wetland Hydrology Present?

Yes No

Describe Recorded Data (Stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Western Washington Wetland Rating Form

Wetland name or number A

WETLAND RATING FORM – WESTERN WASHINGTON

Version 2 – Updated July 2006 to increase accuracy and reproducibility among users

Name of wetland (if known): A

Date of site visit: 5/2009 and 6/2011

Rated by F. Naglich Trained by Ecology? Yes No Date of Training: Fall 2005

SECTION: 13 TOWNSHIP: 5N RANGE: 1W Is S/T/R in Appendix D? Yes No

Map of wetland unit: Figure 2 Estimated size 0.27 Acres

DRAFT SUMMARY OF RATING

Category based on FUNCTIONS provided by wetland

I II III IV

Category I = Score ≥ 70
Category II = Score 51-69
Category III = Score 30-50
Category IV = Score < 30

Score for Water Quality Functions	16
Score for Hydrologic Functions	6
Score for Habitat Functions	11
TOTAL Score for functions	33

Category based on SPECIAL CHARACTERISTICS of wetland

I II Does not Apply

Final Category (choose the "highest" category from above)

III

Check the appropriate type and class of wetland being rated.

Wetland Type		Wetland Class	
Estuarine	<input type="checkbox"/>	Depressional	<input checked="" type="checkbox"/>
Natural Heritage Wetland	<input type="checkbox"/>	Riverine	<input type="checkbox"/>
Bog	<input type="checkbox"/>	Lake-fringe	<input type="checkbox"/>
Mature Forest	<input type="checkbox"/>	Slope	<input type="checkbox"/>
Old Growth Forest	<input type="checkbox"/>	Flats	<input type="checkbox"/>
Coastal Lagoon	<input type="checkbox"/>	Freshwater Tidal	<input type="checkbox"/>
Interdunal	<input type="checkbox"/>		
None of the above	<input type="checkbox"/>	Check if unit has multiple HGM classes present	<input type="checkbox"/>

Comments

Does the wetland being rated meet any of the criteria below?

If you answer YES to any of the questions below you will need to protect the wetland according to the regulations regarding the special characteristics found in the wetland.

Check List for Wetlands That Need Additional Protection (in addition to the protection recommended for its category)	YES	NO
SP1. <i>Has the wetland been documented as a habitat for any Federally listed Threatened or Endangered animal or plant species (T/E species)?</i> For the purposes of this rating system, "documented" means the wetland is on the appropriate state or federal database.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP2. <i>Has the wetland unit been documented as habitat for any State listed Threatened or Endangered animal species?</i> For the purposes of this rating system, "documented" means the wetland is on the appropriate state database. Note: Wetlands with State listed plant species are categorized as Category 1 Natural Heritage Wetlands (see p. 19 of data form).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP3. <i>Does the wetland contain individuals of Priority species listed by the WDFW for the state?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP4. <i>Does the wetland have a local significance in addition to its functions? For example, the wetland has been identified in the Shoreline Master Program, the Critical Areas Ordinance, or in a local management plan as having special significance.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

To complete the next part of the data sheet you will need to determine the Hydrogeomorphic Class of the wetland being rated.

The hydrogeomorphic classification groups wetlands into those that function in similar ways. This simplifies the questions needed to answer how well the wetland functions. The Hydrogeomorphic Class of a wetland can be determined using the key below. See p. 24 for more detailed instructions on classifying wetlands.

Comments

Classification of Wetland Units in Western Washington

If the hydrologic criteria listed in each question do not apply to the entire unit being rated, you probably have a unit with multiple HGM classes. In this case, identify which hydrologic criteria in questions 1-7 apply, and go to Question 8.

1. Are the water levels in the wetland usually controlled by tides (i.e. except during floods)?

NO – go to 2 YES – the wetland class is **Tidal Fringe**

If yes, is the salinity of the water during periods of annual low flow below 0.5 ppt (parts per thousand)? YES – **Freshwater Tidal Fringe** NO – **Saltwater Tidal Fringe (Estuarine)**

If your wetland can be classified as a Freshwater Tidal Fringe use the forms for Riverine wetlands. If it is Saltwater Tidal Fringe it is rated as an Estuarine wetland. Wetlands that were called estuarine in the first and second editions of the rating system are called Salt Water Tidal Fringe in the Hydrogeomorphic Classification. Estuarine wetlands were categorized separately in the earlier editions, and this separation is being kept in this revision. To maintain consistency between editions, the term “Estuarine” wetland is kept. Please note, however, that the characteristics that define Category I and II estuarine wetlands have changed (see p.).

2. The entire wetland unit is flat and precipitation is the only source (>90%) of water to it. Groundwater and surface water runoff are NOT sources of water to the unit.

NO – go to 3 YES – The wetland class is **Flats**

If your wetland can be classified as a “Flats” wetland, use the form for **Depressional** wetlands.

3. Does the wetland **meet both** of the following criteria?

- The vegetated part of the wetland is on the shores of a body of open water (without any vegetation on the surface) at least 20 acres (8 ha) in size;
- At least 30% of the open water area is deeper than 6.6 ft (2 m)?

NO – go to 4 YES – The wetland class is **Lake-fringe (Lacustrine Fringe)**

4. Does the wetland **meet all** of the following criteria?

- The wetland is on a slope (*slope can be very gradual*),
- The water flows through the wetland in one direction (unidirectional) and usually comes from seeps. It may flow subsurface, as sheetflow, or in a swale without distinct banks.
- The water leaves the wetland **without being impounded?**

NOTE: *Surface water does not pond in these type of wetlands except occasionally in very small and shallow depressions or behind hummocks(depressions are usually <3ft diameter and less than 1 foot deep).*

NO - go to 5 YES – The wetland class is **Slope**

Comments

5. Does the entire wetland unit **meet all** of the following criteria?

- The unit is in a valley, or stream channel, where it gets inundated by overbank flooding from that stream or river
- The overbank flooding occurs at least once every two years.

NOTE: The riverine unit can contain depressions that are filled with water when the river is not flooding.

NO - go to 6 YES - The wetland class is **Riverine**

6. Is the wetland in a topographic depression in which water ponds, or is saturated to the surface, at some time of the year. *This means that any outlet, if present, is higher than the interior of the wetland.*

NO - go to 7 YES - The wetland class is **Depressional**

7. Is the wetland located in a very flat area with no obvious depression and no overbank flooding. The unit does not pond surface water more than a few inches. The unit seems to be maintained by high groundwater in the area. The wetland may be ditched, but has no obvious natural outlet.

NO - go to 8 YES - The wetland class is **Depressional**

8. Your wetland seems to be difficult to classify and probably contains several different HGM classes. For example, seeps at the base of a slope may grade into a riverine floodplain, or a small stream within a depressional wetland has a zone of flooding along its sides. **GO BACK AND IDENTIFY WHICH OF THE HYDROLOGIC REGIMES DESCRIBED IN QUESTIONS 1-7 APPLY TO DIFFERENT AREAS IN THE UNIT** (make a rough sketch to help you decide). Use the following table to identify the appropriate class to use for the rating system if you have several HGM classes present within your wetland. **NOTE:** Use this table only if the class that is recommended in the second column represents 10% or more of the total area of the wetland unit being rated. If the area of the class listed in column 2 is less than 10% of the unit; classify the wetland using the class that represents more than 90% of the total area.

<i>HGM Classes within the wetland unit being rated</i>	<i>HGM Class to Use in Rating</i>
Slope + Riverine	Riverine
Slope + Depressional	Depressional
Slope + Lake-fringe	Lake-fringe
Depressional + Riverine along stream within boundary	Depressional
Depressional + Lake-fringe	Depressional
Salt Water Tidal Fringe and any other class of freshwater wetland	Treat as ESTUARINE under wetlands with special characteristics

If you are unable still to determine which of the above criteria apply to your wetland, or you have more than 2 HGM classes within a wetland boundary, classify the wetland as **Depressional** for the rating.

Comments

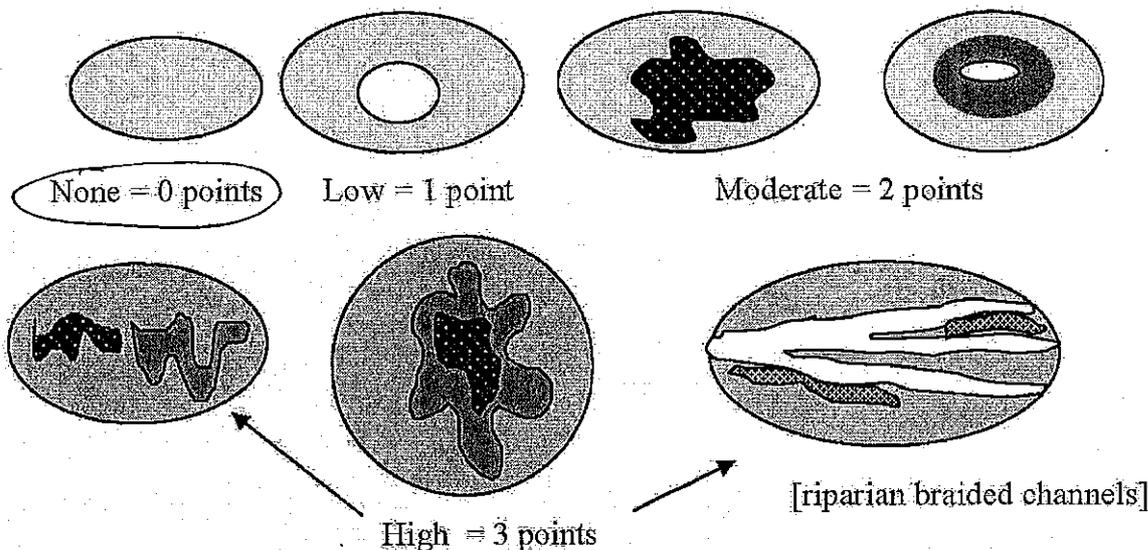
D Depressional and Flats Wetlands		Points (only 1 score per box)
WATER QUALITY FUNCTION – Indicators that the wetland unit functions to improve water quality		
D	D 1. Does the wetland have the <u>potential</u> to improve water quality?	(see p.38)
D	<p>D 1.1 Characteristics of surface water flows out of the wetland: Unit is a depression with no surface water leaving it (no outlet) points = 3 Wetland has an intermittently flowing, OR highly constricted, permanently flowing outlet points = 2 Wetland has an unconstricted, or slightly constricted, surface outlet (<i>permanently flowing</i>) <u>points = 1</u> Unit is a “flat” depression (Q. 7 on key), or in the Flats class, with permanent surface outflow and no obvious natural outlet and/or outlet is a man-made ditch points = 1 (if ditch is not permanently flowing treat unit as “intermittently flowing”) Provide photo or drawing</p>	Figure <u>2</u> 1
D	<p>D 1.2 The soil 2 inches below the surface (or duff layer) is clay or organic (<i>use NRCS definitions</i>) <u>YES</u> points = 4 <u>NO</u> points = 0</p>	0
D	<p>D 1.3 Characteristics of persistent vegetation (emergent, shrub, and/or forest class): Wetland has persistent, ungrazed, vegetation > = 95% of area <u>points = 5</u> Wetland has persistent, ungrazed, vegetation > = 1/2 of area points = 3 Wetland has persistent, ungrazed vegetation > = 1/10 of area points = 1 Wetland has persistent, ungrazed vegetation < 1/10 of area points = 0 Map of Cowardin vegetation classes</p>	Figure <u>2</u> 5
D	<p>D1.4 Characteristics of seasonal ponding or inundation. <i>This is the area of the wetland that is ponded for at least 2 months, but dries out sometime during the year. Do not count the area that is permanently ponded. Estimate area as the average condition 5 out of 10 yrs.</i> Area seasonally ponded is > ½ total area of wetland points = 4 Area seasonally ponded is > ¼ total area of wetland <u>points = 2</u> Area seasonally ponded is < ¼ total area of wetland points = 0 Map of Hydroperiods</p>	Figure <u>2</u> 2
D	Total for D 1 <i>Add the points in the boxes above</i>	<u>8</u>
D	<p>D 2. Does the wetland have the <u>opportunity</u> to improve water quality? Answer YES if you know or believe there are pollutants in groundwater or surface water coming into the wetland that would otherwise reduce water quality in streams, lakes or groundwater downgradient from the wetland? <i>Note which of the following conditions provide the sources of pollutants. A unit may have pollutants coming from several sources, but any single source would qualify as opportunity.</i></p> <p> <input type="checkbox"/> Grazing in the wetland or within 150 ft <input type="checkbox"/> Untreated stormwater discharges to wetland <input type="checkbox"/> Tilled fields or orchards within 150 ft of wetland <input checked="" type="checkbox"/> A stream or culvert discharges into wetland that drains developed areas, residential areas, farmed fields, roads, or clear-cut logging <input checked="" type="checkbox"/> Residential, urban areas, golf courses are within 150 ft of wetland <input type="checkbox"/> Wetland is fed by groundwater high in phosphorus or nitrogen <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> YES multiplier is 2 <input type="checkbox"/> NO multiplier is 1 </p>	(see p.44) multiplier <u>2</u>
D	TOTAL - Water Quality Functions Multiply the score from D1 by D2 <i>Add score to table on p. 1</i>	<u>16</u>

D Depressional and Flats Wetlands		Points
HYDROLOGIC FUNCTIONS - Indicators that wetland functions to reduce flooding and stream degradation		
	D 3. Does the wetland have the <u>potential</u> to reduce flooding and erosion?	(see p.46)
D	<p>D 3.1 Characteristics of surface water flows out of the wetland unit</p> <p>Unit is a depression with no surface water leaving it (no outlet) points = 4</p> <p>Unit has an intermittently flowing, OR highly constricted permanently flowing outlet points = 2</p> <p>Unit is flat depression (Q. 7 on key), or in the Flats class, with permanent surface outflow and no obvious natural outlet and/or is a man-made ditch points = 1</p> <p>(If ditch is not permanently flowing treat unit as "intermittently flowing")</p> <p>Unit has an unconstricted, or slightly constricted, surface outlet (permanently flowing) points = 0</p>	Figure <u>2</u> 0
D	<p>D 3.2 Depth of storage during wet periods</p> <p>Estimate the height of ponding above the bottom of the outlet. For units with no outlet measure from the surface of permanent water or deepest part (if dry).</p> <p>Marks of ponding are 3 ft or more above the surface or bottom of outlet points = 7</p> <p>The wetland is a "headwater" wetland" points = 5</p> <p>Marks of ponding between 2 ft to < 3 ft from surface or bottom of outlet points = 5</p> <p>Marks are at least 0.5 ft to < 2 ft from surface or bottom of outlet points = 3</p> <p>Wetland is flat (yes to Q 2 or Q. 7 on key) but has small depressions on the surface that trap water points = 1</p> <p>Marks of ponding less than 0.5 ft points = 0</p>	Figure <u>2</u> 3
D	<p>D 3.3 Contribution of wetland to storage in the watershed</p> <p>Estimate the ratio of the area of upstream basin contributing surface water to the wetland to the area of the wetland unit itself.</p> <p>The area of the basin is less than 10 times the area of unit points = 5</p> <p>The area of the basin is 10 to 100 times the area of the unit points = 3</p> <p>The area of the basin is more than 100 times the area of the unit points = 0</p> <p>Entire unit is in the FLATS class points = 5</p>	Figure <u>2</u> 3
D	Total for D 3	Add the points in the boxes above 6
D	<p>D 4. Does the wetland have the <u>opportunity</u> to reduce flooding and erosion?</p> <p>Answer YES if the wetland is in a location in the watershed where the flood storage, or reduction in water velocity it provides, helps protect downstream property and aquatic resources from flooding or excessive and/or erosive flows. Answer NO if the water coming into the wetland is controlled by a structure such as flood gate, tide gate, flap valve, reservoir etc. OR you estimate that more than 90% of the water in the wetland is from groundwater in areas where damaging groundwater flooding does not occur.</p> <p>Note which of the following indicators of opportunity apply.</p> <p><input type="checkbox"/> Wetland is in a headwater of a river or stream that has flooding problems</p> <p><input type="checkbox"/> Wetland drains to a river or stream that has flooding problems</p> <p><input type="checkbox"/> Wetland has no outlet and impounds surface runoff water that might otherwise flow into a river or stream that has flooding problems</p> <p><input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> YES multiplier is 2 <input checked="" type="checkbox"/> NO multiplier is 1</p>	(see p.49) multiplier <u>1</u>
D	TOTAL - Hydrologic Functions Multiply the score from D 3 by D 4	Add score to table on p. 1 6

Comments

H 1.4 Interspersion of habitats (see p. 76)

Decide from the diagrams below whether interspersion between Cowardin vegetation classes (described in H 1.1), or classes and unvegetated areas (can include open water or mudflats) is high, medium, low, or none.



NOTE: If you have four or more classes or three vegetation classes and open water the rating is always "high". Use map of Cowardin vegetation classes

Figure 2

H 1.5 Special Habitat Features: (see p. 77)

Check the habitat features that are present in the wetland. The number of checks is the number of points you put into the next column.

- Large, downed, woody debris within the wetland (>4in. diameter and 6 ft long).
 - Standing snags (diameter at bottom >4 inches) in the wetland
 - Undercut banks are present for at least 6.6 ft. (2m) and/or overhanging vegetation extends at least 3.3 ft (1m) over a stream (or ditch) in, or contiguous with the unit, for at least 33 ft (10m)
 - Stable steep banks of fine material that might be used by beaver or muskrat for denning (>30 degree slope) OR signs of recent beaver activity are present (cut shrubs or trees that have not yet turned grey/brown)
 - At least ¼ acre of thin-stemmed persistent vegetation or woody branches are present in areas that are permanently or seasonally inundated (structures for egg-laying by amphibians)
 - Invasive plants cover less than 25% of the wetland area in each stratum of plants
- Note: The 20% stated in early printings of the manual on page 78 is an error

H 1. TOTAL Score – potential for providing habitat
Add the scores from H1.1, H1.2, H1.3, H1.4, H1.5

0

1

4

Comments:

<p>H 2. Does the wetland have the opportunity to provide habitat for many species?)</p> <p>H 2.1 Buffers (see p. 80) <i>Choose the description that best represents condition of buffer of wetland. The highest scoring criterion that applies to the wetland is to be used in the rating. See text for definition of "undisturbed."</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> 100 m (330ft) of relatively undisturbed vegetated areas, rocky areas, or open water >95% of circumference. No structures are within the undisturbed part of buffer. (relatively undisturbed also means no grazing, no landscaping, no daily human use) Points = 5 <input type="checkbox"/> 100 m (330 ft) of relatively undisturbed vegetated areas, rocky areas, or open water >50% circumference. Points = 4 <input type="checkbox"/> 50 m (170ft) of relatively undisturbed vegetated areas, rocky areas, or open water >95% circumference. Points = 4 <input type="checkbox"/> 100 m (330ft) of relatively undisturbed vegetated areas, rocky areas, or open water >25% circumference. Points = 3 <input type="checkbox"/> 50 m (170ft) of relatively undisturbed vegetated areas, rocky areas, or open water for > 50% circumference. Points = 3 <p style="text-align: center;">If buffer does not meet any of the three criteria above</p> <ul style="list-style-type: none"> <input type="checkbox"/> No paved areas (except paved trails) or buildings within 25 m (80ft) of wetland > 95% circumference. Light to moderate grazing, or lawns are OK. Points = 2 <input checked="" type="checkbox"/> No paved areas or buildings within 50m of wetland for >50% circumference. Light to moderate grazing or lawns are OK Points = 2 <input type="checkbox"/> Heavy grazing in buffer. Points = 1 <input type="checkbox"/> Vegetated buffers are <2m wide (6.6ft) for more than 95% of the circumference (e.g. tilled fields, paving, basalt bedrock extend to edge of wetland) Points = 0 <input type="checkbox"/> Buffer does not meet any of the criteria above. Points = 1 <p style="text-align: right;"><u>Aerial photo showing buffers</u></p>	<p>Figure <u>2</u></p> <p style="font-size: 2em; margin-top: 100px;">2</p>
<p>H 2.2 Corridors and Connections (see p. 81)</p> <p>H 2.2.1 Is the wetland part of a relatively undisturbed and unbroken vegetated corridor (either riparian or upland) that is at least 150 ft wide, has at least 30% cover of shrubs, forest or native undisturbed prairie, that connects to estuaries, other wetlands or undisturbed uplands that are at least 250 acres in size? (<i>dams in riparian corridors, heavily used gravel roads, paved roads, are considered breaks in the corridor</i>).</p> <p style="text-align: center;"><input type="checkbox"/> YES = 4 points (go to H 2.3) <input checked="" type="checkbox"/> NO = go to H 2.2.2</p> <p>H 2.2.2 Is the wetland part of a relatively undisturbed and unbroken vegetated corridor (either riparian or upland) that is at least 50ft wide, has at least 30% cover of shrubs or forest, and connects to estuaries, other wetlands or undisturbed uplands that are at least 25 acres in size? OR a Lake-fringe wetland, if it does not have an undisturbed corridor as in the question above?</p> <p style="text-align: center;"><input type="checkbox"/> YES = 2 points (go to H 2.3) <input checked="" type="checkbox"/> NO = H 2.2.3</p> <p>H 2.2.3 Is the wetland:</p> <p style="padding-left: 20px;">within 5 mi (8km) of a brackish or salt water estuary OR within 3 mi of a large field or pasture (>40 acres) OR within 1 mi of a lake greater than 20 acres?</p> <p style="text-align: center;"><input checked="" type="checkbox"/> YES = 1 point <input type="checkbox"/> NO = 0 points</p>	<p>1</p>

Total for page: 3

H 2.3 Near or adjacent to other priority habitats listed by WDFW (see new and complete descriptions of WDFW priority habitats, and the counties in which they can be found, in the PHS report <http://wdfw.wa.gov/hab/phslist.htm>)

Which of the following priority habitats are within 330ft (100m) of the wetland unit? *NOTE: the connections do not have to be relatively undisturbed.*

- Aspen Stands:** Pure or mixed stands of aspen greater than 0.4 ha (1 acre).
- Biodiversity Areas and Corridors:** Areas of habitat that are relatively important to various species of native fish and wildlife (*full descriptions in WDFW PHS report p. 152*).
- Herbaceous Balds:** Variable size patches of grass and forbs on shallow soils over bedrock.
- Old-growth/Mature forests:** (Old-growth west of Cascade crest) Stands of at least 2 tree species, forming a multi-layered canopy with occasional small openings; with at least 20 trees/ha (8 trees/acre) > 81 cm (32 in) dbh or > 200 years of age. (Mature forests) Stands with average diameters exceeding 53 cm (21 in) dbh; crown cover may be less than 100%; crown cover may be less than 100%; decay, decadence, numbers of snags, and quantity of large downed material is generally less than that found in old-growth; 80 - 200 years old west of the Cascade crest.
- Oregon white Oak:** Woodlands Stands of pure oak or oak/conifer associations where canopy coverage of the oak component is important (*fill descriptions in WDFW PHS report p. 158*).
- Riparian:** The area adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. *Note - flowing water that is adjacent is a ditch*
- Westside Prairies:** Herbaceous, non-forested plant communities that can either take the form of a dry prairie or a wet prairie (*full descriptions in WDFW PHS report p. 161*).
- Instream:** The combination of physical, biological, and chemical processes and conditions that interact to provide functional life history requirements for instream fish and wildlife resources.
- Nearshore:** Relatively undisturbed nearshore habitats. These include Coastal Nearshore, Open Coast Nearshore, and Puget Sound Nearshore. (*full descriptions of habitats and the definition of relatively undisturbed are in WDFW report. ' pp. 167-169 and glossary in Appendix A*).
- Caves:** A naturally occurring cavity, recess, void, or system of interconnected passages under the earth in soils, rock, ice, or other geological formations and is large enough to contain a human.
- Cliffs:** Greater than 7.6 m (25 ft) high and occurring below 5000 ft.
- Talus:** Homogenous areas of rock rubble ranging in average size 0.15 - 2.0 m (0.5 - 6.5 ft), composed of basalt andesite, and/or sedimentary rock, including riprap slides and mine tailings. May be associated with cliffs.
- Snags and Logs:** Trees are considered snags if they are dead or dying and exhibit sufficient decay characteristics to enable cavity excavation/use by wildlife. Priority snags have a diameter at breast height of > 51 cm (20 in) in western Washington and are > 2 m (6.5 ft) in height. Priority logs are > 30 cm (12 in) in diameter at the largest end, and > 6 m (20 ft) long.

If wetland has 3 or more priority habitats = 4 points

If wetland has 2 priority habitats = 3 points

If wetland has 1 priority habitat = 1 point

No habitats = 0 points

Note: All vegetated wetlands are by definition a priority habitat but are not included in this list. Nearby wetlands are addressed in question H 2.4)

<p>H 2.4 <u>Wetland Landscape</u> (choose the <i>one</i> description of the landscape around the wetland that best fits) (see p. 84)</p> <p><input type="checkbox"/> There are at least 3 other wetlands within ½ mile, and the connections between them are relatively undisturbed (light grazing between wetlands OK, as is lake shore with some boating, but connections should NOT be bisected by paved roads, fill, fields, or other development. points = 5</p> <p><input type="checkbox"/> The wetland is Lake-fringe on a lake with little disturbance and there are 3 other lake-fringe wetlands within ½ mile points = 5</p> <p><input checked="" type="checkbox"/> There are at least 3 other wetlands within ½ mile, BUT the connections between them are disturbed points = 3</p> <p><input type="checkbox"/> The wetland is Lake-fringe on a lake with disturbance and there are 3 other lake-fringe wetlands within ½ mile points = 3</p> <p><input type="checkbox"/> There is at least 1 wetland within ½ mile. points = 2</p> <p><input type="checkbox"/> There are no wetlands within ½ mile. points = 0</p>	3
<p>H 2. TOTAL Score -opportunity for providing habitat <i>Add the scores in the column above</i></p>	7
<p>TOTAL for H 1 from page 14</p>	4
<p>Total Score for Habitat Functions – add the points for H 1, H 2 and record the result on p. 1</p>	11

Comments

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	
<i>Circle the appropriate ratings</i>				
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 name or number _____

Maps and figures required to answer questions correctly for Western Washington

Depressional Wetlands

Map of:	To answer questions:	Figure #
Cowardin plant classes	D 1.3, H 1.1, H 1.4	
Hydroperiods	D 1.4, H 1.2	
Location of outlet (<i>can be added to map of hydroperiods</i>)	D 1.1, D 4.1	
Boundary of area within 150 ft of the wetland (<i>can be added to another figure</i>)	D 2.2, D 5.2	
Map of the contributing basin	D 4.3, D 5.3	
1 km Polygon: Area that extends 1 km from entire wetland edge - including polygons for accessible habitat and undisturbed habitat	H 2.1, H 2.2, H 2.3	
Screen capture of map of 303(d) listed waters in basin (from Ecology website)	D 3.1, D 3.2	
Screen capture of list of TMDLs for WRIA in which unit is found (from web)	D 3.3	

Riverine Wetlands

Map of:	To answer questions:	Figure #
Cowardin plant classes	H 1.1, H 1.4	
Hydroperiods	H 1.2	
Ponded depressions	R 1.1	
Boundary of area within 150 ft of the wetland (<i>can be added to another figure</i>)	R 2.4	
Plant cover of trees, shrubs, and herbaceous plants	R 1.2, R 4.2	
Width of unit vs. width of stream (<i>can be added to another figure</i>)	R 4.1	
Map of the contributing basin	R 2.2, R 2.3, R 5.2	
1 km Polygon: Area that extends 1 km from entire wetland edge - including polygons for accessible habitat and undisturbed habitat	H 2.1, H 2.2, H 2.3	
Screen capture of map of 303(d) listed waters in basin (from Ecology website)	R 3.1	
Screen capture of list of TMDLs for WRIA in which unit is found (from web)	R 3.2, R 3.3	

Lake Fringe Wetlands

Map of:	To answer questions:	Figure #
Cowardin plant classes	L 1.1, L 4.1, H 1.1, H 1.4	
Plant cover of trees, shrubs, and herbaceous plants	L 1.2	
Boundary of area within 150 ft of the wetland (<i>can be added to another figure</i>)	L 2.2	
1 km Polygon: Area that extends 1 km from entire wetland edge - including polygons for accessible habitat and undisturbed habitat	H 2.1, H 2.2, H 2.3	
Screen capture of map of 303(d) listed waters in basin (from Ecology website)	L 3.1, L 3.2	
Screen capture of list of TMDLs for WRIA in which unit is found (from web)	L 3.3	

Slope Wetlands

Map of:	To answer questions:	Figure #
Cowardin plant classes	H 1.1, H 1.4	
Hydroperiods	H 1.2	
Plant cover of dense trees, shrubs, and herbaceous plants	S 1.3	
Plant cover of dense, rigid trees, shrubs, and herbaceous plants (<i>can be added to figure above</i>)	S 4.1	
Boundary of 150 ft buffer (<i>can be added to another figure</i>)	S 2.1, S 5.1	
1 km Polygon: Area that extends 1 km from entire wetland edge - including polygons for accessible habitat and undisturbed habitat	H 2.1, H 2.2, H 2.3	
Screen capture of map of 303(d) listed waters in basin (from Ecology website)	S 3.1, S 3.2	
Screen capture of list of TMDLs for WRIA in which unit is found (from web)	S 3.3	

HGM Classification of Wetlands in Western Washington

For questions 1-7, the criteria described must apply to the entire unit being rated.

If the hydrologic criteria listed in each question do not apply to the entire unit being rated, you probably have a unit with multiple HGM classes. In this case, identify which hydrologic criteria in questions 1-7 apply, and go to Question 8.

1. Are the water levels in the entire unit usually controlled by tides except during floods?

NO – go to 2

YES – the wetland class is **Tidal Fringe** – go to 1.1

- 1.1 Is the salinity of the water during periods of annual low flow below 0.5 ppt (parts per thousand)?

NO – Saltwater Tidal Fringe (Estuarine)

YES – Freshwater Tidal Fringe

*If your wetland can be classified as a Freshwater Tidal Fringe use the forms for **Riverine** wetlands. If it is Saltwater Tidal Fringe it is an **Estuarine** wetland and is not scored. This method **cannot** be used to score functions for estuarine wetlands.*

2. The entire wetland unit is flat and precipitation is the only source (>90%) of water to it. Groundwater and surface water runoff are NOT sources of water to the unit.

NO – go to 3

YES – The wetland class is **Flats**

*If your wetland can be classified as a Flats wetland, use the form for **Depressional** wetlands.*

3. Does the entire wetland unit **meet all** of the following criteria?

___ The vegetated part of the wetland is on the shores of a body of permanent open water (without any plants on the surface at any time of the year) at least 20 ac (8 ha) in size;

___ At least 30% of the open water area is deeper than 6.6 ft (2 m).

NO – go to 4

YES – The wetland class is **Lake Fringe** (Lacustrine Fringe)

4. Does the entire wetland unit **meet all** of the following criteria?

___ The wetland is on a slope (*slope can be very gradual*),

___ The water flows through the wetland in one direction (unidirectional) and usually comes from seeps. It may flow subsurface, as sheetflow, or in a swale without distinct banks,

___ The water leaves the wetland **without being impounded**.

NO – go to 5

YES – The wetland class is **Slope**

NOTE: Surface water does not pond in these type of wetlands except occasionally in very small and shallow depressions or behind hummocks (depressions are usually <3 ft diameter and less than 1 ft deep).

5. Does the entire wetland unit **meet all** of the following criteria?

___ The unit is in a valley, or stream channel, where it gets inundated by overbank flooding from that stream or river,

___ The overbank flooding occurs at least once every 2 years.

Wetland name or number _____

NO – go to 6

YES – The wetland class is **Riverine**

NOTE: The Riverine unit can contain depressions that are filled with water when the river is not flooding

6. Is the entire wetland unit in a topographic depression in which water ponds, or is saturated to the surface, at some time during the year? *This means that any outlet, if present, is higher than the interior of the wetland.*

NO – go to 7

YES – The wetland class is **Depressional**

7. Is the entire wetland unit located in a very flat area with no obvious depression and no overbank flooding? The unit does not pond surface water more than a few inches. The unit seems to be maintained by high groundwater in the area. The wetland may be ditched, but has no obvious natural outlet.

NO – go to 8

YES – The wetland class is **Depressional**

8. Your wetland unit seems to be difficult to classify and probably contains several different HGM classes. For example, seeps at the base of a slope may grade into a riverine floodplain, or a small stream within a Depressional wetland has a zone of flooding along its sides. **GO BACK AND IDENTIFY WHICH OF THE HYDROLOGIC REGIMES DESCRIBED IN QUESTIONS 1-7 APPLY TO DIFFERENT AREAS IN THE UNIT** (make a rough sketch to help you decide). Use the following table to identify the appropriate class to use for the rating system if you have several HGM classes present within the wetland unit being scored.

NOTE: Use this table only if the class that is recommended in the second column represents 10% or more of the total area of the wetland unit being rated. If the area of the HGM class listed in column 2 is less than 10% of the unit; classify the wetland using the class that represents more than 90% of the total area.

HGM classes within the wetland unit being rated	HGM class to use in rating
Slope + Riverine	Riverine
Slope + Depressional	Depressional
Slope + Lake Fringe	Lake Fringe
Depressional + Riverine along stream within boundary of depression	Depressional
Depressional + Lake Fringe	Depressional
Riverine + Lake Fringe	Riverine
Salt Water Tidal Fringe and any other class of freshwater wetland	Treat as ESTUARINE

*If you are still unable to determine which of the above criteria apply to your wetland, or if you have **more than 2 HGM classes** within a wetland boundary, classify the wetland as Depressional for the rating.*

Wetland name or number _____

DEPRESSIONAL AND FLATS WETLANDS	
Water Quality Functions - Indicators that the site functions to improve water quality	
D 1.0. Does the site have the potential to improve water quality?	
D 1.1. <u>Characteristics of surface water outflows from the wetland:</u> Wetland is a depression or flat depression (QUESTION 7 on key) with no surface water leaving it (no outlet). Wetland has an intermittently flowing stream or ditch, OR highly constricted permanently flowing outlet. Wetland has an unconstricted, or slightly constricted, surface outlet that is permanently flowing Wetland is a flat depression (QUESTION 7 on key), whose outlet is a permanently flowing ditch.	points = 3 points = 2 points = 1 points = 1
D 1.2. <u>The soil 2 in below the surface (or duff layer) is true clay or true organic (use NRCS definitions).</u> Yes = 4 No = 0	
D 1.3. <u>Characteristics and distribution of persistent plants (Emergent, Scrub-shrub, and/or Forested Cowardin classes):</u> Wetland has persistent, ungrazed, plants > 95% of area Wetland has persistent, ungrazed, plants > ½ of area Wetland has persistent, ungrazed plants > 1/10 of area Wetland has persistent, ungrazed plants < 1/10 of area	points = 5 points = 3 points = 1 points = 0
D 1.4. <u>Characteristics of seasonal ponding or inundation:</u> <i>This is the area that is ponded for at least 2 months. See description in manual.</i> Area seasonally ponded is > ½ total area of wetland Area seasonally ponded is > ¼ total area of wetland Area seasonally ponded is < ¼ total area of wetland	points = 4 points = 2 points = 0
Total for D 1	Add the points in the boxes above

Rating of Site Potential If score is: 12-16 = H 6-11 = M 0-5 = L Record the rating on the first page

D 2.0. Does the landscape have the potential to support the water quality function of the site?	
D 2.1. Does the wetland unit receive stormwater discharges?	Yes = 1 No = 0
D 2.2. Is > 10% of the area within 150 ft of the wetland in land uses that generate pollutants?	Yes = 1 No = 0
D 2.3. Are there septic systems within 250 ft of the wetland?	Yes = 1 No = 0
D 2.4. Are there other sources of pollutants coming into the wetland that are not listed in questions D 2.1-D 2.3? Source _____	Yes = 1 No = 0
Total for D 2	Add the points in the boxes above

Rating of Landscape Potential If score is: 3 or 4 = H 1 or 2 = M 0 = L Record the rating on the first page

D 3.0. Is the water quality improvement provided by the site valuable to society?	
D 3.1. Does the wetland discharge directly (i.e., within 1 mi) to a stream, river, lake, or marine water that is on the 303(d) list?	Yes = 1 No = 0
D 3.2. Is the wetland in a basin or sub-basin where an aquatic resource is on the 303(d) list?	Yes = 1 No = 0
D 3.3. Has the site been identified in a watershed or local plan as important for maintaining water quality (answer YES if there is a TMDL for the basin in which the unit is found)?	Yes = 2 No = 0
Total for D 3	Add the points in the boxes above

Rating of Value If score is: 2-4 = H 1 = M 0 = L Record the rating on the first page

Wetland name or number _____

DEPRESSIONAL AND FLATS WETLANDS

Hydrologic Functions - Indicators that the site functions to reduce flooding and stream degradation

D 4.0. Does the site have the potential to reduce flooding and erosion?	
D 4.1. Characteristics of surface water outflows from the wetland:	
Wetland is a depression or flat depression with no surface water leaving it (no outlet)	points = 4
Wetland has an intermittently flowing stream or ditch, OR highly constricted permanently flowing outlet	points = 2
Wetland is a flat depression (QUESTION 7 on key), whose outlet is a permanently flowing ditch	points = 1
Wetland has an unconstricted, or slightly constricted, surface outlet that is permanently flowing	points = 0
D 4.2. Depth of storage during wet periods: Estimate the height of ponding above the bottom of the outlet. For wetlands with no outlet, measure from the surface of permanent water or if dry, the deepest part.	
Marks of ponding are 3 ft or more above the surface or bottom of outlet	points = 7
Marks of ponding between 2 ft to < 3 ft from surface or bottom of outlet	points = 5
Marks are at least 0.5 ft to < 2 ft from surface or bottom of outlet	points = 3
The wetland is a "headwater" wetland	points = 3
Wetland is flat but has small depressions on the surface that trap water	points = 1
Marks of ponding less than 0.5 ft (6 in)	points = 0
D 4.3. Contribution of the wetland to storage in the watershed: Estimate the ratio of the area of upstream basin contributing surface water to the wetland to the area of the wetland unit itself.	
The area of the basin is less than 10 times the area of the unit	points = 5
The area of the basin is 10 to 100 times the area of the unit	points = 3
The area of the basin is more than 100 times the area of the unit	points = 0
Entire wetland is in the Flats class	points = 5
Total for D 4	Add the points in the boxes above

Rating of Site Potential If score is: 12-16 = H 6-11 = M 0-5 = L *Record the rating on the first page*

D 5.0. Does the landscape have the potential to support hydrologic functions of the site?	
D 5.1. Does the wetland receive stormwater discharges?	Yes = 1 No = 0
D 5.2. Is >10% of the area within 150 ft of the wetland in land uses that generate excess runoff?	Yes = 1 No = 0
D 5.3. Is more than 25% of the contributing basin of the wetland covered with intensive human land uses (residential at >1 residence/ac, urban, commercial, agriculture, etc.)?	Yes = 1 No = 0
Total for D 5	Add the points in the boxes above

Rating of Landscape Potential If score is: 3 = H 1 or 2 = M 0 = L *Record the rating on the first page*

D 6.0. Are the hydrologic functions provided by the site valuable to society?	
D 6.1. The unit is in a landscape that has flooding problems. Choose the description that best matches conditions around the wetland unit being rated. Do not add points. Choose the highest score if more than one condition is met.	
The wetland captures surface water that would otherwise flow down-gradient into areas where flooding has damaged human or natural resources (e.g., houses or salmon redds):	
• Flooding occurs in a sub-basin that is immediately down-gradient of unit.	points = 2
• Surface flooding problems are in a sub-basin farther down-gradient.	points = 1
Flooding from groundwater is an issue in the sub-basin.	points = 1
The existing or potential outflow from the wetland is so constrained by human or natural conditions that the water stored by the wetland cannot reach areas that flood. Explain why _____	points = 0
There are no problems with flooding downstream of the wetland.	points = 0
D 6.2. Has the site been identified as important for flood storage or flood conveyance in a regional flood control plan?	Yes = 2 No = 0
Total for D 6	Add the points in the boxes above

Rating of Value If score is: 2-4 = H 1 = M 0 = L *Record the rating on the first page*

Wetland name or number _____

RIVERINE AND FRESHWATER TIDAL FRINGE WETLANDS

Water Quality Functions - Indicators that the site functions to improve water quality

R 1.0. Does the site have the potential to improve water quality?	
R 1.1. Area of surface depressions within the Riverine wetland that can trap sediments during a flooding event:	
Depressions cover $> \frac{3}{4}$ area of wetland	points = 8
Depressions cover $> \frac{1}{2}$ area of wetland	points = 4
Depressions present but cover $< \frac{1}{2}$ area of wetland	points = 2
No depressions present	points = 0
R 1.2. Structure of plants in the wetland (areas with >90% cover at person height, not Cowardin classes)	
Trees or shrubs $> \frac{2}{3}$ area of the wetland	points = 8
Trees or shrubs $> \frac{1}{3}$ area of the wetland	points = 6
Herbaceous plants (> 6 in high) $> \frac{2}{3}$ area of the wetland	points = 6
Herbaceous plants (> 6 in high) $> \frac{1}{3}$ area of the wetland	points = 3
Trees, shrubs, and ungrazed herbaceous $< \frac{1}{3}$ area of the wetland	points = 0
Total for R 1	Add the points in the boxes above

Rating of Site Potential If score is: **___12-16 = H** **___6-11 = M** **___0-5 = L**

Record the rating on the first page

R 2.0. Does the landscape have the potential to support the water quality function of the site?	
R 2.1. Is the wetland within an incorporated city or within its UGA?	Yes = 2 No = 0
R 2.2. Does the contributing basin to the wetland include a UGA or incorporated area?	Yes = 1 No = 0
R 2.3. Does at least 10% of the contributing basin contain tilled fields, pastures, or forests that have been clearcut within the last 5 years?	Yes = 1 No = 0
R 2.4. Is > 10% of the area within 150 ft of the wetland in land uses that generate pollutants?	Yes = 1 No = 0
R 2.5. Are there other sources of pollutants coming into the wetland that are not listed in questions R 2.1-R 2.4 Other sources _____	Yes = 1 No = 0
Total for R 2	Add the points in the boxes above

Rating of Landscape Potential If score is: **___3-6 = H** **___1 or 2 = M** **___0 = L**

Record the rating on the first page

R 3.0. Is the water quality improvement provided by the site valuable to society?	
R 3.1. Is the wetland along a stream or river that is on the 303(d) list or on a tributary that drains to one within 1 mi?	Yes = 1 No = 0
R 3.2. Is the wetland along a stream or river that has TMDL limits for nutrients, toxics, or pathogens?	Yes = 1 No = 0
R 3.3. Has the site been identified in a watershed or local plan as important for maintaining water quality? (<i>answer YES if there is a TMDL for the drainage in which the unit is found</i>)	Yes = 2 No = 0
Total for R 3	Add the points in the boxes above

Rating of Value If score is: **___2-4 = H** **___1 = M** **___0 = L**

Record the rating on the first page

Wetland name or number _____

RIVERINE AND FRESHWATER TIDAL FRINGE WETLANDS

Hydrologic Functions - Indicators that site functions to reduce flooding and stream erosion

R 4.0. Does the site have the potential to reduce flooding and erosion?

R 4.1. Characteristics of the overbank storage the wetland provides:

Estimate the average width of the wetland perpendicular to the direction of the flow and the width of the stream or river channel (distance between banks). Calculate the ratio: (average width of wetland)/(average width of stream between banks).

- | | |
|------------------------------|------------|
| If the ratio is more than 20 | points = 9 |
| If the ratio is 10-20 | points = 6 |
| If the ratio is 5-<10 | points = 4 |
| If the ratio is 1-<5 | points = 2 |
| If the ratio is < 1 | points = 1 |

R 4.2. Characteristics of plants that slow down water velocities during floods: *Treat large woody debris as forest or shrub. Choose the points appropriate for the best description (polygons need to have >90% cover at person height. These are NOT Cowardin classes).*

- | | |
|---|------------|
| Forest or shrub for $> \frac{1}{3}$ area OR emergent plants $> \frac{2}{3}$ area | points = 7 |
| Forest or shrub for $> \frac{1}{10}$ area OR emergent plants $> \frac{1}{3}$ area | points = 4 |
| Plants do not meet above criteria | points = 0 |

Total for R 4 Add the points in the boxes above

Rating of Site Potential If score is: 12-16 = H 6-11 = M 0-5 = L

Record the rating on the first page

R 5.0. Does the landscape have the potential to support the hydrologic functions of the site?

R 5.1. Is the stream or river adjacent to the wetland downcut? Yes = 0 No = 1

R 5.2. Does the up-gradient watershed include a UGA or incorporated area? Yes = 1 No = 0

R 5.3. Is the up-gradient stream or river controlled by dams? Yes = 0 No = 1

Total for R 5 Add the points in the boxes above

Rating of Landscape Potential If score is: 3 = H 1 or 2 = M 0 = L

Record the rating on the first page

R 6.0. Are the hydrologic functions provided by the site valuable to society?

R 6.1. Distance to the nearest areas downstream that have flooding problems?

Choose the description that best fits the site.

- | | |
|---|------------|
| The sub-basin immediately down-gradient of the wetland has flooding problems that result in damage to human or natural resources (e.g., houses or salmon redds) | points = 2 |
| Surface flooding problems are in a sub-basin farther down-gradient | points = 1 |
| No flooding problems anywhere downstream | points = 0 |

R 6.2. Has the site been identified as important for flood storage or flood conveyance in a regional flood control plan?

Yes = 2 No = 0

Total for R 6 Add the points in the boxes above

Rating of Value If score is: 2-4 = H 1 = M 0 = L

Record the rating on the first page

Wetland name or number _____

LAKE FRINGE WETLANDS

Water Quality Functions - Indicators that the site functions to improve water quality

L 1.0. Does the site have the potential to improve water quality?	
L 1.1. Average width of plants along the lakeshore (<i>use polygons of Cowardin classes</i>):	
Plants are more than 33 ft (10 m) wide	points = 6
Plants are more than 16 ft (5 m) wide and <33 ft	points = 3
Plants are more than 6 ft (2 m) wide and <16 ft	points = 1
Plants are less than 6 ft wide	points = 0
L 1.2. Characteristics of the plants in the wetland: Choose the appropriate description that results in the highest points, and do not include any open water in your estimate of coverage. The herbaceous plants can be either the dominant form or as an understory in a shrub or forest community. <i>These are not Cowardin classes. Area of cover is total cover in the unit, but it can be in patches. Herbaceous does not include aquatic bed.</i>	
Cover of herbaceous plants is >90% of the vegetated area	points = 6
Cover of herbaceous plants is $>^{2/3}$ of the vegetated area	points = 4
Cover of herbaceous plants is $>^{1/3}$ of the vegetated area	points = 3
Other plants that are not aquatic bed $>^{2/3}$ unit	points = 3
Other plants that are not aquatic bed in $>^{1/3}$ vegetated area	points = 1
Aquatic bed plants and open water cover $>^{2/3}$ of the unit	points = 0
Total for L 1	Add the points in the boxes above

Rating of Site Potential If score is: 8-12 = H 4-7 = M 0-3 = L

Record the rating on the first page

L 2.0. Does the landscape have the potential to support the water quality function of the site?	
L 2.1. Is the lake used by power boats?	Yes = 1 No = 0
L 2.2. Is > 10% of the area within 150 ft of wetland unit on the upland side in land uses that generate pollutants?	Yes = 1 No = 0
L 2.3. Does the lake have problems with algal blooms or excessive plant growth such as milfoil?	Yes = 1 No = 0
Total for L 2	Add the points in the boxes above

Rating of Landscape Potential: If score is: 2 or 3 = H 1 = M 0 = L

Record the rating on the first page

L 3.0. Is the water quality improvement provided by the site valuable to society?	
L 3.1. Is the lake on the 303(d) list of degraded aquatic resources?	Yes = 1 No = 0
L 3.2. Is the lake in a sub-basin where water quality is an issue (at least one aquatic resource in the basin is on the 303(d) list)?	Yes = 1 No = 0
L 3.3. Has the site been identified in a watershed or local plan as important for maintaining water quality? <i>Answer YES if there is a TMDL for the lake or basin in which the unit is found.</i>	Yes = 2 No = 0
Total for L 3	Add the points in the boxes above

Rating of Value If score is: 2-4 = H 1 = M 0 = L

Record the rating on the first page

Wetland name or number _____

LAKE FRINGE WETLANDS

Hydrologic Functions - Indicators that the wetland unit functions to reduce shoreline erosion

L 4.0. Does the site have the potential to reduce shoreline erosion?		
L 4.1. Distance along shore and average width of Cowardin classes along the lakeshore (do not include Aquatic bed): <i>Choose the highest scoring description that matches conditions in the wetland.</i>		
> ¾ of distance is Scrub-shrub or Forested at least 33 ft (10 m) wide	points = 6	
> ¾ of distance is Scrub-shrub or Forested at least 6 ft (2 m) wide	points = 4	
> ¼ distance is Scrub-shrub or Forested at least 33 ft (10 m) wide	points = 4	
Plants are at least 6 ft (2 m) wide (any type except Aquatic bed)	points = 2	
Plants are less than 6 ft (2 m) wide (any type except Aquatic bed)	points = 0	

Rating of Site Potential: If score is: 6 = M 0-5 = L

Record the rating on the first page

L 5.0. Does the landscape have the potential to support the hydrologic functions of the site?		
L 5.1. Is the lake used by power boats with more than 10 hp?	Yes = 1 No = 0	
L 5.2. Is the fetch on the lake side of the unit at least 1 mile in distance?	Yes = 1 No = 0	
Total for L 5	Add the points in the boxes above	

Rating of Landscape Potential If score is: 2 = H 1 = M 0 = L

Record the rating on the first page

L 6.0. Are the hydrologic functions provided by the site valuable to society?		
L 6.1. Are there resources along the shore that can be impacted by erosion? If more than one resource is present, choose the one with the highest score.		
There are human structures or old growth/mature forests within 25 ft of OHWM of the shore in the unit	points = 2	
There are nature trails or other paths and recreational activities within 25 ft of OHWM	points = 1	
Other resources that could be impacted by erosion	points = 1	
There are no resources that can be impacted by erosion along the shores of the unit	points = 0	

Rating of Value: If score is: 2 = H 1 = M 0 = L

Record the rating on the first page

NOTES and FIELD OBSERVATIONS:

Wetland name or number _____

SLOPE WETLANDS

Water Quality Functions - Indicators that the site functions to improve water quality

S 1.0. Does the site have the potential to improve water quality?		
S 1.1. Characteristics of the average slope of the wetland: <i>(a 1% slope has a 1 ft vertical drop in elevation for every 100 ft of horizontal distance)</i>		
Slope is 1% or less	points = 3	
Slope is > 1%-2%	points = 2	
Slope is > 2%-5%	points = 1	
Slope is greater than 5%	points = 0	
S 1.2. <u>The soil 2 in below the surface (or duff layer)</u> is true clay or true organic <i>(use NRCS definitions)</i> : Yes = 3 No = 0		
S 1.3. Characteristics of the plants in the wetland that trap sediments and pollutants: Choose the points appropriate for the description that best fits the plants in the wetland. <i>Dense means you have trouble seeing the soil surface (>75% cover), and uncut means not grazed or mowed and plants are higher than 6 in.</i>		
Dense, uncut, herbaceous plants > 90% of the wetland area	points = 6	
Dense, uncut, herbaceous plants > ½ of area	points = 3	
Dense, woody, plants > ½ of area	points = 2	
Dense, uncut, herbaceous plants > ¼ of area	points = 1	
Does not meet any of the criteria above for plants	points = 0	
Total for S 1	Add the points in the boxes above	

Rating of Site Potential If score is: 12 = H 6-11 = M 0-5 = L

Record the rating on the first page

S 2.0. Does the landscape have the potential to support the water quality function of the site?		
S 2.1. Is > 10% of the area within 150 ft on the uphill side of the wetland in land uses that generate pollutants?		
Yes = 1 No = 0		
S 2.2. Are there other sources of pollutants coming into the wetland that are not listed in question S 2.1? Other sources _____		
Yes = 1 No = 0		
Total for S 2	Add the points in the boxes above	

Rating of Landscape Potential If score is: 1-2 = M 0 = L

Record the rating on the first page

S 3.0. Is the water quality improvement provided by the site valuable to society?		
S 3.1. Does the wetland discharge directly (i.e., within 1 mi) to a stream, river, lake, or marine water that is on the 303(d) list?		
Yes = 1 No = 0		
S 3.2. Is the wetland in a basin or sub-basin where water quality is an issue? <i>At least one aquatic resource in the basin is on the 303(d) list.</i>		
Yes = 1 No = 0		
S 3.3. Has the site been identified in a watershed or local plan as important for maintaining water quality? <i>Answer YES if there is a TMDL for the basin in which unit is found.</i>		
Yes = 2 No = 0		
Total for S 3	Add the points in the boxes above	

Rating of Value If score is: 2-4 = H 1 = M 0 = L

Record the rating on the first page

Wetland name or number _____

SLOPE WETLANDS

Hydrologic Functions - Indicators that the site functions to reduce flooding and stream erosion

S 4.0. Does the site have the potential to reduce flooding and stream erosion?

S 4.1. Characteristics of plants that reduce the velocity of surface flows during storms: Choose the points appropriate for the description that best fits conditions in the wetland. <i>Stems of plants should be thick enough (usually > 1/8 in), or dense enough, to remain erect during surface flows.</i>	
Dense, uncut, rigid plants cover > 90% of the area of the wetland	points = 1
All other conditions	points = 0

Rating of Site Potential If score is: ___ 1 = M ___ 0 = L

Record the rating on the first page

S 5.0. Does the landscape have the potential to support the hydrologic functions of the site?

S 5.1. Is more than 25% of the area within 150 ft upslope of wetland in land uses or cover that generate excess surface runoff?	Yes = 1 No = 0
---	----------------

Rating of Landscape Potential If score is: ___ 1 = M ___ 0 = L

Record the rating on the first page

S 6.0. Are the hydrologic functions provided by the site valuable to society?

S 6.1. Distance to the nearest areas downstream that have flooding problems:	
The sub-basin immediately down-gradient of site has flooding problems that result in damage to human or natural resources (e.g., houses or salmon redds)	points = 2
Surface flooding problems are in a sub-basin farther down-gradient	points = 1
No flooding problems anywhere downstream	points = 0

S 6.2. Has the site been identified as important for flood storage or flood conveyance in a regional flood control plan?	Yes = 2 No = 0
--	----------------

Total for S 6 Add the points in the boxes above

Rating of Value If score is: ___ 2-4 = H ___ 1 = M ___ 0 = L

Record the rating on the first page

NOTES and FIELD OBSERVATIONS:

Wetland name or number _____

These questions apply to wetlands of all HGM classes.

HABITAT FUNCTIONS - Indicators that site functions to provide important habitat

H 1.0. Does the site have the potential to provide habitat?

H 1.1. Structure of plant community: *Indicators are Cowardin classes and strata within the Forested class. Check the Cowardin plant classes in the wetland. Up to 10 patches may be combined for each class to meet the threshold of ¼ ac or more than 10% of the unit if it is smaller than 2.5 ac. Add the number of structures checked.*

- Aquatic bed 4 structures or more: points = 4
 - Emergent 3 structures: points = 2
 - Scrub-shrub (areas where shrubs have > 30% cover) 2 structures: points = 1
 - Forested (areas where trees have > 30% cover) 1 structure: points = 0
- If the unit has a Forested class, check if:*
- The Forested class has 3 out of 5 strata (canopy, sub-canopy, shrubs, herbaceous, moss/ground-cover) that each cover 20% within the Forested polygon

H 1.2. Hydroperiods

Check the types of water regimes (hydroperiods) present within the wetland. The water regime has to cover more than 10% of the wetland or ¼ ac to count (*see text for descriptions of hydroperiods*).

- Permanently flooded or inundated 4 or more types present: points = 3
- Seasonally flooded or inundated 3 types present: points = 2
- Occasionally flooded or inundated 2 types present: points = 1
- Saturated only 1 type present: points = 0
- Permanently flowing stream or river in, or adjacent to, the wetland
- Seasonally flowing stream in, or adjacent to, the wetland
- Lake Fringe wetland** **2 points**
- Freshwater tidal wetland** **2 points**

H 1.3. Richness of plant species

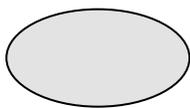
Count the number of plant species in the wetland that cover at least 10 ft².

Different patches of the same species can be combined to meet the size threshold and you do not have to name the species. Do not include Eurasian milfoil, reed canarygrass, purple loosestrife, Canadian thistle

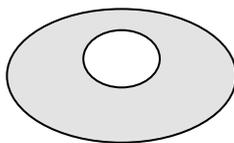
- If you counted: > 19 species points = 2
- 5 - 19 species points = 1
- < 5 species points = 0

H 1.4. Interspersion of habitats

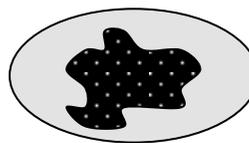
Decide from the diagrams below whether interspersion among Cowardin plants classes (described in H 1.1), or the classes and unvegetated areas (can include open water or mudflats) is high, moderate, low, or none. *If you have four or more plant classes or three classes and open water, the rating is always high.*



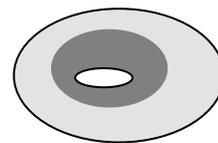
None = 0 points



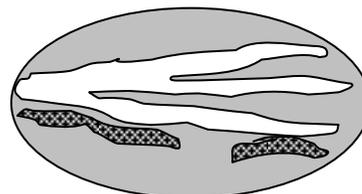
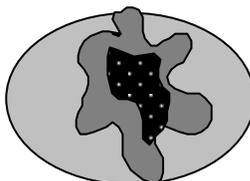
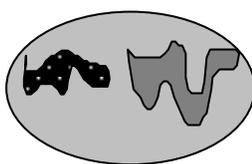
Low = 1 point



Moderate = 2 points



All three diagrams in this row are **HIGH = 3points**



Wetland name or number _____

<p>H 1.5. Special habitat features:</p> <p>Check the habitat features that are present in the wetland. <i>The number of checks is the number of points.</i></p> <p>___ Large, downed, woody debris within the wetland (> 4 in diameter and 6 ft long).</p> <p>___ Standing snags (dbh > 4 in) within the wetland</p> <p>___ Undercut banks are present for at least 6.6 ft (2 m) and/or overhanging plants extends at least 3.3 ft (1 m) over a stream (or ditch) in, or contiguous with the wetland, for at least 33 ft (10 m)</p> <p>___ Stable steep banks of fine material that might be used by beaver or muskrat for denning (> 30 degree slope) OR signs of recent beaver activity are present (<i>cut shrubs or trees that have not yet weathered where wood is exposed</i>)</p> <p>___ At least ¼ ac of thin-stemmed persistent plants or woody branches are present in areas that are permanently or seasonally inundated (<i>structures for egg-laying by amphibians</i>)</p> <p>___ Invasive plants cover less than 25% of the wetland area in every stratum of plants (<i>see H 1.1 for list of strata</i>)</p>	
Total for H 1	Add the points in the boxes above

Rating of Site Potential If score is: ___ 15-18 = H ___ 7-14 = M ___ 0-6 = L *Record the rating on the first page*

<p>H 2.0. Does the landscape have the potential to support the habitat functions of the site?</p>	
<p>H 2.1. Accessible habitat (include <i>only habitat that directly abuts wetland unit</i>).</p> <p><i>Calculate:</i> % undisturbed habitat ___ + [(% moderate and low intensity land uses)/2] ___ = _____%</p> <p>If total accessible habitat is:</p> <p>> 1/3 (33.3%) of 1 km Polygon points = 3</p> <p>20-33% of 1 km Polygon points = 2</p> <p>10-19% of 1 km Polygon points = 1</p> <p>< 10% of 1 km Polygon points = 0</p>	
<p>H 2.2. Undisturbed habitat in 1 km Polygon around the wetland.</p> <p><i>Calculate:</i> % undisturbed habitat ___ + [(% moderate and low intensity land uses)/2] ___ = _____%</p> <p>Undisturbed habitat > 50% of Polygon points = 3</p> <p>Undisturbed habitat 10-50% and in 1-3 patches points = 2</p> <p>Undisturbed habitat 10-50% and > 3 patches points = 1</p> <p>Undisturbed habitat < 10% of 1 km Polygon points = 0</p>	
<p>H 2.3. Land use intensity in 1 km Polygon: If</p> <p>> 50% of 1 km Polygon is high intensity land use points = (- 2)</p> <p>≤ 50% of 1 km Polygon is high intensity points = 0</p>	
Total for H 2	Add the points in the boxes above

Rating of Landscape Potential If score is: ___ 4-6 = H ___ 1-3 = M ___ < 1 = L *Record the rating on the first page*

<p>H 3.0. Is the habitat provided by the site valuable to society?</p>	
<p>H 3.1. Does the site provide habitat for species valued in laws, regulations, or policies? <i>Choose only the highest score that applies to the wetland being rated.</i></p> <p>Site meets ANY of the following criteria: points = 2</p> <p>— It has 3 or more priority habitats within 100 m (see next page)</p> <p>— It provides habitat for Threatened or Endangered species (any plant or animal on the state or federal lists)</p> <p>— It is mapped as a location for an individual WDFW priority species</p> <p>— It is a Wetland of High Conservation Value as determined by the Department of Natural Resources</p> <p>— It has been categorized as an important habitat site in a local or regional comprehensive plan, in a Shoreline Master Plan, or in a watershed plan</p> <p>Site has 1 or 2 priority habitats (listed on next page) within 100 m points = 1</p> <p>Site does not meet any of the criteria above points = 0</p>	

Rating of Value If score is: ___ 2 = H ___ 1 = M ___ 0 = L *Record the rating on the first page*

Wetland name or number _____

WDFW Priority Habitats

Priority habitats listed by WDFW (see complete descriptions of WDFW priority habitats, and the counties in which they can be found, in: Washington Department of Fish and Wildlife. 2008. Priority Habitat and Species List. Olympia, Washington. 177 pp. <http://wdfw.wa.gov/publications/00165/wdfw00165.pdf> or access the list from here: <http://wdfw.wa.gov/conservation/phs/list/>)

Count how many of the following priority habitats are within 330 ft (100 m) of the wetland unit: **NOTE:** *This question is independent of the land use between the wetland unit and the priority habitat.*

- **Aspen Stands:** Pure or mixed stands of aspen greater than 1 ac (0.4 ha).
- **Biodiversity Areas and Corridors:** Areas of habitat that are relatively important to various species of native fish and wildlife (*full descriptions in WDFW PHS report*).
- **Herbaceous Balds:** Variable size patches of grass and forbs on shallow soils over bedrock.
- **Old-growth/Mature forests:** Old-growth west of Cascade crest – Stands of at least 2 tree species, forming a multi-layered canopy with occasional small openings; with at least 8 trees/ac (20 trees/ha) > 32 in (81 cm) dbh or > 200 years of age. Mature forests – Stands with average diameters exceeding 21 in (53 cm) dbh; crown cover may be less than 100%; decay, decadence, numbers of snags, and quantity of large downed material is generally less than that found in old-growth; 80-200 years old west of the Cascade crest.
- **Oregon White Oak:** Woodland stands of pure oak or oak/conifer associations where canopy coverage of the oak component is important (*full descriptions in WDFW PHS report p. 158 – see web link above*).
- **Riparian:** The area adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other.
- **Westside Prairies:** Herbaceous, non-forested plant communities that can either take the form of a dry prairie or a wet prairie (*full descriptions in WDFW PHS report p. 161 – see web link above*).
- **Instream:** The combination of physical, biological, and chemical processes and conditions that interact to provide functional life history requirements for instream fish and wildlife resources.
- **Nearshore:** Relatively undisturbed nearshore habitats. These include Coastal Nearshore, Open Coast Nearshore, and Puget Sound Nearshore. (*full descriptions of habitats and the definition of relatively undisturbed are in WDFW report – see web link on previous page*).
- **Caves:** A naturally occurring cavity, recess, void, or system of interconnected passages under the earth in soils, rock, ice, or other geological formations and is large enough to contain a human.
- **Cliffs:** Greater than 25 ft (7.6 m) high and occurring below 5000 ft elevation.
- **Talus:** Homogenous areas of rock rubble ranging in average size 0.5 - 6.5 ft (0.15 - 2.0 m), composed of basalt, andesite, and/or sedimentary rock, including riprap slides and mine tailings. May be associated with cliffs.
- **Snags and Logs:** Trees are considered snags if they are dead or dying and exhibit sufficient decay characteristics to enable cavity excavation/use by wildlife. Priority snags have a diameter at breast height of > 20 in (51 cm) in western Washington and are > 6.5 ft (2 m) in height. Priority logs are > 12 in (30 cm) in diameter at the largest end, and > 20 ft (6 m) long.

Note: All vegetated wetlands are by definition a priority habitat but are not included in this list because they are addressed elsewhere.

Wetland name or number _____

CATEGORIZATION BASED ON SPECIAL CHARACTERISTICS

Wetland Type	Category
<i>Check off any criteria that apply to the wetland. Circle the category when the appropriate criteria are met.</i>	
<p>SC 1.0. Estuarine wetlands</p> <p>Does the wetland meet the following criteria for Estuarine wetlands?</p> <ul style="list-style-type: none"> — The dominant water regime is tidal, — Vegetated, and — With a salinity greater than 0.5 ppt <p align="right">Yes –Go to SC 1.1 No= Not an estuarine wetland</p>	
<p>SC 1.1. Is the wetland within a National Wildlife Refuge, National Park, National Estuary Reserve, Natural Area Preserve, State Park or Educational, Environmental, or Scientific Reserve designated under WAC 332-30-151?</p> <p align="right">Yes = Category I No - Go to SC 1.2</p>	Cat. I
<p>SC 1.2. Is the wetland unit at least 1 ac in size and meets at least two of the following three conditions?</p> <ul style="list-style-type: none"> — The wetland is relatively undisturbed (has no diking, ditching, filling, cultivation, grazing, and has less than 10% cover of non-native plant species. (If non-native species are <i>Spartina</i>, see page 25) — At least ¾ of the landward edge of the wetland has a 100 ft buffer of shrub, forest, or un-grazed or unmowed grassland. — The wetland has at least two of the following features: tidal channels, depressions with open water, or contiguous freshwater wetlands. <p align="right">Yes = Category I No = Category II</p>	Cat. I Cat. II
<p>SC 2.0. Wetlands of High Conservation Value (WHCV)</p> <p>SC 2.1. Has the WA Department of Natural Resources updated their website to include the list of Wetlands of High Conservation Value?</p> <p align="right">Yes – Go to SC 2.2 No – Go to SC 2.3</p> <p>SC 2.2. Is the wetland listed on the WDNR database as a Wetland of High Conservation Value?</p> <p align="right">Yes = Category I No = Not a WHCV</p> <p>SC 2.3. Is the wetland in a Section/Township/Range that contains a Natural Heritage wetland? http://www1.dnr.wa.gov/nhp/refdesk/datasearch/wnhpwetlands.pdf</p> <p align="right">Yes – Contact WNHP/WDNR and go to SC 2.4 No = Not a WHCV</p> <p>SC 2.4. Has WDNR identified the wetland within the S/T/R as a Wetland of High Conservation Value and listed it on their website?</p> <p align="right">Yes = Category I No = Not a WHCV</p>	Cat. I
<p>SC 3.0. Bogs</p> <p>Does the wetland (or any part of the unit) meet both the criteria for soils and vegetation in bogs? <i>Use the key below. If you answer YES you will still need to rate the wetland based on its functions.</i></p> <p>SC 3.1. Does an area within the wetland unit have organic soil horizons, either peats or mucks, that compose 16 in or more of the first 32 in of the soil profile?</p> <p align="right">Yes – Go to SC 3.3 No – Go to SC 3.2</p> <p>SC 3.2. Does an area within the wetland unit have organic soils, either peats or mucks, that are less than 16 in deep over bedrock, or an impermeable hardpan such as clay or volcanic ash, or that are floating on top of a lake or pond?</p> <p align="right">Yes – Go to SC 3.3 No = Is not a bog</p> <p>SC 3.3. Does an area with peats or mucks have more than 70% cover of mosses at ground level, AND at least a 30% cover of plant species listed in Table 4?</p> <p align="right">Yes = Is a Category I bog No – Go to SC 3.4</p> <p>NOTE: If you are uncertain about the extent of mosses in the understory, you may substitute that criterion by measuring the pH of the water that seeps into a hole dug at least 16 in deep. If the pH is less than 5.0 and the plant species in Table 4 are present, the wetland is a bog.</p> <p>SC 3.4. Is an area with peats or mucks forested (> 30% cover) with Sitka spruce, subalpine fir, western red cedar, western hemlock, lodgepole pine, quaking aspen, Engelmann spruce, or western white pine, AND any of the species (or combination of species) listed in Table 4 provide more than 30% of the cover under the canopy?</p> <p align="right">Yes = Is a Category I bog No = Is not a bog</p>	Cat. I

Wetland name or number _____

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DEPARTMENT OF
ECOLOGY
State of Washington



Wetland Guidance for CAO Updates

Western Washington Version

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This report is available on the Department of Ecology's website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1006002.html>

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Wetland Guidance for CAO Updates

Western Washington Version

By

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Shorelands and Environmental Assistance Program
Washington State Department of Ecology
Olympia, Washington

June 2016
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Summary

This publication replaces *Wetlands & CAO Updates: Guidance for Small Cities (Western Washington Version)*, Publication No. 10-06-002, January 2010. It also replaces the 1st revision dated July 2011 and the 2nd revision dated October 2012.

This new publication, for the most part, contains the same guidance as the “small cities guidance” referenced above. Over the last few years, it became obvious that the information in that document could apply to all cities and counties, not just small cities. However, the wetland buffer table may be too restrictive for county use because it assumes that adjacent land use intensity is high. Counties and larger cities generally have more staff and resources that allow more sophisticated approaches to assigning wetland buffers.

In addition, these jurisdictions may be able to provide additional protection for habitat function by requiring protected wildlife corridors between the wetland and other priority habitats in exchange for buffer reduction—something that is often impossible in small, urban jurisdictions.

Check with Ecology wetland staff for more information about using this guidance in your particular jurisdiction <http://www.ecy.wa.gov/programs/sea/wetlands/contacts.htm>.

Specific changes to this new publication include:

- Reference to the updated 2014 wetland rating system
- Updated definitions based on the updated 2014 wetland rating system
- Buffer tables that include habitat scores from the updated 2014 wetland rating system
- Addition of buffer table to be used if minimizing measures are not used
- Emphasis on the requirement to provide wildlife corridors where possible in exchange for buffer reduction
- Guidance on using wetlands for stormwater management facilities
- Revisions to exemptions for small wetlands
- Recommended language addressing agricultural activities in non-VSP jurisdictions
- Addition of recent mitigation documents and guidance
- Corrected links to resource documents and web pages

Introduction

This document is intended to provide guidance and tools useful in developing a wetland protection program for jurisdictions that are in the process of updating their critical areas ordinances (CAOs) to meet the Growth Management Act (GMA) requirements. Wetlands are one of the five types of critical areas identified in the GMA.

We recognize that many local governments lack the planning staff and resources necessary to develop and implement wetland standards that are both locally appropriate and based on best available science (BAS). Nonetheless, they must comply with the GMA requirement to designate and protect wetlands.

The first part of this document describes the important topics that should be addressed in the wetlands section of your CAO. It includes recommendations for wetland protection based on BAS. Appendix A is a sample CAO chapter for wetlands that incorporates these recommendations into a format similar to that found in many local CAOs. (Please note that the sample CAO will need to be tailored to your jurisdiction's naming and numbering system. There are several generic "XX" references throughout the text.) Appendix B contains definitions that are commonly used in wetlands regulations.

This document does not include the more general provisions typically found in regulations related to all critical areas. These can be found in Appendix A of the *Critical Areas Assistance Handbook* published by the Washington State Department of Commerce (formerly the Department of Community, Trade, and Economic Development) in November 2003 <http://www.commerce.wa.gov/Documents/GMS-Critical-Areas-Appendix-A-Sample-Code-Provisions.pdf>. This document revises the wetland-specific provisions in the *Critical Areas Assistance Handbook*.

The recommendations in this document and the sample ordinance may not be appropriate for use by rural **county** governments. Factors to consider are the county's rate of growth, the nature and intensity of land uses in the county, the wetland resources at risk, and the ability of the county to implement its CAO. We suggest that you contact us to determine whether this guidance is applicable to your county. Please use the following link to find Ecology's wetland specialist for your area: <http://www.ecy.wa.gov/programs/sea/wetlands/contacts.htm>.

Guidance on the Science of Wetland Protection

Ecology has produced several different tools that can help local governments develop a comprehensive wetlands protection program for their jurisdictions. The Washington Departments of Ecology (Ecology) and Fish and Wildlife (WDFW) have published a two-volume guidance document to help local governments protect and manage wetlands:

- ***Wetlands in Washington State, Volume 1: A Synthesis of the Science*** (Washington State Department of Ecology Publication #05-06-006, Olympia, WA, March 2005). This volume is the result of an extensive search of over 17,000 scientific articles and synthesizes over 1,000 peer-reviewed works relevant to the management of Washington's wetlands.
- ***Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands*** (Washington State Department of Ecology Publication #05-06-008, Olympia, WA, April 2005). This volume was developed with the assistance of local government planners and wetland consultants. It can be used to craft regulatory language that is based on BAS. We recommend that you review Chapter 8 and its appendices as you begin to work on updating your existing regulations. (Please note: Appendix 8-C was revised in October 2014.)

In October 2013, Ecology released an update of the science pertaining to wetland buffers. The new information on buffers provides a refinement of our knowledge and revisits the conclusions and key points in the 2005 synthesis.

- ***Update on Wetland Buffers: The State of the Science*** (Washington State Department of Ecology Publication #13-06-011, Olympia, WA, October 2013).

Ecology, in coordination with the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA), has also developed a two-part guidance document aimed at improving the quality and effectiveness of compensatory mitigation in Washington State:

- ***Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1)*** (Washington State Department of Ecology Publication #06-06-011a, Olympia, WA, March 2006). Part 1 provides a brief background on wetlands, an overview of the factors that go into the agencies' permitting decisions, and detailed guidance on the agencies' policies of wetland mitigation, particularly compensatory mitigation. It outlines the information the agencies use to determine whether specific mitigation plans are appropriate and adequate.
- ***Wetland Mitigation in Washington State–Part 2: Developing Mitigation Plans (Version 1)*** (Washington State Department of Ecology Publication #06-06-011b, Olympia, WA, March 2006). Part 2 provides technical information on preparing plans for compensatory mitigation.

Ecology has also developed a wetland ratings system for western Washington. The rating system is a useful tool for dividing wetlands into groups that have similar needs for protection.

- ***Washington State Wetland Rating System for Western Washington: 2014 Update*** (Washington State Department of Ecology Publication #14-06-29, Olympia, WA, October 2014).

Links to all of these documents can be found at: <http://www.ecy.wa.gov/programs/sea/wetlands/gma/index.html>.

Relationship between the GMA and the SMA

You may be planning to adopt a Shoreline Master Program (SMP) that will rely on the CAO for protection of wetlands and other critical areas in shoreline jurisdiction. Ecology does not have an approval role in the CAO adoption process; our role is advisory. The SMP, however, is a joint document of Ecology and the local government requiring Ecology approval. Before the SMP can be approved by Ecology, the CAO must meet the “no net loss of ecological functions” requirement (WAC 173-26-186(8)(b)(i)).

You should be aware that the Shoreline Management Act (SMA) may preclude or alter the administration of your CAO. For example, certain activities exempted under the CAO will not qualify for exemption under the SMP. In addition, activities allowed without permits under the CAO may require permits under the SMP.

For assistance with CAO-SMP integration, please use the following link to find the shoreline planner for your area: <http://www.ecy.wa.gov/programs/sea/sma/contacts/index.html>.

Policy Discussion for Your Wetlands Chapter

Your wetlands chapter will exist as one of several in your critical areas ordinance. Below we describe some of the important subsections in the wetlands chapter and include our recommendations for protecting wetlands based on the best available science.

Purpose

The chapter typically begins with a purpose statement, followed by designation criteria, which include a definition of wetlands and the methods by which they are identified and rated and other details listed below. The purpose statement may also state that this chapter is intended to be consistent with the requirements of 36.70A RCW and to implement the goals and policies of your Comprehensive Plan for protecting wetlands.

Definitions

Your wetlands chapter may include a separate list of definitions, or the definitions may be included in the general definitions section of the CAO. Appendix B is a list of

definitions relevant to your wetlands chapter. This list includes terms identified in state law and agency guidance documents. Clarity and consistency in the use of these terms will make ordinance implementation easier.

Identifying, Designating, and Rating Wetlands

The first steps in regulating wetlands are to define what is being regulated and specify how these areas will be identified. The GMA requires the use of the following definition of wetlands and specifies how to identify and delineate them.

In designating wetlands for regulatory purposes, **counties and cities are required to use the definition of wetlands in RCW 36.70A.030(21):**

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

Wetlands are subject to a local government’s regulatory authority if they meet the criteria in this definition. This includes Prior Converted Croplands (PCCs) and isolated wetlands. These wetlands can provide critical functions and habitat and should be regulated. **The GMA does not allow flexibility in adopting a modified definition of wetlands.**

Irrigation practices, such as the Irrigation District ditches in Sequim, can result in human-created wetlands. More frequently, however, irrigation practices may augment natural sources of water to a wetland. Wetlands that form along irrigation ditches that were intentionally created in uplands may be exempted from regulation. However, if a wetland is the unintentional by-product of irrigation activities, the wetland should be regulated. If a wetland disappears as the result of a change in irrigation practice, it will not be regulated in the future. However, most wetlands will not disappear completely as a result of local changes in irrigation practices because of natural sources of water or regional irrigation influences. Please see <http://www.ecy.wa.gov/programs/sea/wetlands/irrigation.html> for more information on how Ecology regulates irrigation-influenced wetlands.

Ecology is most concerned about those changes in land use that would eliminate wetlands as the result of fill or grading, such as a conversion to commercial or residential use. These activities should be regulated by the CAO, and appropriate protection standards

(such as buffers and mitigation) should be required in order to minimize the loss of wetland area and function.

Many jurisdictions use the National Wetland Inventory (NWI) to determine whether wetlands exist within their boundaries. Since the NWI is based on photographs that are over 30 years old and provides only a general approximation of wetland location, it cannot be used alone to designate wetlands. Wetlands are those areas that meet the above definition of “wetland.” Wetlands are also dynamic systems that change over time. It is important to adopt the GMA definition and to have regulations in place to protect wetland functions and values, should wetlands that do not currently appear on the NWI or other maps be identified in the future.

State laws require that wetlands protected under the GMA and the SMA be delineated using a manual that is developed by Ecology and adopted into rules ([RCW 36.70A.175](#); [RCW 90.58.380](#)). The Department of Ecology adopted a wetland delineation manual in 1997 ([WAC 173-22-080](#)) that was based on the original 1987 Corps of Engineers manual and subsequent Regulatory Guidance Letters.

During the last few years the Army Corps of Engineers has updated and expanded their delineation manual with regional supplements. To maintain consistency between the state and federal delineations of wetlands, Ecology has repealed [WAC 173-22-080](#) (the state delineation manual) and replaced it with a revision of [WAC 173-22-035](#) that states that delineations should be done according to the currently approved federal manual and regional supplements. **The changes became effective March 14, 2011.**

The GMA states that “wetlands regulated under development regulations adopted pursuant to this chapter shall be delineated in accordance with the manual adopted by the department pursuant to [RCW 90.58.380](#).” RCW 90.58.380 allows the Department of Ecology to adopt rules that incorporate changes to the manual. **Therefore, the currently approved federal manual and regional supplements should be used for delineating wetlands in GMA jurisdiction.**

See: <http://www.ecy.wa.gov/programs/sea/wetlands/delineation.html>.

Local governments are not required to rate or classify wetlands when regulating them. However, methods that classify, categorize, or rate wetlands help target the appropriate level of protection to particular types of wetlands and avoid the “one-size-fits-all” approach. If a local government uses a wetland rating system, it must consider the criteria described in [WAC 365-190-090\(3\)](#).

The *Washington State Wetland Rating System for Western Washington: 2014 Update (Effective January 2015)*, (Ecology Publication #14-06-029, October 2014) is a useful tool for dividing wetlands into groups that have similar needs for protection. The revised rating system represents the best available science, as it is based on a better understanding of wetland functions, ways to evaluate them, and what is needed to protect them. It provides a quick “snapshot” characterization of a particular wetland. In many cases, it will provide enough information about existing wetland functions to allow

adequate plan review and land use decisions to be made without the additional expense of a separate wetland functional assessment.

While local governments are not required to use Ecology’s revised rating system, we strongly encourage you to adopt wetland regulations that require its use. Most qualified wetland specialists are using the revised rating system. In cases where state and federal permits are required, the use of this rating system would benefit applicants by eliminating the need to rate wetlands according to a different local standard. If you choose not to use the state’s wetland rating system, you must provide a rationale for this decision according to [WAC 365-190-090\(3\)](#).

We recommend that you include language that describes the four categories of wetlands. This text is different for eastern and western Washington jurisdictions. Please refer to Appendix A, Section XX.020.B.1-4 for the specific category descriptions.

Regulated Uses and Activities

Your wetland section should list those uses and activities that are regulated under the critical areas ordinance. Some of these items include: removal, excavation, grading, or dredging of material of any kind; draining, flooding, or disturbing of the wetland, water level, or water table; the construction, reconstruction, demolition, or expansion of any structure; etc. More extensive examples are provided in the sample ordinance.

Wetlands are often impacted by unauthorized **clearing and grading** that takes place before application for development permits. You should make sure your CAO adequately regulates clearing and grading. If it doesn’t, you should adopt a separate clearing and grading ordinance. The Department of Commerce (formerly Community, Trade and Economic Development) published technical guidance on developing a clearing and grading ordinance: <http://www.commerce.wa.gov/Documents/GMS-Clearing-and-Grading-Technical-Guidance-Final-2005.pdf>.

Most forest practices (as defined in [RCW 76.09](#)) are exempted from the provisions of a wetlands chapter in the CAO. However, those forest practices that are Class IV general should be regulated. These activities constitute a conversion from forestry to some other use. As such, buffers and wetland protections are appropriate.

Exemptions

Your wetlands section should identify those activities in or near wetlands that are regulated and those that are exempt from regulation. Exemptions include activities that will have little or no environmental effect or are an emergency that threatens public health or safety. In the case of emergency response activities that affect wetlands and buffers, the responsible party should be required to obtain after-the-fact permits and to rectify impacts. Some jurisdictions place the exemptions or exceptions in a general exemptions section near the front of the CAO. However, some exemptions or exceptions may apply only to wetlands, so it may be more practical to have these specific exemptions in the wetlands section.

Exempt activities should be limited to those that will not have a significant impact on a wetland's structure and function (including its water, soil, or vegetation) and those that are expected to be very short term. Local governments should, however, also consider the cumulative impacts from exempted activities. They can result in a loss of wetland acreage and function that are not replaced through compensatory mitigation.

The scope, coverage, and applicability of a critical areas ordinance should capture the full range of activities that are detrimental to wetland functions. Therefore, exemptions should be supported by the scientific literature and be carefully crafted to minimize the potential for adverse impacts. However, a local government should not assume that an exemption is appropriate in the absence of science to refute the exemption. The language should clearly state whether a given activity is exempt from applicable standards in the code or whether it is exempt from needing a permit but still must comply with the code. Exemptions should be limited and construed narrowly.

For more information on this topic, please refer to Chapter 8 of *Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands* (Ecology Publication #05-06-008, Olympia, WA, April 2005: <https://fortress.wa.gov/ecy/publications/summarypages/0506008.html>).

The GMA, in [RCW 36.70a.030\(21\)](#), requires local governments to regulate wetlands that meet the GMA-required definition of “wetland” (see the definition of “wetland” in the previous section). This includes **Prior Converted Croplands (PCCs)** and **hydrologically isolated wetlands**, two types of wetlands that have been exempt from federal regulation at times. PCCs are wetlands that have been ditched and drained for active agricultural use before December 23, 1985. Isolated wetlands are those wetlands that have no surface hydrologic connection to waters of the United States. These wetlands must be regulated by your CAO. Please see <http://www.ecy.wa.gov/programs/sea/wetlands/isolated.html> for more information on how the state of Washington currently regulates isolated wetlands.

The scientific literature does not support exempting wetlands that are below a certain size. While we recognize an administrative desire to place size thresholds on wetlands that are to be regulated, you need to be aware that it is not possible to conclude from size alone what functions a particular wetland may be providing. Ecology has developed a strategy for exempting small wetlands when additional criteria are considered. This language is present in the sample ordinance. **However, impacts to small wetlands are NOT exempt from the requirement to provide compensatory mitigation for those impacts.** If an in-lieu fee (ILF) program or a mitigation bank is available in your area (see page 15), these mitigation alternatives can help prevent a net loss of wetland function from impacts to small wetlands in your jurisdiction.

Exceptions are typically addressed in a CAO in the context of reasonable use of property. For more information about this regulatory tool, see Section VII of the *Critical Areas Assistance Handbook* published by the Washington State Department of Commerce: <http://www.commerce.wa.gov/Documents/GMS-Critical-Areas-Assist-Handbook.pdf> . You should keep in mind that the Shoreline Management Act does not

allow reasonable use exceptions, providing instead a variance pathway to afford regulatory relief. **If you decide to incorporate your CAO into your SMP when the latter document is updated, you will need to address this potential inconsistency.**

Forest Practices

Class I, II, and III forest practices should be exempted from the wetlands section of your CAO. These activities are regulated through RCW 76.09, the Forest Practices Act.

Agricultural Activities

In 2011 the Washington Legislature created the Voluntary Stewardship Program (VSP) as an alternative for meeting GMA requirements related to protecting critical areas and agricultural lands. In 2015 the state provided funding for participating counties to begin the VSP planning process. For more information on this program, see <http://www.scc.wa.gov/voluntary-stewardship/>.

For the GMA update cycle beginning 2015, some counties will begin addressing critical area issues related to agriculture through a VSP work plan.

If your jurisdiction is **not** in a participating county or not in a participating watershed, then you must review and revise your development regulations for protecting wetlands as they apply to agricultural activities (see [RCW 36.70A.710](#)).

If your jurisdiction is in a VSP watershed designated by a participating county, your GMA responsibilities to protect critical areas from agricultural activities in or near wetlands will be achieved through the VSP work plan.

However, it is important to keep in mind that federal and state regulations, such as the Clean Water Act and the State Water Pollution Control Act are still applicable in all jurisdictions regardless of participation or non-participation in the VSP. The VSP does not alter the responsibility of property owners to meet water quality standards, protect wetlands, and comply with state and federal environmental regulations.

Ecology recommends the following for non-VSP jurisdictions:

“Existing and ongoing agricultural activities” are often exempted from the provisions of a CAO. These activities should be clearly defined and should not include removing trees, diverting or impounding water, excavation, ditching, draining, culverting, filling, grading, or similar activities that introduce new adverse impacts to wetlands or other aquatic resources. Maintenance of agricultural ditches should be limited to removing sediment in existing ditches to a specified depth at date of last maintenance. Conversion of wetlands that are not currently in agricultural use to a new agricultural use should be subject to the same regulations that govern new development.

Ecology encourages the use of Best Management Practices (BMPs), farm conservation plans, and incentive-based programs to improve agricultural practices in and near wetlands. The goal of the BMPs should be to ensure that ongoing agricultural activities

minimize their effects on water quality, riparian ecology, salmonid populations, and wildlife habitat.

Strategies for Protecting Wetlands from Impacts

Wetlands Inventory

You may wish to pursue accurate identification and rating of all wetlands in your planning area based on the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology Publication #14-06-29, Olympia, WA, October 2014) and the approved federal wetland delineation manual and applicable regional supplements. These documents can be downloaded at:

- <http://www.ecy.wa.gov/programs/sea/wetlands/ratingsystems/index.html> (rating systems)
- <http://www.ecy.wa.gov/programs/sea/wetlands/delineation.html> (delineation manual and supplements)

While this approach may initially be more labor intensive and expensive, such information will allow rapid review of development proposals and can help your jurisdiction prioritize areas for preservation or acquisition.

This approach is consistent with BAS. It can help with the development of a landscape-analysis approach to protecting wetlands in your jurisdiction. Landscape analysis for critical areas facilitates and informs long-range planning. The City of Aberdeen used this approach in their CAO update. (See Section XX.050.B in the sample ordinance.)

ABCs

The most basic approach to protecting wetland functions and values can be summarized as the **A-B-C Approach, or Avoid-Buffer-Compensate**. This means that a CAO should contain language to ensure that:

1. Wetlands impacts are **avoided** to the extent practicable.
2. Wetlands are **buffered** to protect them from adjacent land-use impacts.
3. Unavoidable impacts are **compensated**, or replaced.

Your CAO should provide requirements on how to reduce the severity of impacts to wetlands. When an alteration to a wetland is proposed, impacts should be avoided, minimized, or compensated for in the following sequential order of preference:

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 to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
6. Monitoring the impact and taking appropriate corrective measures.

Buffers

Establishing standards for wetland buffers is usually the most challenging part of developing a CAO. However, developing a predictable, reasonable approach for establishing buffers that includes the best available science is not as difficult as it may seem.

The scientific literature is unequivocal that **buffers are necessary to protect wetland functions** and values. The literature consistently reports that the primary factors to evaluate in determining appropriate buffer widths are:

1. The wetland type and functions needing protection (buffers filter sediment, nutrients, or toxics; screen noise and light; provide forage, nesting, or resting habitat for wetland-dependent species; etc.).
2. The types of adjacent land use and their expected impacts.
3. The characteristics of the buffer area (slope, soils, vegetation).

The widths of buffers needed vary widely, depending on these three factors. For example, providing filtration of coarse sediment from residential development next to a low-quality wetland would require only a relatively flat buffer of dense grasses or forest/shrub vegetation in the range of 20 to 30 feet. However, providing forage and nesting habitat for common wetland-dependent species such as waterfowl, herons, or amphibians in a high-quality wetland adjacent to residential development would require a buffer vegetated with trees and shrubs in the range of 200 to 300 feet. This illustrates the necessity of using an approach to buffers that incorporates wetland type and functions (based on an appropriate rating system), types of land use, and the environmental characteristics of the existing buffer.

Your CAO should require buffers for activities that will impact wetland functions. Ecology's complete buffer recommendations are presented in Appendix 8-C of *Wetlands*

in Washington State, Volume 2 (revised October 2014). We recommend using the tables shown in the sample ordinance.

Tables XX.1 and XX.3 are derived from the more-detailed tables in *Volume 2*. They are easy to use and are based on BAS. This approach provides the important balance of predictability and flexibility. Determination of buffer size is simply a matter of applying the results of the wetland rating system score to the buffer matrix, based on the wetland category and wildlife habitat score. It generally requires smaller buffers for those wetlands that do not have much wildlife use.

Table XX.1 requires the use of the minimizing measures in Table XX.2. These measures are intended to reduce the impacts of the adjacent land use on the wetland. If impacts are reduced, the size of the buffer required to protect the wetland's functions can be reduced. The buffer widths in Table XX.1 represent a 25% reduction in our recommended buffers in *Volume 2*.

Table XX.1 also requires the protection of a wildlife corridor between wetlands that score 5 or more habitat points and any other Priority Habitat. This requirement is particularly applicable in large or rural jurisdictions where species need to have access to other habitats to meet their life needs. A buffer is the usual means of providing this necessary habitat. However, if buffer reduction is allowed, we cannot ensure that these species will have adequate access to habitat without providing a connective corridor. In urban areas, the best solution is a landscape-based approach that takes into account actual species use and spatial arrangement and connectivity of habitats. Without such an approach, jurisdictions should use the guidance provided in the sample wetland chapter.

If your jurisdiction is small and urban, providing a wildlife corridor may not be an option. You should consult with Ecology wetland staff to determine whether using Tables XX.1 and XX.2 alone will provide adequate protection for your wetland functions.

Table XX.3 shows the buffer widths required if the minimizing measures in Table XX.2 are **not** implemented and if a wildlife corridor is **not** protected. These buffers are wider than those in Table XX.1, because the impacts to the wetland functions are potentially greater.

The buffer tables XX.1 and XX.3 do not consider land-use intensity in the buffer calculation, since it is presumed that most urban land uses will be high or moderate intensity. However, if your jurisdiction has an activity that can be considered low intensity, such as a passive recreation area or nature park with undeveloped trails, you may wish to prescribe a smaller buffer **for that area only**. The buffer for an area should be no less than 75% of the otherwise required buffer. Such a "low-intensity" buffer is not appropriate for residential, commercial, or industrial uses. Of course, if your jurisdiction includes rural land uses, you should consider using the buffer tables in Appendix 8-C of *Wetlands in Washington State, Volume 2* (revised October 2014).

Some wetland types listed in the buffer tables may not be present in your jurisdiction (e.g., coastal lagoons, bogs, interdunal wetlands, etc.). If you are certain that these wetlands do not occur within your jurisdiction and would not be introduced by future annexations, you may remove those wetland types from the buffer tables.

You may wish to adopt an even simpler approach to wetland buffers, one based only on wetland category. In this case, buffers must be large enough to protect the most-sensitive wetlands from the most-damaging land-use impacts. Please refer to Table 8C-1 of Appendix 8-C of *Wetlands in Washington State, Volume 2* (revised October 2014) for this example.

Ecology's buffer recommendations are based on a moderate-risk approach to protecting wetland functions. This means that there is a moderate risk that wetland functions will be impacted. Adopting smaller buffers represents a high-risk approach, and you need to be prepared to justify why such an approach is necessary and to offer alternative means of protecting wetland functions that help reduce the risk.

Ecology's buffer recommendations are also based on the assumption that the buffer is well vegetated with native species appropriate to the ecoregion. If the buffer does not consist of vegetation adequate to provide the necessary protection, then either the buffer area should be planted or the buffer width should be increased.

Buffer Averaging

Local governments often wish to allow buffer widths to be varied in certain circumstances. This may be reasonable if your standard buffers are adequate. The width of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for reasonable use of a parcel.

We recommend that a request for buffer averaging include a wetland report. The report should be prepared by a qualified professional describing the current functions of the wetland and its buffer and the measures that will be taken to ensure that there is no loss of wetland function due to the buffer averaging. The width of the buffer at any given point after averaging should be no smaller than 75% of the standard buffer.

If you choose to adopt narrower buffer widths than those supported by BAS, then further reductions to the buffer width should not be allowed under any circumstances.

Mitigation

Applicants are required by state and federal permitting agencies to show that they have followed mitigation sequencing and have first avoided and minimized impacts to wetlands wherever practicable. Your CAO should include the definition of mitigation sequencing and require applicants to demonstrate that they have applied avoidance and minimization. For more information and sample checklists, see <http://www.ecy.wa.gov/programs/sea/wetlands/avoidance.html>.

Unavoidable **impacts to wetlands should be offset by compensatory mitigation**. Your CAO should include standards for the type, location, amount, and timing of the mitigation. It should also include clear guidance on the design considerations and reporting requirements for mitigation plans.

Ecology's recommendations for the amount of mitigation (ratios) are based on wetland category, function, and special characteristics. Requiring a greater area for mitigation than the wetland area that will be impacted helps offset both the risk that compensatory mitigation will fail and the temporal loss of functions that may occur. We recommend using the ratio table shown in the sample ordinance. It is derived from the more-detailed tables in Part 1 of the joint agency guidance on mitigation: *Wetland Mitigation in Washington State, Parts 1 and 2* (Ecology Publications #06-06-011a & b, March 2006).

As an alternative to the mitigation ratios found in the joint guidance, Ecology has developed a credit-debit tool for calculating when a proposed wetland mitigation project adequately replaces the functions and values lost when wetlands are impacted. The tool is designed to provide guidance for both regulators and applicants during two stages of the mitigation process:

1. Estimating the functions and values lost when a wetland is altered (debits), and
2. Estimating the gain in functions and values that result from the mitigation (credits).

The Department of Ecology, however, does not require the use of this credit-debit method. It provides one method for determining the adequacy of compensatory wetland mitigation. It does not set any new regulatory requirements. The document and worksheets can be downloaded at: <http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/creditdebit/index.html>.

In 2008 the Corps and the EPA issued a rule governing compensatory mitigation. The rule establishes performance standards and criteria to improve the quality and success of compensatory mitigation, mitigation banks, and in-lieu fee programs. For more information on the federal rule, see: http://water.epa.gov/lawsregs/guidance/wetlands/wetlandsmitigation_index.cfm.

By adopting mitigation standards based on the state and federal guidance and rules, you will be providing consistency for applicants who must also apply for state and federal permits.

Mitigation Alternatives

Various options are available for mitigation, in addition to the traditional on-site concurrent option. These options include placing the mitigation away from the project site (off-site mitigation), building mitigation in advance of project impacts, and using third-party mitigation providers such as wetland banks and in-lieu-fee programs. Deciding which option should be used depends on what works best for the applicant and

for the environment. Some of these options may not be available in your area at this time. However, we recommend that your CAO allow these options. They can be effective and valuable tools in preventing a net loss of wetland functions.

Some project applicants may propose mitigation that is consistent with sound ecological principles but is located outside of your jurisdiction. You may wish to include language in your CAO that enables your government to allow such out-of-jurisdiction mitigation opportunities.

In addition to the following options, you might want to consider allowing transfer of development rights (TDR) as a tool for protecting wetlands. The Department of Commerce is working with four Puget Sound counties in a pilot TDR program. For more information, contact the Commerce planner for your jurisdiction or see: [Commerce Regional Assistance Teams](#).

Mitigation Banking

A mitigation bank is a site where wetlands, streams, and/or other aquatic resource areas have been restored, established, enhanced, or (in certain circumstances) preserved for the purpose of providing compensation for unavoidable impacts to aquatic resources. A mitigation bank may be created by a government agency, corporation, nonprofit organization, or other entity. The bank sells its credits to permittees who are required to compensate for wetland impacts. Mitigation banks allow a permittee to simply write a check for their mitigation obligation. It is the bank owner who is responsible for the mitigation success. Mitigation banks require a formal agreement with the Corps, Ecology, and the local jurisdiction to be used for federal or state permits.

Ecology adopted the final Wetland Mitigation Banks Rule (WAC 173-700) in 2009. The purpose of the rule is to provide a framework for the certification, operation, and monitoring of wetland mitigation banks. To learn more about wetland banking and the rule, see Ecology's website at <http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/index.html>.

In-Lieu Fee (ILF)

In this approach to mitigation, a permittee pays a fee to a third party in lieu of conducting project-specific mitigation or buying credits from a mitigation bank. ILF mitigation is used mainly to compensate for impacts to wetlands when better approaches to compensation are not available or practicable, or when the use of an ILF is in the best interest of the environment.

An ILF represents the expected costs to a third party of replacing the wetland functions lost or degraded as a result of the permittee's project. Fees are typically held in trust until sufficient funds have been collected to finance a mitigation project. Only a nonprofit organization such as a local land trust, private conservation group, or government agency with demonstrated competence in natural resource management may operate an ILF program. All ILF programs must be approved by the Corps to be used for Section 404

permits. To learn more about ILF programs, see Ecology's website at <http://www.ecy.wa.gov/mitigation/ilf.html>.

Off-Site Mitigation

This refers to compensatory mitigation that is not located at or near the project that generates impacts to wetlands. Off-site mitigation is generally allowed when on-site mitigation is not practicable or environmentally preferable.

The 2008 federal rule on compensatory mitigation requires that some type of watershed approach be used in siting mitigation. Ecology, the Corps of Engineers, and EPA have developed guidance to help applicants select potential off-site mitigation sites. To download a copy of this guidance, *Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)* (Ecology Publication #09-06-032, December 2009), please see <https://fortress.wa.gov/ecy/publications/summarypages/0906032.html>.

Advance Mitigation

When compensatory mitigation is implemented before, and in anticipation of, future **known** impacts to wetlands, it is referred to as "advance mitigation." Advance mitigation has been used mostly for large mitigation projects that are constructed in distinct phases where the unavoidable impacts to wetlands are known. Advance mitigation lets an applicant provide all of the compensation needed for the entire project affecting wetlands at one time, which may result in more favorable mitigation ratios.

Although similar to mitigation banking, advance mitigation is different in several ways. Most importantly, advance mitigation is used only to compensate for the permittee's specific project (or projects) with pre-identified impacts to wetlands. Wetland banks provide mitigation for unknown future impacts within a specific "service" area. The advance mitigation can be used only by the permittee. Advance mitigation may not be sold unless it is changed to a wetland bank. Ecology, WDFW, and the Corps have developed guidance to help applicants develop advance mitigation proposals. To download a copy of this guidance, *Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation* (Ecology Publication #12-06-015, December 2012), please see <https://fortress.wa.gov/ecy/publications/SummaryPages/1206015.html>

Conclusion

We hope you find this information helpful. If you have questions about this document or need additional assistance with the wetlands section of your critical areas ordinance update, please call Donna Bunten at (360) 407-7172 or donna.bunten@ecy.wa.gov.

You may also contact one of Ecology's regional wetland specialists. They are available to work with you during your update process. For example, they can offer presentations to elected officials and planning commissions. They can also provide technical assistance including help with wetland delineation, wetland rating, ordinary high water

mark determination, and project review. Please use the following link to find the wetland specialist for your area:

<http://www.ecy.wa.gov/programs/sea/wetlands/contacts.htm>.

For assistance with other aspects of your critical areas ordinance update, please contact the Department of Commerce at (360) 725-3000.

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Appendix A - Sample Wetlands Chapter
(Western Washington)

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Subchapter XX.XX Wetlands

Sections:

- XX.010 Purpose
- XX.020 Identification and Rating
- XX.030 Regulated Activities
- XX.040 Exemptions and Allowed Uses in Wetlands
- XX.050 Wetland Buffers
- XX.060 Critical Area Reports
- XX.070 Compensatory Mitigation
- XX.080 Unauthorized Alterations and Enforcement

XX.010 Purpose

The purposes of this Chapter are to:

A. Recognize and protect the beneficial functions performed by many wetlands, which include, but are not limited to, providing food, breeding, nesting and/or rearing habitat for fish and wildlife; recharging and discharging ground water; contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; storing storm and flood waters to reduce flooding and erosion; and improving water quality through biofiltration, adsorption, and retention and transformation of sediments, nutrients, and toxicants.

B. Regulate land use to avoid adverse effects on wetlands and maintain the functions and values of wetlands throughout (name of jurisdiction).

C. Establish review procedures for development proposals in and adjacent to wetlands.

1. Compliance with the provisions of the Chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Shoreline Substantial Development Permits, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with these requirements, apart from the process established in this Chapter.

XX.020 Identification and Rating

A. Identification and Delineation. 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 supplement. All areas within the City meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter. Wetland delineations are

valid for five years; after such date the City shall determine whether a revision or additional assessment is necessary.

B. Rating. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication #14-06-029, or as revised and approved by Ecology), which contains the definitions and methods for determining whether the criteria below are met.

1. Category I. Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; (6) interdunal wetlands that score 8 or 9 habitat points and are larger than 1 acre; and (7) wetlands that perform many functions well (scoring 23 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (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.
2. Category II. Category II wetlands are: (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre or those found in a mosaic of wetlands; or (3) wetlands with a moderately high level of functions (scoring between 20 and 22 points).
3. Category III. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring 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. Wetlands scoring between 16 and 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.
4. Category IV. Category IV wetlands 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.

C. Illegal modifications. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

XX.030 Regulated Activities

A. For any regulated activity, a critical areas report (see Chapter XX.060 of this Chapter) may be required to support the requested activity.

B. The following activities are regulated if they occur in a regulated wetland or its buffer:

1. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
2. The dumping of, discharging of, or filling with any material.
3. The draining, flooding, or disturbing of the water level or water table.
4. Pile driving.
5. The placing of obstructions.
6. The construction, reconstruction, demolition, or expansion of any structure.
7. The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland.
8. "Class IV - General Forest Practices" under the authority of the "1992 Washington State Forest Practices Act Rules and Regulations," WAC 222-12-030, or as thereafter amended.
9. Activities that result in:
 - a. A significant change of water temperature.
 - b. A significant change of physical or chemical characteristics of the sources of water to the wetland.
 - c. A significant change in the quantity, timing, or duration of the water entering the wetland.
 - d. The introduction of pollutants.

C. Subdivisions. The subdivision and/or short subdivision of land in wetlands and associated buffers are subject to the following:

1. Land that is located wholly within a wetland or its buffer may not be subdivided.

2. Land that is located partially within a wetland or its buffer may be subdivided provided that an accessible and contiguous portion of each new lot is:
 - a. Located outside of the wetland and its buffer; and
 - b. Meets the minimum lot size requirements of Chapter XX.XX.

XX.040 Exemptions and Allowed Uses in Wetlands

A. The following wetlands may be exempt from the requirement to avoid impacts (Chapter XX.070.A.1), and they may be filled if the impacts are fully mitigated based on the remaining actions in Chapter XX.070.A.2 through 6. If available, impacts should be mitigated through the purchase of credits from an in-lieu fee program or mitigation bank, consistent with the terms and conditions of the program or bank. In order to verify the following conditions, a critical area report for wetlands meeting the requirements in Chapter XX.060 must be submitted.

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

¹See page 6 of “Priority Habitat and Species List,” Washington Department of Fish and Wildlife, 2008, Olympia, Washington. 177 pp.

B. Activities Allowed in Wetlands. The activities listed below are allowed in wetlands. These activities do not require submission of a critical area report, except where such activities result in a loss of the functions and values of a wetland or wetland buffer. These activities include:

1. Existing and ongoing agricultural activities, provided that they implement applicable Best Management Practices (BMPs) contained in the latest editions of the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG); or develop a farm conservation plan in coordination with the local conservation district. BMPs and/or farm plans should address potential impacts to wetlands from livestock, nutrient and farm chemicals, soil erosion and sediment control and agricultural drainage infrastructure. BMPs and/or farm plans should ensure that ongoing agricultural activities minimize their effects on water quality, riparian ecology, salmonid populations, and wildlife habitat.
2. Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class 4 – General Forest Practice Permits (conversions) as defined in RCW 76.09 and WAC 222-12.
3. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.
4. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
5. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer, provided that the 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.
6. Enhancement of a wetland through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately

disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Re-vegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

7. Educational and scientific research activities.
8. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not expand the footprint of the facility or right-of-way.
9. Stormwater management facilities. A wetland or its buffer can be physically or hydrologically altered to meet the requirements of an LID, Runoff Treatment or Flow Control BMP if ALL of the following criteria are met:
 - a. The wetland is classified as a Category IV or a Category III wetland with a habitat score of 3-4 points, and
 - b. There will be “no net loss” of functions and values of the wetland, and
 - c. The wetland does not contain a breeding population of any native amphibian species, and
 - d. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the “Guide for Selecting Mitigation Sites Using a Watershed Approach,” (available here: <http://www.ecy.wa.gov/biblio/0906032.html>); or the wetland is part of a priority restoration plan that achieves restoration goals identified in a Shoreline Master Program or other local or regional watershed plan, and
 - e. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing, and
 - f. All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals, and permits, and
 - g. **Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost would have to be compensated/replaced.**

Stormwater LID BMPs required as part of New and Redevelopment projects can be considered within wetlands and their buffers. However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization is required to determine if an LID BMP is feasible at the project site.

XX.050 Wetland Buffers

A. **Buffer Requirements.** The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication #14-06-029, or as revised and approved by Ecology). The adjacent land use intensity is assumed to be high.

1. For wetlands that score 5 points or more for habitat function, the buffers in Table XX.1 can be used if both of the following criteria are met:
 - A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. The latest definitions of priority habitats and their locations are available on the WDFW web site at: <http://wdfw.wa.gov/hab/phshabs.htm>)

The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.

Presence or absence of a nearby habitat must be confirmed by a qualified biologist. If no option for providing a corridor is available, Table XX.1 may be used with the required measures in Table XX.2 alone.²
 - The measures in Table XX.2 are implemented, where applicable, to minimize the impacts of the adjacent land uses.
2. For wetlands that score 3-4 habitat points, only the measures in Table XX.2 are required for the use of Table XX.1
3. If an applicant chooses **not** to apply the mitigation measures in Table XX.2, or is unable to provide a protected corridor where available, then Table XX.3 **must** be used.

² See discussion in the Introduction, page 12 as to whether this applies in small urban jurisdictions.

4. The buffer widths in Table XX.1 and XX.3 assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

**Table XX.1 Wetland Buffer Requirements for Western Washington
if Table XX.2 is Implemented and Corridor Provided**

Wetland Category	Buffer width (in feet) based on habitat score			
	3-4	5	6-7	8-9
Category I: Based on total score	75	105	165	225
Category I: Bogs and Wetlands of High Conservation Value	190			225
Category I: Coastal Lagoons	150		165	225
Category I: Interdunal				225
Category I: Forested	75	105	165	225
Category I: Estuarine	150 (buffer width not based on habitat scores)			
Category II: Based on score	75	105	165	225
Category II: Interdunal Wetlands	110		165	225
Category II: Estuarine	110 (buffer width not based on habitat scores)			
Category III (all)	60	105	165	225
Category IV (all)	40			

Table XX.2 Required measures to minimize impacts to wetlands
(Measures are required if applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Direct lights away from wetland
Noise	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> • 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 (for more information refer to the drainage ordinance and manual)
Change in water regime	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Use best management practices to control dust

**Table XX.3 Wetland Buffer Requirements for Western Washington
if Table XX.2 is NOT Implemented or Corridor NOT provided**

Wetland Category	Buffer width (in feet) based on habitat score			
	3-4	5	6-7	8-9
Category I: Based on total score	100	140	220	300
Category I: Bogs and Wetlands of High Conservation Value	250			300
Category I: Coastal Lagoons	200		220	300
Category I: Interdunal				300
Category I: Forested	100	140	220	300
Category I: Estuarine	200 (buffer width not based on habitat scores)			
Category II: Based on score	100	140	220	300
Category II: Interdunal Wetlands	150		220	300
Category II: Estuarine	150 (buffer width not based on habitat scores)			
Category III (all)	80	140	220	300
Category IV (all)	50			

5. Increased Wetland Buffer Area Width. Buffer widths shall be increased on a case-by-case basis as determined by the Administrator when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:
 - a. The wetland is used by a state or federally listed plant or animal species or has essential or outstanding habitat for those species, or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or
 - b. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or
 - c. The adjacent land has minimal vegetative cover or slopes greater than 30 percent.
6. Buffer averaging to *improve wetland protection* may be permitted when **all** of the following conditions are met:
 - a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower-rated area.
 - b. The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical areas report from a qualified wetland professional.
 - c. The total area of the buffer after averaging is equal to the area required without averaging.
 - d. The buffer at its narrowest point is never less than either $\frac{3}{4}$ of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.
7. Averaging to *allow reasonable use* of a parcel may be permitted when **all** of the following are met:
 - a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.

- b. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a critical areas report from a qualified wetland professional.
- c. The total buffer area after averaging is equal to the area required without averaging.
- d. The buffer at its narrowest point is never less than either $\frac{3}{4}$ of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.

B. To facilitate long-range planning using a landscape approach, the Administrator may identify and pre-assess wetlands using the rating system and establish appropriate wetland buffer widths for such wetlands. The Administrator will prepare maps of wetlands that have been pre-assessed in this manner.

C. Measurement of Wetland Buffers. All buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. 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. Buffers must be fully vegetated in order to be included in buffer area calculations. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers or included in buffer area calculations.

D. Buffers on Wetland Mitigation Sites. All wetland mitigation sites shall have buffers consistent with the buffer requirements of this Chapter. Buffers shall be based on the expected or target category of the proposed wetland mitigation site.

E. Buffer Maintenance. Except as otherwise specified or allowed in accordance with this Chapter, wetland buffers shall be retained in an undisturbed or enhanced condition. In the case of compensatory mitigation sites, removal of invasive non-native weeds is required for the duration of the mitigation bond (Section XX.070.J.2.a.x).

F. Impacts to Buffers. Requirements for the compensation for impacts to buffers are outlined in Section XX.070 of this Chapter.

G. Overlapping Critical Area Buffers. If buffers for two contiguous critical areas overlap (such as buffers for a stream and a wetland), the wider buffer applies.

H. Allowed Buffer Uses. The following uses may be allowed within a wetland buffer in accordance with the review procedures of this Chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:

- 1. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.

2. Passive recreation facilities designed and in accordance with an approved critical area report, including:
 - a. Walkways and trails, provided that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent (25%) of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five (5) feet in width for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable.
 - b. Wildlife-viewing structures.
3. Educational and scientific research activities.
4. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.
5. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
6. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, provided that the 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 would be disturbed.
7. Enhancement of a wetland buffer through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

8. Repair and maintenance of non-conforming uses or structures, where legally established within the buffer, provided they do not increase the degree of nonconformity.

I. Signs and Fencing of Wetlands and Buffers:

1. Temporary markers. The outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary “clearing limits” fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the Administrator prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.
2. Permanent signs. As a condition of any permit or authorization issued pursuant to this Chapter, the Administrator may require the applicant to install permanent signs along the boundary of a wetland or buffer.
 - a. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another non-treated material of equal durability. Signs must be posted at an interval of one (1) every fifty (50) feet, or one (1) per lot if the lot is less than fifty (50) feet wide, and must be maintained by the property owner in perpetuity. The signs shall be worded as follows or with alternative language approved by the Administrator:

**Protected Wetland Area
Do Not Disturb
Contact [Local Jurisdiction]
Regarding Uses, Restrictions, and Opportunities for Stewardship**

- b. The provisions of Subsection (a) may be modified as necessary to assure protection of sensitive features or wildlife.
3. Fencing
 - a. The applicant shall be required to install a permanent fence around the wetland or buffer when domestic grazing animals are present or may be introduced on site.
 - b. Fencing installed as part of a proposed activity or as required in this Subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

XX.060 Critical Area Report for Wetlands

A. If the Administrator determines that the site of a proposed development includes, is likely to include, or is adjacent to a wetland, a wetland report, prepared by a qualified professional, shall be required. The expense of preparing the wetland report shall be borne by the applicant.

B. Minimum Standards for Wetland Reports. The written report and the accompanying plan sheets shall contain the following information, at a minimum:

1. The written report shall include at a minimum:
 - a. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the wetland critical area report; a description of the proposal; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project.
 - b. A statement specifying the accuracy of the report and all assumptions made and relied upon.
 - c. Documentation of any fieldwork performed on the site, including field data sheets for delineations, rating system forms, baseline hydrologic data, etc.
 - d. A description of the methodologies used to conduct the wetland delineations, wetland ratings, or impact analyses, including references.
 - e. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area. For areas off site of the project site, estimate conditions within 300 feet of the project boundaries using the best available information.
 - f. For each wetland identified on site and within 300 feet of the project boundary, provide: the wetland rating, including a description of and score for each function, per *Wetland Ratings* (Section XX.020.B) of this Chapter; required buffers; hydrogeomorphic classification; wetland acreage based on a professional survey from the field delineation (acreages for on-site portion or estimate entire wetland area including off-site portions); Cowardin classification of vegetation communities; habitat elements; soil conditions based on site assessment and/or soil survey information; and to the extent possible, hydrologic information such as location and condition of inlets/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g.,

algal mats, drift lines, flood debris, etc.). Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site.

- g. A description of the proposed actions, including an estimation of acreages of impacts to wetlands and buffers based on the field delineation and survey and an analysis of site development alternatives, including a no-development alternative.
 - h. An assessment of the probable cumulative impacts to the wetlands and buffers resulting from the proposed development.
 - i. A description of reasonable efforts made to apply mitigation sequencing pursuant to *Mitigation Sequencing* (Chapter XX.070.A) to avoid, minimize, and mitigate impacts to critical areas.
 - j. A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land-use activity.
 - k. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions.
 - l. An evaluation of the functions of the wetland and its buffer. Include references for the method used and data sheets.
2. A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:
- a. Maps (to scale) depicting delineated and surveyed wetland and required buffers on site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; and areas of proposed impacts to wetlands and/or buffers (include square footage estimates).
 - b. A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.

XX.070 Compensatory Mitigation.

A. Mitigation Sequencing. Before impacting any wetland or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in the order of preference:

1. Avoid the impact altogether by not taking a certain action or parts of an action.
2. Minimize 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.
3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reduce or eliminate the impact over time by preservation and maintenance operations.
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.
6. Monitor the required compensation and take remedial or corrective measures when necessary.

B. Requirements for Compensatory Mitigation:

1. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with *Wetland Mitigation in Washington State—Part 2: Developing Mitigation Plans—Version 1*, (Ecology Publication #06-06-011b, Olympia, WA, March 2006, or as revised), and *Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)* (Publication #09-06-32, Olympia, WA, December 2009).
2. Mitigation ratios shall be consistent with Subsection H of this Chapter.
3. Mitigation requirements may also be determined using the credit/debit tool described 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) consistent with subsection H of this Chapter.

C. Compensating for Lost or Affected Functions. Compensatory mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement of functions. The goal shall be for the

compensatory mitigation to provide similar wetland functions as those lost, except when either:

1. The lost wetland provides minimal functions, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or
2. Out-of-kind replacement of wetland type or functions will best meet watershed goals formally identified by the City, such as replacement of historically diminished wetland types.

D. Approaches to Compensatory Mitigation. Mitigation for lost or diminished wetland and buffer functions shall rely on the approaches listed below.

1. Wetland mitigation banks. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the mitigation bank instrument. Use of credits from a wetland mitigation bank certified under Chapter 173-700 WAC is allowed if:
 - a. The approval authority determines that it would provide appropriate compensation for the proposed impacts; and
 - b. The impact site is located in the service area of the bank.
 - c. The proposed use of credits is consistent with the terms and conditions of the certified mitigation bank instrument.
 - d. Replacement ratios for projects using bank credits is consistent with replacement ratios specified in the certified mitigation bank instrument.
2. In-Lieu Fee Mitigation: Credits from an approved in-lieu-fee program may be used when all of the following apply:
 - a. The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts.
 - b. The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.
 - c. Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland professional using the credit assessment method specified in the approved instrument for the in-lieu-fee program.

- d. The impacts are located within the service area specified in the approved in-lieu-fee instrument.
3. Permittee-responsible mitigation. In this situation, the permittee performs the mitigation after the permit is issued and is ultimately responsible for implementation and success of the mitigation. Permittee-responsible mitigation may occur at the site of the permitted impacts or at an off-site location within the same watershed. Permittee-responsible mitigation shall be used only if the applicant's qualified wetland professional demonstrates to the approval authority's satisfaction that the proposed approach is ecologically preferable to use of a bank or ILF program, consistent with the criteria in this section.

E. Types of Compensatory Mitigation. Mitigation for lost or diminished wetland and buffer functions shall rely on a type listed below in order of preference. A lower-preference form of mitigation shall be used only if the applicant's qualified wetland professional demonstrates to the approval authority's satisfaction that all higher-ranked types of mitigation are not viable, consistent with the criteria in this section.

1. Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:
 - a. Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
 - b. Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.
2. Establishment (Creation): The manipulation of the physical, chemical, or biological characteristics of a site to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.
 - a. If a site is not available for wetland restoration to compensate for expected wetland and/or buffer impacts, the approval authority may

authorize creation of a wetland and buffer upon demonstration by the applicant's qualified wetland professional that:

- i. The hydrology and soil conditions at the proposed mitigation site are conducive for sustaining the proposed wetland and that creation of a wetland at the site will not likely cause hydrologic problems elsewhere;
 - ii. Adjacent land uses and site conditions do not jeopardize the viability of the proposed wetland and buffer (e.g., due to the presence of invasive plants or noxious weeds, stormwater runoff, noise, light, or other impacts); and
 - iii. The proposed wetland and buffer will eventually be self-sustaining with little or no long-term maintenance.
3. **Enhancement.** The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities. Applicants proposing to enhance wetlands or associated buffers shall demonstrate how the proposed enhancement will increase the wetland's/buffer's functions, how this increase in function will adequately compensate for the impacts, and how existing wetland functions at the mitigation site will be protected.
4. **Protection/Maintenance (Preservation).** Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, or repairing water control structures or fences. This term also includes activities commonly associated with the term *preservation*. Preservation does not result in a gain of wetland acres. Permanent protection of a Category I or II wetland and associated buffer at risk of degradation can be used only if:
- a. The approval authority determines that the proposed preservation is the best mitigation option;
 - b. The proposed preservation site is under threat of undesirable ecological change due to permitted, planned, or likely actions that will not be adequately mitigated under existing regulations;

- c. The area proposed for preservation is of high quality or critical for the health of the watershed or basin due to its location. Some of the following features may be indicative of high-quality sites:
 - i. Category I or II wetland rating (using the wetland rating system for western Washington)
 - ii. Rare or irreplaceable wetland type (for example, bogs, mature forested wetlands, estuarine wetlands) or aquatic habitat that is rare or a limited resource in the area;
 - iii. The presence of habitat for priority or locally important wildlife species; or also list has provides biological and/or hydrological connectivity;
 - iv. Provides biological and/or hydrological connectivity;
 - v. Priority sites in an adopted watershed plan.
- d. Permanent preservation of the wetland and buffer will be provided through a conservation easement or tract held by an appropriate natural land resource manager, such as a land trust.
- e. The approval authority may approve other legal and administrative mechanisms in lieu of a conservation easement if it determines they are adequate to protect the site.
- f. Ratios for preservation in combination with other forms of mitigation generally range from 10:1 to 20:1, as determined on a case-by-case basis, depending on the quality of the wetlands being impacted and the quality of the wetlands being preserved. Ratios for preservation as the sole means of mitigation generally start at 20:1.

F. Location of Compensatory Mitigation. Compensatory mitigation actions shall generally be conducted within the same sub-drainage basin and on the site of the alteration except when the applicant can demonstrate that off-site mitigation is ecologically preferable. The following criteria will be evaluated when determining whether the proposal is ecologically preferable. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank, an in-lieu-fee program, or advance mitigation.

- 1. There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should

include: anticipated replacement ratios for wetland mitigation, buffer conditions and required widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);

2. On-site mitigation would require elimination of high-quality upland habitat.
3. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.
4. Off-site locations shall be in the same sub-drainage basin unless:
 - a. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the City and strongly justify location of mitigation at another site; or
 - b. Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the certified bank instrument;
 - c. Fees are paid to an approved in-lieu-fee program to compensate for the impacts.
5. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland.

G. Timing of Compensatory Mitigation. It is preferred that compensatory mitigation projects be completed prior to activities that will impact wetlands. At the least, compensatory mitigation shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

1. The Administrator may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g., project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the

delay shall not be injurious to the health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the City.

H. Wetland Mitigation Ratios³:

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

I. 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 administrator 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).

³ Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or re-establishment. See Table 1a, *Wetland Mitigation in Washington State – Part I: Agency Policies and Guidance –Version I*, (Ecology Publication #06-06-011a, Olympia, WA, March 2006 or as revised). See also Paragraph D.4 for more information on using preservation as compensation.

J. **Compensatory Mitigation Plan.** When a project involves wetland and/or buffer impacts, a compensatory mitigation plan prepared by a qualified professional shall be required, meeting the following minimum standards:

1. **Wetland Critical Area Report.** A critical area report for wetlands must accompany or be included in the compensatory mitigation plan and include the minimum parameters described in *Minimum Standards for Wetland Reports* (Section XX.060.B) of this Chapter.
2. **Compensatory Mitigation Report.** The report must include a written report and plan sheets that contain, at a minimum, the following elements. Full guidance can be found in *Wetland Mitigation in Washington State– Part 2: Developing Mitigation Plans (Version 1)* (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised).
 - a. The written report must contain, at a minimum:
 - i. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the compensatory mitigation report; a description of the proposal; a summary of the impacts and proposed compensation concept; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project.
 - ii. Description of how the project design has been modified to avoid, minimize, or reduce adverse impacts to wetlands.
 - iii. Description of the existing wetland and buffer areas proposed to be altered. Include acreage (or square footage), water regime, vegetation, soils, landscape position, surrounding land uses, and functions. Also describe impacts in terms of acreage by Cowardin classification, hydrogeomorphic classification, and wetland rating, based on *Wetland Ratings* (Section XX.XX) of this Chapter.
 - iv. Description of the compensatory mitigation site, including location and rationale for selection. Include an assessment of existing conditions: acreage (or square footage) of wetlands and uplands, water regime, sources of water, vegetation, soils, landscape position, surrounding land uses, and functions. Estimate future conditions in this location if the compensation actions are NOT undertaken (i.e., how would this site progress through natural succession?).
 - v. Surface and subsurface hydrologic conditions, including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas.

Include illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions

- vi. A description of the proposed actions for compensation of wetland and upland areas affected by the project. Include overall goals of the proposed mitigation, including a description of the targeted functions, hydrogeomorphic classification, and categories of wetlands.
 - vii. A description of the proposed mitigation construction activities and timing of activities.
 - viii. Performance standards (measurable standards for years post-installation) for upland and wetland communities, a monitoring schedule, and a maintenance schedule and actions proposed by year.
 - ix. A discussion of ongoing management practices that will protect wetlands after the development project has been implemented, including proposed monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands).
 - x. A bond estimate for the entire compensatory mitigation project, including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice per year for up to five (5) years, annual monitoring field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring.
 - xi. Proof of establishment of Notice on Title for the wetlands and buffers on the project site, including the compensatory mitigation areas.
- b. The scaled plan sheets for the compensatory mitigation must contain, at a minimum:
- i. Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions.
 - ii. Existing topography, ground-processed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed in the compensation area(s). Also include existing cross-sections (estimated one-foot intervals) of wetland areas on the development site that are proposed to be altered and for the proposed areas of wetland or buffer compensation.

- iii. Conditions expected from the proposed actions on site, including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future water regimes.
- iv. Required wetland buffers for existing wetlands and proposed compensation areas. Also identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this Chapter.
- v. A planting plan for the compensation area, including all species by proposed community type and water regime, size and type of plant material to be installed, spacing of plants, typical clustering patterns, total number of each species by community type, and timing of installation.

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

L. Protection of the Mitigation Site. The mitigation area and any associated buffer shall be located in a critical area tract or a conservation easement consistent with Chapter XX.XX.

M. Monitoring. Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but not for a period less than five years. If a scrub-shrub or forested vegetation community is proposed, monitoring may be required for ten years or more. The project mitigation plan shall include monitoring elements that ensure certainty of success for the project's natural resource values and functions. If the mitigation goals are not obtained within the initial five-year period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plan are achieved.

N. Advance Mitigation. Mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation, and state water quality regulations consistent with *Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation* (Ecology Publication #12-06-015, Olympia, WA, December 2012).

O. Alternative Mitigation Plans. The Administrator may approve alternative wetland mitigation plans that are based on best available science, such as priority restoration plans that achieve restoration goals identified in the SMP. Alternative mitigation proposals must provide an equivalent or better level of protection of wetland functions and values than would be provided by the strict application of this chapter.

The Administrator shall consider the following for approval of an alternative mitigation proposal:

1. 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).
2. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.
3. Mitigation according to Section E is not feasible due to site constraints such as parcel size, stream type, wetland category, or geologic hazards.
4. There is clear potential for success of the proposed mitigation at the proposed mitigation site.
5. The plan shall contain clear and measurable standards for achieving compliance with the specific provisions of the plan. A monitoring plan shall, at a minimum, meet the provisions in Section J.
6. The plan shall be reviewed and approved as part of overall approval of the proposed use.
7. A wetland of a different type may be justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative.
8. Mitigation guarantees shall meet the minimum requirements as outlined in Section J.2.a.viii.
9. Qualified professionals in each of the critical areas addressed shall prepare the plan.
10. The City may consult with agencies with expertise and jurisdiction over the critical areas during the review to assist with analysis and identification of appropriate performance measures that adequately safeguard critical areas.

XX.080 Unauthorized Alterations and Enforcement

A. When a wetland or its buffer has been altered in violation of this Chapter, all ongoing development work shall stop, and the critical area shall be restored. The City shall have the authority to issue a “stop-work” order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner’s or other responsible party’s expense to compensate for violation of provisions of this Chapter.

B. Requirement for Restoration Plan. All development work shall remain stopped until a restoration plan is prepared and approved by the City. Such a plan shall be prepared by a qualified professional using the currently accepted scientific principles and shall describe how the actions proposed meet the minimum requirements described in Subsection C below. The Administrator shall, at the applicant or other responsible party's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or other responsible party for revision and re-submittal.

C. Minimum Performance Standards for Restoration. The following minimum performance standards shall be met for the restoration of a wetland, provided that if the applicant or other responsible party can demonstrate that greater functions and habitat values can be obtained, these standards may be modified:

1. The historic structure, functions, and values of the affected wetland shall be restored, including water quality and habitat functions.
2. The historic soil types and configuration shall be restored to the extent practicable.
3. The wetland and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration.
4. Information demonstrating compliance with other applicable provisions of this Chapter shall be submitted to the Administrator.

D. Site Investigations. The Administrator is authorized to make site inspections and take such actions as are necessary to enforce this Chapter. The Administrator shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.

E. Penalties. Any person, party, firm, corporation, or other legal entity convicted of violating any of the provisions of this Chapter shall be guilty of a misdemeanor.

1. Each day or portion of a day during which a violation of this Chapter is committed or continued shall constitute a separate offense. Any development carried out contrary to the provisions of this Chapter shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington. The City may levy civil penalties against any person, party, firm, corporation, or other legal entity for violation of any of the provisions of this Chapter. The civil penalty shall be assessed at a maximum rate of \$XX dollars per day per violation.
2. If the wetland affected cannot be restored, monies collected as penalties shall be deposited in a dedicated account for the preservation or

restoration of landscape processes and functions in the watershed in which the affected wetland is located. The City may coordinate its preservation or restoration activities with other cities in the watershed to optimize the effectiveness of the restoration action.

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Appendix B - Wetland Definitions
(Western Washington)

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Appendix B – Wetland Definitions

Agricultural Activities, Existing and Ongoing – Those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including but not limited to operation, maintenance and conservation measures of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. Activities which bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area in which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conversation program.

Alteration – Any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing of vegetation, construction, compaction, excavation, or any other activity that changes the character of the critical area.

Best Available Science – Current scientific information used in the process to designate, protect, or restore critical areas; that is, derived from a valid scientific process as defined by WAC 365-195-900 through 925.

Best Management Practices (BMPs) – Conservation practices or systems of practices and management measures that:

- (a) Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, or sediment;
- (b) Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;
- (c) Protect trees, vegetation, and soils designated to be retained during and following site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas; and
- (d) Provide standards for proper use of chemical herbicides within critical areas.

Bog – A low-nutrient, acidic wetland with organic soils and characteristic bog plants, as described in *Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology Publication #14-06-29, Olympia, WA, October 2014).

Buffer or Buffer Zone – The area contiguous with a critical area that maintains the functions and/or structural stability of the critical area.

Coastal Lagoon – A shallow body of water partly or completely separated from the sea by a barrier beach that receives periodic influxes of salt water, as described in *Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology Publication #14-06-29, Olympia, WA, October 2014).

Critical Areas – Critical areas include any of the following areas or ecosystems: critical aquifer recharge areas, fish and wildlife habitat conservation areas, geologically hazardous areas, frequently flooded areas, and wetlands, as defined in RCW 36.70A and this Chapter.

Creation – The manipulation of the physical, chemical, or biological characteristics to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Creation results in a gain in wetland acreage and function. A typical action is the excavation of upland soils to elevations that will produce a wetland *hydroperiod* and hydric soils, and support the growth of hydrophytic plant species.

Cumulative Impacts or Effects – The combined, incremental effects of human activity on ecological or critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with the effects of other actions in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

Development – A land use consisting of the construction or exterior alteration of structures; grading, dredging, drilling, or dumping; filling; removal of sand, gravel, or minerals; bulk heading; driving of pilings; or any project of a temporary or permanent nature which modifies structures, land, wetlands, or shorelines and which does not fall within the allowable exemptions contained in the City Code.

Enhancement – The manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods.

Estuarine Wetland – A vegetated wetland with a water regime that is predominately tidal, as described in *Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology Publication #14-06-29, Olympia, WA, October 2014).

Functions and Values – The services provided by critical areas to society, including, but not limited to, improving and maintaining water quality, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, reducing flooding and erosive

flows, wave attenuation, historical or archaeological importance, educational opportunities, and recreation.

Growth Management Act – RCW 36.70A and 36.70B, as amended.

Hazardous Substances – Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

Impervious Surface – A surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under pre-development or pre-developed conditions. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

In-Kind Compensation – To replace critical areas with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a regulated activity.

In-Lieu-Fee Program – An agreement between a regulatory agency (state, federal, or local) and a single sponsor, generally a public natural resource agency or non-profit organization. Under an in-lieu-fee agreement, the mitigation sponsor collects funds from an individual or a number of individuals who are required to conduct compensatory mitigation required under a wetland regulatory program. The sponsor may use the funds pooled from multiple permittees to create one or a number of sites under the authority of the agreement to satisfy the permittees' required mitigation.

Infiltration – The downward entry of water into the immediate surface of soil.

Interdunal Wetland – A wetland that forms in the deflation plains and swales that are geomorphic features in areas of coastal dunes, as described in *Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology).

Isolated Wetland – A wetland that is hydrologically isolated from other aquatic resources, as determined by the United States Army Corps of Engineers (USACE). Isolated wetlands may perform important functions and are protected by state law (RCW 90.48) whether or not they are protected by federal law.

Mature and Old-Growth Forested Wetland – A wetland having at least 1 contiguous acre of either old-growth forest or mature forest, as described in *Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology Publication #14-06-29, Olympia, WA, October 2014).

Mitigation – Avoiding, minimizing, or compensating for adverse critical areas impacts. Mitigation, in the following sequential order of preference, is:

- (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 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) Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
- (e) Compensating for the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
- (f) Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

Monitoring – Evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems, and assessing the performance of required mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features. Monitoring includes gathering baseline data.

Native Vegetation – Plant species that occur naturally in a particular region or environment and were present before European colonization.

Off-Site Compensation – To replace critical areas away from the site on which a critical area has been impacted.

On-Site Compensation – To replace critical areas at or adjacent to the site on which a critical areas has been impacted.

Ordinary High Water Mark – That mark which is found by examining the bed and banks of water bodies and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in respect to vegetation.

Preservation – The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes the purchase of land or conservation easements, repairing water control structures or fences, or structural protection. Preservation does not result in a gain of wetland acres but may result in a gain in functions over the long term.

Project Area – All areas, including those within fifty (50) feet of the area, proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures. When the action binds the land, such as a subdivision, short subdivision, binding site plan, planned unit development, or rezone, the project area shall include the entire parcel, at a minimum.

Prior Converted Croplands – Prior converted croplands (PCCs) are defined in federal law as wetlands that were drained, dredged, filled, leveled, or otherwise manipulated, including the removal of woody vegetation, before December 23, 1985, to enable production of an agricultural commodity, and that: 1) have had an agricultural commodity planted or produced at least once prior to December 23, 1985; 2) do not have standing water for more than 14 consecutive days during the growing season, and 3) have not since been abandoned.

Qualified Professional – A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the federal manual and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

Re-establishment – The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres and functions. Activities could include removing fill, plugging ditches, or breaking drain tiles.

Rehabilitation – The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal influence to a wetland.

Repair or Maintenance – An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

Restoration – Measures taken to restore an altered or damaged natural feature, including:

- (a) Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
- (b) Actions performed to re-establish structural and functional characteristics of a critical area that have been lost by alteration, past management activities, or catastrophic events.

SEPA – Washington State Environmental Policy Act, 43.21C RCW.

Service Area – The geographic area within which impacts can be mitigated at a specific mitigation bank or an in-lieu-fee program, as designated in its instrument.

Soil Survey – The most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.

Species – Any group of animals or plants classified as a species or subspecies as commonly accepted by the scientific community.

Species of Local Importance – Those species of local concern designated by the City in Chapter XX.XX due to their population status or their sensitivity to habitat manipulation.

Species, Listed -- Any species listed under the federal Endangered Species Act or state endangered, threatened, and sensitive, or priority lists (see WAC 232-12-297 or page 6 of “Priority Habitat and Species List,” Washington Department of Fish and Wildlife, 2008, Olympia, Washington. 177 pp.)

Stream – An area where open surface water produces a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses, unless they are used by salmonids or are used to convey a watercourse naturally occurring prior to construction. A channel or bed need not contain water year-round, provided there is evidence of at least intermittent flow during years of normal rainfall.

Unavoidable Impacts – Adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved.

Washington Administration Code (WAC) – Administrative rules implementing state laws.

Wetlands – 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 non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction

of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

Wetland of High Conservation Value – A wetland that has been identified by scientists from the Washington Natural Heritage Program (WHNHP) as an important ecosystem for maintaining plant diversity in Washington State. See <http://www.dnr.wa.gov/data-information-natural-heritage-features> .

Wetland Mitigation Bank – A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved, expressly for the purpose of providing compensatory mitigation in advance of unavoidable impacts to wetlands or other aquatic resources that typically are unknown at the time of certification to compensate for future, permitted impacts to similar resources.

Wetland Mosaic – An area with a concentration of multiple small wetlands, in which each patch of wetland is less than one acre; on average, patches are less than 100 feet from each other; and areas delineated as vegetated wetland are more than 50% of the total area of the entire mosaic, including uplands and open water.

Chapter 15.08 - CRITICAL AREAS REGULATION

Sections:

15.08.010 - Purpose.

Pursuant to the requirements of the Growth Management Act of 1990 and as amended, RCW 36.70A, the city of Woodland hereby adopts the critical area ordinance to protect wetlands, areas with critical recharging effect on potable water, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas.

The city finds that critical areas provide a variety of valuable biological and physical functions that benefit the city and its residents. Critical areas may also pose a threat to human safety and public and/or private property. The purpose of this chapter includes, but is not limited to, the following:

- A. Protect the public health, safety, and welfare by preventing adverse impacts of development;
- B. Preserve and protect critical areas by regulating development within and adjacent to critical areas;
- C. Mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to environmentally sensitive areas;
- D. Prevent adverse cumulative impacts to wetlands, streams, shoreline environments, and fish and wildlife habitat;
- E. Protect the public and public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, soils subsidence or steep slope failure;
- F. Protect groundwater recharge capacity to the greatest extent practicable;
- G. To strive for no net loss of the functions and values of regulated wetlands by requiring restoration and/or enhancement of degraded wetlands;
- H. To designate and classify ecologically sensitive and hazardous areas and to protect these areas and their functions and values using the best available science, while also allowing for reasonable use of private property.

(Ord. 1069 § 1 (part), 2006)

15.08.020 - Authority.

As provided herein, the director is given the authority to interpret and apply, and responsibility to enforce this chapter to accomplish the stated purpose. The city may withhold, condition, or deny permits or approvals to ensure that the proposed action is consistent with this chapter.

(Ord. 1069 § 1 (part), 2006)

15.08.030 - Definitions.

Unless specifically defined below, words or phrases in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. The following words, phrases and terms, as used in this chapter, shall have the following meaning ascribed to them, unless a different meaning clearly appears from the context.

"Accessory" means a use, building, or structure that is subordinate to and the use of which is incidental to that of the main activity, structure, building or use on the same lot or parcel. If an accessory structure is

attached to the main building by a common wall or roof, such accessory building shall be considered a part of the main building.

"Act" means the Growth Management Act (GMA).

"Adjacent" means any activity located:

1. On a site immediately adjoining a critical area;
2. A distance one-half mile or less from a bald eagle nests;
3. Within a floodway, floodplain or channel migration zones;
4. Within the required critical area buffer;
5. A distance of two hundred feet or less upland of a stream wetland or water body;
6. A distance of two hundred feet or less from a critical aquifer recharge area.

"Agricultural uses (existing and ongoing)" means farming, horticulture, aquaculture, irrigation or grazing of animals, and those activities involved in the production of crops or livestock, for example:

1. The operation and maintenance of farm and stock ponds or drainage ditches;
2. The operation and maintenance of all irrigation systems and their components;
3. Changes between agricultural activities (i.e., crops to grazing, farming to fallow);
4. Fencing activity;
5. Normal maintenance, repair, or operation of existing agricultural-related structures, facilities, or improved areas;
6. Preparation of the land for agricultural uses.

An operation ceases to be ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for five years, unless the idle land is registered in a federal or state soils conservation program.

"Alteration" means any human-induced action ~~that, which~~ impacts the existing condition of a critical area. 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. Alteration does not include walking (except trails), passive recreation, fishing, or other similar activities.

"Anadromous fish" means fish that spawn and rear in freshwater and mature in the marine environment. While Pacific salmon die after their first spawning, adult char (bull trout) can live for many years, moving in and out of saltwater and spawning each year. The life history of Pacific salmon and char contains critical periods of time when these fish are more susceptible to environmental and physical damage than at other times. The life history of salmon, for example, contains the following stages: upstream migration of adults, spawning, inter-gravel incubation, rearing, smoltification (the time period needed for juveniles to adjust their body functions to live in the marine environment), downstream migration, and ocean rearing to adults.

"Applicant" means any person or business entity, which applies for a development proposal, permit, or approval, who is the owner of the land on which the proposed activity would be located, a contract purchaser, or authorized agent of such a person.

"Aquifer" means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Aquifer recharge area" means areas which, due to the presence of certain soils, geology, and surface water, act to recharge groundwater by percolation. (Also critical aquifer recharge area.)

"Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water

mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

"Base flood" means a flood event having a one percent chance of being equaled or exceeded in any given year, also referred to as the one-hundred-year flood.

"Best available science" means current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined in WAC 365-195-900 through WAC 365-195-925.

"Best management practices" means The schedules of activities, prohibitions of practices, maintenance procedures, and structural or managerial practices approved by Ecology that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of the State. systems of practices and management measures that: (1) control soil loss and reduce water quality degradation caused by nutrients, animal waste and toxins; (2) control the movement of sediment and erosion caused by land alteration activities; (3) minimize adverse impacts to surface water and groundwater quality, flow and circulation patterns; and (4) minimize adverse impacts to the chemical, physical and biological characteristics of a critical area.

~~"Buffer" means an area contiguous to a stream or wetland that protects the integrity, functions and values, or habitat. An area adjacent to a critical area that is required for the continued maintenance, functioning, and/or structural stability of a critical area.~~

"Buffer" means an area adjacent to a critical area that functions to avoid loss or diminution of the ecologic functions and values of the critical area. Specifically, a buffer may:

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1. Preserve the ecologic functions and values of a system including, but not limited to, providing microclimate conditions, shading, input of organic material, and sediments; room for variation and changes in natural wetland, river, or stream characteristics; providing for habitat for lifecycle stages of species normally associated with the resource;

2. Physically isolate a critical area such as a wetland, river, or stream from potential disturbance and harmful intrusion from surrounding uses using distance, height, visual, and/or sound barriers, and generally including dense native vegetation, but also may include human-made features such as fences and other barriers; and

3. Act to minimize risk to the public from loss of life, well-being, or property damage resulting from natural disasters such as from landslide or flooding.

"City" means the city of Woodland, Washington.

"Clearing" means the cutting or removal of vegetation or other organic plant material by physical, mechanical, chemical, or any means other than vegetation management. This does not include landscape maintenance or pruning consistent with accepted horticultural practices, which does not impair the health or survival of the trees or native vegetation.

"Conservation easement" means an easement on a particular piece of real property that restricts or eliminates the building of structures or other improvements and activities that would result in encroachment onto a designated buffer.

"Critical areas" means and includes: aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in RCW 36.70A and this chapter.

"Critical habitat" means a specific geographical areas that possess physical or biological features that are essential to the conservation of federally listed species. These designated areas may require special management considerations or protection.

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"Cumulative impact or effect" means under National Environmental Policy Act (NEPA) regulations, the incremental environmental impact or effect of the action together with the impacts of past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions (40 CFR 1508.7). Under Endangered Species Act Section 7 regulations, the effects of future state or private activities not involving federal activities, that are reasonably certain to occur within the action area of the federal action subject to consultation (50 CFR 402.02).

"Degraded" means to have suffered a decrease in naturally occurring functions and values due to activities undertaken or managed by persons on or off a site.

"Department" means the ~~Woodland Department of Public Works~~City of Woodland Community Development Department.

"Developable area" means a site or portion of a site that may be utilized as the location of development, in accordance with the rules of this chapter.

"Development" means any man-made change including, but not limited to, buildings or other structures, filling, grading, disturbance of vegetation, excavation or drilling, and the subdivision of property. Any activity upon the land that requires a building or use permit.

"Director" means the ~~city of Woodland director of public works~~Community Development Director, or designee.

"Enhancement" means actions performed to improve the condition or functions and values of an existing viable wetland or buffer, or fish and wildlife habitat area or buffer. Enhancement actions include, but are not limited to, increasing plant diversity, increasing fish and wildlife habitat, installing environmentally compatible erosion controls, removing invasive plant species such as milfoil and loosestrife.

"Erosion" means the process whereby wind, rain, water, and other agents natural or man-made mobilize and transport particles.

"Erosion hazard areas" means areas that contain soil types which, according to Soil Conservation Service's Classification System, may experience severe to very severe erosion process.

"Excavation" means the mechanical removal or displacement of earth material.

"Fill material" means a deposit of earth or other natural or man-made material placed by artificial means.

"Filling" means the act of placing fill material (on any critical area) including temporary stockpiling of fill material.

"Fish and wildlife habitat conservation areas" means areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5).

Fish and wildlife habitat conservation areas" ~~means and~~ includes the following areas:

1. Areas with which endangered, threatened and sensitive species have a primary association;
2. Habitats and species of local importance;
3. Commercial and recreational shellfish areas;
4. Smelt spawning areas;
5. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;

6. Water of the state (refer to WAC 222-16-030);
7. Lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity; and
8. State natural area preserves and natural resource conservation areas.

Fish and wildlife habitat conservation areas do 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.

"Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood protection elevation" means the elevation that is one foot above the base flood elevation.

"Floodplain" ~~means~~ Synonymous with one hundred-year floodplain and that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act, the total land area adjoining a river, stream, watercourse or lake subject to inundation by the base or one-hundred-year flood.

"Floodway" means the area that either:

1. Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or

2. Consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

~~channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the surface water elevation more than one foot.~~

"Frequently flooded areas" means areas in the floodplain subject to a one percent or greater chance of flooding in any given year (one-hundred-year floodplain).

"Geologically hazardous area" means areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, may not be suited to siting commercial, residential, or industrial development due to health, safety or environmental standards. Types of geologically hazardous areas include erosion, landslide, seismic, mine, and volcanic.

"Geologist" means a person who has earned a degree in geology from an accredited college or university or a person who has equivalent educational training and has experience as a practicing geologist and who is state-licensed as a geologist.

"Geotechnical assessment" means an assessment prepared by a geologist or geotechnical engineer licensed with the state of Washington as a civil engineer, which evaluates the site conditions and the effects of a proposal and identifies mitigating measures necessary to insure that the risks associated with geologic hazards will be eliminated.

"Geotechnical engineer" means a practicing geotechnical engineer licensed as a professional civil engineer with the state of Washington with experience in landslide and slope stability evaluation.

"Grading" means The movement or redistribution, including excavation or fill, of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land, any excavation, filling, or removing of earth on any piece of property.

"Groundwater" means that part of the subsurface water that is in the saturated zone all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, including underground streams, from which wells, springs, and groundwater runoff are supplied, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves, water in a saturated zone or stratum beneath the surface of the land or water.

"Growth Management Act (GMA)" means RCW 36.70A and as amended.

"Habitat conservation areas" means areas designated as fish and wildlife habitat conservation areas.

"Hazard tree" means dead or dying trees, dead parts of live trees, or unstable live trees (due to structural defects or other factors) that are within striking distance of people or. Hazard trees have the potential to cause property damage, personal injury or fatality in the event of a failure.

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"High intensity land use" means and includes land uses which are associated with high levels of human disturbance or substantial wetland habitat impacts including, but not limited to, commercial, urban, industrial, and residential uses (more than one unit/acre).

"Impervious surface" means a hard surface area that prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

"In-kind compensation" means to replace wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity.

"Intermittent streams" means a stream which flows only at certain times when it receives water from springs or from some other source, such as melting snow or rain.

"Invasive" means a nonnative plant or animal species that either:

1. Causes or may cause significant displacement in range, a reduction in abundance, or otherwise threatens, native species in their natural communities;
 2. Threatens or may threaten natural resources or their use in the state;
 3. Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or
- Threatens or harms human health (RCW 77.08.010(28)).

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"Isolated wetlands" means those wetlands that are outside of and not contiguous to any one-hundred-year floodplain of a lake, river, or stream, and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

"Lake" means a naturally existing or artificially created body of standing water, including reservoirs, twenty acres or greater in size, which exists on a year-round basis and occurs in a depression of land or expanded part of a stream.

"Landslide hazard areas" means areas that are potentially subject to risk of mass movement due to a geologic landslide resulting from a combination of geologic, topographic, and hydrologic factors. These

areas are typically susceptible to landslides because of a combination of factors including: bedrock, soil, slope gradient, slope aspect (exposure), geologic structure, groundwater, or other factors.

"Lot" means a platted or unplatted parcel of land of record either unoccupied, occupied, or to be occupied by a principal use or structure together with such yards and open spaces.

"Low-intensity land use" means and includes land uses which are associated with low levels of human disturbance or low wetland habitat impacts and are compatible with the natural environment, including, but not limited to, forestry (cutting of trees only), unpaved trails, low-intensity open space and similar low-impact uses.

"Merchantable Trees" means live trees, 6 inches in diameter at breast height (DBH) and larger, unless documentation of current, local market conditions are submitted and accepted by the local jurisdiction indicating non-marketability.

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"Mitigation" means avoiding, minimizing or compensating for adverse critical areas impacts. Mitigation is listed in descending order of preference:

1. Avoiding the impact altogether by not taking 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 to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments;
6. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation for individual actions may include a combination of the above measures.

Mitigation, in-kind - Replacement of shoreline resources, such as wetlands or surface water systems with substitute wetlands or surface water systems whose characteristics and functions and values closely approximate those destroyed or degraded by a regulated activity.

Mitigation, out-of-kind - Replacement of shoreline resources, such as surface water systems or wetlands with substitute surface water systems or wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.

Mitigation plan - A plan that outlines the activities that will be undertaken to alleviate project impacts. The plan generally contains: a site and project description; an environmental assessment of the functions and values of the site that will be impacted; a description of the proposed mitigation; the goals and objectives of the proposed mitigation; the performance standards against which success will be measured; monitoring of and reporting on the success of the mitigation; and a contingency plan in case of failure.

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"Moderate-intensity land use" means and includes land uses that have a moderate level of disturbance and impact to wetlands including, but not limited to, residential (less than one unit/acre), paved trails, utility corridor or right-of-way and moderate-intensity open space (parks with biking, jogging, etc.).

"Monitoring" means evaluating the impacts of development proposals on the biological, hydrologic and geologic elements of a system and assessing the performance of required mitigation measures. Monitoring is achieved through the collection and analysis of data by various methods for the purposes of

understanding and documenting changes in natural ecosystems and features, including the gathering of baseline data.

"Native vegetation" means plant species that are indigenous to the area and which reasonably could have been expected to naturally occur on the site. Native vegetation does not include noxious weeds.

"Natural disasters" means events caused by natural processes resulting in the loss of life and/or property, including flooding, landslides, erosion, volcanic eruptions, or seismic events.

"No net loss of function" means the maintenance of existing ecological processes and functions.

1. No net loss of ecological functions on the level of the City - that the ecological processes and functions are maintained within a watershed or other functional catchment area. Regulations may result in localized cumulative impacts or loss of some localized ecological processes and functions, as long as the ecological processes and functions of the system are maintained. Maintenance of system ecological processes and functions may require compensating measures that offset localized degradation.

2. On a project basis - that permitted use or alteration of a site will not result in on-site or off-site deterioration of the existing condition of ecological functions that existed prior to initiation of use or alterations as a direct or indirect result of the project.

3. No net loss is achieved both through avoidance and minimization of adverse impacts as well as compensation for impacts that cannot be avoided. Compensation may include on-site or off-site mitigation of ecological functions to compensate for localized degradation.

~~wetland losses must be offset by wetland gains. There must be no net loss of the structure, value, and functions of the natural systems constituting the protected critical area.~~

"Off-site compensation" means to replace wetlands away from the site on which a wetland has been impacted by a regulated activity.

"On-site compensation" means to replace wetlands on the site on which a wetland has been impacted by a regulated activity.

"Ordinary high water line" means the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland; provided, that in any area where the ordinary high water line cannot be found the ordinary high water line adjoining saltwater shall be the line of mean higher high water and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood.

"Passive recreation" means facilities designed and in accordance with an approved critical area report, including:

1. Walkways and trails, provided that those pathways that are generally parallel to the perimeter of the wetland shall be located in the outer twenty-five percent of the buffer area;
2. Wildlife viewing structures; and
3. Fishing access areas.

"Permeability" means the capacity of an aquifer or confining bed to transmit water. It is a property of the aquifer and is independent of the force causing movement.

"Pond(s)" means a naturally existing or artificially created body of standing water under twenty acres which exists on a year-round basis and occurs in a depression of land or expanded part of a stream.

"Priority habitat" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration; or
- Unique or dependent species.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife. a 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)).

"Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

1. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

2. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

3. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and

recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

4. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered. A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineation wetlands using the federal manual and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans. A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineation wetlands using the federal manual and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

~~fish and wildlife species requiring protective measures and/or management guidelines to ensure their perpetuation, as determined by the Washington Department of Fish and Wildlife's priority habitats and species list, as now exists or is hereafter amended.~~

"Qualified professional" means a person with experience, education, and/or professional degrees and training pertaining to the critical area in question as described for each critical area below. Qualified professionals will also possess experience with performing site evaluations, analyzing critical area functions and values, analyzing critical area impacts, and recommending critical area mitigation and restoration. The City shall require professionals to demonstrate the basis for qualifications and shall make final determination as to qualifications. Demonstration of qualifications may include, but not be limited to, professional certification(s) and/or recognition through publication of technical papers or journals. Qualified professionals for each critical area are as follows:

1. Wetlands. Biologist or wetland ecologist who has a bachelor's degree in biological science from an accredited college or university, at least two years of experience under the supervision of a practicing wetland professional, and experience delineating wetlands, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans.

2. Fish and Wildlife Habitat Areas. Biologist/wildlife biologist/stream ecologist/habitat ecologist who has a bachelor's degree in biological, wildlife and/or stream ecology science from an accredited college or university and has at least two years of experience under the supervision of a practicing professional biologist or ecologist.

3. Geologically Hazardous Areas.

a. Geologist - a person who has a bachelor's degree in geologic sciences from an accredited college or university and at least five years of professional experience as described in WAC 308-15-040 and is licensed as a professional geologist in the State of Washington. The licensed geologist shall have demonstrated experience analyzing geologic hazards and preparing reports for the relevant type of hazard.

b. Hydrogeologist - a licensed geologist in the State of Washington with a specialty license in hydrogeology meeting the requirements of WAC 308-15-057. The licensed hydrogeologist shall have demonstrated experience analyzing hydrogeologic hazards and preparing reports for the relevant type of hazard.

c. Engineering geologist - a licensed geologist in the State of Washington with a specialty license in engineering geology meeting the requirements of WAC 308-15-055. The licensed engineering geologist shall have demonstrated experience analyzing geologic hazards and preparing reports for the relevant type of hazard.

d. Geotechnical engineer - a person who has a bachelor's degree in civil engineering from an accredited college or university and at least five years of experience as a practicing geotechnical engineer, and is a registered professional engineer in the State of Washington (meeting the requirements of RCW 18.43.040). The licensed engineer shall have demonstrated experience conducting geotechnical investigations, analyzing geologic hazards, and preparing reports for the relevant type of hazard.

4. Critical Aquifer Recharge Areas. Hydrogeologist - a licensed geologist in the State of Washington with a specialty license in hydrogeology meeting the requirements of WAC 308-15-057. The licensed hydrogeologist shall have demonstrated experience analyzing critical aquifer recharge areas.

5. Frequently Flooded Areas.

a. Hydrogeologist - a licensed geologist in the State of Washington with a specialty license in hydrogeology meeting the requirements of WAC 308-15-057. The licensed hydrogeologist shall have demonstrated experience analyzing hydrogeologic hazards and preparing reports for the relevant type of hazard.

b. Fluvial geomorphologist - a person who has a bachelor's degree in earth sciences from an accredited college or university with applicable course work in fluvial geomorphology and at least five years of professional experience in fluvial geomorphology.

c. Hydraulics engineer - a person who has a bachelor's degree in civil engineering from an accredited college or university and at least five years of experience as a practicing hydraulics engineer, and is a registered professional engineer in the State of Washington (meeting the requirements of RCW 18.43.040). The licensed engineer shall have demonstrated experience conducting, analyzing and preparing reports for hydraulic investigations.

~~an accredited or licensed professional with a combination of education and experience in the discipline appropriate for the subject matter that is being commented on. Someone who would qualify as an expert in their field.~~

"Restoration" means the actions taken to return a wetland or other critical area to a state in which its stability, functions and values approach its naturally occurring unaltered state as closely as possible.

"Riparian" means areas that have vegetation requiring water year-round and seasonally. The width of these areas depends upon slope and vegetation cover.

"Riparian habitat" means areas adjacent to aquatic systems with flowing water that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. Widths shall be measured from the ordinary high water mark or from the top of the bank if the ordinary high water mark cannot be identified. It includes the entire extent of the floodplain and the extent of vegetation adapted to wet conditions as well as adjacent upland plant communities that directly influence the stream system. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities.

"Seismic hazard area" means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

"SEPA" means the Washington State Environmental Policy Act, Chapter 43.21C RCW.

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"Significant" means, for the purposes of this chapter, to be significant something must be an important aspect or quality inherent in some larger whole. The aspect or quality must be measurable by a factual and scientific standard. The burden of establishing that something is significant must be borne by the party asserting it. A significant adverse impact occurs if a change eliminates some important aspect or quality of the larger whole. The party asserting a significant impact has the burden of:

1. Identifying the aspects or qualities of the larger whole;
2. Identifying the inherent important aspects or qualities;
3. Identifying a factual and scientific standard to be used for measuring the impact;
4. Establishing in a measurable fashion that an important aspect or quality will be impacted by such change.

"Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

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"Slope" means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In these regulations, slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A forty percent slope, for example, refers to a forty-foot rise in elevation over a distance of one hundred feet.

"Site" means any parcel or combination of contiguous parcels, or right-of-way, or combination of contiguous rights-of-way under the applicant's ownership or control where the proposed project occurs.

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"Snag" means any dead, partially dead, or defective (cull) tree at least 10 feet tall and 12 inches in diameter at breast height.

"Species of local importance" means those species that are of local concern due to their population status or their sensitivity to habitat manipulation or that are game species.

"Species, priority" means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

"Species, threatened" means any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

"Stream" means water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or WAC 22-16-031 as listed under "water typing system." Streams do not include irrigation ditches, waste ways, drains, outfalls, operation spillways, channels, stormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse.

"Structure" means a permanent or temporary edifice or building or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels (WAC 173-27-030(18)).

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"Surface water" means water that flows across the land surface, in channels, or is contained in depressions in the land surface, including but not limited to ponds, lakes, rivers, and streams.

"Unavoidable and necessary impacts" means impacts for a use that, if not allowed, would deny all reasonable economic use of the land. The applicant shall demonstrate losses to all reasonable economic use. Such unavoidable impacts shall be mitigated.

"Upland" is generally described as the dry land area above and landward of the OHWM.

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"Wetland edge" means the boundary of a wetland as delineated, based on the definitions contained in this chapter.

"Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, bogs, marshes, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation facilities, wastewater treatment facilities, farm ponds, landscape amenities, or wetlands created after July 1, 1990, that were unintentionally created as a result of road, street, or highway construction. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversions of wetlands.

"Wetlands rating system" means wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington, Department of Ecology, Publication #14-06-029, or as revised.

(Ord. 1069 § 1 (part), 2006)

15.08.040 - Relation to other regulations.

This critical areas ordinance shall apply in tandem and in addition to zoning, SEPA and other regulations adopted by the city.

Any individual critical area adjoined by another type of critical area shall have the buffer and meet the requirements that provide the most protection to the critical areas involved. When any provision of this chapter, regulation, easement, covenant, or deed restriction conflicts with this chapter, that which provides the greatest protection to the critical area shall apply.

Compliance with this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may also be required. The applicant is responsible for complying with all other requirements.

(Ord. 1069 § 1 (part), 2006)

15.08.050 - Fees.

Unless otherwise indicated in this chapter, the applicant shall be responsible for the initiation, preparation, submission, and expense of all reports, assessments, studies, plans, review, and/or any other work necessary for the review of an application. Fees for administering the provisions of this chapter shall be set from time to time by the Woodland city council by resolution.

(Ord. 1069 § 1 (part), 2006)

15.08.060 - Jurisdiction.

- A. The city shall regulate all uses, activities and developments that are within, adjacent to, or are likely to effect a critical area(s) consistent with best available science.
- B. All areas within the city that meet the definition of a critical area regardless of official identification are regulated by this chapter.

(Ord. 1069 § 1 (part), 2006)

15.08.070 - Protection.

Any action taken pursuant to this chapter shall result in an equivalent or greater function of the critical area. No activity or use shall be allowed that results in a net loss of the functions or values of critical areas.

(Ord. 1069 § 1 (part), 2006)

15.08.080 - Best available science.

- A. Critical area reports or decisions to alter critical areas shall rely on the best available science criteria as defined in WAC 365-195-900 through WAC 365-195-925. Best available science is scientific information prepared by qualified scientific professionals through a process. Best available science shall be used to protect the functions and values of critical areas.
- B. Evaluation of Scientific Process. To evaluate if the information received meets the requirements of best available science, the director shall determine whether the information has been derived from a valid scientific process. The following are characteristics of a valued scientific process:
 - 1. Peer Review. The information has been critically reviewed by other persons who are qualified scientific experts in that scientific discipline. The proponents of the information have addressed criticism by the peer reviewers.
 - 2. Methods. The methods to obtain the information are clearly stated and are reproducible. The methods are standardized in the scientific discipline or the methods have been appropriately peer reviewed to assure reliability and validity.
 - 3. Logical Conclusions and Reasonable Inferences. The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the assumptions and supported by the data presented. Gaps or inconsistencies with other information have been adequately explained.
 - 4. Context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of scientific knowledge.
 - 5. References. The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.

- C. Nonscientific Information. Nonscientific information may supplement scientific information, but is not an adequate substitute for valid and available scientific information.

(Ord. 1069 § 1 (part), 2006)

15.08.090 - Applicability.

All development proposals within the city of Woodland, whether public or private, shall comply with the requirements of this chapter, whether or not a permit or authorization is required. Responsibility for the enforcement of this chapter shall rest with the director of public works. For the purposes of this chapter, development proposals shall include, but are not limited to the following:

- A. Any project or development that requires a federally issued permit;
- B. Any project or development that requires compliance with the Washington State Growth Management Act (RCW 36.70A);
- C. Alteration of a wetland or riparian habitat area as defined herein;
- D. Any project or development that requires a permit under the adopted building code;
- E. Any development or use that requires approvals under existing or subsequently adopted Woodland codes and/or ordinances (e.g., subdivision, zoning, shoreline, conditional use, etc.).

(Ord. 1069 § 1 (part), 2006)

15.08.100 - Exemptions.

- A. Exempt Activities and Impacts to Critical Areas. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from this chapter does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not necessarily the outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.
- B. The following developments, activities, and associated uses shall be exempt from the provisions of this chapter:
 - 1. Development occurring within frequently flooded areas and aquifer recharge areas, and containing no other critical area as defined by this chapter, provided the development meets the requirements of Chapter 14.40 of this code;
 - 2. Existing and ongoing agricultural activities not involving chemical applications as defined in this chapter;
 - 3. Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems, that do not require construction permits, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed maintenance or repair;
 - 4. The removal or control of noxious weeds not involving chemical application, excavation, mechanical weed control with the use of hand-held tools;
 - 5. Maintenance of intentionally created artificial wetlands or surface water systems including irrigation and drainage ditches, grass-lined swales and canals, detention facilities, farm ponds, and landscape or ornamental amenities. Wetlands, natural streams, natural streams that are channelized, lakes or ponds created as mitigation for approved land use activities or that provide critical habitat are not exempt and shall be regulated according to the mitigation plan;

6. Minimal site investigative work required by the city, state or a federal agency, or any other applicant such as surveys, soil logs, percolation tests, and other related activities, provided that impacts on environmentally critical areas are minimized and disturbed areas are restored to the pre-existing level of function and value within one year after tests are concluded;
7. Structural modification of, addition to, or replacement of an existing legally constructed structure that does not further alter or increase the impact to the critical area or buffer and there is no increased risk to life or property as a result of the proposed activity;
8. Passive recreational uses, sport fishing or hunting, scientific or educational study, or similar minimum impact activities;
9. The policies, regulations, and procedures of this chapter do not apply to those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, RCW 76.09 and WAC 222, where state law specifically limits local authority, except with regard to developments and conversions requiring local approval, and when the city is the lead agency for environmental review.
10. Installation, construction, or replacement of utility lines in an improved City right-of-way, not including electric substations.
11. Maintenance of legally authorized existing and ongoing landscaping, including normal and nondestructive pruning and trimming of vegetation and thinning of limbs or individual trees, provide that no further disturbance is created.
12. The removal with hand labor and low-impact equipment of any invasive vegetation designated by the Cowlitz County Weed Control Board and in addition, English ivy (Hedera helix); Himalayan blackberry (Rubus armeniacus); evergreen blackberry (Rubus laciniatus); giant knotweed (Polygonum sachalinense); Himalayan knotweed (Polygonum polystachyum); and Japanese knotweed (Polygonum cuspidatum).
13. The removal of hazard or diseased trees from critical areas and buffers, provided that:
 - a. Where the hazard is not immediately apparent to the Director or their designee, the applicant shall submit a report from a certified arborist, registered landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees;
 - b. Tree cutting shall be limited to the minimum amount necessary to abate the hazard.
 - c. All non-noxious weed vegetation and cut wood (tree stems, branches, etc.) shall be left within the critical area or buffer unless removal is warranted due to the potential for disease or pest transmittal to other healthy vegetation;
 - d. The landowner shall replace any trees that are removed with new trees at a ratio of two replacement trees for each tree removed (2:1) within one (1) year. Replacement trees may be planted at a different, nearby location if it can be determined that planting in the same location would create a new hazard or potentially damage the critical area. Replacement trees shall be of a native species, appropriate to the surrounding habitat type, and of a minimum 15-gallon pot size or equivalent balled or burlapped stock and 4 feet in height.
 - e. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts; and
 - f. Hazard trees determined to pose an imminent threat or danger to public health or safety, to public or private property, or of serious environmental degradation may be removed or pruned by the landowner prior to receiving written approval from Cowlitz County, provided that within sixty (60) days following such action, the landowner shall submit a restoration plan that demonstrates compliance with the provisions of this Title.
14. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops, and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area by changing existing topography, water conditions, or water sources.

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C. Emergency Actions.

1. Emergency actions which must be undertaken immediately or for which there is insufficient time for full compliance with this chapter when it is necessary to:
 - a. Prevent an imminent threat to public health or safety;
 - b. Prevent imminent danger to public or private property; or
 - c. Prevent an imminent threat of serious environmental degradation.
2. In the event a person or emergency agency determines that the need to take emergency action is so urgent that there is insufficient time for review by the department, such emergency action may be taken immediately.
3. The person or agency undertaking such action shall notify the department within one working day following the commencement of the emergency activity. Following such notification, the department shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the department determines that the action taken or part of the action taken is beyond the scope of allowed emergency actions, enforcement action is authorized, as outlined in Section 15.08.270 of this chapter.
4. Emergency actions shall be limited to the minimum necessary to alleviate the emergency. The critical area damaged by the emergency work shall be restored, if feasible and appropriate mitigation shall be required.

(Ord. 1069 § 1 (part), 2006)

15.08.110 - Exception—Reasonable use.

Exceptions to this chapter may be made when the imposition of the standards would deny an applicant all reasonable use of their property.

- A. Reasonable Use Review Criteria. The criteria for review and approval of reasonable use exceptions are:
 1. The application of this chapter will deny all reasonable economic use of the subject property as otherwise allowed by applicable law;
 2. No other reasonable use of the property has less impact on critical areas;
 3. Any alteration allowed is the minimum necessary to allow for reasonable use of the property;
 4. The inability of the applicant to derive reasonable use of the subject property, is not the result of actions by the applicant after the effective date of the ordinance codified in this chapter, or its predecessor; and
 5. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site.
- B. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.
- C. Nothing in this chapter shall be used to prevent the construction of a structure, subject to the standards outlined in subsections A and B of this section, on a lot legally created prior to the establishment of this chapter.

(Ord. 1069 § 1 (part), 2006)

15.08.120 - Preapplication conference.

A preapplication conference with the city's development review committee is required prior to the applicant having a critical area report completed for any project.

(Ord. 1069 § 1 (part), 2006)

15.08.130 - City review process.

- A. The city shall:
 - 1. Evaluate the project area and vicinity for critical areas and determine whether the proposed project will likely impact a critical area;
 - 2. Determine if impacts to the critical area have been addressed or if the project avoids impacts to the critical area;
 - 3. Consult with resource agencies and individuals with special expertise, as necessary, to assist in determination of project-related impacts and potential solutions for avoiding and/or mitigating those impacts.
- B. If the proposed project is likely to impact a critical area, the city shall:
 - 1. Require the applicant to have a critical area report prepared by a qualified professional;
 - 2. Review and evaluate the critical area report to determine if the proposal conforms to purposes and performances of this chapter;
 - 3. Assess potential impacts to the critical area and determine if they are necessary and unavoidable and if any mitigation proposed by the applicant is sufficient to protect the functions, values, or public health and welfare and requirements of this chapter.

(Ord. 1069 § 1 (part), 2006)

15.08.140 - Critical area identification checklist.

- A. Submittal. Prior to the city's consideration of a proposed activity not found to be exempt pursuant to this chapter, the applicant shall submit a complete critical area identification checklist to the city.
- B. Critical Area Identification Review Process. The director shall review the critical area identification checklist, review information available about the site, and perform a site visit.
- C. Site Inspection. Upon receipt of a completed critical area identification checklist, the director or designee shall conduct a site visit of the proposed project site to determine if any critical area conditions exist on site. The director shall notify the applicant prior to the inspection. Reasonable access shall be provided for the purposes of site inspections.
- D. Review of Available Information. The director may determine if a critical area report is needed by using the following indicators:
 - 1. Information obtained from the critical area identification checklist;
 - 2. Maps depicting critical areas, soil types and other appropriate features;
 - 3. Information and scientific opinions from appropriate agencies;
 - 4. Washington Department of Fish and Wildlife Priority Habitats and Species (PHS) and Salmonscape maps;
 - 5. Documentation from other scientific sources;
 - 6. Findings by qualified professionals or a reasonable belief by the director that a critical area may exist on or adjacent to the proposed activity.

E. Determination If Critical Area Report Is Needed.

1. No Critical Areas Present. If the director determines the proposed project is not within or adjacent to a critical area or buffer or that the project is not likely to degrade the functions or values of a critical area, then the director shall rule that no further critical area review is required. The director shall consult with resource agencies or individuals with special expertise, as necessary, to assist in the determination of critical areas and potential impacts associated with project proposals. A summary of the director's decision and review shall be included in the file and/or staff report.
2. Critical Area Present But No Impact. If the director determines there are critical areas within the proposed project but that the project is not likely to degrade the functions or values of a critical area, then the director may waive the requirements of a critical area report. The director shall consult with resource agencies or individuals with special expertise, as necessary, to assist in the determination of critical areas and potential impacts associated with project proposals. A waiver may be granted if all of the following are met:
 - a. No alteration of the critical area or buffer will occur;
 - b. No impact to the critical area will occur that is contrary to the intent of this chapter;
 - c. The proposal is consistent with other applicable regulations and standards.
3. Critical Areas May Be Affected. If the director determines that a critical area may be affected by a proposal, then the applicant shall be required to submit a critical area report prior to any further project activity. The director shall inform the applicant within ten business days following the site visit of his findings and indicate what critical area types should be addressed in the report.

A determination by the director is not an expert classification regarding the presence of critical areas. If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances. If a qualified professional determines no critical areas exist or will not be affected by the proposal, the director may reconsider their determination.

(Ord. 1069 § 1 (part), 2006)

15.08.150 - Public notice of initial determination.

The city shall include in its notice of application the initial critical area determination by the director and any reasons for the determination. If a critical area report is required, a description of the critical area and location shall be included in the notice.

(Ord. 1069 § 1 (part), 2006)

15.08.160 - Critical area reports—Requirements.

- A. Prepared by Qualified Professional. The applicant shall submit a critical area report prepared by a qualified professional.
- B. Best Available Science. The critical area report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance. All scientific sources shall be referenced. The critical area report shall evaluate the proposal and all probable impacts to critical area in accordance with this chapter.
- C. Minimum Report Contents. A critical area report shall contain at a minimum:
 1. A completed master application;
 2. A copy of the site plan including identified critical areas, buffers, development proposal(s), limits of any proposed clearing, a stormwater management plan;

Commented [AS1]: Ecology comment: Buffer widths are determined by doing a wetland rating. Without a rating, how will you determine what the width of the buffer is and whether it will be impacted? You could say something about "no impact within 300 feet of the wetland edge." But that introduces the question of how do you know where the wetland edge is without a delineation?

3. The date, name(s) and qualifications of the person(s) preparing the report and documentation of any fieldwork performed on the site;
4. Identification and characterization of all critical areas and buffers;
5. A statement specifying the accuracy of the report and all assumptions;
6. An analysis of development alternatives;
7. An assessment of the probable cumulative impacts to critical areas resulting from the proposed development;
8. A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas;
9. Plans for mitigation to offset any impacts including, but not limited to:
 - a. Impacts of any proposed development within or adjacent to a critical area or buffer,
 - b. Impacts of any proposed alteration of a critical area or buffer by the proposed project;
10. A discussion of the performance standards applicable to the critical area and proposed activity;
11. Financial guarantees to ensure compliance;
12. Any additional information required for the specific critical area as required by the corresponding chapter.

(Ord. 1069 § 1 (part), 2006)

15.08.170 - Critical area report—Modifications.

- A. Study Area—Limitations. The director may modify the geographic area of the critical area report if:
 1. Permission to access adjacent properties cannot be obtained;
 2. Only a limited portion of the site will be affected by the activity.
- B. Required Contents—Modifications. The director may modify the required contents of the critical area report if, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and mitigation.
- C. Additional Information. The director may require additional information to be included with the critical area report when deemed necessary to the review of the proposed project.

(Ord. 1069 § 1 (part), 2006)

15.08.180 - Mitigation requirements.

- A. The applicant shall avoid all impacts, to the extent possible, that degrade the functions and values of a critical area(s) or its buffer. The applicant shall compensate for unavoidable alteration to a critical area or buffer as required by an approved mitigation plan, in accordance with this chapter.~~The applicant shall avoid all impacts that degrade the functions and values of a critical area(s). Unavoidable alteration to a critical area or buffer resulting from a development proposal or alteration shall be mitigated with an approved critical area report and SEPA documents, in accordance with this chapter.~~
- B. Mitigation shall be in-kind and on-site, when possible, and shall be sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard.
- C. No mitigation shall be implemented until after the city has approved a critical area permit that includes a mitigation plan. All mitigation shall be in accordance with the provisions of this chapter ~~and approved critical area report.~~

(Ord. 1069 § 1 (part), 2006)

15.08.190 - Mitigation sequencing.

Applicants shall demonstrate that all reasonable efforts have been examined to avoid or minimize impacts to critical areas. When alteration to a critical area is proposed, such alteration shall be avoided, minimized or compensated for in the following order of preference:

- A. Avoid the impact altogether by not taking an action or parts of an action.
- B. Minimize impacts by limiting the degree or magnitude of the action or its implementation, by using appropriate technology, or by taking steps such as project redesign, relocation, or timing to avoid or reduce impacts.
- C. Repair, rehabilitate, or restore the affected environment (wetlands, critical aquifer recharge areas, frequently flooded areas, habitat conservation areas) to historical conditions or conditions existing at the time of project initiation.
- D. Minimize or eliminate the hazard by restoring or stabilizing the hazard area through engineered or other approved methods.
- E. Reduce or eliminate the impact or hazard over time by preservation and maintenance operation during the life of the action.
- F. Compensate for the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, habitat conservation areas by replacing, enhancing, or providing resources or environments.
- G. Monitor the mitigation and provide remedial action when necessary.

(Ord. 1069 § 1 (part), 2006)

15.08.200 - Mitigation plan requirements.

When mitigation is required, the applicant shall submit the following as part of a critical area report. The plan shall include:

- ~~A. Environmental Goals and Objectives. The mitigation plan shall include a written report that identifies the environmental goals and objectives of the proposed compensation~~
- ~~A. Environmental Goals and Objectives. The mitigation plan shall include a written report that identifies the environmental goals and objectives of the proposed compensation. The goals and objectives shall be related to the functions and values of the impacted critical area. The mitigation plan shall include:~~
 - ~~1. A description of the anticipated impacts to the critical area(s) and the proposed mitigation actions.~~
 - ~~2. Compensation measures, including the site selection criteria; compensation goals; identification of resource functions; and dates for beginning and completion of site construction and compensation activities.~~
 - ~~3. A review of the best available science supporting the proposed mitigation'~~
 - ~~4. A narrative of the author's experience to date in restoring or creating the type of critical area proposed;~~
 - ~~5. An analysis of the likelihood of success of the compensation project.~~

, including:

Formatted: list1

~~1. A description of the anticipated impacts to the critical area(s) and the proposed mitigation actions. Compensation measures, including the site selection criteria; compensation goals, identification of resource functions; and dates for beginning and completion of site construction and compensation activities. The goals and functions shall be related to the functions and values of the impacted critical area;~~

~~2. A review of the best available science supporting the proposed mitigation and a narrative of the author's experience to date in restoring or creating the type of critical area proposed;~~

~~3. An analysis of the likelihood of success of the compensation project.~~

B. Performance Standards. The mitigation plan shall include specific criteria that are measurable for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and that the requirements of this chapter have been met.

C. Detailed Construction Plans. The mitigation plan shall include written specification and descriptions of the proposed mitigation including, but not limited to:

1. Grading and excavation details;
2. Erosion and sediment control measures;
3. Planting plans showing plant species, location, quantities, size, spacing and density;
4. Proposed construction timing, sequence and duration;
5. Measures to protect and maintain plants until established;
6. Detailed site diagrams, topographic maps showing slopes in two-foot intervals, final grade elevations, and any other appropriate drawings, shall accompany written specifications.

D. Monitoring Program. A mitigation-monitoring program shall be included with any mitigation plan. The monitoring program shall be as specified by the qualified professional who prepared the mitigation plan. The director shall determine the frequency of site monitoring. The report shall document milestones, successes, problems and failures and contingency actions to compensate for mitigation shortfalls. The site shall be monitored for a period to establish that performance standards have been met, and not for a period of less than five years.

E. Contingency Plan. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring indicates project performance standards are not being met.

F. Financial Guarantees. The mitigation plan shall include financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented.

(Ord. 1069 § 1 (part), 2006)

15.08.210 - Determination and review.

A. The director shall make a determination as to whether the proposed activity and mitigation is consistent with the provisions of this chapter. Any alteration to a critical area, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria:

1. Impacts to critical areas are avoided or minimized in accordance with Section 15.08.190, Mitigation sequencing;
2. There is no unreasonable threat to public health, safety, or welfare;
3. The proposal is consistent with this chapter and the public interest;
4. Permitted alterations are mitigated in accordance with Section 15.08.180, Mitigation requirements;

5. The critical area functions and values are protected in accordance with the best available science; and
 6. The proposal is consistent with other applicable regulations and standards.
- B. The city may condition a proposed activity as necessary to mitigate for impacts to critical areas and to conform to standards of this chapter.
 - C. Any project that cannot adequately mitigate for impacts to critical areas shall be denied except as provided in this chapter.

(Ord. 1069 § 1 (part), 2006)

15.08.220 - Determination, favorable.

Upon determination that a proposed activity meets the requirements of Section 15.08.210 of this chapter, and complies with the requirements of this chapter. The director shall prepare a written notice of determination and identify any conditions of approval. Any changes to the conditions of approval shall void the previous determination pending a review of the alternative proposal and conditions by the director.

(Ord. 1069 § 1 (part), 2006)

15.08.230 - Determination, unfavorable.

Upon determination that a proposed activity does not meet the above criteria and/or does not adequately mitigate for impacts to critical areas, the director shall prepare a written notice of determination and identify the findings. A revised critical area report may be submitted by the applicant for consideration, following notice of the determination. The director may make a new determination based on the revised critical area report.

(Ord. 1069 § 1 (part), 2006)

15.08.240 - Critical area review, complete.

The city's determination shall be complete upon determination to approve, approve with conditions, or deny the proposal or activity. No activity or permit shall be approved or issued for an activity that does not adequately mitigate for impacts to critical areas and/or does not fully comply with the provisions of this chapter.

(Ord. 1069 § 1 (part), 2006)

15.08.250 - Appeal.

Any appeal of the decision to approve, condition, or deny a proposal may be appealed in accordance with Chapter 19.08 of this code.

(Ord. 1069 § 1 (part), 2006)

15.08.260 - Variances.

- A. The city may authorize a variance from the requirements of this chapter with the procedures set forth in Chapter 17.81 WMC. The hearing examiner shall review the request and make a determination based on his findings, a staff report, the critical area report, and information presented by the applicant.

- B. A variance may be granted only if the following criteria have been met:
1. Circumstances or conditions, particular to the land on which the activity is proposed, exist that are special and are not applicable to other lands in the same area;
 2. The special circumstances or conditions are not the result of actions of the applicant;
 3. Literal application of the provisions of this chapter would deny this applicant use and privileges enjoyed by other properties in the immediate vicinity, and the variance requested is the minimum necessary to provide that use and privilege;
 4. No special privilege will be granted to the applicant that is denied other lands or structures under similar circumstances;
 5. The variance is consistent with the intent of this chapter;
 6. The variance will not further degrade the functions or values of the critical area or be materially detrimental to the public health, safety and welfare;
 7. The decision to grant is supported by best available science; and
 8. The variance is consistent with the city comprehensive plan and zoning codes and other adopted development regulations.
- C. Conditions. In granting a variance, the city may prescribe such conditions or safeguards as are necessary to secure adequate protection of critical areas from adverse impacts, and to ensure conformity with this chapter.
- D. Time Limit. The city shall establish a time limit within which the action for which the variance is required shall be begun, completed or both. Failure to begin or complete the action within the prescribed time limit shall void the variance.
- E. Burden of Proof. The burden of proof shall be on the applicant to show evidence of the need for a variance.

(Ord. 1069 § 1 (part), 2006)

15.08.270 - Unauthorized critical area alterations and enforcement.

- A. When a critical area or buffer has been altered in violation of this chapter, the city shall have the authority to issue a stop-work order to cease all ongoing development work and order restoration, rehabilitation or replacement at the owner's or responsible parties' expense.
- B. Restoration Plan Required. No work on the site shall be allowed until a restoration plan has been prepared and approved by the city in accordance with this chapter.
- C. Minimum Performance Standards.
1. For unauthorized alterations to critical aquifer recharge areas, frequently flooded areas, wetlands habitat conservation areas, or associated buffers, the following shall be required at a minimum in accordance with an approved restoration plan:
 - a. ~~Historic-Critical area~~ functional and structural values, including water quality, habitat, and soils shall be restored to the condition existing prior to the alteration;
 - b. Critical areas and buffers shall be replanted with native vegetation, types, sizes and densities, historically found on the site;
 - c. ~~Historic functions and values shall be replicated.~~
 2. For flood and geological hazards, the following standards shall be met:
 - a. Risk of public or personal hazard resulting from the alteration shall be eliminated or significantly reduced to a level equal to the pre-altered state;

Commented [AS2]: Ecology states "what are the structural values? We usually talk about "functions and values."

Commented [AS3]: Ecology comment "Replanting is often at a higher ratio to compensate for temporal losses."

Commented [AS4]: Ecology believes this seems to repeat 1.a.acc

- b. Hazard areas and buffers shall be replanted with native vegetation to minimize the hazard.
- D. Site Visits/Inspections. Reasonable access shall be provided. The director is authorized to make site visits/inspections as necessary to enforce this chapter.
- E. Penalties. Any person or entity determined to be in violation of this chapter is guilty of a misdemeanor. Each day or portion of a day the violation occurs shall constitute a separate offense. Any development conducted in violation of this chapter shall constitute a public nuisance and shall be subject to penalty in accordance with the Woodland Municipal Code.

(Ord. 1069 § 1 (part), 2006)

15.08.280 - Markers and signs.

- A. Critical area boundaries shall be permanently delineated using iron or concrete markers in accordance with survey standards.
- B. The outer boundary of a critical area or buffer shall be identified with temporary signs prior to any site development or alteration. Permanent signs may be required by the director upon completion of the project.

(Ord. 1069 § 1 (part), 2006)

15.08.290 - Notice on title.

- A. Notice of the existence of a critical area and/or buffer on a site, shall be noted as a deed restriction for the property. The restriction shall state the presence of a critical area and/or buffer and note that limitations to development may exist.
- B. The applicant shall submit proof of the deed restriction prior to final project approval.

(Ord. 1069 § 1 (part), 2006)

15.08.300 - Setbacks.

Unless otherwise provided in this chapter, buildings and other structures shall be set back a distance of fifteen feet from the edges of all critical area buffers or critical area if no buffer is required. The following may be allowed in the setback areas:

- A. Landscaping;
- B. Uncovered decks;
- C. Building overhangs not greater than eighteen inches;
- D. Driveways and patios provided runoff does not affect the critical area;
- E. Storage sheds not greater than ten feet by ten feet.

(Ord. 1069 § 1 (part), 2006)

15.08.310 - Bonds.

Bonds shall be required when mitigation, restoration or rehabilitation is not completed prior to final project approval by the city. Bonds shall be in accordance with the Woodland Municipal Code.

(Ord. 1069 § 1 (part), 2006)

15.08.350 - Wetlands.

A. Designating Wetlands. ~~Wetlands are those areas designated in accordance with the Washington State Wetland Identification and Delineation Manual, Wetlands are 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, but are not limited to: swamps, marshes, bogs, ponds, and similar areas. All areas within the city meeting the wetland designation criteria in the Identification and Delineation Manual, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter.~~

Commented [AS5]: Ecology comment "The State delineation manual has been superseded. The correct reference is: 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 supplement."

B. Wetland Ratings. ~~Wetlands shall be rated according to the Washington State Department of Ecology (Ecology) wetland rating system found in Hruby, 2014, Washington State Wetland Rating System for Western Washington, Ecology publication #14-06-029, or as revised by Ecology. The rating system document contains the definitions and methods for determining if the criteria below are met.~~

~~The following system, adapted from the State Department of Ecology Publication, Washington State Wetlands Rating System for Western Washington (#04-06-025) and hereafter amended, is hereby adopted for the purpose of determining the size of wetland buffers, determining mitigation ratios, and reviewing permits under this chapter.~~

1. Category I. Category I wetlands are those that meet one or more of the following criteria:
 - a. Wetlands of High Conservation Value as defined by the Washington State Department of Fish and Wildlife and the Natural Heritage Program at the Department of Natural Resources;
 - b. Bogs;
 - c. Mature and old growth forested wetlands larger than one acre;
 - d. Wetlands that perform many functions well, as indicated by scoring 23 or more points (out of 27 possible points) in the rating system.
 2. Category II. Category II wetlands are those with a moderately high level of functions, as indicated by scoring 20 to 22 points in the Ecology rating system.
 3. Category III. Category III wetlands are those with a moderate level of functions, as indicated by scoring 16 to 19 points in the Ecology rating system.
 4. Category IV. Category IV wetlands are those with a low level of functions, as indicated by scoring less than 16 points in the Ecology rating system.
- ~~1. Category 1 Wetlands. Category 1 wetlands are: (1) relatively undisturbed estuarine wetlands larger than one acre; (2) wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high-quality wetlands; (3) bogs larger than one-half acre; (4) mature and old-growth forested wetlands larger than one acre; (5) wetlands in coastal lagoons; and (6) wetlands that perform many functions well (scoring seventy points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (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.~~
- ~~2. Category 2 Wetlands. Category 2 wetlands are: (1) estuarine wetlands smaller than one acre, or disturbed estuarine wetlands larger than one acre; (2) wetlands identified by the Washington~~

State Department of Natural Resources as containing "sensitive" plant species; (3) bogs between one-fourth and one-half acre; (4) interdunal wetlands larger than one acre; or (5) wetlands with a moderately high level of functions.

3. ~~Category 3 Wetlands. Category 3 wetlands are: (1) wetlands with a moderate level of functions (scoring between thirty and fifty points); and (2) interdunal wetlands between 0.1 and one acre. Wetlands scoring between thirty and fifty 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 2 wetlands.~~
4. ~~Category 4 Wetlands. Category 4 wetlands have the lowest levels of functions (scoring less than thirty 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.~~

- C. ~~Date of Rating. Wetland rating categories, [2014 Washington State Wetland Rating System](#), shall be applied [2014 Washington State Wetland Rating System](#) as the wetland exists on the date of the adoption of the ordinance codified in this chapter as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Illegal modifications to wetlands shall not result in changes to wetland rating categories.~~

(Ord. 1069 § 1 (part), 2006)

15.08.360 - Initial project review.

Wetlands shall be identified and designated through a site visit and/or site assessment utilizing the definitions, methods, and standards as set forth in ~~the [Washington State Department of Ecology \(Ecology\) wetland rating system found in Hruby, 2014, Washington State Wetland Rating System for Western Washington, Ecology publication #14-06-029, or as revised by Ecology, Washington State Wetland Identification and Delineation Manual, Department of Ecology Publication #93-74.](#)~~

Commented [AS6]: Ecology states "Should be "as set forth in the federal wetland delineation manual and applicable regional supplement." The delineation manual discovers the boundary; the rating system determines the category and functions."

A site visit shall be conducted by the director to confirm the presence of wetland indicators listed in the critical areas checklist or identified in the State Environmental Policy Act (SEPA) checklist. The site visit shall be used to determine if a wetland or wetland buffer area are within two hundred feet of a proposed project or activity. A positive confirmation that wetland indicators are present or that the proposed project may impact the wetland area will then require a professional site assessment. The director shall use the following map references to assist in making a determination: (1) National Wetland Inventory Map; and (2) any records of previously mapped wetlands.

(Ord. 1069 § 1 (part), 2006)

15.08.370 - Activities allowed in wetlands.

The following activities are allowed in wetlands in addition to those activities listed in, and consistent with, the provisions established in exemption (Section 15.08.100 of this chapter), and do not require a critical area report, except where such activities result in a loss to the functions and values of a wetland or wetland buffer area. These activities include:

- A. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing wetland; and
- B. The harvesting of wild crops in a manner that is not injurious to natural reproduction such as crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the wetland by changing existing topography, water conditions or water resources.

(Ord. 1069 § 1 (part), 2006)

15.08.380 - Critical area report—Requirements for wetlands.

In addition to the general critical area report requirements of Section 15.08.160 of this chapter, wetland critical area reports must meet the requirements of this section. Critical area reports that include two or more types of critical areas must meet the report requirements for each type of critical area. If a wetland critical area report is required, the report shall meet the following requirements:

- A. Wetland Reconnaissance by Qualified Professional. A wetland reconnaissance shall be performed by a qualified wetlands professional. The reconnaissance shall identify the presence of wetlands within two hundred feet of the proposed project or activity area. If this reconnaissance demonstrates no wetlands within two hundred feet of the activity area, then no further study is required. If the reconnaissance identifies wetlands present within two hundred feet of the proposed project or activity, then a wetland critical areas report shall be prepared by a qualified professional.
- B. Preparation of Report by Qualified Professional. A wetland critical areas report shall be prepared by a qualified professional who is a wetland biologist with experience in preparing wetland reports, ecologist or biologist according to the current approved federal manual and supplements including the 1987 Corps of Engineers Wetlands Delineation Manual and Regional Supplements, or as revised, and the Hruby, 2014, Washington State Wetland Rating System for Western Washington, Ecology publication #14-06-029, or as revised by Ecology.
- C. Area Addressed in Wetland Critical Area Report. The following areas shall be addressed in a wetland critical area report:
 1. The project area of the proposed activity;
 2. All wetlands and recommended buffers within two hundred feet of the project area; and
 3. All shoreline areas, water features, floodplains, and other critical areas, and related buffers within two hundred feet of the project area.
- D. Wetland Analysis. A wetland critical area report shall contain an analysis of the wetlands including the following site and proposal related information:
 1. A written assessment of the wetlands and buffers within two hundred feet of the project area including:
 - a. Maps of the wetland and buffer areas;
 - b. Wetland delineation report, including vegetation, faunal, and hydrologic characteristics, and required buffers;
 - c. Acreage of the existing wetland;
 - d. The wetland category including vegetation, faunal, and hydrologic characteristics; rating and required buffers.
 - e. Soil and substrate conditions;
 - f. Topographic contours at two-foot intervals~~five-foot contours~~.
 2. Proposed measures to avoid ~~damaging and minimize damage to~~ the existing wetland and buffer and current levels of function or ways to minimize damage to the wetland and current levels of function.
 3. A habitat and native vegetation plan that addresses methods to protect and/or enhance wetland functions and habitat.
 4. Proposed mitigation, if needed, according to WMC 15.08.430.

Commented [AS7]: Ecology states "this should be as wide as your largest buffer: 300 feet"

Commented [AS8]: See comment regarding recommendation for a qualified wetland professional.

Commented [AS9]: Should be 300'

Commented [AS10]: Should be 300'

Commented [AS11]: Ecology: Five foot intervals may be difficult to obtain. You used two foot in the construction plan requirements earlier.

Commented [AS12]: Ecology: It seems cleaner to just refer to the mitigation plan requirements.

- a. ~~Existing and proposed wetland acreage;~~
- b. ~~Existing and proposed vegetative, faunal, and hydrologic conditions;~~
- c. ~~Relationship to wetland with existing water bodies and to the watershed;~~
- d. ~~Existing and proposed adjacent site conditions;~~
- e. ~~Required buffers;~~
- f. ~~List of all property owners.~~

5. A list of management practices that will be used to protect and maintain the quality of the wetland and/or covenants and restrictions that will be used in managing the wetland.

E. Additional Information. Additional information may be required when deemed necessary by the director.

(Ord. 1069 § 1 (part), 2006)

15.08.390 - Wetland performance standards—General requirements.

- A. Activities within wetland or wetland buffer areas may only be permitted if the applicant can show that the proposed activity will not degrade the functions and values of the wetland and/or other critical areas.
- B. Activities and uses shall be prohibited within wetlands and wetland buffer areas except as permitted in this chapter.
- C. Category 1 Wetlands. Activities and uses shall be prohibited from Category 1 wetlands, with the exception of public agencies and utilities as provided in this ~~chapter~~ and within the variance section of this chapter.
- D. Category 2 and 3 Wetlands. The following standards shall apply to activities within Category 2 and 3 wetlands and wetland buffers:
 - 1. Water-dependent activities are allowed when no practical alternatives having less adverse impact on the wetland or other critical areas are available and appropriate mitigation measures are proposed; and
 - 2. Nonwater-dependent activities are prohibited unless:
 - a. All alternative designs of the proposed project to avoid adverse impacts to the wetland functions or wetland buffer are not feasible and appropriate mitigation measures are proposed.
- E. Category 4 Wetlands. Activities and uses may be permitted in Category 4 wetlands that result in unavoidable impacts in accordance with an approved critical area report and mitigation plan, and only if the proposed activity is the only reasonable alternative available.

Commented [AS13]: Ecology: Where is your language regarding public agency and utility exceptions? We didn't find it.

F. ~~Land Use Intensty~~ Intensity

Commented [AS14]: Ecology: We recommend moving F and G to the following section closer to the buffer table after paragraph A.

<u>Land Use Intensity</u>	<u>Land Uses</u>
<u>High</u>	Residential, Commercial or Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Urban

You may also want to include more specifics about your land use categories. See Table 8C-3 in <http://www.ecy.wa.gov/programs/sea/wetlands/pdf/2014Appendix8C.pdf>

	<p style="text-align: center;"><u>Industrial</u> <u>Institutional</u> <u>Retail sales</u> <u>Residential (more than 1 unit/acre)</u> <u>Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)</u> <u>High-intensity recreation (golf courses, ball fields, etc.)</u> <u>Hobby farms</u></p>
<u>Moderate</u>	<p style="text-align: center;"><u>Park or Open Space Greenway</u></p> <p style="text-align: center;"><u>Residential (1 unit/acre or less)</u> <u>Moderate-intensity open space (parks with biking, jogging, etc.)</u> <u>Conversion to moderate-intensity agriculture (orchards, hay fields, etc.)</u> <u>Paved trails</u> <u>Building of logging roads</u> <u>Utility corridor or right-of-way shared by several utilities and including access/maintenance road</u></p>
<u>Low</u>	<p style="text-align: center;"><u>Open Space Greenway or Open Space Natural</u></p> <p style="text-align: center;"><u>Forestry (cutting of trees only)</u> <u>Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)</u> <u>Unpaved trails</u> <u>Utility corridor without a maintenance road and little or no vegetation management.</u></p>

G. The level of function for habitat, based on the Washington State Wetland Rating System is as follows:

<u>Level of Function</u>	<u>Habitat Score in Rating System</u>
<u>High</u>	<u>8-9</u>
<u>Moderate</u>	<u>5-7</u>
<u>Low</u>	<u>3-4</u>

(Ord. 1069 § 1 (part), 2006)

15.08.400 - Wetland buffers.

- A. Measurement of Wetland Buffers. All buffers shall be measured from the wetland boundary as surveyed in the field. Buffer widths shall be determined according to wetland category and intensity of the proposed land use. The buffer of a created, restored, or enhanced wetland shall be in conformance with the category of the wetland.

B. Standard Buffer Widths. The standard buffer width is intended to protect the wetland functions and values in relation to the project intensity at the time of the proposed activity. Required buffer widths are as follows:

Table 15.08.400-1
Wetland Buffers

Wetland Category	Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use
Category 1	Natural Heritage Wetlands	Low - 125 feet
		Moderate - 190 feet
		High - 250 feet
	Bogs	Low - 125 feet
		Moderate - 190 feet
		High - 250 feet
	High level of function for habitat <u>and 23 or more total points (score for habitat 29-36 points)</u>	Low - 150 feet
		Moderate - 225 feet
		High - 300 feet
	Moderate level of function for habitat <u>and 23 or more total points (score for habitat 20-28 points)</u>	Low - 75 feet
		Moderate - 110 feet
		High - 150 feet
Low level of function for habitat and high <u>High-level of function for water quality improvement (24-32 points) and low for habitat (<20 points)</u>	Low - 50 feet	
	Moderate - 75 feet	

Commented [AS15]: Ecology: What's high function for water quality improvement? Since it's not in the table, you should include 8-9 points here.

		High - 100 feet
	Not meeting any of the above characteristics	Low - 50 feet
		Moderate - 75 feet
		High - 100 feet
Category 2	High level of function for habitat and 20-22 total points (score for habitat 29-36 points)	Low - 150 feet
		Moderate - 225 feet
		High - 300 feet
	Moderate level of function for habitat and 20-22 total points (score for habitat 20-28 points)	Low - 75 feet
		Moderate - 110 feet
		High - 150 feet
	<u>Low level of function for habitat and high level of function for water quality improvement (8-9 points)</u> <u>High level of function for water quality improvement and low for habitat (score for water quality 24-32 points; habitat <20 points)</u>	Low - 50 feet
		Moderate - 75 feet
		High - 100 feet
	Not meeting above characteristics	Low - 50 feet
		Moderate - 75 feet
		High - 100 feet
Category 3	Moderate level of function for habitat and 16-19 total points (score for habitat 20-28 points)	Low - 75 feet
		Moderate - 110 feet

		High - 150 feet
	Not meeting above characteristic	Low - 40 feet
		Moderate - 60 feet
		High - 80 feet
Category 4	Score for all 3 basic functions is less <u>fewer</u> than 30-16 points	Low - 25 feet
		Moderate - 40 feet
		High - 50 feet

C. Increased Wetland Buffer Widths. The director shall require increased buffer widths when recommendations by a qualified professional biologist and the best available sciences deem increased ~~additional~~ buffer widths necessary. The determination shall be based on the following:

1. An increased buffer area is necessary to protect other critical areas within the same project area;
2. The buffer area or adjacent uplands have a slope greater than fifteen percent or the buffer is susceptible to erosion where standard erosion controls will not prevent adverse impacts to the wetland;
3. Where an increased buffer is recommended due to minimal vegetation cover, a vegetation planting plan may be implemented as a substitute to the increased buffer width. A vegetation planting plan shall not result in a decrease in the buffer area. The vegetation planting plan shall include measures to monitoring and maintenance of the vegetated area.

~~D. Reduction of Wetland Buffer Widths.~~

- ~~1. The director may allow for a reduction in the standard buffer width in accordance with an approved critical areas report and following the best available science. Reductions in buffer widths shall be done on a case-by-case basis and only when it has been determined that a smaller buffer area is adequate to protect the wetland functions and values based on site-specific characteristics.~~
- ~~2. A determination for reduced wetland buffer area shall be supported by documentation that shows that a reduced buffer is adequate based on the following criteria:~~
 - ~~a. The critical area report provides sound rationale for a reduced buffer based on the best available science and site-specific conditions;~~
 - ~~b. The existing buffer area is densely vegetated or will be significantly enhanced with native species and has less than ten percent slopes; and~~
 - ~~c. No present or future adverse impacts to the wetland will result from the proposed activity. The director may determine that long-term monitoring is required. The director may require monitoring of the wetland to determine if there are any adverse impacts as a result of the project. If adverse impacts are discovered, corrective actions may be required.~~

~~3. Under no circumstances may the standard buffer width be reduced by more than twenty-five percent, nor shall the buffer width be less than fifty feet except where the standard buffer width is already less than fifty feet.~~

Commented [AS16]: Ecology: We recommend deleting this section. Our recommendations for buffer reductions (based on BAS) are covered in Section E.

- E. Special Conditions for a Possible Reduction in Buffer Widths. Distinct from the provisions of Section 15.08.100(D) of this chapter, the buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts under the following conditions, and only after submittal of a critical areas report prepared by a qualified professional that provides clear justification for the reduced buffer:
1. For wetlands that score moderate or high for habitat ~~(twenty points or more for the habitat functions)~~, the width of the buffer can be reduced if both of the following criteria are met:
 - a. A relatively undisturbed, vegetated corridor at least one hundred feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife ("relatively undisturbed" and "vegetated corridor" are defined in questions H 2.1 and H 2.2.1 of the Washington State Wetland Rating System for Western Washington—Revised). The corridor must be protected for the entire distance between the wetland and the priority habitat by some type of legal protection such as a conservation easement.
 - b. All applicable Mmeasures to minimize the impacts of different land uses on wetlands, such as the examples summarized in Table 15.08.400-2, are applied.

Table 15.08.400-2

Examples of Measures to Minimize Impacts to Wetlands from Proposed Change in Land Use That Have High Impacts

(This is not a complete list of measures.)

Examples of Disturbance	Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts
Lights	Parking lots	Direct lights away from wetland
	Warehouses	
	Manufacturing	
	Residential	
Noise	Manufacturing	Locate activity that generates noise away from wetland
	Residential	
Toxic runoff*	Parking lots	

	Roads	Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered
	Manufacturing	
	Residential areas	Establish covenants limiting use of pesticides within 150 feet of wetland
	Application of agricultural pesticides	Apply integrated pest management
	Landscaping	
Stormwater runoff	Parking lots	Retrofit stormwater detention and treatment for roads and existing adjacent development
	Roads	Prevent channelized flow from lawns that directly enters the buffer
	Manufacturing	
	Residential areas	
	Commercial	
	Landscaping	
Change in water regime	Impermeable surfaces	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
	Lawns	
	Tilling	
Pets and human disturbance	Residential areas	Use privacy fencing; 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
Dust	Tilled fields	Use best management practices to control dust

* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.

2. For wetlands that score ~~less-fewer~~ than ~~twenty-five~~ points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying measures to minimize the impacts of the proposed land uses (see examples in Table 15.08.400-2).
- F. Averaging of Buffer Widths. The director may allow for the standard buffer width to be averaged in accordance with an approved critical area report on a case-by-case basis. Averaging of buffer widths shall ~~only~~ be allowed only when a qualified wetlands professional demonstrates that:
1. Averaging will not reduce wetland functions or values;
 2. The wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places due to varying wetland quality;
 3. The total area of the averaged buffer is not less than would be contained if there were no buffer averaging; and
 4. The buffer width is not reduced to less than twenty-five percent of the standard buffer width or fifty feet, whichever is greater in any one location.
- G. Buffer Conditions Shall Be Maintained. Wetland buffers in their natural state shall not be altered and shall be maintained in an undisturbed condition except as allowed in this chapter.
- H. Mitigation Buffers. Any wetland that is created, restored, or enhanced as compensation for approved regulated wetland alterations shall have the standard buffer required for the category of the created, restored, or enhanced wetland.
- I. Altered Wetland and/or Buffer Areas. ~~Applicants are encouraged to restore W/wetlands or buffer areas that have been altered in order to replace lost or diminished ecological functions and values, and have lost their ecological functions and values are encouraged to be restored in order to replace these lost functions.~~ Prior to the issuance of a development permit for development that is proposed adjacent to degraded wetlands or buffers, the property owner shall agree to undertake restoration activities or authorize such activities to occur, through an approved legal device such as a conservation program or restoration effort, or by legal agreement with restoration agencies or groups. Access shall be granted by the property owner for such restoration activities.
- J. Functionally Isolated Buffer Areas. Areas which are functionally separated from a wetland and do not protect the wetland from adverse impacts due to preexisting roads, structures, or vertical separation shall be excluded from buffers otherwise required by this chapter on a case-by-case basis subject to a critical area report and review as determined by the director.
- K. Exempted Wetlands. Isolated Category 4 wetlands less than five thousand square feet in size and Category 3 wetlands less than one thousand square feet that are not located in the buffer of a nonexempt wetland are exempted from the provisions of this chapter. If the city has established a fee program for wetland impacts, these nonexempt wetlands are subject to such a fee unless preserved.
- L. Use of Buffer Areas. The following uses may be permitted within a required wetland buffer unless otherwise prohibited:
1. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
 2. Passive Recreation. Passive recreation in accordance with an approved critical area report. Such activities include but are not limited to:
 - a. Walking paths or trails (no motorized use) located in the outer twenty-five percent of the buffer area. Trails shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed area and may need to be enhanced with screening. Trails or paths within a wetland or buffer area shall be planned to minimize removal of vegetation (trees, shrubs, etc.) and important wildlife habitat. Trail widths shall

Commented [AS17]: Ecology: This sounds like a requirement instead of "encouraging." Is this your intention? You might want to clarify whether this is about buffers that were altered by the applicant or buffers that just exist in a degraded state next to a project that isn't going to impact the buffer.

Commented [AS18]: Ecology: We recommend the small wetland exemptions in our Wetland Guidance for CAO Updates document (on page 24). Without additional criteria, it is difficult to determine whether critical functions are being lost, based on size alone. These wetlands should not be exempt from the need for mitigation.

not be wider than three feet for private trail and ten feet for public use or publicly owned trails. Trail surfaces shall be comprised of ~~pervious surfaces, natural materials (gravel, rock, bark)~~ and permanent surfacing materials (asphalt or concrete) shall require a variance. No construction or surfacing materials shall significantly alter the existing drainage or negatively affect the wetland or buffer area;

Commented [AS19]: Ecology: rock and gravel often compact into impervious surfaces.

b. Wildlife viewing structures, platforms, interpretive areas, picnic areas, benches and associated activities shall be designed and located to minimize disturbance to wildlife habitat and/or critical wetland and/or buffer values or functions;

c. Access to fishing ~~areas~~.

Commented [AS20]: Ecology: Could this include a road? We recommend providing a more specific description and appropriate limiting criteria.

3. Hazard Tree ~~Removal~~. When a threat to human life or property is determined, the director may allow the falling of a danger or hazard tree subject to the following criteria:

Commented [AS21]: Ecology: We recommend including a definition of a hazard tree in order to eliminate the possibility of removing a tree to preserve a view corridor. Also, as mitigation, the tree should be retained as LWD in the buffer unless it's diseased. And you should consider requiring that the work be done by a certified professional arborist.

a. Tree removal shall be the minimum necessary to balance the protection of the wetland or buffer area with the protection of life or property;

b. For every hazard tree removed, a minimum of two should be planted as mitigation.

4. Stormwater Management Facilities. Stormwater management facilities such as bioswales or retention ponds may be allowed within the outer twenty-five percent of the required buffer area for Category 3 and 4 wetlands only, provided ~~that~~:

Commented [AS22]: Ecology: This language is fine since it came out of our old small cities guidance. But you should look at the Wetland Guidance for CAO Updates on page 26. This new language is intended to meet LID requirements.

a. No other location is feasible; and

b. Locating such facilities within the buffer area will not degrade the wetland values or functions or alter the hydroperiod of the wetland or adversely affect water quality; and

c. Compensatory mitigation shall be included for all losses of wetland function as a result of the stormwater management facility.

(Ord. 1069 § 1 (part), 2006)

15.08.410 - Signing and fencing wetlands.

A. Temporary Markers. The outer perimeter of a wetland ~~and or~~ buffer area and the limit of the wetland or buffer area to be disturbed pursuant to an approved permit, shall be marked in the field in such a way as to prevent unauthorized disturbance of the wetland or buffer area. Temporary marking shall be maintained throughout the permitted activity and shall not be removed until final inspections are completed and approved permanent signs, if required, are in place. The location of temporary markers shall be shown on all site plans and final plats associated with the proposal. Temporary markers shall be composed of one-half inch galvanized pipe or equivalent monument, at least eighteen inches long, and shall show above the surface at least two inches. Temporary markers shall be spaced no more than fifty feet apart or as determined by the director.

B. Permanent Signs. The director may require the applicant to install permanent signs along the boundary ~~of the wetland buffer of Class 1 and Class 2 wetlands or buffer areas~~ as a condition of any permit. ~~The director may also require signs for Class 3 or Class 4 wetlands.~~

Commented [AS23]: Ecology: See Wetland Guidance for CAO Updates, page 34, for criteria on spacing.

C. Temporary Fencing. All wetlands shall be temporarily fenced between the permitted activity and the buffer with a highly visible and durable protective barrier during the proposed activity to prevent access and to protect the critical area and buffer. The director may waive this requirement if an alternative to fencing which achieves the same objective is proposed and approved.

D. Permanent Fencing. The director may require the wetland and/or buffer area to be fenced for any proposed project. Permanent fencing shall be installed at the applicant's expense and height and type shall be such that it provides protection yet is not sight-obscuring.

Commented [AS24]: Ecology: See above comment, for fencing criteria that don't interfere with wildlife migration.

(Ord. 1069 § 1 (part), 2006)

15.08.420 - Stormwater management.

The following stormwater management standards are required as they apply to each activity:

- A. New developments shall utilize best management practices to minimize stormwater quantity and quality impacts to wetlands, both during and following construction.
- B. Stormwater runoff from new development shall not significantly change the rate of flow, hydroperiod (which is the seasonal period and duration of water saturation or inundation), nor decrease the water quality of wetlands.
- C. Authorized modifications of wetlands or buffer areas for construction of discharge from drainage facilities shall protect wetland hydrologic functions classified pursuant to this section.
- D. Stormwater runoff shall not be diverted from the watershed of wetlands.
- E. Developments which handle, store, dispose, or transport or generate hazardous substances/wastes defined as "dangerous" or "extremely dangerous" wastes under WAC 173-303 (regardless of quantity) shall not allow direct precipitation or stormwater runoff to contact such substances where stored on-site.
- F. The Washington State Department of Ecology's Stormwater Manual shall be the standard reference when implementing a stormwater management plan unless the director authorizes an alternative approach.

Commented [AS25]: Ecology: Is this describing an outfall from a detention pond. We're not sure what this is intended to be.

Commented [AS26]: Ecology: This seems to repeat paragraph 8.

(Ord. 1069 § 1 (part), 2006)

15.08.430 - Wetland mitigation.

- A. Mitigation Options. As a condition of any permit allowing for the alteration of wetlands, the applicant will engage in the restoration, creation or enhancement of wetlands in order to offset the impacts resulting from the alteration. An appropriate mitigation plan shall be developed by a qualified professional with experience in wetland mitigation, and shall be approved by the director. The following mitigation measures shall be considered for any mitigation plan:
 - 1. Avoid the impact completely by not taking certain action or parts of the action;
 - 2. Minimize impacts by reducing the magnitude of the action or by avoiding or reducing impacts;
 - 3. Resolve the impact by repairing, rehabilitating, or restoring the affected environment;
 - 4. Reduce or eliminate the impact over time by preservation, restoration and maintenance;
 - 5. Compensate for the impact by replacing or enhancing the affected area;
 - 6. Monitoring the impacted area.
- B. Mitigation Ratios. Any wetland that is degraded as a result of a permitted or nonpermitted activity shall be restored, created or enhanced at an area equal to or greater than the wetland area that was altered in order to compensate for losses to wetland acreage or functions according to the following ratios:

Commented [AS27]: Ecology: We recommend using the table on page 43 of the Wetland Guidance for CAO Updates. It includes options for different scenarios.

	Wetland Area Impacted		Wetland Replacement Area Required
Category 1	1	to	6
Category 2 or 3	1	to	3.0

Category 4	1	to	1.5
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- C. Wetland Enhancement. Any applicant proposing to degrade wetlands may propose to enhance existing wetlands in order to compensate for wetland losses. Applicants proposing to enhance wetlands shall present an enhancement program designed by a qualified professional with experience in wetland enhancement. Acreage replacement ratios may be increased up to one hundred percent at the recommendation of a qualified professional performing the enhancement program, with the approval of the director, if the following conditions exist:
1. High degree of uncertainty as to the probable success of the proposed restoration or creation;
 2. Significant (greater than twelve months) period of time between destruction and replacement of wetland functions;
 3. Projected losses in functional value and other uses, such as recreation, scientific research and education, are relatively high;
 4. Not possible to create or restore the same type of wetland.
- D. Decreased ~~Replacement Mitigation~~ Ratio. The ~~mitigation replacement~~ ratio may be decreased only under the following circumstances:
1. Scientifically supported evidence ~~that, which~~ demonstrates that no net loss of wetland function or value is attained under the decreased ratio;
 2. In all cases a minimum ratio of 1:1 shall be required.
- E. In-Kind/Out-of-Kind Mitigation. In-kind mitigation shall be provided except where the applicant can demonstrate that ~~either~~:
1. The wetland system was already degraded prior to any activity and out-of-kind replacement will result in a wetland with greater functional value; or
 2. Technical problems such as exotic vegetation and changes in watershed hydrology make implementation of in-kind mitigation impossible.
- F. On-Site/Off-Site Mitigation. On-site mitigation shall be provided except where the applicant can demonstrate that:
1. The hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be damaged by the loss of the on-site wetland; and
 2. On-site mitigation is not scientifically feasible due to problems with hydrology, soils, or factors such as other potentially adverse impacts from surrounding land uses; or
 3. Existing functional values at the site of the proposed restoration are significantly greater than the lost wetland functional values; or
 4. Goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify locating mitigation measures at another site.
- G. Mitigation Site Selection. Mitigation sites shall be selected in accordance with a prepared wetland report by a certified wetland biologist and shall be within the existing city limits or with the director's approval, within the approved and adopted Woodland Urban Growth Boundary.
- H. Timing of Mitigation. Mitigation shall be completed prior to activities that will disturb wetlands where feasible. Bonding or other financial guarantee is required if mitigation projects cannot be completed prior to project completion. Mitigation projects shall be timed to reduce impacts to existing wildlife or vegetation.

Commented [AS28]: Ecology: We recommend deleting the paragraph and using the table mentioned in the previous comment.

Commented [AS29]: Ecology: We recommend that you consider using the language in Wetland Guidance for CAO Updates, starting on page 37 through page 47, regarding the use of the Credit-Debit Tool, approaches (which include banking and in-lieu fee), types, location, timing, ratios, and plan requirements.

- I. Components of Mitigation Plans. All wetland restoration, creation and/or enhancement projects required pursuant to this chapter either as a permit condition or as the result of an enforcement action shall follow a mitigation plan approved by the city. The applicant or violator must receive written approval by the director for the mitigation plan prior to the commencement of any wetland restoration, creation, or enhancement activity. The mitigation plan shall contain at least the following components:
 1. Baseline Information. A written assessment and accompanying maps of the impacted wetland including, at a minimum, wetland delineation, existing wetland acreage, proposed wetland impacts, vegetative, faunal, and hydrologic characteristics, soil and substrate conditions, and topographic elevations. If the mitigation site is different from the impacted wetland site, baseline information should also include surface hydrology, existing and proposed adjacent land uses, proposed buffers, and a list of all property owners within five hundred feet of the edge of the wetland.
 2. Timing and Objectives. The following shall be submitted in writing: proposed timing of the mitigation, a complete description of the functions and values intended to be created or enhanced.

(Ord. 1069 § 1 (part), 2006)

15.08.440 - Aquifer recharge areas.

Aquifer recharge areas are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). Aquifer recharge areas have geologic conditions associated with infiltration rates that create a high potential for contamination of groundwater resources or contribute significantly to the replenishment of groundwater.

This section establishes areas determined to be critical in maintaining both groundwater quantity and quality. The purpose of this chapter is to protect aquifer recharge areas from degradation or depletion resulting from new land use activities. Due to the exceptional susceptibility and/or vulnerability of groundwater underlying aquifer recharge areas to contamination and the importance of such groundwater as a source for public water supply, it is the intent of this chapter to safeguard groundwater resources by mitigating or precluding future discharges of contaminants from new land use activities.

- A. Permitted Activities. The following activities are permitted within an aquifer recharge areas where no critical area report is required:
 1. Construction of, or improvements to, single-family residences or other structures not greater than two thousand five hundred square feet or five percent impervious surface of the site, whichever is greater, that do not use or increase the use of hazardous materials;
 2. Parks, recreation facilities, where no more than five percent of the site is impervious surface and, that do not use or increase the use of hazardous materials;
 3. On-site septic systems and drain fields for residential uses;
 4. Additional report requirements.

(Ord. 1069 § 1 (part), 2006)

15.08.450 - Critical area report—Additional requirements for aquifer recharge areas.

In addition to the general critical report requirements of Section 15.08.160 of this chapter, proposed developments within critical aquifer recharge areas must also meet the following:

- A. Report—Prepared by Qualified Professional. A critical area report for an aquifer recharge area shall be prepared by a qualified professional who is licensed by the state as a hydrologist, geologist, or engineer and who has experience in preparing hydrologic assessments.

- B. Assessment Required—Hydrologic. All proposed activities, except those permitted activities above, shall have a level one hydrological assessment prepared. A level two hydrologic assessment shall be required for the following activities:
1. Activities that result in five percent or more impervious surface area;
 2. Any activity that diverts, alters, or reduces the flow of surface or groundwater or reduces aquifer recharge;
 3. The use of hazardous substances other than household chemicals used in accordance with the package directions for domestic applications;
 4. Injection wells, except domestic septic systems;
 5. Any activity determined by the director that may likely have an adverse effect on aquifer recharge or groundwater quality.
- C. Level One Hydrologic Assessment. A level one hydrologic assessment shall include all of the following:
1. Geologic and hydrologic characteristics for the site and immediately surrounding areas, if applicable, and any surface aquifer recharge areas;
 2. Groundwater depth and flow direction and quantity;
 3. Data on springs or wells within one thousand feet of the site;
 4. Location of other critical areas within one thousand feet of the site;
 5. Water quality data;
 6. Proposed best management practices for the project.
- D. Level Two Hydrologic Assessment. In addition to the requirements of a level one hydrologic assessment, a level two hydrologic assessment shall also include all of the following:
1. Historic water quality data for the affected area for the past five years;
 2. Provisions for a groundwater monitoring plan;
 3. Effects the proposed project may have on groundwater quantity and quality, including:
 - a. Evaluation of groundwater withdrawal effects on nearby wells or surface water;
 - b. Evaluation of groundwater contamination from potential releases;
 4. A spill plan identifying structures or equipment that may fail and result in an impact. A spill plan shall include provisions for regular inspections, repair, and replacement of structures or equipment.

(Ord. 1069 § 1 (part), 2006)

15.08.460 - Performance standards—General.

- A. Activities shall only be allowed in an aquifer recharge area if the applicant can demonstrate that the proposed activity will not cause contaminants to enter the groundwater or adversely affect aquifer recharge.
- B. Proposed activities must comply with the EPA, State Department of Health, Department of Ecology, and Cowlitz County Health and Human Services.

(Ord. 1069 § 1 (part), 2006)

15.08.470 - Performance standards for specific uses.

- A. Storage Tanks. All storage tanks proposed to be located in an aquifer recharge area shall comply with the adopted building code requirements, applicable zoning, fire life safety requirements, and the following:
 - 1. Underground Tanks. All new underground storage tanks that will contain hazardous substances shall be designed and constructed to:
 - a. Prevent releases due to corrosion or structural fail for the life of the tank;
 - b. Protect against corrosion or constructed of corrosion-resistant materials, or designed to prevent the release of any stored substance.
 - 2. Aboveground Tanks. All new aboveground storage tanks that will contain hazardous substances shall be designed and constructed to:
 - a. Not allow the release of hazardous substances to the ground or ground or surface waters;
 - b. Contain spills using a primary containment area enclosing or underlying the tank;
 - c. Contain spills using a secondary containment system either built into the tank structure or by a dike system constructed outside the tank.
- B. Vehicle Repair and Servicing.
 - 1. Vehicle service and repair shall be conducted over an impervious surface and within a covered structure capable of withstanding normal weather conditions. Chemicals used in vehicle repair and servicing shall be stored in a manner that is protected from the weather and provides containment from leaks or spills.
 - 2. No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on a site proposed for vehicle repair shall be abandoned using methods approved by the Department of Ecology.
- C. Reclaimed Water—Spreading or Injection. Reclaimed water projects must be in accordance with Department of Ecology requirements and approval.

(Ord. 1069 § 1 (part), 2006)

15.08.480 - Prohibited uses.

The following activities are prohibited in an aquifer recharge area:

- A. Landfills;
- B. Underground injection wells;
- C. Mining;
- D. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces;
- E. Storage or processing of radioactive materials;
- F. Any activity that significantly reduces aquifer recharge, aquifer flow, or aquifer quantity or quality.

(Ord. 1069 § 1 (part), 2006)

15.08.500 - Frequently flooded areas.

- A. Frequently Flooded Area Classifications and Designations. All lands identified in the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), as amended, and approved by the city or county, as within the one-hundred-year floodplain are designated as frequently flooded areas. These maps are based on the following:
 - 1. Flood Insurance Study—Cowlitz County Unincorporated Areas;
 - 2. Flood Insurance Study—City of Woodland.
- B. Development Limitations. All development within designated frequently flooded areas shall be in compliance with the city of Woodland floodplain management ordinance, Chapter 14.40 of this code, as now or hereafter amended.

(Ord. 1069 § 1 (part), 2006)

15.08.600 - Geologically hazardous areas.

- A. Designation of Geologically Hazardous Areas. Geologically hazardous areas pose a threat to the health and safety of the general public when incompatible development is sited in areas of significant hazard. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake or other geological events. Development within a geologically hazardous area may not only pose a threat to that particular development, but to areas surrounding the development.

(Ord. 1069 § 1 (part), 2006)

15.08.610 - Erosion and landslide hazard areas.

- A. General.
 - 1. Erosion hazard areas are those areas that, because of their natural characteristics, including vegetative cover, soil texture, slope, gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.
 - 2. Landslide hazard areas are areas potentially subject to the risk of mass movement due to geologic, topographic, and/or hydrologic factors.
- B. Classification.
 - 1. Criteria.
 - a. Erosion hazard areas are identified by the presence of vegetative cover, soil texture, slope, and rainfall patterns, or human-induced changes to such characteristics, which create site conditions, which are vulnerable to erosion. Erosion hazard areas are those areas that are classified as having moderate to severe, or very severe erosion potential by the Natural Resources Conservation Service, United States Department of Agriculture (USDA).
 - b. Landslide hazard areas are those areas meeting any of the following characteristics:
 - i. Areas of historic failures, such as:
 - (A) Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having "severe" limitation for building site development;
 - (B) Those areas mapped by the Department of Ecology or the Washington Department of Natural Resources as unstable, unstable old slides, or unstable recent slides;
 - (C) Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources.

- ii. Areas with all three of the following characteristics:
 - a. Slopes steeper than fifteen percent;
 - b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - c. Springs or groundwater seepage.
- iii. Slopes that are parallel or sub-parallel to planes of weakness, such as bedding planes, joint systems, and fault planes, in subsurface materials;
- iv. Slopes having gradients steeper than eighty percent subject to rock fall during seismic shaking;
- v. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action;
- vi. Any area with a slope of thirty percent or steeper and with a vertical relief of ten or more feet. A slope is delineated by estimating the toe and top and measured by averaging the inclination over at least ten feet of vertical relief.

(Ord. 1069 § 1 (part), 2006)

15.08.620 - Mapping of hazards.

The following sources may be used to identify landslide and erosion hazard areas:

- A. Soil Survey of Cowlitz Area, Washington, United States Department of Agriculture, February 1974;
- B. Areas designated as slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Washington Department of Natural Resources;
- C. Washington Department of Natural Resources seismic hazard maps for Western Washington;
- D. Federal Emergency Management Administration flood insurance maps;
- E. Other maps or records of local geological hazard events.

(Ord. 1069 § 1 (part), 2006)

15.08.630 - Allowed activities.

The director may allow the following activities within other geologically hazardous areas if the activity will not increase the risk of the hazard:

- A. Construction of new buildings with less than two thousand five hundred square feet of floor area or roof area, whichever is greater;
- B. Additions to existing residences that are two hundred fifty square feet or less; and
- C. Installation of fences.

(Ord. 1069 § 1 (part), 2006)

15.08.640 - Regulation.

For all regulated activities proposed within landslide and erosion hazard areas, a geotechnical report prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical

engineering shall be submitted. Where the applicant can clearly demonstrate to the department through submittal of a geotechnical assessment that the regulated activity or any related site alterations will not occur within the landslide or erosion hazard area or any associated buffers, the requirements for a geotechnical report may be waived. A geotechnical assessment may be prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering. A geotechnical assessment may also be prepared by a professional geologist/hydrologist or soils scientist who has earned a bachelor's degree in geology, hydrology, soils science, or closely related field from an accredited college or university or equivalent educational training, and having five years' experience assessing erosion and landslide hazards.

A. Geotechnical Assessments.

1. If an applicant questions the presence of landslide or erosion hazard areas on a site, the applicant may submit a geotechnical assessment.
2. A geotechnical assessment shall include all of the following:
 - a. A description of the topography, surface and subsurface hydrology, soils, geology, and vegetation of the site;
 - b. An evaluation of the analysis area's inherent landslide and erosion hazards and any other critical areas and buffers, and any critical areas that may be likely to impact the site;
 - c. A site plan of the area delineating all areas of the site subject to landslide and erosion hazards, based on sources and criteria above;
 - d. The submittal must include a contour map of the proposed site, at a scale of one inch equals twenty feet or as deemed appropriate by the department. Slopes shall be clearly delineated for the ranges between fifteen percent and twenty-nine percent, and thirty percent or greater, including figures for area coverage of each slope category on the site. When site-specific conditions indicate the necessity, the department may require the topographic data to be field surveyed. When possible, the footprint of the proposed project shall be shown.

B. Geotechnical Reports. A geotechnical report shall be prepared by a professional engineer licensed by the state of Washington with experience in geotechnical engineering and shall address the existing geology, topographic and hydrologic conditions of the site, including an evaluation of the ability of the site to accommodate the proposed activity. The geotechnical report shall include at a minimum the following:

1. Site geology information required:
 - a. Topographic Data. The submittal must include a contour map of the proposed site, at a scale of one inch equals twenty feet or as deemed appropriate by the department. Slopes shall be clearly delineated for the ranges between fifteen percent and twenty-nine percent, and thirty percent or greater, including figures for area coverage of each slope category on the site. When site-specific conditions indicate the necessity, the department may require the topographic data to be field surveyed. When possible, the footprint of the proposed project shall be shown;
 - b. Subsurface Data. The submittal must include boring logs and exploration methods; soil and rock stratigraphy, groundwater levels, and seasonal changes of groundwater levels;
 - c. Site History. The submittal must include a description of any prior grading, soil instability, or slope failure; and
 - d. Seismic Hazard. The submittal shall include data concerning the vulnerability of the site to seismic events.
2. Geotechnical engineering information required:

- a. Slope stability studies and opinion(s) of slope stability;
 - b. Proposed angles of cut and fill slopes and site grading requirements;
 - c. Structural foundation requirements and estimated foundation settlements;
 - d. Soil compaction criteria;
 - e. Proposed surface and subsurface drainage;
 - f. Lateral earth pressures;
 - g. Vulnerability of the site to erosion;
 - h. Suitability of on-site soil for use as fill;
 - i. Laboratory data and soil index properties for soil samples; and
 - j. Building limitations.
3. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be utilized and a new report may not be required. If any changed environmental conditions are associated with the site or surrounding the site, or the proposed activity has changed, the applicant shall submit an amendment to the geotechnical report.
4. The development proposal may be approved, approved with conditions, or denied based on the department's evaluation of the ability of the proposed mitigation measures to reduce risks associated with the erosion and landslide hazard area.
5. Other critical areas or buffers on or adjacent to the site that may impact the proposal.
- C. Performance Standards. The department shall evaluate all geotechnical reports for landslide and erosion hazard areas to insure that the following standards are met:
- 1. Location and extent of development:
 - a. The development shall be located to minimize disturbance and removal of vegetation;
 - b. Structures shall be clustered where possible to reduce disturbance and maintain natural topographic character; and
 - c. Structures shall conform to the natural contours of the slope, and foundations should be tiered where possible to conform to the existing topography of the site.
 - 2. Design of development:
 - a. All development proposals shall be designed to minimize the building footprint and other disturbed areas;
 - b. All development shall be designed to minimize impervious surfaces;
 - c. Roads, walkways, and parking areas shall be designed to parallel the natural contours; and
 - d. Access shall be in the least sensitive area of the site.
 - 3. The department may approve, approve with conditions, or deny development proposals based on these performance standards.
- D. Buffer Requirements.
- 1. A buffer consisting of undisturbed natural vegetation and measured in a perpendicular direction from all landslide and erosion hazard areas shall be required. The buffer shall be from the top of the slope and toe of the slope of all landslide or erosion hazard areas that measure ten feet or more in vertical elevation change from top to toe of slope, as identified in the geotechnical report, maps, and field checking. The minimum buffer distance

requirements from the top of slope and toe of slope of the landslide or erosion hazard areas shall be the same as for setbacks from slopes as identified in the Uniform Building Code.

2. To increase the functional attributes of the buffer, the director may require that the buffer be enhanced through the planting of indigenous species.
 3. The edge of the buffer area shall be clearly staked, flagged, and fenced prior to any clearing, grading or construction. The buffer markers shall be clearly visible, durable, and permanently affixed to the ground. Site clearing shall not commence until the engineer has submitted written notice to the director that the buffer requirements of this chapter have been met. The buffer shall be permanently protected through a protective easement or other appropriate permanent protective measure.
- E. Modification to Buffer Width. When a geotechnical report demonstrates that a lesser buffer distance may be achieved through design and engineering solutions, such reduced buffer and design and engineering solutions may be permitted. If a geotechnical report demonstrates that a greater buffer distance is needed, the greater buffer shall be required.
- F. Building Setback and Construction Near Buffer. The setback for any proposed building or impervious surface from a buffer area shall be the same setback as required for that zoning district or ten feet, whichever is greater. No building or impervious surface shall be constructed closer than ten feet to any buffer area. Clearing, grading, and filling within the required setback shall only be allowed if the applicant can demonstrate that vegetation within the buffer will not be damaged.
- G. Erosion Control Plan. Erosion control plans shall be required for all regulated activities in erosion hazard areas.

(Ord. 1069 § 1 (part), 2006)

15.08.700 - Designation of fish and wildlife habitat conservation areas.

- A. Fish and wildlife habitat conservation areas include:
1. Areas with species designated by the state or federal government as endangered, threatened or sensitive:
 - a. Federally designated endangered and threatened species are identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are threatened to become endangered or are in danger of extinction. U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current listings.
 - b. State-designated endangered, threatened, and sensitive species are those species native to the state of Washington that are in danger of extinction, threatened to become endangered, vulnerable, or are declining and are likely to become endangered or threatened without cooperative management. The State Department of Fish and Wildlife maintains the most current listing and should be consulted for current listing status.
 2. State priority habitats and areas associated with state priority species. Priority species require protection due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitat may consist of a specific structural element, successional state, unique vegetation, or dominant plant species. Priority habitats are identified by the State Department of Fish and Wildlife.
 3. Habitats and Species of Local Importance. Habitats and species of local importance shall include Washington Department of Fish and Wildlife priority habitats and species, candidate species, and any species identified by the city of Woodland or Clark or Cowlitz County.
 4. Naturally Occurring Ponds Under Twenty Acres. Naturally occurring ponds do not include ponds intentionally created from dry sites such as retention ponds, dikes, or wastewater treatment

facilities, or landscape amenities, unless such ponds were intentionally created as mitigation or as restoration.

5. Waters of the State. All watercourses under the jurisdiction of the state of Washington.
 6. Lakes, ponds, streams and rivers stocked or planted with game fish by a governmental or tribal entity.
 7. State natural areas and natural resource conservation areas as defined, established, and managed by the State Department of Natural Resources.
 8. Essential land for preserving open spaces and connections between habitat blocks.
 9. [Fish and wildlife habitat conservation areas do 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.](#)
- B. All areas within the city of Woodland meeting one or more of these criteria, are hereby considered critical areas and are subject to this chapter.
- C. Mapping. The following critical area maps are hereby adopted:
1. Department of Fish and Wildlife, priority habitat and species maps;
 2. Department of Natural Resources, official water type reference maps; and
 3. Department of Natural Resources, state natural area preserves and natural resource conservation area maps.

These maps are to be considered as references only and do not provide final critical area designation.

(Ord. 1069 § 1 (part), 2006)

15.08.710 - Critical area report—Additional requirements for habitat conservation areas.

In addition to the general critical area report requirements of Section 15.08.160 of this chapter, critical area reports for habitat conservation areas shall meet the requirements of this section. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

- A. Prepared by Qualified Professional. A critical report for a habitat conservation area shall be prepared by a qualified professional biologist with experience preparing reports for the appropriate type of habitat.
- B. Area Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for habitat conservation areas:
 1. The total area of the proposed activity;
 2. All habitat conservation areas and recommended buffers within two hundred feet of the project area; and
 3. All shoreline areas, floodplains and other critical areas with related buffers within two hundred feet of the project area.
- C. Habitat Assessment. A habitat assessment or investigation of the proposed project area that evaluates the presence of a potential fish or wildlife species or habitat shall be prepared. A habitat conservation area report shall contain an assessment of following site and proposal related information:
 1. Detailed description of vegetation and other habitat features on and adjacent to the proposed project area;

2. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association habitat on or adjacent to the proposed project area;
 3. An assessment of potential impacts to the species by the proposed project;
 4. A discussion of any federal, state, or local special management recommendation that have been developed for species or habitats on or adjacent to the proposed project;
 5. A detailed discussion of the potential impacts to the habitat by the proposed project, including impacts to water quality or quantity;
 6. A discussion of measures, including avoidance, minimization and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded in accordance with Section 15.08.190 (Mitigation sequencing) of this chapter;
 7. A discussion of continuing management practices that will protect habitat after the project site has been developed, including monitoring and maintenance programs.
- D. Additional Information Required. The director may require additional information when the type of habitat or species dictates the need. The habitat management additional requirement shall include:
1. An evaluation by an independent qualified professional regarding the analysis and effectiveness of proposed mitigation or programs, including any recommendations as appropriate;
 2. A request for consultation with the Department of Fish and Wildlife; and
 3. A detailed surface and subsurface hydrologic features both on and adjacent to the proposed project site.

(Ord. 1069 § 1 (part), 2006)

15.08.720 - Performance standards—General requirements.

- A. Alterations Shall Not Degrade the Functions and Values of Habitat. A habitat conservation area may only be altered if the proposed alteration of the habitat does not degrade the quality or quantity of functions or values of the habitat. All new structures are prohibited from habitat conservation areas except in accordance with this chapter.
- B. Nonindigenous Species Shall Not Be Introduced. Unless authorized by a state or federal permit of approval, no species not indigenous to the region shall be introduced into a habitat conservation area.
- C. Mitigation, Contiguous Corridors. Mitigation sites shall be located so as to achieve continuous habitat corridors in accordance with an approved mitigation plan.
- D. Approvals May Be Conditioned. The director may condition approvals of allowed activities within or adjacent to habitat conservation areas or buffers. Conditions may include, but are not limited to, the following:
 1. Establishment of buffer zones;
 2. Preservation of critically important vegetation;
 3. Limiting access, including fencing;
 4. Seasonal restriction of construction activities.
- E. Mitigation Shall Achieve Equivalent or Greater Functions. Mitigation activities shall achieve equivalent or greater biologic functions and shall include mitigation for adverse impacts upstream or downstream of the development site. Mitigation shall address each function.

- F. Approval shall be supported by the best available science.
- G. Buffers.
1. The director shall require buffer areas to be established for all activities in or adjacent to habitat conservation areas when needed for habitat protection. Buffers shall be undisturbed areas of native vegetation, or shall be areas identified for restoration, to protect the integrity, functions, and values of the affected habitat. Buffers shall reflect the sensitivity of the habitat and intensity of the proposed project, and shall be consistent with recommendations by the State Department of Fish and Wildlife. Buffers shall be preserved in perpetuity.
 2. Seasonal Restrictions. If a species is more prone to disturbance during specific times of the year, seasonal restrictions may apply. Larger buffers may be required, and activities may be restricted during that specific season.
 3. Habitat Buffer Averaging. The director may allow the recommended buffer width to be reduced in accordance with an approved critical area report, best available science, and management recommendations by the State Department of Fish and Wildlife. Averaging may only occur if:
 - a. Averaging will not reduce habitat or stream functions;
 - b. It will not adversely affect salmonid habitat;
 - c. Additional natural resource protection such as buffer enhancement will be provided;
 - d. The total of the averaged buffer area is not less than what would be contained in the standard buffer;
 - e. The buffer area width is not reduced by more than twenty-five percent.
- H. Signs and Fencing.
1. Temporary Markers. The outer perimeter of the habitat conservation area or buffer and the limits of the area to be disturbed shall be marked in such a way as to prevent unauthorized intrusion. The marking shall be verified by the director prior to any activities taking place. Temporary marking shall be maintained throughout the project timeline until permanent signs, if required, are in place.
 2. Permanent Signs. The director may require permanent signs along the boundary of a habitat conservation area or buffer. The signs, if required, must be made of a durable material, mounted on a metal post. Signs shall be posted approximately fifty feet apart. The property owner shall maintain the signs.
 3. Fencing.
 - a. The director may require permanent fencing of a habitat conservation area or buffer when fencing will prevent future impacts to the area.
 - b. Permanent fencing shall be required if domestic grazing animals are present or may be introduced in the future.
 - c. If permanent fencing is required, it shall be the sole responsibility of the applicant to install and maintain.
 - d. Fencing shall not interfere with species migration and shall be installed in a manner that minimizes habitat impacts.
- I. Subdivisions/Short Subdivisions.
1. Land that is located entirely within a habitat conservation area or its buffer shall not be subdivided. Buffer areas shall be identified on the face of subdivision maps and shall be protected in perpetuity with conservation covenants, deed restrictions, or other legally binding mechanisms.
 2. Land that is located partially within a habitat conservation area or buffer may be divided provided an accessible portion of each new lot is located outside the conservation area or buffer. A lot may

be subdivided into lots outside the conservation area or buffer and a lot entirely within the buffer area, so long as the lot within the conservation area or buffer area is designated as not developable on the final plat.

3. Roads and utilities serving the proposed subdivision may only be permitted in the conservation area or buffer if the city determines that no other feasible alternative exists and adverse impacts to critical areas and buffers are fully mitigated in accordance with all mitigation and critical area report requirements of this chapter.

(Ord. 1069 § 1 (part), 2006)

15.08.730 - Performance standards—Specific habitats.

A. Endangered, Threatened and Sensitive Species.

1. No development shall be allowed within a habitat conservation area or buffer where state or federally endangered, threatened, or sensitive species have a primary association.
2. Proposed activities adjacent to a conservation area where state or federally endangered, threatened, or sensitive species have a primary association shall be protected in accordance with an approved critical area report. No activity shall be permitted prior to consultation with the State Department of Fish and Wildlife and/or appropriate federal agency.
3. Bald eagle habitat shall be protected pursuant to Washington State Bald Eagle Protection Rules (WAC 232-12-292). For activities proposed adjacent to a verified nest or communal roost a habitat management plan shall be developed by a qualified professional. Activities are adjacent to a bald eagle site when they are within eight hundred feet or within two thousand six hundred forty feet and in a shoreline foraging area. The city shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not occur prior to approval of the habitat management plan by the Department of Fish and Wildlife.

B. Anadromous Fish.

1. All activities, uses, and alterations proposed to be located within 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:
 - a. Activities shall be timed in accordance with the allowable work window as specified by the Department of Fish and Wildlife for the applicable species;
 - b. The activity is designed so it will not degrade the functions or values of the fish habitat or other critical areas;
 - c. Any impacts to the functions or values are mitigated in accordance with an approved critical area report;
 - d. Hydraulic project approval may be required from the Department of Fish and Wildlife.

C. Wetland Habitats. All proposed activities within or adjacent to habitat conservation areas containing wetlands shall conform to the wetland portion of this chapter. If wetland and nonwetland critical areas are present at the same location, the provisions that afford the greatest protection shall apply.

D. Riparian Habitat Areas. Unless otherwise allowed in this chapter, all structures and activities shall be located outside of the riparian habitat area.

1. Establishment of Riparian Habitat Areas. Riparian areas shall be established for habitats that include aquatic and terrestrial ecosystems that mutually benefit each other, and are located adjacent to rivers, perennial or intermittent streams, and springs.

2. Riparian Habitat Area Widths. Riparian habitat area widths shall be as shown in the following table:

Table 15.08.730-1

Riparian Habitat Areas (RHA)

Stream Type	RHA Width
Type 1(S) and 2(F); or shorelines of the state, or shorelines of statewide significance	250 feet
Type 3(F); or other perennial or fish bearing streams, 5-20 feet wide	200 feet
Type 3(F); or other perennial or fish bearing streams, <5 feet wide	150 feet
Type 4(Np) and 5(Ns); or intermittent streams and washes with high mass wasting potential	225 feet
Type 4(Np) and 5(Ns); or intermittent streams and washes with low mass wasting potential	100 feet

A riparian habitat shall have the width specified unless a greater width is required, or a lesser width is allowed. Widths shall be measured from the ordinary high water mark or from the top of the bank if the ordinary high water mark cannot be identified.

3. Riparian Habitat Required. A riparian habitat area shall apply only to projects permitted after the adoption date of the ordinance codified in this chapter.
4. Streams, Not Classified. Projects where streams have not been classified on a map are exempt from this portion of the critical areas ordinance, but must comply with all other portions of the critical areas ordinance.
5. Increased Riparian Widths. Riparian habitat widths shall be increased when:
 - a. The director determines that the recommended width is insufficient to prevent habitat degradation and to protect the functions of the habitat area;
 - b. A channel migration zone exceeds the recommended riparian width. The width shall be extended to the outer edge of the channel migration zone;
 - c. The riparian area is in an area of high blowdown potential. The riparian habitat area shall be expanded an additional fifty feet on the windward side;
 - d. The riparian area is within an erosion or landslide area. The buffer width will be that of the critical area affording the greatest protection.
6. Reduction of Habitat Buffer Widths. The director may allow the standard habitat buffer width to be reduced in accordance with an approved critical area report and the best available science on

a case-by-case basis when it is determined that a smaller area is adequate to protect the habitat functions and values based on site-specific characteristics and when all of the following criteria are met:

- a. The critical area report provides a sound rationale for a reduced buffer based on the best available science;
 - b. The existing buffer area is well-vegetated or will be significantly enhanced with native species and has less than a ten percent slope;
 - c. No direct or indirect, short-term or long-term, adverse impacts to habitats will result from the proposed activity;
 - d. As required by the director, a five-year monitoring program of the buffer and habitat shall be included. Subsequent corrective actions may be required if adverse impacts to the habitats are discovered during the monitoring period;
 - e. In no case shall the standard buffer width be reduced by more than fifty percent using this provision.
7. Riparian Habitat Area Width Averaging. The director may allow the riparian habitat area width to be averaged in accordance with a critical area report only if:
- a. The reduction will not degrade the habitat;
 - b. The reduction will not reduce the stream or habitat functions;
 - c. The reduction will not reduce non-fish habitat functions;
 - d. Additional habitat protection will be provided;
 - e. The total area of the riparian area is not reduced by more than twenty-five percent in any one location;
 - f. The total area of the riparian area is not decreased;
 - g. The reduction in width will not be within another critical area or buffer; and
 - h. The reduction in habitat area is supported by best available science.
8. Riparian Habitat Mitigation. Mitigation of adverse impacts shall result in equivalent functions and values on a per function basis. The mitigation shall be located as near the alteration as possible, and be located in the same sub-drainage basin as the impacted habitat.
9. Alternative Mitigation for Riparian Areas. If the applicant demonstrates that greater habitat functions can be obtained as a result of alternate mitigation measures, the director may modify the requirements of the performance standards of this section, including the riparian habitat area buffers.
10. Use of Buffer Area. Buffers for fish and wildlife habitat conservation areas not subject to the shoreline master program, shall follow the same rules as those outlined in Section 15.08.400(L) of this chapter.
11. Functionally Isolated Riparian Habitat Area. Areas which are functionally separated from a riparian habitat area due to preexisting roads, structures, or similar circumstances, shall be excluded from buffers otherwise required by this chapter on a case-by-case basis subject to a critical area report and review as determined by the director.
- E. Aquatic Habitat/Shoreline Jurisdiction. The following activities may be permitted within a riparian habitat area when the activity is done in accordance with the shoreline management program and this chapter, including Section 15.08.040:
1. Clearing and grading as part of a permitted activity.
 - a. Grading is allowed only in the dry season as determined by the director.

2. Shoreline Erosion Control. Shoreline erosion control measures may be permitted in accordance with an approved shoreline permit and critical areas report that demonstrates the following:
 - a. Natural shoreline process will be maintained;
 - b. There will be no increased beach or other erosion;
 - c. Fish and wildlife habitat will not be degraded;
 - d. There is no net loss of functions or values.
3. Streambank Stabilization. Only in accordance with an approved critical area report and shoreline permit.
4. Boat Ramps. Boat ramps may be permitted in accordance with a shoreline permit and approved critical area report that demonstrates the following:
 - a. Natural shoreline process will be maintained;
 - b. There will be no increased shoreline, bank or other erosion;
 - c. Fish and wildlife habitat will not be degraded;
 - d. There is no net loss of functions or values.
5. Roads, Trails, Bridges, Rights-of-Way. Roads, trails, bridges, and rights-of-way may be permitted up to thirty feet wide in accordance with a shoreline permit and approved critical area report that demonstrates the following:
 - a. There is no feasible alternative route with less environmental impact;
 - b. Roads do not run parallel to the water body;
 - c. Trails are located on the outer edge of the riparian area;
 - d. Crossings shall be as near perpendicular to the water body as possible;
 - e. Mitigation for impacts is provided;
 - f. Trail shall not be made of continuous impervious materials.
6. Utility Facilities. New utility lines and facilities may be permitted in accordance with an approved critical area report that demonstrates compliance with the following:
 - a. Fish and wildlife area shall be avoided to the maximum extent possible;
 - b. Utilities shall cross at an angle greater than sixty degrees;
 - c. Crossings shall be contained within an existing road or utility crossing where feasible;
 - d. The utility shall avoid paralleling a stream;
 - e. The utility shall not increase or decrease the natural rate of shore or channel migration.
7. Public Flood Protection Measures. Public flood protection measures may be permitted subject to the city's review and approval of a critical area report and shoreline permit.
8. Instream Structures. May be permitted in accordance with an approved critical area report and shoreline permit. The structure shall be designed to avoid modifying flows and adversely affecting water quality.
9. Stormwater Conveyance Facilities. Conveyance facilities may be permitted in accordance with an approved critical area report subject to the following:
 - a. No other feasible alternatives with less impact exist;
 - b. Mitigation for impacts is provided;
 - c. Conveyance facilities shall incorporate habitat features; and

- d. Vegetation shall be maintained.
- 10. On-Site Sewage Systems and Wells.
 - a. New on-site sewage systems and individual wells may be permitted in accordance with an approved critical area report only for residences where it is not feasible to connect to the public sanitary sewer system.
 - b. Repairs to failing on-site sewage systems associated with an existing structure shall be by utilizing one of the following methods that results in the least impact:
 - i. Connection to the public sanitary sewer system;
 - ii. Replacement with a new on-site system located in a portion of the site that has already been disturbed;
 - iii. Repair to the existing system.

(Ord. 1069 § 1 (part), 2006)

Chapter 16.22 - PLANNED UNIT RESIDENTIAL DEVELOPMENTS

16.22.010 - Purpose and nature.

The intent of this chapter is to promote greater flexibility and, consequently, more imaginative design for the development of residential areas than generally is possible under conventional zoning and subdivision regulations. It is further intended to promote more economical and efficient use of land while providing for a harmonious variety and grouping of housing types, a higher level of urban amenities, and preservation of open spaces and areas identified or believed to be hazardous for development. The planned unit residential development (PURD) option offers the subdivider increased density, lower costs, permissive variation in zoning and subdivision standards, and opportunities to carry out architectural themes, in return for which the city realizes higher quality living environments than normally obtained by traditional subdivision development.

To assist in the implementation of the city of Woodland's policy to reduce sprawl, provide affordable housing to all economic segments of the population, retain open space, enhance recreational opportunities, and protect the natural environment, the city of Woodland finds that employing a performance-based system that allots points for carrying out development-related goals, policies and objectives of the comprehensive plan will foster opportunities for employing more imaginative design. This performance-based system assigns a point value for desired site design and development features. Certain minimum site design criteria need to be satisfied in order for a project to qualify for PURD consideration. More creative design will result in a greater accumulation of points, which then provides greater incentives, flexibility and permissive variation from zoning and subdivision standards.

16.22.020 - Applicability.

These regulations may be invoked at the option of the subdivider and with the approval of the city in the LDR, MDR and HDR districts provided that minimum qualifying criteria have been satisfied. In furtherance of the comprehensive plan, the city may require subdivisions in areas of geologic hazard or steep slope to comply with this chapter.

16.22.25 - PURD classifications, incentives and required qualifying criteria points.

A. Basic PURD.

1. A project that provides basic PURD features is eligible for the following development incentives:
 - a. Up to fifty percent reduction in minimum lot size and building setback requirements;
 - b. Flexible street standards;
 - c. Critical areas density transfer in accordance with requirements of WMC 16.22.060.B;
 - d. Increased density in the LDR from six dwelling units per acre (du/ac) to twelve du/ac.
2. To qualify for a basic PURD in the city of Woodland, a development must accumulate a minimum of thirty-nine points from the following development related categories:
 - a. Adhere to one of the affordable housing techniques—Minimum three points;

- b. Provide open space & recreation (must include pedestrian connectivity)—Minimum twenty points;
 - c. Provide street connectivity—Minimum four points;
 - d. Provide acceptable structural characteristics—Minimum twelve points.
- B. Advanced PURD
1. A project that provides advanced PURD features qualifies for the following development incentives:
 - a. No minimum lot size and building setback requirements;
 - b. Negotiate flexible street standards;
 - c. Critical areas density transfer in accordance with requirements of WMC 16.22.060.B;
 - d. Increased density in the LDR from six du/ac to twenty-five du/ac provided:
 - i. Multifamily development (more than fifty percent of the dwelling units) shall not be located adjacent or in close proximity (less than one-quarter mile) to another primarily multifamily development also in the LDR zoning district.
 - ii. Multifamily development shall include transitional techniques such as perimeter buffering, the stepping back of building heights or other methods of providing sufficient transition between single family and multifamily residential developments.
 - iii. The property shall front either an arterial or collector road or be within one-quarter mile of a commercial zoning district where pedestrian connectivity exists or is proposed as part of the PURD as an off-site improvement.
 2. To qualify for an advanced PURD in the city of Woodland, a development must accumulate a minimum of sixty-nine points from the following development related categories:
 - a. Provide inclusionary housing as a means of adhering to the affordable housing technique requirement—Minimum eight points;
 - b. Provide open space and recreation (must include pedestrian connectivity) - minimum thirty points;
 - c. Provide street connectivity—Minimum four points;
 - d. Provide low impact development (LID) stormwater facilities—Minimum seven points;
 - e. Provide acceptable structural characteristics—Minimum twenty points.

16.22.030 - Allowed uses.

- A. Standard Uses. PURDs may include all of the uses which are allowed in the base zone by right, with limitations, or as a conditional use.
- B. The combination of permitted and accessory uses listed in the zoning ordinance for the LDR, MDR, and HDR districts together and including condominiums, which shall also be subject to Chapter 16.20, provided that sufficient qualifying criteria have been satisfied.
- C. Recreational facilities, including but not limited to tennis courts, swimming pools, playgrounds, golf courses, trails, and structures accessory to such facilities.
- D. Community halls or social clubs, churches, schools and libraries.
- E. Zero lot line development, as defined and restricted by this chapter.

16.22.040 - Base zone standards.

The development standards of the zoning district in which the type of residential development would normally be allowed applies unless they are superseded by the standards of this chapter.

A project that qualifies as an advanced PURD under WMC 16.22.025.B must meet the standards of the medium density multifamily residential, MDR district in order to develop multifamily residential buildings. Any request to deviate from the MDR standards as an incentive to develop, as provided by WMC 16.22.025.B.1.a, must be approved by the review body.

16.22.050 - Size limitation.

The minimum size for a PURD is two acres. There are no maximum size limitations for PURDs.

16.22.060 - Calculation of density.

- A. The number of dwelling units allowed in PURDs is calculated in the following manner:

The developable site area shall be the area exclusive of streets on the perimeter of and within the site, any right-of-way, land set aside for schools and religious institutions, critical areas defined in WMC 15.08.030, and any non-private easement(s) including, but not limited to, easements for gas pipe lines, water and sanitary sewer mains, stormwater systems, other utilities, or accesses.

- B. Density may be increased in the LDR zoning district in accordance with WMC 16.22.025.A.1.d or WMC 16.22.025.B.1.d upon successful satisfaction of the PURD qualifying criteria.

1. Critical Areas Density Transfer. The city recognizes that some environmentally sensitive lands regulated by WMC Chapter 15.08, Critical Areas Regulations, have development potential if the project is properly designed. For instance, limited development activity may be permitted in an erosion and landslide area where the applicant demonstrates the ability of the site to accommodate development in accordance with performance standards detailed in an accepted geotechnical assessment or report.

As an incentive to avoid or minimize the potential adverse effects of developing within environmentally sensitive areas, the city may allow density to be transferred from a constrained portion of a site that has demonstrated development potential to an unconstrained area on the same site when developing a PURD. Such density transfers achieve protection of critical areas while permitting the property owner to retain some or all development rights and potentially save great expense of mitigating for encroachments.

The city shall allow transfer of density for residential uses from lands containing developable portions of critical areas, as defined by WMC Chapter 15.08, when satisfying all the following conditions:

- a. The applicant shall submit all reports and follow determination and mitigation procedures required in WMC Chapter 15.08, Critical Areas Regulations.
- b. In addition to the required information of a critical areas report detailed in WMC 15.08.160 and other sections of the chapter specific to the type of critical

- area(s), the report shall also specifically indicate and discuss the portion of the critical area(s) believed to be constrained, but that have development potential.
- c. The report shall specifically indicate and discuss the unconstrained portion of the site proposed to accommodate the density transfer along with a recommendation from the professional preparing the report as to the ability of the unconstrained portion of the site to accommodate additional density.

16.22.070 - Lot sizes.

A basic PURD shall qualify for a reduction of up to fifty percent of the minimum lot size. There is no minimum lot size for an advanced PURD. Lot sizes shall be established as part of the preliminary plat process.

16.22.075 - Criteria necessary to qualify as a PURD.

This performance-based system assigns a point value for desired site design and development features that implement the goals, policies and objectives of the comprehensive plan and other plans adopted by the city, categorized as follows:

Affordable housing techniques;

Open space and recreational features;

Infrastructure and public improvements;

Structure characteristics.

The following points are assigned to desired design and development features and shall be used when determining if a project qualifies for a PURD as provided in WMC 16.22.025:

- A. Affordable Housing Techniques. Housing types in zones which allow residential uses are not restricted. However, a variety of housing types and architectural styles allowing a range of prices and rents is encouraged. This variety includes, but is not limited to, multifamily, single family, duplex, and zero lot line developments.
 1. Zero Lot Line Development—Three Points. Zero lot line development is one siting approach consistent with the intent of this chapter. For the purposes of this article, "zero lot line development" is the siting approach whereby a single-family detached dwelling is sited on one side lot line with no side yard provided, and the dwelling on the lot abutting the zero lot line is sited on this side lot line either adjacent to or farthest from the zero lot line. The approach is shown in Figure 9, following this chapter. The intent of this section is to provide for a housing design befitting small lots and higher density, to encourage increased usable yard on a lot, and to allow flexibility in housing development. (For Figure 9, see end of this chapter).
 - a. Zero Lot Line Development—Standards. To insure adequate light, air, privacy, and maintenance, zero lot line development shall be subject to the standards herein. For single-family dwellings to be located on a side lot line with no setback, the following conditions shall apply:
 - i. The lot adjacent to the zero setback side yard shall be under the same ownership at the time of initial construction.

- ii. The side yard setback on the lot adjacent to the zero setback side yard shall be zero or at least ten feet.
 - iii. The side yard setback on the lot adjacent to the zero setback side yard shall be kept perpetually free of permanent obstructions such as a tool shed or a fence without a gate.
 - iv. An easement of five feet in width shall be provided on the adjacent lot for maintenance of the exterior portion of the zero lot line wall unless common wall construction.
 - v. A lot developed with a zero setback side yard may be as small as four thousand square feet in area and may be as little as forty feet in width at the building line.
 - vi. A lot developed with a zero setback side yard must have no less than one thousand seven hundred square feet of total yard area unobstructed by buildings.
 - vii. Each lot shall have one side yard a minimum of ten feet in width.
2. Traditional Neighborhood Design—Three Points. One-family and two-family homes on small lots, narrow front yards with front porches and gardens, detached garages in the backyard, utilizing standards of WMC 17.16.090, traditional neighborhood design optional development standards.
 3. Cluster Subdivision—Four Points. This technique provides for the clustering of housing units within a residential development on lots smaller than those normally allowed under existing zoning, with the provision that the land that is saved be set aside permanently as open space.
 - a. Cluster Subdivision—Standards.
 - i. Unit size—Maximum: One thousand five hundred square feet excluding garage. Cottages may not exceed one thousand square feet on the main floor. Any additions or increases in unit sizes after initial construction shall be subject to compliance with all cottage housing development standards.
 - ii. Maximum density: Twelve units per acre.
 - iii. Minimum lot size—None. Lot sizes shall be determined through administrative design review process.
 - iv. Development size—Minimum: Six units. Maximum: Twenty-four units. Minimum cluster: Six units. Maximum cluster: Twelve units. Cottage clusters may be integrated into small lot developments where the combined number of cottage and small lot units may exceed twenty-four. Cluster size is intended to encourage a sense of community among residents. Homes within a cluster generally orient toward each other, community open space, or pathways and are not separated by roads or critical areas. A development site may contain more than one cluster provided there is a clear separation between clusters. Clusters shall be connected via pedestrian pathway(s).
 - v. Open Space. In accordance with "open space qualifying points" in section 16.22.075.B.5.
 - vi. Attached Covered Porches. Each unit must have a covered porch with a minimum area of sixty-four square feet and a minimum dimension of eight feet.
 - vii. Parking requirements—Units less than eight hundred square feet: One space per unit minimum. Units more than eight hundred square feet: One

and one-half spaces per unit minimum. Must be provided on the subject property. Additional shared guest parking may not exceed one-half spaces per unit.

- viii. Garage requirements—Private garages: Two hundred fifty square foot maximum floor area. Shared garages: One thousand two hundred square foot maximum floor area. Front loaded garages shall be recessed more than ten feet from the front facade of the cottage and their visual impact shall be minimized through the use of architectural design elements.
 - ix. Accessory Dwelling Units (ADUs). Not permitted as part of a cluster development.
4. Infill or Redeveloped Site—Four Points. Infill is the use of land within a built-up area for further construction, especially as part of a community redevelopment or growth management program. It focuses on the reuse and repositioning of obsolete or underutilized buildings and sites. Examples include attached townhomes or detached carriage houses.
5. Inclusionary Housing—Eight Points. The city of Woodland aspires to provide affordable housing to citizens within all income ranges. Projects that participate in Washington State Housing Finance Commission's Low Income Housing Tax Credit program, the Washington State Housing Trust Fund, or any other designated affordable housing program acceptable to the city will qualify as satisfying this criterion.
- B. Open Space and Recreational Features. Open space and recreational features are an essential component of the PURD. Minimum open space requirements and recreational features are required to qualify as a PURD per WMC 16.22.025. For the purposes of this article, "open space" is categorized and defined as follows:
- 1. "Passive open space" is an improved or unimproved area that serves as a visual relief in the built environment and may be characterized by undisturbed natural vegetation or areas intended for people to enjoy being outdoors. Passive open space provides one or more of the following functions:
 - a. Physical separation or transition between structures or environmentally sensitive lands regulated by WMC Chapter 15.08, Critical Areas Regulations. Lands regulated by WMC Chapter 15.08 do not count as open space area except the outer fifty percent of a required buffer protecting land designated as a critical area may count as passive open space area if improved with pedestrian trails, benches, picnic tables, view platforms or other amenities that provide opportunities to enjoy the outdoors.
 - b. Providing aesthetically pleasing areas such as commonly owned undisturbed natural areas, landscaped areas, entry features, areas dedicated for public art and lawns.
 - c. Providing superior design in stormwater facilities by integrating a combination of low impact development (LID) techniques and passive recreational amenities provided the areas are not fenced or gated. The intent is to reward integrating design of required improvements and discourage simple fenced retention and/or detention ponds. Additionally, landscaped roof areas that are devoted to recreational or leisure-time activities, freely accessible to residents, structurally safe, and adequately surfaced shall be considered open space.
 - 2. "Active open space" is an improved and maintained area under common ownership that provides opportunities for physical exercise including, but is not limited to, all

- purpose pedestrian trails, pools, child play areas, recreational or social buildings, play fields and sports courts.
3. Open space does not include street right-of-way, parking lots or yards in a platted lot, underground utility easements, storm water facilities (unless improved in accordance with WMC 16.22.075.C.3), and critical areas (unless improved in accordance with WMC 16.22.075.B.1.a).
 4. Open Space Guidelines.
 - a. Most of the total area designed as open space should be contiguous rather than scattered around the development in small parcels and should be accessible to all residents.
 - b. The area of any parcel designed for active recreational use shall not be less than six thousand square feet nor less than thirty feet in width or length.
 - c. The amount, use and character of the open space shall be appropriate for the expected population and number and type of dwelling units.
 - d. If a PURD is to be developed in phases, the development schedule shall coordinate the provision and improvement of the open space with development of the area for residential buildings so that no phase shall be without significant amount of open space. At the time of preliminary plat approval, the review body may require a certain amount or certain sites of open space to be provided with any development phase.
 5. Open Space Qualifying Points.
 - a. Undeveloped passive open space for low density residential development (up to six dwelling units per acre) shall provide a minimum one thousand five hundred square feet per lot or dwelling unit of undeveloped natural area—three points;
 - b. Developed passive open space for low density residential development (up to six dwelling units per acre) shall provide a minimum one thousand square feet per lot or dwelling unit, developed and maintained area—five points;
 - c. Undeveloped passive open space for medium density residential development (up to twenty-five dwelling units per acre) shall provide a minimum seven hundred fifty square feet per lot or dwelling unit of undeveloped natural area—three points;
 - d. Developed passive open space for medium density residential development (up to twenty-five dwelling units per acre) shall provide a minimum five hundred square feet per lot or dwelling unit, undeveloped natural area—five points;
 - e. Active open space minimum of seven hundred fifty square feet per lot or dwelling unit, developed and maintained—seven points;
 - f. Active open space minimum one thousand square feet per lot or dwelling unit, developed and maintained—ten points.
 6. Pedestrian Circulation Qualifying Points.
 - a. Internal Circulation. A developed and maintained ADA pedestrian path or sidewalk that provides internal circulation within the development, including to the open space area—four points;
 - b. Internal Circulation and Linking Path. A developed and maintained ADA pedestrian path or sidewalk that provides internal circulation within the development, including to the open space area, and also provides exterior connectivity to services such as a school, park, commercial area, public transportation system, etc.—six points.
 7. Recreational Qualifying Points.

- a. The project includes fields, courts, swimming pools, trail amenities or other facilities that promote active recreation—four points;
 - b. The project includes a clubhouse that may include both active and passive recreational opportunities and include amenities such as kitchen and dining facilities—seven points.
8. Superior design development that demonstrates superior design by incorporating open space and recreational features when addressing development challenges including but not limited to preservation of environmentally sensitive lands, preservation of existing trees, incorporation of stormwater facilities or integration with the transportation system will receive an additional four points.
- C. Infrastructure and Public Improvement Qualifying Criteria.
 1. Street Connectivity. The PURD's streets shall be laid out and designed so as to plan for future connection to adjoining properties—four points;
 2. Bicycle Lanes. The PURD shall provide bicycle circulation and connectivity to neighboring properties either as bicycle lanes in the right-of-way or as a part of a trail system—four points; and
 3. Low Impact Development (LID) Stormwater. Instead of large investments in complex and costly engineering strategies for stormwater management, LID strategies integrate green space, native landscaping, natural hydrologic functions, and various other techniques to generate less runoff from developed land—seven points.
- D. Structure Characteristics.
 1. Energy Efficiency.
 - a. The homes within the PURD will be built at Energy Star New Home Standards—six points;
 - b. The homes within the PURD will be equipped with Energy Star qualified efficient appliances—four points.
 2. Garage Orientation.
 - a. One hundred percent of homes have garage doors even with or set back behind the dwelling's living area—two points;
 - b. At least seventy-five percent of the homes have garage doors that do not face a public street—two points;
 - c. At least seventy-five percent of the homes have garages accessed only by alleys—two points;
 - d. One hundred percent of homes have garages accessed only by alleys—two additional points;
 3. Garage Width. At least seventy-five percent of the homes have garage doors that occupy less than fifty percent of the front facade—two points;
 4. Front Porches. At least seventy-five percent of the homes have covered front porches—two points;
 5. Exterior Materials.
 - a. At least seventy-five percent of the homes have a front facade that is at least fifty percent brick, stone or decorative material—two points;
 - b. At least seventy-five percent of the homes have complete exteriors that are at least twenty-five percent brick, stone or decorative material—two points.
- E. An applicant may propose and request points for providing desired site design and development features that implement the goals, policies and objectives of the comprehensive plan and other plans adopted by the city provided the proposed design

or improvement is not already required by city ordinance. The intent is to provide staff, the planning commission and city council as much latitude as necessary to negotiate with applicants while implementing the city's vision for future growth.

- F. PURD Qualifying Criteria Score Sheet. The city of Woodland shall provide the desired site design and development features and associated points on a concise score sheet that shall be submitted with the PURD application and used by decision makers when determining the appropriateness of the PURD application.

16.22.160 - Open space ownership and maintenance.

All area shown as open space on the plats and site plans required in this chapter shall be conveyed and maintained under the following options:

- A. If open space is suitable for general public use and a public agency agrees to maintain it, the open space, including any buildings, structures or improvements thereon, may be dedicated to the public.
- B. If open space is appropriately intended for use solely of the residents of the development, it shall be conveyed to an association of property owners created as a nonprofit corporation under the laws of the state, through which the property owners shall own undivided interest in the open space. In such case, the developer shall file with the city copies of the articles of incorporation and bylaws of the association. In addition, the developer shall present for recording with the final plat a declaration of covenants acceptable to the city council and city attorney, which covenants shall provide for the following:
 - 1. The property owners' association will be established by the developer before any properties in the PURD are sold.
 - 2. Membership in the association will be automatic and mandatory for each property buyer and any successive buyer.
 - 3. Use of the common open space will be restricted as shown on the approved final plat and final site plan, and the restrictions will be permanent per WMC 16.22.350, not just for a period of years. In lieu of a covenant permanently restricting use of the common open space, the developer may convey and the city may require conveyance of the development rights to the city.
 - 4. The association will be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
 - 5. Property owners will pay their pro rata share of the cost of the insurance, taxes and maintenance. The assessment levied by the association can become a lien on the property, and foreclosures can be instituted to collect defaulted payments.
 - 6. The association will be able to adjust the assessment to meet changed needs.
 - 7. The city will be authorized to enforce the covenants to insure maintenance.

16.22.170 - Parking.

The following parking regulations apply:

- A. The parking requirements of Chapter 17.56 apply. In addition, where on-street parking is not allowed, at least one additional parking space per dwelling must be provided in off-street parking bays or common parking areas.
- B. Bicycle Parking.

1. For multifamily residences there shall be one bicycle parking space or locker for each two dwelling units or portion thereof. One two-sided bike rack can accommodate two bicycles if the space is designed properly.
 2. Each four bicycle parking spaces above the minimum number required may be substituted for one required automobile parking space up to a maximum of fifteen percent automobile parking space reduction.
 3. Each bicycle parking space shall be sufficient to accommodate a cycle at least six feet in length and two feet wide, and shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using a chain and padlock, locker or other storage facilities which are convenient for storage and are reasonably secure from theft and vandalism. The separation of the bicycle parking spaces and the amount of corridor space shall be adequate for convenient access to every space when the parking facility is full.
 4. When automobile parking spaces are provided in a structure, all required bicycle spaces shall be located inside that structure or shall be located in other areas protected from the weather. Bicycle parking spaces in parking structures shall be clearly marked as such and shall be separated from auto parking by some form of barrier to minimize the possibility of a parked bicycle being hit by a car.
 5. Bicycle parking spaces shall be located near the entrance of the use being served and within view of pedestrian traffic if possible.
- C. Common parking and maneuvering areas must be set back at least twenty feet from the boundary of the PURD. The setback area must be landscaped.

16.22.180 - General requirements.

- A. Applicants Responsibilities. It is the responsibility of the applicant to provide all service facilities necessary for the functioning of the PURD, including those listed in this chapter. The services must be provided at no cost to the public, unless allowed by the city. If public off-site improvements are provided, financial adjustments to the applicant for off-site users shall be made by the city subject to its own policies and regulations. Such adjustments include latecomer fee agreements.
- B. Dedication of Service Facilities. Service facilities such as streets, water supply, facilities, sanitary sewers, and regional storm water detention facilities must be dedicated to the public if they are to provide service to any property not included in the PURD. However, the review body may approve private service facilities with the consent of the city.
- C. Underground Facilities. All service facilities should be placed underground except those that by their nature must be on or above ground, such as streets, fire hydrants, and open water courses or where the provider of the utility, e.g., city, PUD will not consent to such underground service. The applicant is responsible for making the necessary arrangements with utility companies and other appropriate entities when installing all service facilities.

16.22.190 - General standards for public service facilities.

- A. City Standards. All service facilities dedicated to the public (public service facilities) must be constructed to city standards.
- B. Extensions to Boundary Lines. All public service facilities needed to service properties outside the PURD must be extended to the lot lines of the PURD. This extension may be waived by the review body with the consent of the city. Where extensions are waived,

rights-of-way and/or easements may be required for the future extension of the facilities.

- C. Location of Public Service Facilities. All public service facilities should be located in public streets where possible. Where not possible, they must be easily accessible for maintenance purposes. Private streets will be given preference over nonstreet locations. The location of all public service facilities must be approved by the city.
- D. Easements. Easements are required for all public service facilities located on private property, and must comply with the requirements stated below:
 - 1. Easements must be provided at no cost to the city.
 - 2. Easements must be at least fifteen feet wide; a greater width may be required.
 - 3. Easements must allow for the construction, operation, maintenance, and repair of the facilities.
 - 4. Structures, exterior improvements, and additional service facilities are not allowed in an easement unless approved in writing by the city.
 - 5. If the city removes private street surfaces to conduct repairs, maintenance, or replacement work on public service facilities, the city will provide an asphalt or concrete patch for the paving surface upon completion of its work. All other private street resurfacing expenses necessitated in the maintenance and repair of public service facilities must be borne by the PURD property owners. Work by the city in unpaved areas will be restored as nearly as reasonable to the condition existing prior to the work.
 - 6. All easements must be shown on the PURD plan map recorded in the county records. The restrictions and conditions stated in subsections D.4 and D.5 of this section must appear on all conveyances of PURD real property and they must bind all owners, their heirs, successors, and assigns, as restrictive covenants.
 - 7. The document granting the easement must be approved by the city.

16.22.200 - General standards for private service facilities.

- A. Development Standards. All private service facilities must be designated by a qualified civil engineer to city standards or comparable design life as determined by the public works director.
- B. Connection to Public Facilities. Private service facilities may not be connected to public facilities without consent from the city.
- C. Maintenance of Private Facilities. The declaration of covenants, conditions, and restrictions for the PURD must require periodic assessments for the maintenance and repair of all private service facilities, and must require that the governing body of the PURD adequately maintain the facilities.

16.22.210 - Streets.

- A. Public Streets.
 - 1. Standards and Widths. Public streets must be to city street, street lighting and ADA standards. Narrower right-of-way and roadways and deviations from city standards may be approved by the review body with the approval of the public works director upon successful qualification of a PURD in accordance with WMC 16.22.025. Deviations from city standards may be approved where conditions, particularly topography or size and shape of the PURD, make it impracticable to provide buildable sites or where special design features of the PURD make the standard widths unnecessary. An easement protecting undevelopable slopes may be required.

2. Future Extension. Where right-of-way dedications are required to provide future service to abutting properties, reserve strips, or street plugs may be required.
- B. Private Streets.
1. Standard. Private streets may be developed to a minimum width of twenty-six foot pavement width and to the ADA requirements, provided that private street layouts, turn-around designs, parking restrictions, and location of fire hydrants shall be approved by the city fire chief, police chief, and the public works director to ensure safe maneuvering areas for emergency vehicles.
 2. Access. Streets must be kept open and passable at all times. However, obstructions to access, such as gates, may be allowed if approved by the city fire chief, police chief, and the public works director.
 3. Separation From Public Streets. Private streets must be separated from the public roadway by a driveway-type entrance and posted as a private street.
 4. Street Names. Except for extensions of existing streets, street names may not be used which will duplicate or be confused with names of existing streets. Street names must be approved by the public works director.

16.22.220 - Walkways.

Pedestrian circulation systems must be provided to facilitate movement within the PURD and to ensure pedestrian access to public uses, including schools, parks, open spaces and transit facilities. The review body may require the walkways to be within public right-of-ways.

16.22.230 - Sanitary sewage disposal.

A sanitary sewage disposal system must be provided to serve all proposed building sites.

16.22.240 - Control and disposal of stormwater and groundwater.

- A. Standard. Facilities for the control and disposal of stormwater and groundwater must be provided per the 1992 Stormwater Management Manual for Puget Sound Basin standards, and be approved by the city.
- B. In order for a PURD to qualify as an advanced PURD under WMC 16.22.025.B.2, stormwater facilities must be designed to low impact development (LID) standards, such as provided by the Puget Sound Partnership Resource Center. The LID standard must be approved by the public works director and be included as a preliminary plat condition. The intent is to encourage superior design by integrating stormwater management, open space requirements and protection of the natural resources.
- C. Capacity. The facilities must be adequate to serve the PURD site. The facilities must address undeveloped areas of the PURD as well as stormwater runoff from all impervious surfaces within the PURD.
- D. Connections. The facilities must be connected to drainage ways, storm sewers, or subsurface disposal systems that have the capacity to accommodate the expected loading. The connection shall be made immediately after the installation of the facility and prior to creation of any impervious areas within the development site.
- E. Off-Site Improvements. Construction of facilities outside the PURD may be required per the discretion of the public works director if the applicant demonstrates adequate on-site stormwater management systems cannot be provided.

16.22.250 - Preapplication conference required.

Applicants seeking approval of a PURD shall be required to participate in a preapplication conference conducted in conformance with Chapter 16.06. In addition to their responsibilities listed herein, the city officials in attendance shall provide to the developer written comments indicating the feasibility and appropriateness of the project's development under the terms and purposes of this chapter.

16.22.255 - Neighborhood meeting required.

- A. Following the preapplication conference and prior to formal submittal, applicants for PURD consideration shall schedule and host a neighborhood meeting. The purpose of the neighborhood meeting shall be to inform the nearby property owners of the proposed development and provide the neighbors an opportunity to comment prior to the applicant committing significant resources and effort designing the project.
- B. The applicant shall mail written notice of the neighborhood meeting to all property owners within three hundred feet of the proposed project and shall publish notice in at least one local newspaper at least ten days prior to the meeting. A copy of the mailing list and newspaper notice shall be submitted with the official application for PURD consideration.
- C. At the neighborhood meeting, the applicant shall present the proposed development to interested neighbors and solicit their comments. A summary of the comments shall be submitted with the official application for PURD consideration.
- D. The city shall be represented at the meeting by one or more staff members for the purpose of discussing the city's adopted plans and development regulation requirements and procedures in general.

16.22.257 - Relationship between PURD and preliminary plat, explained

The city of Woodland encourages innovative techniques of land development, including PURDs. A PURD is master planned, but the PURD process cannot, by itself, create legal lots of record. Legal lots within the PURD must be created through the subdivision process. Therefore, a preliminary plat application must be submitted with the PURD application.

16.22.260 - Preliminary site plan and other application materials.

Persons desiring approval of a PURD shall submit the preliminary plat copies and supplementary materials required by Sections 16.08.010 through 16.08.300 and, in addition, the following materials to the city planning department:

- A. Eight copies of the comments provided by the city as a result of the preapplication meeting required by WMC 16.22.250.
- B. Eight copies of the summary of comments provided by the neighbors, the neighborhood meeting mailing list and published notice of the neighborhood meeting required by WMC 16.22.255.
- C. Eight copies of the PURD qualifying criteria score sheet required by WMC 16.22.075.F.
- D. Copies of a Preliminary Site Plan. Eight full-size and reduced (eleven inches by seventeen inches) copies of site plan. Contents of the preliminary site plan shall be in accordance with Section 16.18.060.
- E. If proposed landscaping cannot be accommodated on the preliminary site plan, eight full-size and reduced (eleven inches by seventeen inches) copies of landscaping plan

showing trees and groundcover to be retained and planted and coverage of each proposed lot in terms of square footage and percentage.

- F. Eight copies of the elevation (side view) and perspective drawings of proposed structures, and such other schematic sections, sketches and study models needed to convey the architectural character.
- G. Eight copies of the floor plans of buildings for recreational use.
- H. Eight copies of the written statement of purposes and intent, explaining:
 1. The character of the development, including which level PURD the project will be considered under per WMC 16.22.025;
 2. The manner in which it has been planned to take advantage of this chapter;
 3. How the public will benefit as a result of deviation from the city's underlying zoning regulations;
 4. The basic content of covenants that will govern the use, maintenance and continued protection of the development and any common open space;
 5. Timing for the construction and installation of improvements, buildings, other structures and landscaping;
 6. Recreational equipment and facilities to be installed; and
 7. The ability of the applicant to carry out the project to completion.

The development review committee (DRC) may request additional information and documents from the applicant to ensure the proposed PURD complies with all applicable provisions of the Woodland Municipal Code and Comprehensive Plan. The DRC may reduce or increase the number of required plans and documents depending on the scope of the proposal.

16.22.270 - Public review of preliminary site plan and plat.

The preliminary site plan, preliminary plat and supplementary application materials required by this article shall be reviewed together by, first, the planning commission at a regular open public hearing and, after recommendation by the commission, the city council. The planning commission's recommendations shall be based on the PURD standards outlined in WMC 16.22, the approval criteria for conditional use permits outlined in WMC 17.72.050, conditions of approval for conditional use permits outlined in WMC 17.72.060, and other applicable provisions in the Woodland Municipal Code and Comprehensive Plan. The planning commission shall consider the recommendations from the development review committee (DRC) outlined in the staff reports prior to forwarding its recommendations to the city council. Such review shall proceed in the manner and with the limitations provided in Chapters 16.06 (pre-applications), 16.08 (preliminary plats) and 16.10 (final plats). Notices of public hearings shall include, in addition to the request for preliminary plat approval, the request for approval of a PURD preliminary site plan and requests for approval of landscaping plans and floor plans. Time limitations specified in Chapters 16.06, 16.08 and 16.10 shall apply, except, that due to the greater complexity and amount of materials necessary for review of PURD proposals, it is declared that by the act of application for approval, PURD applicants shall be deemed to have consented to a reasonable extension outlined in Section 16.08.290.

16.22.280 - Action and conditions on preliminary site plan and plat.

The commission shall prepare one set of recommendations and findings on the preliminary plat and one set on the preliminary site plan and any landscaping plan and floor plan, for forwarding to and action by the council. For approval of a preliminary plat and the preliminary plans, it

must be concluded that, and it shall be the applicant's burden to demonstrate that, the plat and plans are consistent with the purpose and requirements of this chapter and such other zoning and subdivision regulations not inconsistent with this chapter. In consideration of the latitude given to PURDs, the commission and council shall have wide discretionary authority in judging and approving or disapproving PURD plans. The commission may recommend and the council may impose conditions found necessary to prevent detrimental impacts, to otherwise protect the best interest of the surrounding area or the city as a whole, or to further the purpose of this chapter. In addition to conditions otherwise permitted by Sections 16.08.150 through 16.08.310, such conditions may include, but are not limited to the following:

- A. Limiting the manner in which uses are conducted, including restricting the time an activity may take place;
- B. Establishing an open space area, lot area, yard, setback or dimension;
- C. Limiting the height, size or location of a building or other structure;
- D. Increasing the amount of street dedication, street pavement width, or improvements in the street right-of-way;
- E. Designating the size, location, screening, drainage system, surfacing or other improvements in the street right-of-way; and
- F. Requiring greenbelts, buffer strips, landscaping, berms, fences or other means to protect adjacent or nearby property and designating standards for their installation.
- G. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other resources.

16.22.290 - Effect of approval of preliminary site plan and plat.

After council approval of the preliminary plat, preliminary site plan and accompanying material, and after submission and public works supervisor approval of the detailed construction plans, the subdivider may proceed to install the agreed upon improvements of a public nature, landscaping and recreational facilities excluding buildings or to pursue the other options assuring completion of such improvements, landscaping and recreational facilities set forth in Chapter 16.12. Such improvements shall conform to the approved preliminary site plan and accompanying materials, preliminary plat and the detailed construction plans.

16.22.300 - Final approval—Items to be submitted.

Within the time limits for final plats set forth in Section 16.08.290, the applicant shall submit:

- A. Eight full-size and reduced (eleven inches by seventeen inches) copies of the final site plan containing in final form the information required in the preliminary site plan;
- B. Covenants conforming to Section 16.22.160;
- C. Articles of incorporation and bylaws for the property owners' association established pursuant to Section 16.22.160;
- D. Final floor plans of buildings for recreational use;
- E. If not included in the final site plan, eight full-size and reduced (eleven inches by seventeen inches) copies of the final landscaping plan showing trees and groundcover to be retained and planted; and
- F. Eight full-size and reduced (eleven inches by seventeen inches) copies of the final plat.
- G. The development review committee (DRC) may request additional information and documents from the applicant to ensure the proposed PURD complies with all applicable provisions of the Woodland Municipal Code and Comprehensive Plan. The DRC may

reduce or increase the number of required plans and documents depending on the scope of the proposal.

16.22.310 - Final plan and plat—Approval and filing.

The final plans and final plat shall conform to the approved preliminary plans and preliminary plat. They shall be submitted, reviewed and, in the case of the final plat and the covenants, recorded, in the manner and subject to the limitations and specifications set forth in Chapters 16.06, 16.08, 16.10 and 16.18. Council approval of the final plans shall be by resolution containing reference to the plans approved and fully reciting all conditions imposed. Copies of the approved final site plan, covenants, articles of incorporation, association bylaws, resolution of approval, final plat, applicant's written statement of purposes and intent, floor plans, landscaping plans and any other supplementary materials shall be filed together in the office of the city clerk-treasurer for the city's permanent record.

16.22.320 - Building permit issuance.

No building permit may be issued until recording of the final plat with the county auditor's office and approval of the final site plan by the city.

16.22.330 - Certificate of occupancy issuance.

The construction and improvement, including landscaping, of open spaces and recreational facilities and the installation of improvements of a public nature must be complete or nearly complete before any certificate of occupancy for a dwelling will be issued, except that certificates may be issued for model buildings.

16.22.340 - Building permit applications.

Applications for building permits shall be in accordance with the approved final site plan and floor plans of recreational buildings in location, dimension, height and bulk of buildings. Submission of a new final site plan or floor plan for review by the commission and council shall be required if any major change from the approved final site plan or floor plan is proposed, including any increase in floor space or number of dwelling units, decrease in amount of parking facilities, location closer to boundary lines, or change in points of ingress or egress.

16.22.350 - Site plan continues to control after completion.

- A. The final site plan shall continue to control the PURD after its completion. The use of the land and the construction, modification or alteration of a building or structure within the PURD shall be governed by the approved final site plan.
- B. After completion of the PURD, no change shall be made in development contrary to the approved final site plan without approval of an amendment to the plan, except as follows:
 1. Minor modifications of existing buildings or structures may be authorized by the building official if the modifications are not inconsistent with the purposes and intent of the final plan.
 2. A building or structure that is destroyed or substantially destroyed may be reconstructed without an amendment of the site plan if the reconstruction complies with the purposes and intent of the PURD.
- C. An amendment to a final site plan may be approved if it is required for the continued success of the PURD, if it is appropriate because of changes in conditions that have occurred since the final site plan was approved, or if there have been changes in the

development policy of the city as reflected by the comprehensive plan or related land use regulations.

- D. No modification or amendment to a final site plan is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the PURD; and all rights to enforce the covenants against any change permitted by this section are expressly reserved.
- E. Applications for amendment of final site plans shall be considered by the planning commission consistent with the procedural requirements of this article. The commission shall forward recommendations to the council, which shall have sole authority to approve, approve with conditions, or disapprove amendments.

16.22.360 - Change of ownership.

If a developer sells the PURD parcel after preliminary plan and preliminary plat approval, such sale shall not prevent final plan and plat approval, providing that any succeeding owner agrees to comply with the conditions of preliminary approval and the requirements of this article.

16.22.370 - Expiration of approval.

In the event that approval of a preliminary plat and preliminary plans expires because of failure to meet the time limitations set forth in Section 16.08.290, the approval shall be void.

16.22.380 - Abandonment of work.

If work on a PURD is abandoned, meaning that the developer has failed to diligently pursue the project and construction and installation of improvements, buildings and other structures will not be completed, approval of the final site plan shall expire and the city shall so notify the owners and subdivision agents. Any uses or structures that have been completed and that are inconsistent with the zoning ordinance shall be deemed nonconforming uses. Any further construction shall be consistent with the underlying zoning designation and zoning regulations.

16.22.400 - Zero lot line sample lot design.

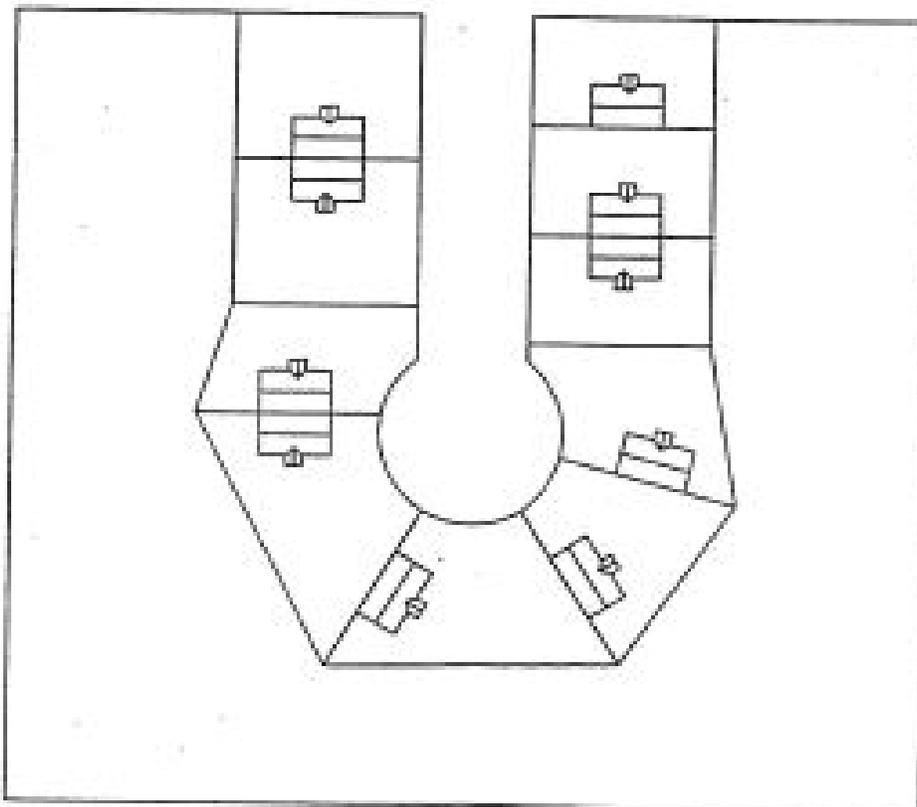
ZERO LOT LINE

LOT DESIGN

- Same number of lots as detached
- Common open spaces

STANDARDS

- All basic development regulations apply except:
 - No private open space requirement
 - "Zero line" setbacks
 - Common wall construction permitted



Building & Planning Project Update (highlights)

(As of September 2, 2016 – supplement to DRC notes)

- Comprehensive Plan Update:
 - The Comprehensive Plan was adopted by Council in March and became effective on April 21, 2016.
 - The Critical Areas Ordinance must be updated as part of the Comprehensive Plan update and is due by December 2016.
 - The draft critical areas update was before Planning Commission on August 18, 2016.
 - Planning Commission will review the Critical Areas Ordinance update further during the September 15, 2016 meeting.

- Shoreline Master Program Update:
 - The Department of Ecology has provided the City with review comments, which includes one required change and two recommended changes. I have spoken with the Department of Ecology regarding these changes and have no concerns.
 - The Council passed first reading for the ordinance to officially adopt the SMP is scheduled for June 20, 2016. During the July 5 meet, City Council voted to postpone final reading to August as there was public comment regarding the dock regulations on Horseshoe Lake. According to the Department of Ecology, it is too late in the process for the City to change any language in the document other than the comments made by Ecology.
 - On August 1, 2016 City Council passed final reading adopting the SMP.
 - On August 5, 2016 staff transmitted the approved document to Ecology for final approval, which is pending.
 - The Department of Ecology issued a final letter of approval on August 15, 2016 and the draft is effective 14 days from the date of that letter.
 - The City's new SMP went into effect on August 29, 2016.

- City Council passed final reading of the Beau Holwick rezone on 5th Street near the primary school. The rezone applies to five properties and are now zoned High Density Residential.

- The Site Plan Review and application materials were submitted for the Scott Hill Park project. These materials are under review for completeness.

- Northeast Electrical submitted their Site Plan Review and SEPA Checklist for their proposed industrial building at 1780 Down River Drive. These materials are under review for completeness.

- DRC issued an approval for a front lot line setback for a property in the Rivermist subdivision. The proposed home needed to be within the front lot setback due to the presence of the floodway line in the rear.

- The C-1 code change ordinance (including multi-family use and height increase) will go before the City Council in October 2016. This is to allow the 60-day commerce review period to pass.
- Seventeen (17) single-family residence permits were issued in August 2016:
 - 570 Lilac Lane
 - 575 Lilac Lane
 - 253 Misty Lane
 - 245 Misty Lane
 - 1790 Chinook
 - 1785 Chinook
 - 1775 Chinook
 - 1770 Chinook
 - 1780 Chinook
 - 232 Misty Lane
 - 219 Misty Lane
 - 1745 Chinook
 - 1735 Chinook
 - 1760 Chinook
 - 1740 Chinook
 - 1765 Chinook
 - 1750 Chinook