

# Presentation to City Council January 18, 2007

## City of Des Moines Critical Areas Ordinance Update

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# Discussion Topics

- ▶ Process Overview
- ▶ Wetland Buffers
- ▶ Wetland Mitigation Ratios
- ▶ Stream Buffers
- ▶ Development Standards:
  - ◆ Wetlands
  - ◆ Streams
  - ◆ Geologically Hazardous Areas
  - ◆ Fish and Wildlife Habitat Conservation Areas (FWHCAs)
  - ◆ Critical Aquifer Recharge Areas (CARAs)
- ▶ Next Steps
- ▶ Council Recommendations

# Process Overview

- ▶ Best Available Science Review (July 2005)
- ▶ State Agency Presentations (June 06')
- ▶ Critical Areas Inventory (June – Sept. 06')
- ▶ Planning Agency Review (June – Nov. 06')
- ▶ Council Environment Committee Review (June – Dec. 06')
- ▶ 60-day notice to adopt to CTED (01/03/07)
- ▶ Public Involvement (ongoing)

# Wetland Buffers

- ▶ Current wetland buffer widths cannot meet Best Available Science (BAS):
  - ◆ “Significant” wetlands – 100-foot buffer
  - ◆ “Important” wetlands – 35-foot buffer
- ▶ Buffer Alternative 3 provides City most flexibility:
  - ◆ Includes criteria to increase, decrease and average buffers
  - ◆ Supported by BAS review, critical areas inventory, Planning Agency and Environment Committee reviews

# Ecology Buffer Alternative 3

## Buffer Widths – Based on Wetland Category, Intensity of Land Use Impacts and Degree of Wetland Function or Special Characteristics

Category I Wetlands	Width of Buffer (feet)
High Habitat function (Habitat score 29-36)	300
Moderate Habitat function (Habitat score 20-28)	150
High Water Quality function and Low Habitat function or none of the above characteristics (Habitat score < 20)	100
Category II Wetlands	
High Habitat function (Habitat score 29-36 points)	300
Moderate Habitat function (Habitat score 20-28)	150
High Water Quality function and Low Habitat function or none of the above characteristics (Habitat score < 20)	100
Category III Wetlands	
Moderate Habitat function (Habitat score 20-28)	150
Low Habitat or not meeting above criteria (Habitat score <20)	80
Category IV Wetlands	
Low functions	50

**Note:** Removed information and buffers associated with the wetland types not relevant to Des Moines:

Category I -- Natural Heritage, bogs, estuarine, and wetlands in coastal lagoons

Category II – Estuarine and Interdunal

# Wetland Mitigation Ratios

- ▶ Current wetland mitigation ratios (DMMC 18.86.107(1)(a)(i)) would not meet BAS of the new wetland and stream classifications:
  - ◆ Class 1 and 2 wetlands on a 2:1 type and acreage basis
  - ◆ Class 3 wetlands on a 1:1 type and acreage basis
- ▶ BAS review recommends the following minimum mitigation ratios:
  - ◆ 6:1 for Category I
  - ◆ 2:1 for Category II
  - ◆ 1.5:1 for Category III and IV
- ▶ New ratios provide flexibility to require smaller mitigation ratio where necessary and higher mitigation ratios where appropriate.
- ▶ Avoidance and minimization of wetland impact is required, and wetland fill or buffer impact is only allowed where reasonable use is precluded without it.

# Stream Buffers

- ▶ Existing stream buffers (DMMC 18.86.070(1)) do not meet BAS:
  - ◆ “Significant” streams (Types 1, 2, 3) – 100-ft buffer
  - ◆ “Important” streams (Type 4, 5) – 35-ft buffer
- ▶ BAS recommends adopting King County stream buffers for urban environments (reflect BAS):
  - ◆ Reviewed buffer function and effective widths
  - ◆ Dependent on stream type – urban vs. rural area

Stream Type	Buffer Width (feet)
Types S or F	115
Types Np or Ns	65

- ▶ Alternately, City could evaluate buffers on a stream-by-stream and reach-by-reach basis using BAS.

# Fish and Wildlife Habitat Conservation Areas (FWHCAs)

- ▶ DMMC 18.86.085 establishes buffers and disturbance limitations for FWHCAs.
- ▶ BAS Recommendations:
  - ◆ Add provisions regarding the alteration of habitat
  - ◆ Add section addressing specific habitats:
    - Provisions for endangered, threatened and sensitive species
    - Provisions for anadromous fish
  - ◆ Create a map of all documented FWHCA in City



# Development Standards for Geologically Hazardous Areas

## BAS review recommendations:

- ▶ *DMMC 18.86.077 Hillsides of 15 percent slope and greater* – Add standards for drainage and control of site runoff.
- ▶ *DMMC 18.86.078 Seismic hazard areas* – Add development standards for liquefaction prone areas.
- ▶ *DMMC 18.86.079 Landslide hazard areas* – Establish top and bottom of slope set back limits and criteria for reducing set backs.
- ▶ *DMMC 18.86.080 Erosion Hazard Areas* – Add standards for drainage, temporary erosion and sediment control plans, and allowance for dry season grading extension.

# Critical Aquifer Recharge Areas

- ▶ Revise CARA definition (DMMC 18.04.212) to clarify Ecology and King Co. DOH guidance on identifying CARAs and defining a wellhead protection zones.
- ▶ Expand CARA development standards (DMMC 18.86.083) to include:
  - ◆ Requirement of a special environmental study, who can perform such a study
  - ◆ Types of development not allowed within CARAs

# Next Steps

(January - March 07')

- ▶ Policy guidance from Council on proposed CAO amendments (01/18/07)
- ▶ SEPA determination and draft CAO Amendments to CTED (01/26/07)
- ▶ Public Hearing (02/08/07)
- ▶ Adopt CAO (03/08/07)

# Council Recommendations

- ▶ Wetland buffers
- ▶ Wetland mitigation ratios
- ▶ Stream buffers
- ▶ Development Standards:
  - ◆ Wetlands
  - ◆ Streams
  - ◆ Geologically Hazardous Areas
  - ◆ Fish and Wildlife Habitat Conservation Areas (FWHCAs)
  - ◆ Critical Aquifer Recharge Areas (CARAs)