

SUMMARY OF
 PROPOSED AMENDMENTS TO PTMC CHAPTER 19.05 CRITICAL AREAS
 (Corollary Limited Shoreline Master Program amendment to updating CAO reference)

Amended Sections	Summary of Revision	Notes
Throughout	Improve consistency with model ordinance; reword/reorganize to improve clarity; reduce redundancy.	
	Search and replace “Director is satisfied” with “Director determines”	3/23/18 per SG.
19.05.010 Purpose.	Clarification – to maintain function and values of critical areas	
	Added “Managing critical areas is also key to improving the City’s resiliency in light of anticipated climate change.”	In response to CAC 072617 (Comment 5-1)
19.05.020 Definitions.	Remove terms that are not used/add additional terms that are used in this chapter.	
	Add/modify definitions to improve consistency with BAS/state guidance/WACs/RCWs/adopted city plans/regulations	
	Combine “development” with “development proposal” Move “applicability” language from definitions to 19.05.040 Applicability and Exemptions/Allowed Uses	Reduce redundancy – existing code contains three very similar definitions: development, development proposal, and alteration. 11/1/17 revisions based on discussion with City Attorney – draws from City of Bothell’s ordinance.
	Add definition “case by case” – Search and replace “on a site-specific basis” where appropriate.	3/23/18 – PC noted the use of two similar terms. While “site specific” is limited to site conditions. Case-by-case captures both site conditions and proposed activity.

	Modify definition of “critical drainage corridor” Move classification language to 19.05.090	3/23/18 DSD in coordination with Public Works
	Add definition of “in-kind compensation”	3/23/18 – In response to PW - added definition based on the model ordinance.
	Add definition of “inland bank” as used in 19.05.100	11/1/17 Requested by PC on 8/1 3/23/18 Revised
	Add definition of “marine bluff” as used in 19.05.100	Improves consistency with City’s SMP. 3/23/18 Revised Commensurate revisions to SMP definition.
	Add definition of “nonconforming structure or improvements” as used in 19.05.040	This definition is specific to the CAO. A similar definition exists in Chapter 17.08.
	Add definition of “petroleum product”	2/20/18 Consistent with WAC 173-360-120; term used in Aquifer Recharge section.
	Modify “qualified consultant” based on industry standards/BAS	Staff’s recommendation: 1) Update for geologically hazardous areas to address coastal processes as recommended in the BAS Addendum. Staff received comments from two practicing LEGs who raised concerns with the initial draft. The current draft reflects staff research, input from AHBL, and two practicing LEGs. 2) Update per ECY Aquifer Recharge Guidance Document

		3/23/18 Draft text referred to 2 and 5 years of experience. In consultation with PW, revised draft is for 2 years.
	Move definition of “site area” from 19.05.060D (1) b to definitions.	
	Add definition of “special flood hazard areas”	Improves consistency with PTMC 16.08
	Modify “Stormwater Management Manual” means the stormwater management manual adopted by the City.	PW anticipates” Stormwater management requirements” will be updated as part of the Stormwater Management Plan process
	Add definition of “water-dependent”	Improves consistency with City’s SMP.
19.05.030 General provisions	Add “Relationship to other Regulations”; “Administrative Rules”	
	Move Applicability to next section where exemptions/waivers are found.	
	Map updates/amendments now addressed in 19.05.160 Amendments	
19.05.040 Critical area permit requirements – Applicability, Exemptions, Waivers, nonconforming structures, application requirements, special reports, and advance determinations	A. Applicability: Add clarifying language, reduce redundancy and improve consistency with model ordinance.	
	B. Exemptions <ul style="list-style-type: none"> • Emergencies: Clarify emergency actions are fully exempt from all provisions of this chapter however they are subject to after-the fact permits. • Move most exemptions to C. Allowed Activities 	Consistent with SMA and model CAO ordinance. Draft divides existing exemptions into B. “Exemptions” and C and D. “Allowed Activities”

	<p>C. “Allowed Activities”</p> <ul style="list-style-type: none"> • Incorporates most existing exemptions • Modify existing language and add additional activities that are commonly encountered by staff including but not limited to: <p>Operation, maintenance or repair; modification to existing structures; removal of trash/abandoned vehicles; minor conservation and enhancement; vegetation management; maintenance of public trails temporary construction impacts in proximity to eagles/heron nests.</p>	<p>Allowed activities are like exemptions in that they do not require critical area review. However, unlike exemptions, allowed activities must follow the critical areas standards. Conditions may be applied to ensure critical areas are protected. Consistent with the Model Ordinance. Allows the Director to condition the underlying permit or require a minor CA permit; and to require a restrictive covenant. In this manner, if an activity is on the cusp the Director may address the concern in a more streamlined fashion.</p> <p>(9) Minor Conservation and Enhancement - expanded in response to WSP comment letter of 9/28/17. Language based on City of Shoreline CAO. 3/23/18 Added additional detail based on City of Shoreline CAO.</p> <p>Allowing maintenance of public trails placement of gravel/boardwalks within the existing trail prism to minimize “widening” of trails by users avoiding mud - consistent with Ecology guidance and the BAS (see low impact recreational uses (trails)).</p> <p>Incorporates guidance provided by WDFW/USFW regarding eagles and heron.</p> <p>Responds to 6/8/17 Planning Commission comments re: use of pesticides and herbicides.</p>
	<p>D. Allowed Activities for Specific Critical Areas – Specific Performance Standards Apply. New sub-header for 19.05.040 E.1. (I) waivers of application and special report.</p>	
	<p>E. Minor Critical Areas Permits –</p> <ul style="list-style-type: none"> • <u>Type IA</u> 	<ul style="list-style-type: none"> • 1/5/18 Staff Recommendation: A Type IA would allow for Administrative Appeal

	<ul style="list-style-type: none"> • Clarify that Minor CA Permits shall comply with the provisions of this Chapter • d. Increase allowed construction corridor from five to ten feet. 	<ul style="list-style-type: none"> • 2/27/28 Existing language implies only the findings in 19.05.040B apply • 3/23/18 d. PW Recommended
	<p>F. Application Requirements and Delineations.</p> <ul style="list-style-type: none"> • Delete the requirement to mail notice for decisions re: presence or absence. • Allow Director to limit the required geographic area of the critical area report if it extends off-site or activity will affect only a limited part of the subject site. • Special reports valid, revise from three years to five years; after such date the City shall determine whether a revision or additional assessment is necessary. 	<p>Staff Recommends deleting the requirement to mail notice for decisions re: presence or absence. Mailed notice is not otherwise required for Type I and IA permits. Type II and III permits require mailed notice. These notices would indicate if a critical areas permit is required. Staff routinely indicates the presence or absence of a critical area in staff reports.</p> <ul style="list-style-type: none"> • Consistent with ACOE limits on wetland delineations.

<p>19.05.050 Critical area permit administration – Permit processing, public notice, reasonable use exceptions, appeals, fees, and notice to title.</p>	<p>Clarify, applies to <i>Type IA Minor and Type II</i> critical area permits</p>	
	<p>A4. Add review criteria as basis for Director’s decision</p>	<p>From Model Ordinance. 3/23/18 Reorganize and consolidate per SG comments</p>
	<p>B. Address minor modifications of existing permits. Type I process Add Criteria for approval</p>	<p>3/23/18 Minor modifications for plats/PUDs/wireless are Type I</p>
	<p>B2. Permit valid – one year, with option for two one-year extensions.</p>	<p>In consultation with AHBL, Staff recommends: Add the option for two one-year extensions of CAO permit to be approved administratively. Option: Make permits valid for five years</p>
	<p>D. Make Reasonable Use Exceptions a Type II rather than Type III permit.</p>	<p>Staff Recommends After internal discussion, staff recommends retaining the Type II process which may be appealed to the Hearings Examiner. Option: process as Type III permits requiring a public hearing before the Hearings Examiner. Notes: There are now two types of Exceptions 1) Exception - Public utility and 2) Reasonable Use Exceptions. A CAO permit is Type II. Type III is required for proposals in shorelines jurisdiction.</p>
	<p>D. Add Exception for public agency/utility - for transportation/utilities.</p>	<p>Staff Recommends adding and Exception for public agency/utilities. Public purpose served. In some cases, no other reasonable alternative. 3/23/18 In response to PW, clarified “transportation and utilities” vs. all development.</p>
	<p>F. Notice of Final Decisions.</p>	<p>Staff Recommends deleting the requirement to mail notice for decisions re: presence or absence. Mailed</p>

	<ul style="list-style-type: none"> • Delete requirement to send mailed notice of determination of presence or absence. • refer to the notice of application and notice of decision provisions codified in PTMC Chapter 20.01.280 	<p>notice is not otherwise required for Type I and IA permits. Type II and III permits require mailed notice. These notices would indicate if a critical areas permit is required. Staff routinely indicates the presence or absence of a critical area in staff reports.</p>
	<p>F. Advanced Determinations</p> <ul style="list-style-type: none"> • Revise to Type I-A rather than a Type II • Add expiration – five years from date of special report with one extension of up to two years. 	<ul style="list-style-type: none"> • Staff Recommends: Type I-A – Administrative without notice; administrative appeal by the applicant only (unless the development code provides for an appeal); appealable to the hearing examiner. <p>Option: Type II – Administrative with notice, administrative appeal by any aggrieved party to the hearing examiner.</p> <ul style="list-style-type: none"> • Staff Recommends – Expiration based on the special report. Eligible for one two-year extension. Note the proposed extension for Critical Areas permit is up to two one-year extensions. Advanced determinations are limited to a determination of presence or absence of a critical area while permits are tied to a specific development proposal.
	<p>F. Appeals and Stay During Pendency of Appeals</p>	<p>8/1/17 Staff Recommends:</p> <ol style="list-style-type: none"> 1. Appeals of a CAO permit/exception/Advanced Determination follow PTMC 20.01. <p>Appeal of Director’s finding of the absence of a critical area; considered an appeal of the underlying permit.</p>

	Record Notice of Presence of Critical Area.	Clarify that Recorded Notice is in the form of a covenant.
19.05.060 Performance standards for development	B. Relief from zoning setbacks - In order to avoid critical area impacts and satisfy the buffer and setback requirements of this Chapter, the Director may grant relief from the minimum yard setbacks established by the underlying zoning district for up to 50 percent reduction of two setbacks provided that, proposals within or sharing a common border with an R-I or R-II residential zoning district, the setback may be reduced to no less than five feet. Critical area permits requesting relief from zoning setbacks shall be processed according to the procedures for Type II land use decisions established in Chapter 20.01 PTMC.	Staff Recommendation: Moved from 19.05.100 Geo. Hazards to allow broader application. The existing code limits the administrative setback variance to the front yard in R-I and R-II zoning districts to avoid steep slopes. The proposed language offers greater flexibility - it would allow relief from any setback in any zoning district provided no less than five feet when bordering a R-I or R-II zoning district. Note: Absent critical areas, a minor variance requires a Type II. A Minor Critical Areas permit is a Type I.
	C. Off-site mitigation	8/1 increase opportunities for off-site mitigation.
	D.1. a. Maximum Density: <u>Provided that, project's using the Planned Unit Development Process (Chapter 17.32 PTMC) to avoid critical areas impacts may be eligible for a maximum density per the underlying zone plus any bonus densities allowed under the PUD provisions.</u>	Staff Recommends adding language that encourages and supports clustering via the PUD process. Under the existing PUD regulations, a bonus density is available for preservation of natural features in excess of mandatory code requirements. Seems consistent to allow density up to base zoning density + bonus density allowed under PUD.
	D.1. a. Maximum Density i. ADUs do not count toward density; provided impervious surface limitations of Section 19.05.060 * shall apply. ii. Added exemption for Critical Drainage Corridors	Staff Recommends - improves consistency with Title 17 zoning. ADUs should be encouraged provided impervious surface limits can be met. ADU's would be subject to critical area buffer and setback requirements as well as impervious surface limits and should not pose any adverse impacts. 3/23/18 Added exemption for CDCs.

	<p>D3. Performance Standards – proposal is to make these standards applicable to <u>all</u> land divisions – including BSP and Lots of Record</p> <p>a-b. Combine - delete existing minimum of “2,160 sf or 30 percent of the minimum lot size required by the zone” replace with “suitable for development consistent with the zone”</p>	<p>Staff Recommends Land Divisions allow the opportunity to cluster development outside of CAO and their buffers.</p> <p>3/23/18 In response to PC comments - revise to recognize trend toward smaller footprints</p>
	<p>4 a. Site Coverage – Impervious Surface Limits for Lots. Consider applying these limits to all development – not just detached single-family homes.</p>	<p>Staff recommendation: Staff reviewed other zoning districts and found it would be difficult to apply. Recommend retain existing language. Initially, it appeared to be reasonable and potentially straight forward to apply similar limits to other zoning districts; however, upon further review, staff found it would take significant time and analysis to apply (given that in other zoning districts bulk is not expressed maximum lot coverage) in addition, the pros and cons would need to be evaluated. (for those that are commercially zoned, this would limit the development capability and we acknowledge that there are few areas in the City that are envisioned for commercial development).</p>
	<p>4 a. Site Coverage – Impervious Surface Limits for Lots. Areas waterward of the ordinary high-water mark <u>and areas of landslide hazard, erosion hazard, and wetlands shall not be included to calculate land area.</u></p>	<p>Staff Recommendation: Retain existing language. Though the consultant noted many communities exclude all critical areas from density calculations; in staff’s opinion it would be more difficult to implement and given we have not identified issues with the existing code it, we recommend it be retained as is.</p>
	<p>D.4.b. The director may grant a waiver, <u>allowing the percent of impervious surface to equal the maximum percent of lot coverage</u> allowed under PTMC Title 17 if the proposal minimizes impacts to critical areas and meets one of the following criteria:</p>	<p>Staff Recommends, AHBL concurs – added language clarifies impervious does not equate to lot coverage</p>

	<p>D5 Stormwater 2005-Department of Ecology Stormwater Management Manual for Western Washington (SWMM-WW (2005)),</p>	<p>Staff Recommends- Per meeting with AHBL on 5/12, revise definition of “Stormwater Management Manual” to: “Stormwater Management Manual” means the stormwater management manual adopted by the City, and removing all references throughout code to DOE manual and simply referring to “Stormwater Management Manual”. Search and replace throughout.</p>
	<p>19.05.060D5c General Performance Standards- Stormwater and Erosion Control - Refer to the current version of the LID Tech Guidance and Rain Garden Handbook as an example of BAS.</p>	

<p>19.05.070 Critical area 1 – Aquifer recharge areas.</p>	<p>Section revised to remove redundant language and improve consistency with PTMC Section 6.04 and 13.22 Sewer Connections and 13.32 Stormwater Management; Model Ordinance and Jefferson County Critical Areas Code.</p>	
	<p>B. Classification. No change.</p>	<p>8/1 Although Herrera’s 2017 BAS Addendum did not identify a need to update this section, staff had proposed replacing existing text with more specific criteria from Bellingham CAO/the model ordinance. In further discussions with GIS staff, Jefferson County Health and DCD we have retracted the revisions. We are awaiting further input from Jefferson County and DNR.</p>
	<p>C. Regulated Development</p> <p>Clarification and expansion of uses requiring a hydrogeologic assessment and “other land uses” allowed subject to performance criteria.</p> <p>Remove reference to propane tanks. Add definition of ‘petroleum product’ to 19.05.020</p> <p>2c. Delete underground, as performance standards apply to both underground and above ground tanks.</p>	<p>Staff Recommends</p> <p>Based on Jefferson County Critical Areas Ordinance. Cross-reference 17.08.030 “High impact uses” 3/23/18 In response to PW input, re: hydrogeologic assessment revised to “unless otherwise waived by the Director” and deleted “agriculture”</p> <p>2/20/19 WAC 173-360-120 states that propane is not included in the definition of a regulated substance. Also, consistent with the BAS Addendum.</p> <p>Correct inconsistency.</p>

	<p>D. Performance Standards – Added reference to applicable WACs for underground and above ground storage Standards.</p> <p>Added standards for Vehicle Repair and Servicing. Agriculture – added: Federal, State, and local regulations of pesticides and water quality must be followed, including requirements for pesticide applicator licensing from the Washington State Department of Agriculture.</p>	per the Model Ordinance.
	<p>F. Special Report – Expanded section: report to be prepared by qualified consultant; report to address site and project-specific conditions. City may consult with other agencies.</p>	Based on Ecology guidance and City of Bremerton CAO.
<p>19.05.080 Critical area 2 – Fish and wildlife habitat conservation areas.</p>	<p>A. Purpose. Modify existing language.</p>	Staff Recommends Existing language is too narrow (it only refers to WDFW priority habitats). Proposed language is based on WAC365-190-130
	<p>B. Classification Add introductory language - all areas meeting one or more of the criteria... maps are guide only.</p>	Model Ordinance.
	<p>B1 – add reference to WACs and WDFW current listing status</p>	Increase consistency with WAC 365-190-130

	<p>B.2. Priority Species – Delete “bald eagle”</p>	<p>2/8/18 Note: Bald eagles have been delisted at the federal and state level. The Washington Fish and Wildlife Commission amended the bald eagle protection rules (WAC 232-12-292), removing the requirement that landowners develop bald eagle management plans. The draft CAO incorporates the WDFW’s recommended language for development regulations.</p> <p>In practice, most proposals would be “allowed activities” and the following standard condition (recommended by WDFW) would be applied to the underlying development permit: <i>This permit is conditioned upon strict observance of all applicable federal laws, including the Bald and Golden Eagle Protection Act. The permittee is responsible for adhering to the U.S. Fish and Wildlife Service National Bald Eagle Management Guidelines (2007) and/or the permittee’s U.S. Fish and Wildlife Service Bald Eagle permit.</i></p> <p>Note: The state will no longer be mapping the location of nests. *City’s Critical area map to retain existing nests and update as information becomes available (i.e., Audubon).</p> <p>Note: the WAC says City’s “should” consult the PHS list when designating habitats and species areas of local importance. The BAS supports this inclusion.</p>
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	<p>B.8. Waters of the state – revised consistent with WAC 365-190-130(2)(f)</p> <p>Amend to clarify there are no streams within the city limits. Regulations pertaining to streams would be deleted.</p>	<p>Per BAS Addendum: WAC 365-190-130(2)(f) requires all waters of the state to be classified as a FWHCA</p> <p>The City submitted Water Type Modification forms to DNR –DNR concurs no streams exist within the city limits.</p>
	<p>B.10 “Marine nearshore habitat areas” per BAS clarify whether dune grass is an associated vegetated marine riparian area</p>	<p>Staff Recommends: Initially we considered adding amending PTMC 19.05.080(B) (10) to clarify that “associated vegetated marine riparian areas” <i>includes contiguous riparian habitat and, at Fort Worden, contiguous dune grass communities.</i></p> <p><i>However, considering information received from WSP in their letter dated 9/28/17; staff does not recommend adding it. Per WSP, the dunes are dominated by an invasive, non-native species of beach grass.</i></p>
	<p>B11. Add <u>salmonid habitat?</u></p>	<p>Disregard: This is regulated as a FWHCA per the BAS as “endangered, threatened, and sensitive species and habitats”. Salmonid species (Chum, Chinook & Steelhead) are included on these lists, so already regulated per B.1.</p>
	<p>B12 Add: <u>State natural area preserves, natural resource conservation areas, and state wildlife areas...</u></p>	<p>Staff Recommends including it (per WAC 365-190-130) and clearly stating that, per the BAS Addendum, there are none in the city limits.</p>

	<p>C. Regulated Development. Delete existing repetitive language.</p> <p>Replace with <i>Unless specifically exempted under Section 19.05.040.B PTMC and/or allowed per this section, all development proposals or alterations in classified fish and wildlife habitat conservation areas shall comply with the standards included in subsections D through G of this section.</i></p>	Existing language repeated “classification” above.
	<p>Performance Standards Applicable to All Development. - Reorganize, reduce redundancy, improved consistency with SMP, include reference to guidance documents</p>	
	<p>D. Performance Standards for Terrestrial Habitats and Species - Add standards for Bald Eagle and Great Blue Heron rookeries.</p>	The draft CAO incorporates the WDFW’s recommended language for protecting bald eagle and heron rookeries.
	<p>F. Additional performance standards for shorelines jurisdiction. - improve consistency with SMP.</p>	
	<p>G. Additional Performance Standards for Marine Habitats and Species -Add reference to WDFW guidelines.</p>	
	<p>H. Buffers and Setbacks Clarify – buffers determined on a case by case basis</p>	Consistent with Model Ordinance.
	<p>I. Mitigation or Compensation –</p> <ul style="list-style-type: none"> • Must be based on BAS • Performance bond may be required • Add option of “Off-site mitigation” per 19.05.060C 	
	<p>J-M Special Reports Add detail on habitat assessment/mitigation plan contents</p>	

<p>19.05.090 Critical area 3 – Frequently flooded areas and critical drainage corridors</p>	<p>Throughout this Section: Separate critical drainage corridors from frequently flooded</p>	<p>3/23/18 Staff Recommends: Separate the purpose for frequently flooded areas and critical drainage corridors as they are regulated differently, frequently flooded areas are regulated by federal and state law and critical drainage corridors are regulated by local regulations.</p>
	<p>A. Purpose</p> <ul style="list-style-type: none"> • Delete redundant classification language 	
	<p>B. Classification</p> <ul style="list-style-type: none"> • Improve Consistency with 16.08 PTMC • Remove “from local knowledge about regular flooding occurrence in certain areas or the potential for flooding if existing drainage is modified.” And associated criteria in 19.05.090 B(2) • Remove 	<p>3/23/18 Staff Recommends: Existing language is vague. Classification should be limited to available flood data (i.e., FEMA maps and the Polaris study for Drainage Basin 4). Flood occurrences related to drainage will be addressed in the Stormwater Management Plan. AHBL suggested removing B.2 <i>critical drainage areas or corridors identified by the public works department from local knowledge</i> and instead address them through the Stormwater Management Plan.</p>
	<p>C. Regulated Development.</p> <ul style="list-style-type: none"> • Add “alterations” • C2 Add the required distance from the centerline of the CDC. 	<p>3/23/18 Staff Recommends: PW recommends the width of the CDC be specified in the Regulated Development Section vs. Buffers.</p>

	<p>D. Performance Standards for Development.</p> <ul style="list-style-type: none"> • Clarify flood storage capacity is not an issue in marine waters. • Add a performance standard to allow for drainage corridors to be crossed 	<p>3/23/18 Staff recommends:</p> <ul style="list-style-type: none"> • Consistent with the model ordinance and FEMA guidance. • There are cases where there is a need to cross a critical drainage corridor with roads, trails, and utilities. This would still meet the requirement of not filling in the CDC, but allows a little flexibility if there is development around a CDC.
	<p>E. Buffers and Setbacks. Remove language in its entirety and replace with the following. <i>There are no buffers or setback from CDCs.</i></p>	<p>3/23/18 Staff Recommends: Refer to Staff Recommends comments in C.2. Regulated Development.</p>
	<p>G. Special Reports.</p> <ul style="list-style-type: none"> • Clarify content of report. 	<p>3/23/18</p>
<p>19.05.100 Critical area 4 – Geologically hazardous area.</p>	<p>B. Classification. Add Tsunami Hazard Areas.</p>	
	<p>C. Designation of Specific Hazard Areas</p> <ul style="list-style-type: none"> • Add Tsunami Hazard Areas. • Add more detail from the Model Ordinance; • Reference to DNR tsunami map. 	<p>9/7/17 Tsunami hazard areas have been added as recommended by BAS and Model Ordinance. Like seismic hazard areas, development in these areas would be eligible for a waiver; critical facilities would be prohibited; development must conform with adopted building codes.</p>

	<p>C.2.e Critical Slopes – Allow exception for modified “critical slopes”. 2. Critical slopes. Any slope of 40 percent or steeper that exceeds a vertical height of 10 feet over a 25-foot horizontal run <u>shall be presumed geologically hazardous with the following exception: the slope meets this criterion solely due to previous modifications (e.g., retaining walls, stairways, roadway cuts, or similar vertical structures) and a qualified consultant has submitted a letter report that conclusively demonstrates to the satisfaction of the Director that the slope does not pose a hazard.</u></p>	<p>2/12/18 Coordinated with PW</p>
	<p>E. Regulated Development.</p> <ul style="list-style-type: none"> • Address tsunami hazard areas. • Require note on development plans. 	<p>Existing code allows waiver for development in seismic hazard areas provided the proposal complies with the performance standards. Both seismic and tsunami areas would be allowed a waiver under the proposed revisions.</p>
	<p>F. Performance Standards. Add: <u>Surface drainage shall be directed away from landslide and erosion hazard areas. When no other solution is feasible, surface drainage piping may be located on the face of a geologically hazardous area when contained in a tight line (closed, nonleaking pipe) and in such a way that erosion will not be exacerbated.</u></p>	<p>Staff Recommends: to improve consistency with SMP DR6.8.2</p>
	<p>Figure 19.05.100(A) Marine Bluffs New illustrative graphic</p>	<p>2/8/18 Per PC - New illustration has been revised to better corollate it with the preceding table.</p>
	<p>Figure 19.05.100(B) Inland Banks. New illustrative graphic</p>	<p>2/8/18 Per PC New illustration has been revised graphic to add 25-foot management zone to toe of slope</p>

	<p>19.05.100 D Regulated Development Clarify that Seismic includes areas prone to liquefaction</p>	<p>11/1/17 Correct inconsistency. In C.3. Seismic includes liquefaction. E2 does not mention liquefaction. Building Official notes that A building foundation in areas subject to liquefaction would need to be engineered per the IBC rather than the prescriptive requirements of the IRC. This should already be required.</p>
	<p>E.F. Buffers and Setbacks Determined by engineering geologist <u>qualified consultant</u></p>	<p>11/21/17 See revised definition.</p>
	<p>E.F. Buffers and Setbacks Add 15-foot setback from buffer</p>	<p>Staff recommends: As with wetland buffers, staff recommends requiring a 15-foot setback from the edge of a geologically hazardous area buffer. The setback area allows for construction activity, patios, exit doors, landscaping, etc. while protecting the buffer.</p>
	<p>E.F. Buffers and Setbacks 4. In order to satisfy the buffer requirements of this subsection, the minimum front yard setbacks established for the R-I and R-II residential zoning districts in Table 17.16.030 may be reduced administratively to five feet to address potential impacts to steep slopes.</p>	<p>Staff Recommendation: Move to 19.05.060 and allow broader application. The existing code limits the administrative setback variance to the front yard in R-I and R-II zoning districts to avoid steep slopes. The proposed language offers greater flexibility - it would allow relief from any setback in any zoning district provided no less than five feet when in or bordering a R-I or R-II zoning district.</p>
	<p>G. Special Reports Add more detail on the form of the required assessment.</p>	<p>Staff recommended and PC concurred (6/8/17) - Adds clarity and improves consistency with definition of “qualified consultant”. Language is based on BAS, AHBL, input from two practicing LEGs, and Kitsap County CAO.</p>

	<p>G. Special Reports</p> <p>Address sea level rise re: marine bluffs</p>	<p>Add: “For bluffs within shorelines jurisdiction, the report shall include an estimate of the bluff retreat rate that recognizes and reflects projected sea level rise.” PC 6/8/17 originally suggested addressing accelerated erosion rates based on SLR. This amendment also responded to CAC 072617 (Comment 5-1). However, staff questioned which sea level rise would be used? On 10/27/17, PC preliminary consensus was to retain the existing language and revisit in next GMA update (8 years).</p>
<p>19.05.110 Critical area 5 – Wetlands.</p>	<p>Throughout – Update references to Manuals.</p>	<p>[Redacted]</p>
	<p>A. Purpose – Delete redundant language</p>	<p>[Redacted]</p>
	<p>B. Classification. Update per State Washington State Wetland Rating System for Western Washington (2014)</p>	<p>[Redacted]</p>

	<p>C. Regulated Development. Update per Washington State Wetland Rating System for Western Washington (2014)</p>	<p>The current CAO regulates wetlands larger than 1,000 square feet. However, per the BAS report Table ES-1 and Ecology guidance, all wetlands must be regulated regardless of size. Implementing this requirement is challenging considering much of the city was previously platted into small lots (5,000 square foot). In larger jurisdictions wetland banking provides some relief, however, currently there are no mitigation banks in Port Townsend. Where impacts are unavoidable, in-lieu fee (ILF) may be allowed as a mitigation option.</p> <p>Staff Recommends –The City does not currently have an ILF program in place, staff recommends investigating development of an ILF program.</p>
	<p>D. Performance Standards Exemptions from Avoidance Requirement. The Director may exempt certain Category IV wetlands and wetlands less than 1,000 sf from the requirement to avoid impacts if the impacts are fully mitigated.</p>	<p>Consistent with ECY Wetlands Guidance for CAO Updates WW Version. (June 2016), the revised draft allows filling of certain wetlands if the impacts are fully mitigated.</p>

	<p>Add Section: E. Trails and Trail-Related Facilities</p>	<p>Staff Recommends revisions to address construction of trails. BAS supports construction of trails within the outer 25% of wetland buffers. The draft CAO language was taken from Kitsap Co. Draft CAO update.</p>
	<p>Add Section: F. Utilities. Placement of utilities within wetlands or their buffers may be allowed pursuant to the following standards:</p>	<p>Staff Recommends: ECY Wetlands Guidance for CAO Updates WW Version (June 2016).</p>
	<p>G. Buffers and Setbacks</p> <ul style="list-style-type: none"> • Revise Buffer Widths Table per State Guidance • Table: Land Use Impacts and Intensity Levels, add “utility corridors” delete “hobby farms” • (7) Buffer Waivers - b. The parcel to be developed lies landward of an existing constructed roadway <u>legally established roadways or other legally established structures or paved areas sixteen- feet or more in width</u> which separates the parcel from the wetland and has effectively eliminated the function and value to be derived from the required buffer width. 	<p>Staff Recommends adding Utility Corridors to the table (consistent with the model ordinance).</p> <p>11/1/17 Rick Mraz of ECY recommends, per San Juan County Court of Appeals decision, delete Hobby Farm and address it on a case by case basis or move it to Moderate. Revised draft deletes “hobby farm”</p> <p>2/26/18 Sixteen feet based on minimum width of local access standard road</p>

	<p>H. Compensatory Mitigation Requirements.</p> <ul style="list-style-type: none"> • Clarify, unless otherwise provided in this section (19.05.110), compensatory mitigation for alterations to wetlands may be used <u>only for impacts that cannot be avoided or minimized</u> • (5) Incorporated in 19.05.060 C and D to reduce redundancy • (7) Mitigation Ratios: Refer to <i>Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report</i> (Hruby 2012), Set minimum buffer ration of 1:1, Revise Table per State Guidance 	
<p>19.05.160 Amendments.</p>	<p>City inventory maps may be periodically updated by the City</p>	<p>Staff Recommends revising the code to clarify Maps are "indicators, not delineators....as such they can be updated administratively”</p> <p>DSD is currently discussing timing of map updates with the PW department.</p>