

Presentation to Planning Agency September 11, 2006

City of Des Moines Critical Areas Ordinance Update

Denise Lathrop

Topics for Tonight's Meeting

- Overview of Background Information
- Discuss Wetland Mitigation Ratios
- Discuss Critical Aquifer Recharge Areas
- Discuss Development Standards for Geologically Hazardous Area
- Provide recommendation to Council Environment Committee

Wetland Mitigation

- DMMC 18.86.107 Mitigation
 - All impacts allowed under development exceptions are considered adverse and unavoidable, though this should be carefully considered for conflicts with 18.86.107, wherein an exception is allowed providing stream function is increased;
 - The assumption of mitigation sequencing underscores the degree to which BAS has been integrated into the Code (i.e., mitigation, it is assumed, would only occur after avoidance, minimization and restoration).
 - Much of what is addressed is technically mitigation, whereas restoration would apply in situations where the impact/disturbance is temporary or if a previously degraded area was restored either as part of mitigation, or for its own merits.

Wetland Mitigation Ratios

- DMMC 18.86.107(1)(a)(i) – wetland mitigation ratios are such that they would not meet BAS of the new wetland and stream classifications.
- 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, but also requests/requires higher mitigation ratios where appropriate.
- Avoidance and minimization of wetland impact is required, and wetland fill or buffer impact of any sort is only allowed where reasonable use is precluded without it.

Critical Aquifer Recharge Areas

- *DMMC 18.04.212 critical aquifer recharge area.* Revise definition to clarify that:
 - Water District 54 should be the entity responsible for identifying CARAs.
 - Ecology provides guidance on the means and methods to identify CARAs and King County DOH provides guidance on how to define a wellhead protection zone.
- *DMMC 18.86.083 Aquifer Recharge Areas.* Expand section to include the requirement of a special environmental study, who can perform such as study, what types of development cannot occur within CARAs.

Development Standards for Geologically Hazardous Areas

- BAS review recommendations:
 - *DMMC 18.86.077 Hillside of 15 percent slope and greater.* Add a section that discusses drainage and control of site runoff in order to maintain the stability of the slope.
 - *DMMC 18.86.078 Seismic hazard areas.* Add a section that discusses development requirements in liquefaction prone areas.
 - *DMMC 18.86.079 Landslide hazard areas.* Add a section that prescribes top and bottom of slope set back limits from landslide hazard areas and under what conditions these set backs may be reduced from the prescriptive values.
 - *DMMC 18.86.080 Erosion Hazard Areas.* Expand section to include key elements regarding: temporary erosion and sediment control plans; drainage requirements; and allowance for a dry season grading extension if the site meets certain conditions.

Recommendations to Council Environment Committee

- Recommendation 1: “Direct staff to include in the drafting of the Critical Areas Ordinance, the Washington Department of Ecology’s recommended wetland mitigation ratios.”
- Recommendation 2: “Direct staff to include in the drafting of the Critical Areas Ordinance, modifications to development standards for critical aquifer recharge areas and geologically hazardous areas, consistent with recommendations provided in the Best Available Science Review of Critical Aquifer Recharge, Geologic Hazard and Special Flood Hazard Areas Report prepared by Associated Earth Sciences Inc .”