

ANACORTES PLANNING COMMISSION



August 9, 2017

Municipal Building Council Chambers

6th Street and "Q" Avenue

AGENDA

6 P.M.

1. **Roll Call**
2. **Minutes of July 26, 2017**
3. **Correspondence**
4. **Old Business**
Discussion: Critical Areas Regulations Update – Review of Proposed Amendments - General Provisions; Review Procedures; Wetlands; Fish & Wildlife Habitat Conservation Areas sections

If reasonable accommodation of a disability is needed please contact Cherri Kahns at 299-1950 at least 48 hours prior to this meeting.



Planning Commission Meeting Minutes for – July 26, 2017

Chair Laumbattus called the meeting of July 26, 2017 to order at approximately 6 p.m.

Roll Call

Members Present: Commissioners Laumbattus, Moffit, Oppel, Cleland-McGrath, and Mount
Members Absent: Commissioners Doll & McNett

Minutes

Minutes of June 14, 2017 were approved as written

Correspondence

Neighborhood Greenways

John Pope, representing Anacortes Bicycle and Pedestrian Advisory Committee (ABPAC), presented information on their work to establish neighborhood greenways to connect bicycle networks.

New Business

Critical Areas Update

Libby Grage, Planning Manager, presented a summary of the critical areas regulation update, along with the reasons and requirements behind the update.

Tom Glade, 210 Mansfield Court, Evergreen Islands. Mr. Glade thanked the Planning Commission and referenced a letter that was provided to them prior to the meeting.

Chair Laumbattus called the meeting to a close at approximately 6:45 p.m.

City of Anacortes

Planning, Community & Economic Development Department

DATE: August 2, 2017
TO: Planning Commission
FROM: Libby Grage
Planning, Community & Economic Development Department
SUBJECT: **August 9, 2017 PC Meeting:**
Anacortes Critical Areas Regulation Update
*General Provisions; Critical Areas Review Procedures; Wetlands; Fish & Wildlife
Habitat Conservation Areas*

Introduction

This document provides information regarding changes that are proposed to the City's Critical Areas Regulations (CAR) as part of the required periodic update under the Growth Management Act (GMA). The city's existing critical area regulations, comprised of seven subchapters ("articles") in AMC Chapter 17.70, require substantive changes to incorporate Best Available Science (BAS) in most subchapters. In addition to changes required to include BAS, staff is proposing changes that will allow for integration of the CAR into Title 19, Unified Development Code, and improve readability and certainty in administration of the CAR.

Due to the proposed complete reorganization and comprehensive update to the regulations, staff is not able to use track changes in MS Word or to list within this document each specific change that is proposed. Some background information is provided as comments in the right-hand margin of the draft CAO document. The following discussion is intended to supplement those comments by identifying the more significant changes proposed within the draft and providing additional background and rationale. The information in this document corresponds to the Draft titled "Ch.19.70-CriticalAreasPC-V1" and dated July 20, 2017.

Each heading below identifies proposed updated code section name, specific topic within that section which is addressed, general discussion providing background, a summary of what the existing regulations say, and a summary of what the proposed regulations say (including subsection citations).

General Provisions Section

The General Provisions section is a proposed new addition to the critical areas regulations, intended to set the purpose and standards for regulation of development that apply to all types of critical areas. No such section exists in the currently-adopted critical areas regulations (AMC 17.70).

Some of the key elements intended to incorporate BAS, and to improve readability and certainty are:

1. Applicability

Discussion:	Applicability statements in CAOs identify the types of activities and uses that are subject to critical areas regulations and critical areas review.
Existing: (various)	Applicability is typically defined within each section, but not easily found, and often not clear.
Proposed: (19.70.015)	Applicability is proposed to be defined broadly to ensure all activities having the potential to adversely impact critical areas functions and values are captured. This would include all land uses, development activity and all structures and facilities within the City of Anacortes that are within, adjacent to, within the maximum buffer distance of, or likely to affect, one or more critical areas. This approach is consistent with BAS, agency guidance, and best practices.

2. Exemptions

Discussion:	"Exemptions" are minor activities that are exempt from the provisions of the critical areas regulations. Exempt activities should have no additional impact on critical areas and/or buffer than currently exists. Typically, activities involving repair and maintenance of existing structures and development are included in this category.
Existing: (various)	Exemptions are not easily found within each critical area type section, and in some cases not identified at all.
Proposed: (19.70.020)	Proposed exemptions listed in this section would apply to all critical area types (unless specifically stated). In order to determine an activity "exempt", specific terms which must be met are identified which are intended to eliminate unmitigated impacts to critical areas. A detailed list of exemptions is provided, according to whether or not notification to the City is needed prior to conducting the activity. Activities that are exempt only in certain critical area types are listed within the subsection for that particular critical area type. Proposed exemptions are consistent with those currently allowed, and include some new language based on staff experience administering the code and review of other jurisdictions' exemptions. The proposed exemptions are consistent with BAS, agency guidance, and best practices.

3. Variances

Discussion:	A variance to buffer width requirements would provide a method for an applicant to request relief in limited circumstances through a formal public process.
Existing: (n/a)	In wetlands and FWHCAs, a special/conditional use permit is typically required for any proposed alteration of a critical area or buffer that is not otherwise specified as being an allowed alteration. There are no variance provisions for critical areas.
Proposed: (19.70.040)	After additional research subsequent to release of the first draft (dated July 20, 2017), staff has determined that there may need to be some adjustments to this proposed section if it is kept. More information will be provided at a later date.

4. Reasonable Use Exception

Discussion:	The City must allow for a minimum "reasonable use" of property even if such a use would otherwise be denied by the CA regs. The Fifth and Fourteenth Amendments of the U.S. Constitution provide individuals with protection from being deprived of the use of one's property without due process or just compensation.
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Unlike variances, the purpose of a reasonable use exception permit is not to allow general development within critical areas, but to allow the minimal “reasonable” use of the property so as to avoid a constitutional taking.

Existing: (17.70.575)	The only section regarding reasonable use is located under the FWHCA section, which makes it appear as though it is only applicable to activities proposed within FWHCAs, when it should be applicable to all critical area types. Also, it’s called an exemption (which is an incorrect term).
Proposed: (19.70.045)	Reasonable use criteria have been expanded to provide more clarity and to be consistent with various guidance and best practices. Reasonable use is proposed to be a Type 3-PC review process in Title 19.

5. Public Agency Exception

Discussion:	The purpose of such an exception is to allow development by a public agency when the strict application of the standards in this chapter would otherwise unreasonably prohibit the provision of public services.
Existing: (n/a)	Does not exist in current code.
Proposed: (19.70.050)	Public agency is defined, decision criteria provided, and review process identified (Type 3-PC).

Critical Areas Review Procedures Section

The Critical Areas Review Procedures section is another proposed new addition to the CAR, intended to provide a predictable process for determining whether critical areas exist on or near a site, requirements for critical areas reports and mitigation plans, and other development standards applicable to all critical area types. No such section exists in the existing critical areas regulations (AMC 17.70).

Some of the key elements intended to incorporate BAS, and to improve readability and certainty are:

6. Critical areas preapplication meeting and determination

Discussion:	Early awareness of potential critical areas issues and consideration of critical areas constraints during initial project design is key to avoiding impacts to critical areas, ensuring a smooth permitting process, and reducing overall costs.
Existing: (n/a)	Does not exist in CAO. Under AMC Title 19, many land use permit application types currently require a preapplication meeting. However, there are certain smaller projects, such as a building permit applications, that might trigger critical areas review but that do not otherwise currently require a preapplication meeting.
Proposed: (19.70.110)	Requires a preapplication meeting for activities that may be regulated by the CAO, unless specifically exempted. Through the preapplication process, the Director would initially determine whether critical areas may be present, and if so, whether they might be affected, and what types of critical areas reports might be needed with the project application.

7. Public Notice of initial determination

Discussion: For projects requiring public notice (for an underlying land use permit application), providing an initial determination regarding the presence or absence of critical areas, and listing the types known to be present, on the notice is a recommended best practice.

Existing: Does not exist.
(n/a)

Proposed: Requires that notice of the initial CA determination be included in an NOA, if one is
(19.70.120) required.

8. Critical areas report and mitigation plan requirements

Discussion: Critical areas reports and mitigation plans for different critical area types have many of the same general requirements. Listing all of those general requirements in one location, rather than in under each critical area reduces needless repetition in each critical area type subsection.

Existing: Report requirements are located within each specific critical area type.
(various)

Proposed: If required by Director, an applicant must obtain a critical areas report prepared by
(19.70.125 a qualified professional. Third party review of reports may be required by the
& Director in certain cases, at the expense of the applicant. The sequence of and
19.70.135) different sections of a report are identified (reconnaissance, delineation, analysis, mitigation, maintenance & monitoring). Minimum written report requirements are identified; standards for use of existing reports; modifications to report requirements that may be made by the Director.
Provides requirements for identifying the goals and objectives for the mitigation project, as well as performance standards, requirements for providing detailed construction plans, monitoring program and contingency plans, monitoring reports, and cost estimates to determine financial guarantee requirements.

9. Mitigation requirements

Discussion: Mitigation is a series of actions that requires addressing each action, or step, in a particular order. This sequence of steps is used to reduce the severity of negative impacts from activities that potentially affect critical areas and to determine what types of impacts may be permitted and what types of compensatory mitigation may be appropriate.

Existing: Wetland protection standards mentions that a discussion of measures, including
(17.70.330 avoidance, minimization, and mitigation proposed to preserve existing wetlands,
& etc. is required in a wetland analysis report. Same language is included in FWHCA
17.70.550) report requirements. Wetland regs also includes "practicable alternative test" language.

Proposed: Identifies that an applicant must demonstrate how mitigation sequencing has been
(19.70.130) addressed and makes clear that there is a sequential order of preference. Provides type, location, and timing of mitigation requirements.

10. Title notice

Discussion: Requiring a notice on title regarding the presence of critical areas on a property is an important part of notifying future buyers of potential constraints on current and future development and use of the property.

Existing: Some sections require establishment of an NGPE or a separate tract.
(17.70.560
&
17.70.340)

Proposed: Provides specific information about requirements to record a notice to title as a condition of permit issuance or project approval.
(19.70.150)

11. Unauthorized critical area alterations

Discussion: Clear enforcement procedures are needed to ensure that unauthorized alterations are timely restored/mitigated to avoid hazardous conditions or loss of critical areas functions and values.

Existing: The City's code enforcement provisions (AMC Title 20) were recently updated to enable improved enforcement options and appeal procedures. These provisions would apply to violations of the critical areas regulations. Additionally, the existing (Title 20, 17.70.040, 17.70.470, FFA and wetlands sections include some language about violations.

Proposed: Addresses violations, requirements for restoration plans, performance standards for restoration, and penalties, applicable to all critical area types.
(19.70.170)

12. Final decision and appeals

Existing: Does not exist.
(n/a)

Proposed: Clarifies that the city's decision about a proposal's consistency with the critical areas regulations is final with the decision to approve or deny the underlying permit and that appeals must follow appeal procedure of the underlying permit (per AMC Title 19).
(19.70.175)

Wetlands Section

13. Wetlands - Designation and Rating

Discussion: In designating wetlands for regulatory purposes, the City is required to use the definition of wetlands in RCW 36.70A.030(20). Use of Ecology's revised rating allows for standardization in rating wetlands when permits are needed from various permitting agencies.

Existing: Wetlands are defined within the section text; however out of date delineation (17.70.320) manual, rating system, and wetland category descriptions are used. Various wetlands are designated as regionally or locally significant wetlands and assigned special standards (see below).

Proposed: Updated referenced rating system to the WA State DOE Wetland Rating System for Western Washington – 2014 Update.
(19.70.210)

"Regionally Significant Wetlands"

Discussion: These areas were suggested for inclusion as wetlands of local significance (WOLS) by Evergreen Islands in 2003 when this category was still used in the wetland rating system (1993). The purpose of WOLS was to provide ways for local government to protect wetlands within the wetlands rating system to a degree higher than that afforded by strict application of the other state criteria. For example, wetlands may be critical to a local water supply, or provide for storage capacity for floodwaters. The wetlands may provide a combination of values that, when considered together require a higher level of protection. Over time, the wetland rating system has become more sophisticated and now asks questions about special wetland qualities or significant attributes that lead to a more accurate rating of functions and values.

Existing:
(17.70.320
(D)) Designates the following "Regionally Significant Wetlands" as Category I: Cannery Pond, Ship Harbor Interpretive Preserve (except buffer widths which shall be as required for Category II), and any otherwise regulated Category II wetland within the watersheds of Little Cranberry Lake, Whistle Lake and Heart Lake that drains by natural seasonal surface water connection into lakes or their upstream associated wetlands.

Proposed:
(n/a) Cannery Pond, Heart Lake and Whistle Lake areas contain wetland areas identified by WADNR as "wetlands of high conservation value", which would result in their categorization as a Category I under the updated 2014 rating system. Also, the buffer widths are the same for Category I and Category II wetlands so the distinction under the existing code is confusing. Ship Harbor preserve was recently delineated and categorized as a Category I. Staff recommends that this extra designation as "regionally significant" is no longer necessary to provide extra protection, and creates unnecessary duplication within the code. Wetland buffer would be based on scoring with the rating system.

"Locally Significant Wetlands"

Discussion: As stated in the discussion above, over time, the wetland rating system has become more sophisticated and now asks questions about special wetland qualities or significant attributes, resulting in more accurate rating of wetland functions and values.

Existing:
(17.70.320
(D)) Designates as Category II the "wetlands on or adjacent to the Port of Anacortes owned property at the Anacortes Airport except as to buffer widths which shall be as required for Category III." The

Proposed:
(n/a) According to recent delineation by the Port, most wetlands near the airport were Cat. III requiring a 110' buffer based on functions. Category I, II and III wetlands having a moderate level of function for habitat all require a 110' buffer. Therefore, staff recommends that this extra designation as "locally significant" is no longer needed, and creates unnecessary duplication within the code. However, additional review of this proposal for consistency with the Interlocal agreement between the Port and the City is needed.

14. Wetlands - "Uses by right"

Discussion:	Uses by right refers to uses that are allowed without a special /conditional use permit.
Existing: (17.70.380)	Conservation activities, outdoor recreation activities, enhancement and removal of invasive species, education, scientific research, and nature trails are allowed if they don't require structures, grading, fill, draining, dredging, etc. except as authorized by a CUP. Uses by right (not requiring a CUP) that may involve filling, flooding, draining, dredging, ditching, excavating include maintenance and repair of utilities, roads, etc. using BMPs; limited excavating and filling for repair/maintenance of piers, walkways, observation decks, wildlife management shelters, and other similar structures, provided built on pilings to allow unobstructed flow of water and preserve natural contour of wetland (except as authorized by CUP).
Proposed: (19.70.020 (C))	Maintenance, operation, repair, or replacement of existing facilities in publicly improved recreation areas, such as ACFL and public parks, that meet certain requirements are proposed to be exempt from CAO and may be performed subject to certain criteria (such as not increasing the impact to critical areas or buffers).

15. Wetlands - Development standards for specific wetland categories

Category I Wetlands and Buffers

Discussion:	Category I wetlands are unique or rare wetland types that are more sensitive to disturbance than most wetlands, are relatively undisturbed, and contain ecological attributes that are impossible to replace within a human lifetime; or they provide a high level of functions.
Existing: (17.70.340)	Uses are prohibited except for uses by right and special permit requirements, provided standards for Category II and II are met.
Proposed: (19.70.240 (A))	Activities are prohibited except if allowed under Critical Area Variance, Reasonable Use, or Public Agency Exception process.

Category II, III, IV Wetlands and Buffers

Discussion:	According to DOE wetland guidance, Category II wetlands provide high levels of some functions and are difficult to replace. Category III wetlands have moderate levels of functions and have been disturbed in some ways and can often be adequately replaced with well-planned mitigation project. Category IV wetlands have the lowest levels of functions and can often times be replaced or improved.
Existing: (17.70.340)	For Category II and III wetlands, water dependent activities are allowed through a conditional use process where the applicant demonstrates there is no practical alternative that would have a less adverse impact. Non-water dependent activities are allowed through a conditional use permit process if certain criteria (basically mitigation sequencing) are met. For Category IV wetlands, unavoidable and necessary impacts are allowed if it is only reasonable alternative that will accomplish applicant's objectives. (w/ special permit requirements)
Proposed: (19.70.240 (B))	Activities would only be allowed upon demonstration that mitigation sequencing has been applied and alteration will not degrade quantitative and qualitative

functioning of the wetland, or impacts can be adequately mitigated to protect or compensate for impacts.

Further discussion regarding review procedure and approval authority is warranted. In addition to local critical areas review and State Environmental Policy Act review, alteration of a wetland typically triggers permit requirements from other state and federal agencies, including Department of Ecology Section 401 Water Quality Certification, and a Department of the Army Permit (Section 404) from the USACE.

16. Wetlands - Isolated & small wetland exemptions

Discussion: Per DOE guidance, the scientific literature does not support exempting from regulation wetlands that are below a certain size, because it is not possible to conclude from size alone what functions a particular wetland may be providing. DOE/WDFW guidance recommends dealing with small wetlands by exempting projects from the need to avoid them (1st step in mitigation sequencing), while still requiring that the loss of wetlands be compensated directly or through an in-lieu fee program or mitigation bank. Per DOE, the BAS does not support exerting

Existing:
(17.70.520) Exempts Category II, III and IV wetlands that are less than 1,000 sq. ft., not associated with riparian corridor or part of a wetland mosaic, and not containing PHS per WDFW, from regulation under the CAO.
Exempts Category III & IV wetlands between 1,000 sq. ft. and 4,000 sq. ft. from requirement to avoid impacts with full mitigation required.

Proposed:
(19.70.240
(B)(4)) Exempts small (less than 4,000 sq. ft.) hydrologically-isolated Category IV wetlands from the requirement to avoid impacts under certain circumstances with full mitigation provided for lost functions. Exempts small (less than 1,000 sq. ft.) hydrologically-isolated Category IV wetlands from the buffer provisions, under certain circumstances.
More research on exemption of small category III needed; adjustments to draft language may be proposed.

17. Wetlands - Standard buffer widths

Discussion: Anacortes's buffer structure was initially adopted in 2005 and then updated by Ord. 2743 in 2006. It is based on Section 8C.2.3, Buffer Alternative 3 of Appendix 8-C of DOE's Wetlands in Washington State, Volume 2 – Protecting and Managing Wetlands. This alternative provides flexibility by basing the widths of buffers on three factors: the wetland category, the intensity of the impacts, and the functions or special characteristics of the wetland that need to be protected as determined thru the rating system.

Existing:
(Table
17.70.340
(1) & (2)) Requires certain mitigation measures to minimize impacts on wetlands be applied in conjunction with standard buffer requirements. Buffer width requirements reference point values from an out of date rating system.

Proposed:
(19.70.250
(A)(2)&(4)) Adds provision requiring a 33% increase in standard buffer width if all measures in Table (19.70.250-2) are not applied, when applicable. Updates point values to be consistent with new rating system.

18. Wetlands - Buffer width averaging

Discussion:	DOE guidance provides criteria for allowing buffer averaging, based on BAS.
Existing: (17.70.340)	Allows for averaging of buffers in certain circumstances, but does not require applicants to consider other options first. Widths may not be reduced to less than 75% of the standard buffer width.
Proposed: (19.70.250 (A)(7))	Adds criteria requiring demonstration that there is not a feasible alternative to site design that could be accomplished without buffer averaging, and that the buffer not be reduced to less than 75 percent of the standard buffer width or 75' for Cat. I and III, 50' for Cat III, and 25 feet for Cat. IV, whichever is greater.

19. Wetlands - Wetland buffer uses

Discussion:	DOE provides guidance based on BAS for low impact uses that may be appropriate for consideration in wetland buffers. Updated guidance for LID stormwater management facilities is also provided based on the 2012/2014 stormwater manual.
Existing:	Conservation and restoration activities, passive recreation (not defined), stormwater management facilities are allowed subject to a review process
Proposed: (19.70.250 (F))	Passive recreation (low impact uses that are consistent with the purpose and function of the wetland buffer and do not detract from its integrity.....), including pedestrian walkways and trails meeting certain standards (outer 25% of buffer, not exceeding 6' in width, etc.). Also stormwater management facilities meeting certain criteria from the 2012 stormwater manual.

20. Wetlands - Setbacks from buffers

Discussion:	A building setback distance is intended to provide adequate room for construction, maintenance, use, and access without infringing upon the critical area or buffer, where no separate tract/property line is created.
Existing: (n/a)	No minimum setback to buffer.
Proposed: (19.70.250 (G))	5 or 10', with allowance for landscaping, uncovered decks, roof overhangs, pervious surfaces.

Fish & Wildlife Habitat Conservation Areas Section

21. FWHCA – Designation

Discussion:	WAC 365-190-130 (2) provides fish and wildlife habitat conservation areas that must be considered for classification and designation.
Existing: (17.70.540 (A)(7))	Includes most of those required to be considered under WAC except waters of the state. Fifteen streams are designated by name as FWHCAs for those stretches that are not in culverts or artificially created ditches as of December 31, 2003. Fifty foot buffers are assigned to each of the streams.
Proposed: (19.70.300)	Replaced the list of 15 streams with "waters of the state" which covers all streams, including those that may be incorporated into the city through future annexation, and those that may currently exist in city limits but not be mapped/named.

22. FWHCA – Mapping

Discussion: Although not a definitive resource for identifying all FWHCAs that may occur on or in the vicinity of a site, mapping provides an important way to increase staff and public awareness. Because of sensitivity of some species, public access to some species location data is restricted.

Existing: Mapping is outdated.

Proposed: Updated references to external mapping sources that are adopted by reference.
(19.70.300) Local mapping is being updated as part of this process, including stream Typing per DNR's stream typing system and habitats of local importance.

23. FWHCA - Exemptions and Allowed activities

Discussion: Some activities may have no impact to critical are and /or necessary to maintain city infrastructure.

Existing: No exemptions are specifically identified within the existing FWHCA section.

Proposed: Exemptions listed in the General Provisions section would apply. Also:
(19.70.330)

- clearing, grading and construction of fences or arbors within the 10' required stream buffer for a piped stream segment if no other critical area is present; and
- Regular maintenance of stormwater facilities that are within a segment of a regulated stream, such as conveyance ditches/swales within the right of way or within public drainage easements.

24. FWHCA - Specific standards for streams

Stream Typing

Discussion: WAC 365-190-130(4)(f) provides that cities may use the classification system established in WAC 222-16-030 to classify waters of the state. Most other jurisdictions reviewed by staff currently use this water typing system, which classifies streams according to whether or not a stream contains fish habitat, and whether it is perennial or seasonal. The type then serves to identify standards for protection, with the general concept being that fish habitat streams should be provided more protection than non-fish streams.

Existing: The 15 streams named in 17.70.540(7) are designated as FWHCAs only for those
(17.70.540; portions not in culverts or artificially created ditches as of December 31, 2003. The
17.70.570 streams are assigned 50-foot buffers. "Artificially created ditch" is not defined.
(C))

17.70.570(C) identifies recommended "riparian habitat widths" based on Stream Type (Type 1, 2, 3, 4 and 5) but there is no indication to whether the Stream Types referenced are based on the DNR stream typing system in effect at that time. Also, the relationship between this section and 17.70.540(A)(7) is not clearly specified.

Proposed: Staff proposes that the classification system established in WAC 222-16-030 be used
(19.70.340) to classify streams. The result would be that the list of 15 named streams would be removed from the code, and instead, a new map would be created showing the Stream Type, where known, according to WAC 222-16-030. Buffers would be based on whether fish habitat is present. A qualified professional associated with a

project proposal would need to provide a critical areas report that verifies the stream type, or identifies the stream type, if unknown. Staff is currently coordinating with a qualified professional and WDFW to review the potential impacts of this proposal in more detail and will report back to the public and Planning Commission when more information is gathered.

Stream Buffers

Discussion: WDFW staff recommended that the city review its existing regulations which assign a 50' buffer for 15 named streams in the city and to consider updating buffer widths to ensure they are adequate to protect the functions they intended to protect (fish habitat, etc.). Scientific literature includes a wide range of recommended buffer widths for streams. For most riparian buffer functions, much of the literature indicates that buffer widths of 100 feet and in some cases less, may be adequate to provide for fish and wildlife habitat if the buffer is of high quality. Review of other urban jurisdictions' regulations found that typical standard buffer width requirements range from 100' to 150' for Type F streams; 50' to 150' for Type Np streams; and 25' to 50' for Type Ns streams.

Existing: Table 17.70.570(C) recommends "riparian habitat area widths" ranging from 50' to 225'.
(17.70.570
(C))

Proposed: A 100' buffer is proposed for Type F streams and 50' buffers are proposed for Type Np and Ns Streams. The City is reviewing which streams may meet the criteria for Type F and is working to ensure that the recommended approach will take into consideration the existing surrounding land use and development and other characteristics of the urban environment. Additional information will be provided on this topic.
(19.70.340
(B))

Allowed Activities in Streams

Existing: Alteration of streams is allowed through a CUP process only if it does not degrade the functions and values of the habitat and mitigation of impacts is provided on a per function basis.
(17.70.330
(A))

Proposed: Alteration of Type F or Np streams may be permitted as part of a mitigation or rehabilitation/restoration plan under certain circumstances. Unavoidable impacts may be permitted in Type Ns streams/buffers after mitigation sequencing and when it is the only reasonable alternative that will accomplish the applicant's objective and other certain criteria are met.
(19.70.340
(C))

Stream crossings standards are also included consistent with WDFW guidance. Permitting from WDFW, DOE and USACE is also typically required for stream alterations.

25. FWHCA – Specific Standards for Non-Stream areas

Discussion: Non-stream FWHCAs include state priority habitats and species nesting and breeding areas (e.g. bald eagles, ospreys, peregrine falcons, etc.) and locally designated habitats of local significance including the ACFL, March Point Heronry, and Park Reserve at Cap Sante.

Existing: (17.70.570)	Specific standards are listed for bald eagle habitat, wetlands, riparian habitat, and ACFL. Existing standards for the ACFL seem to focus on lands on the edges of the ACFL and not within the ACFL itself.
Proposed: (19.70.350)	Proposed language includes new specific standards for areas associated with endangered, threatened, and sensitive species; and other priority habitats and species. Language regarding specific standards for the ACFL is proposed to be updated to eliminate redundancy, and to reference the ACFL Comprehensive Plan in order to more clearly identify specific standards for activities that are within the ACFL, but not within another type of critical area(s) (and which may not otherwise be subject to SEPA).