

Environmentally Critical Areas Update

Urban Forestry
Commission
June 7, 2017



Maggie Glowacki
City of Seattle

Department of Construction &
Inspections

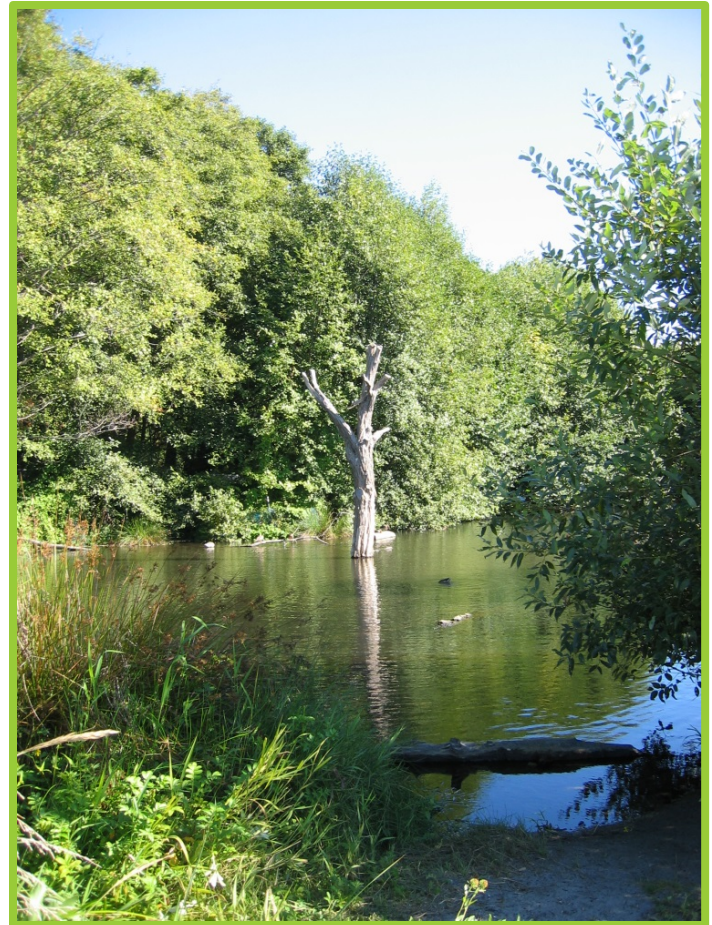
Presentation Overview

1. Background
2. Requirements for ECA update
3. Changes made to regulations



What are the Environmentally Critical Areas?

- Aquifers
- Landslide-Prone and Steep Slope Areas
- Peat bogs
- Streams/Riparian Corridors
- Small lakes
- Wetlands





Requirements for the ECA Update

1. Review regulations for compliance with GMA
- 2. Best Available Science**
3. Public participation plan
4. Develop policies and regulations

Best Available Science

- RCW 36.70A.172(1) requires best available science to be used in developing policies and regulations to protect functions and values of critical areas.
- This also requires measures to conserve and protect anadromous fisheries (salmon), including the protection of habitat for all life states of these fish.

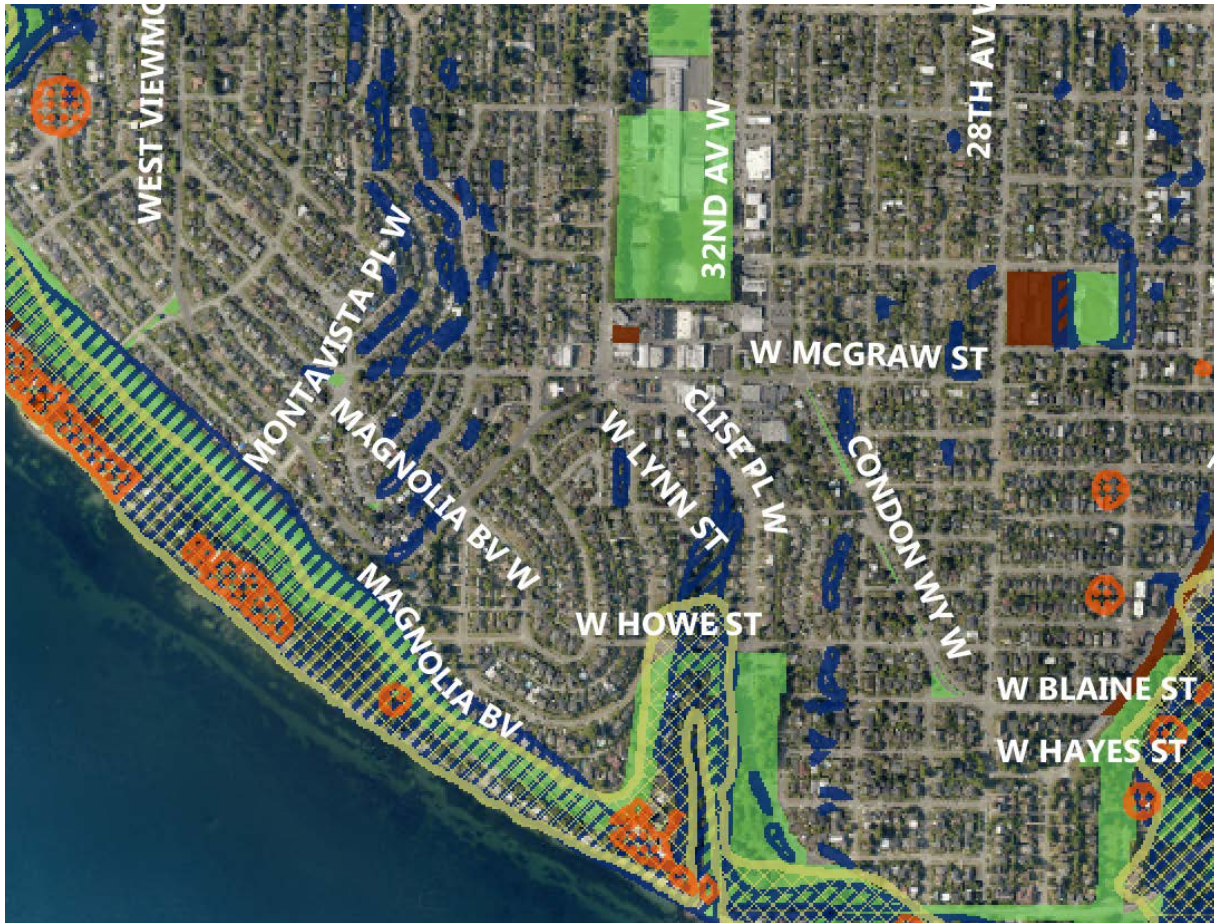



Best Available Science

Best Available Science Documents - available on SDCI's [ECA update website](#):

- Best Available Science Review for Fish and Wildlife Habitat Conservation Areas (2013);
- Best Available Science Review for Wetlands (2014);
- Best Available Science Review for Geologic Hazard Areas (2014);
- Best Available Science documents for the 2006 - 2012 ECA amendments;
- Best Available Science for the City of Sammamish Critical Areas regulations;
- Department of Community, Trade and Economic Development's Critical Areas Assistance Handbook: Protecting Critical Areas within the Framework of the Washington Growth Management Act (2007);
- Department of Ecology's Wetland Rating, Delineation, Buffer, Mitigation, and Protecting and Managing documents (2005 - 20016).

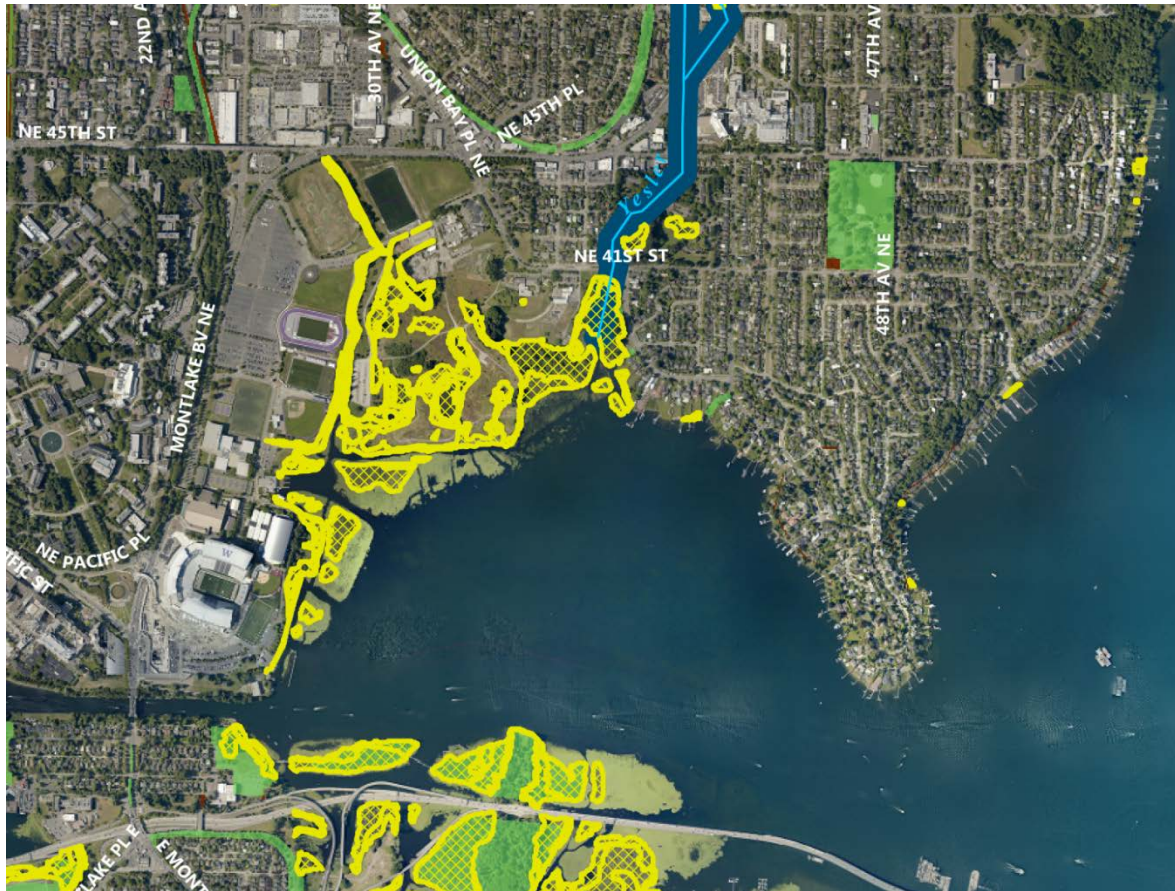
Mapping & Regulations



-  Known Slide Area
-  Potential Slide Area
-  Steep Slope (40%)
-  City of Seattle Park
-  City Property

Coordinate System: NAD 1983 HARN StatePlane
Washington North FIPS 4601 Feet
Projection: Lambert Conformal Conic
Datum: North American 1983 HARN
False Easting: 1,640,416.6667
False Northing: 0.0000
Central Meridian: -120.8333
Standard Parallel 1: 47.5000
Standard Parallel 2: 48.7333
Latitude Of Origin: 47.0000
Units: Foot US

Mapping & Regulations



-  Wetland
-  Riparian Corridor
-  City of Seattle Park
-  City Property

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Priority Species Protection

Priority species

- Bald Eagle
- Heron -Species of Local Importance

Options for compliance

- Director's Rule/Standard Management Plan
- WA Department of Fish and Wildlife (WDFW) site-specific plan



Changes

- Correction/ clarification/organizational - clearer language and organizational changes increase understanding and increase consistently
- Substantive changes and based on BAS - increase buffer for Category III wetlands with high, and moderate level habitat function; modification of how heron habitat is protected within a specified distance from heron colonies, and the addition mitigation standards
- Typographical errors

Changes

- Replace State Environmental Policy Act (SEPA) review - clear and predictable ECA regulations for certain projects that are exempt from SEPA under Section 25.09.800.

- Amend the ECA/SEPA Director's Rule - allow vegetation management as a SEPA exempt activity if it meets the SEPA exemption thresholds and ECA regulations.



Changes

- **25.09.045** Exemptions - Clarify the requirements for maintenance and repair, and renovation and structural alterations, of existing development. (Rebuilding or replacement of structures is proposed to be addressed in a new Section 25.09.052)
- **25.09.052** Rebuilding or replacing structures



Exemption 25.09.045.H.3

- **A.3.b.** City agencies do not need to make an application to the Director, provided they shall comply with all provisions of this Section 25.09.045, make all determinations and maintain records documenting compliance with all provisions.
- **H.** Utilities, rights-of-way, public and private enhancement projects, and public trails

Changes

- **25.09.065** - new section that establishes the steps in mitigation sequencing. Same as SMP - used to address adverse impacts to critical areas and buffers in addition to other development standards.



Mitigation Requirements

- Avoid the impact
- Minimize impacts by limiting impact
- Mitigate by repairing, rehabilitating, or restoring the affected environment
- Compensate for the environmental impacts



Changes

- **25.09.070** tree, vegetation and **impervious surface management section**
- **25.09.075** pesticide and herbicide section moved from general development standards



Changes to Vegetation Management

- Include management of impervious surface;
- Provide additional guidance and clarity regarding vegetation management and how an increase in impervious surface must be mitigated
- Clarify management and mitigation requirements and implement best available science regarding adding impervious surface in an area that was undeveloped and is located within an environmentally critical area such that run-off and other consequences would impact a critical area.
- Additionally, specific standards to protect these areas as a replacement for the current use of SEPA to add consistency and predictability.

Changes

- **25.09.090** Development standards for **steep slope erosion hazard areas**
- **25.09.160** increase buffer for Category III wetlands with high, and moderate level habitat function



Changes

- **25.09.200** Development standards for fish and wildlife habitat conservation areas



Changes

- **25.09.200** – clarify great blue heron designated **species of local importance** and the process to list any additional species
- Include greater protection for great blue heron based on WDFW's 2012 Priority Habitat and Species guidance for great blue heron.



Great Blue Heron

Updated Director's Rule

- Proposed updates *DR 8-2017*
- [Director's Rule 5-2007 Great Blue Heron Management Plan](#)
- Comment period thru 6/9/17
- [Land Use Information Bulletin](#)



UFC and HHH Recommendations

2010

Retain trees: 6" dbh or larger
screening trees year round
(decrease from 22" dbh during
nesting season)

15-ft Building setback: Require
a landscape planting plan
approved by DPD.



WDFW Priority Species Guidance

Include year round buffer: 197-ft if vegetation is removed mitigation to replace habitat loss is required using mitigation sequencing

Great Blue Heron Nesting Colony:

- Clarify no development is allowed within the GBH nesting colony &
- Protect a nesting colony for 10 years after last known nesting season

Definitions: update and add additional terms



UFC and HHH Recommendations

2016/2017

Protect pre-nesting areas:

Specific areas observed being used by heron

Include guidance on conditions for projects within the year-round buffer: Include review of light, noise and pollution from outside activities.



Changes

- **Definitions** - Added many definitions from “Aquatic environment” to “Wetland rehabilitation”



Thank you

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