

# Presentation to Planning Agency October 2, 2006

## City of Des Moines Critical Areas Ordinance Update

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# Topics for Tonight's Meeting

- Discuss Critical Aquifer Recharge Areas (continued)
- Discuss Fish and Wildlife Habitat Conservation Areas
- Provide recommendation to Council

# Critical Aquifer Recharge Areas (Continued Discussion)

- *DMMC 18.04.212 Critical Aquifer Recharge Area.* Revise definition to clarify that:
  - 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.

# CARAs Planning Agency Questions & Staff Responses

- Who is ultimately responsible for mapping CARAs?
- How can the City be assured water districts accurately identify CARAs?
- What happens if there is a lawsuit regarding impacts to a CARA?
- Does the requirement for special studies create an undue hardship for developers?

# Staff Responses

- City is responsible for identifying and mapping CARAs.
- Code needs to clarify City is not a purveyor of water and relies on information from entities with the expertise to identify (water districts, King County DOH, Ecology guidance).
- It is in the water districts' best interest to ensure wellhead protection and aquifer recharge areas are accurately identified.
- As with other regulations, the City is responsible for enforcement of protection measures (avoid risk of impacts).
- Ecology MTCA liability based on ownership or pollutant generator.
- Studies would be required if there is a potential risk of impacting a CARA.

# CARA Development Standards (DMMC 18.86.083)

- Performance Requirements
  - Clarify permitted uses must not adversely affect the recharging of the aquifer; must comply with protection requirements of EPA, Washington DOH and King County DOH; and must be designed and constructed in accordance with surface water design manual.
- Specific Uses
  - Add requirements for uses such as storage tanks; vehicle repair and servicing; residential use of pesticides/nutrients; use of reclaimed water for surface percolation or direct recharge; and references to State and Federal regulations.
- Prohibited Uses and Activities
  - List Landfills, underground injection wells, or other activities that would significantly reduce recharge to aquifers.

# Fish and Wildlife Habitat Conservation Areas (FWHCAs)

- FWHCA inventory completed Summer 06'
- Inventory based on current WDFW priority habitat and species (PHS) data
  - Two wetland areas were incorporated into the wetland inventory.
  - Two ravine areas on Massey and Woodmont Creeks (not part of PHS data).
  - Mapped habitat areas within the marine shoreline zone.

# BAS Recommendation

- Add development standards that codify protections for important habitat areas.
- Consider assigning FWHCA status to those areas identified in the *Critical Areas Inventory* (Grette Associates, September 2006).
- Create a map of all documented FWHCA in City.
- Consider conducting or encouraging WDFW to conduct spawning surveys in City streams.

# FWHCA Development Standards (DMMC 18.86.085)

- Buffers and Disturbance Limitations
  - Add provisions regarding the alteration of habitat.
- Specific Habitats
  - Add provisions for endangered, threatened and sensitive species.
  - Add provisions for anadromous fish.

# Recommendations to Council Environment Committee

- Recommendation 1: “Direct staff to include in the drafting of the Critical Areas Ordinance, the designation of fish and wildlife habitat conservation areas status to the areas within the city as identified in the *City of Des Moines Critical Areas Inventory – Wetland, Stream and Habitat Elements* (Grette Associates, September 2006).”