

PDS Submitted Changes for Planning Commission Consideration

Critical Areas Ordinance, Section 16.16.920 Application

- A. The provisions contained in this Article are specific to the mitigation of wetland and stream buffer impacts and are provided as an alternative to the following buffer mitigation requirements within this Chapter:
1. Mitigation Monitoring and Maintenance (WCC 16.16.260.C)
 2. Mitigation Assurance Bonding Requirements (WCC 16.16.260.D)
 3. Wetland Buffer Maximum Reduction Standards (WCC 16.16.640.B & 16.16.640.C)
 4. Wetland Buffer Reduction Planting Requirement (WCC 16.16.640.D.7)
 5. Wetland Buffer Averaging (WCC 16.16.650)
 6. Compensatory Wetland Mitigation Plan (WCC 16.16.690)
 7. Stream Buffer Reduction Requirements (WCC 16.16.740.D.1)
 8. Stream Buffer Maximum Reduction Standard (WCC 16.16.740.D.2)
 9. Stream Buffer Average Requirements (WCC 16.16.740.E)
 10. Mitigation Standards for Stream Buffers (WCC 16.16.760)
- B. Use of the HMF is voluntary; permit applicants not wishing to participate have the option of meeting the standard critical area buffer requirements.
- C. Use of the HMF is limited to projects that meet the minimum criteria for enrollment in the Birch Bay Low Impact Development program (WCC 20.50). The Technical Administrator may waive this requirement on a case by case basis if s/he has reason to believe that the proposed development project has minimal effects on water quality and quantity.
- D. Projects that do not meet the criteria stated in sub section C above must conform to the standard wetland and stream buffer widths in Articles 6 and 7 of WCC 16.16.
- E. The HMF applies to **critical areas within** the unincorporated areas of the Birch Bay watershed (Ordinance 2007 – 019 or as amended). ~~Projects within the Cherry Point Industrial District that impact stream and/or wetland buffers may utilize the HMF for off-site buffer habitat mitigation with approval of the Director of Planning and Development Services.~~
- F. The HMF cannot be used to mitigate for direct wetland or stream channel impacts.
- G. The HMF cannot be used for to mitigate impacts to shoreline buffers regulated under the Shoreline Management Program (WCC Title 23).
- H. ~~The provisions of this Article cannot be applied within the area mapped as Cherry Point Major Industrial Urban Growth Area, WCC 20.74.~~
- I. ~~The Watershed Management Results of the Birch Bay Watershed Characterization and Planning Pilot Study as mapped in Appendix F, shall not be changed without amending this Article. Areas included in this program without a watershed management recommendation shall be treated as a "Restoration" watershed for the purposes of this article.~~

Comment [pgi111]: Clarification on where the program applies if watershed boundary bisects a parcel.

Comment [pgi112]: Removes potential for use of Birch Bay CAO use in the industrial UGA.

Comment [pgi113]: New line. Further clarifies that no development w/in the Industrial UGA can utilize Birch Bay CAO.

Comment [pgi114]: Clarification, that provides certainty about affected resources.

16.16.950 HMF Contribution Schedule

A. ~~C~~ To simplify the cost structure and accounting, the minimum fee will be the greater of \$2,250.00, or the amount calculated according to the Contribution Schedule.

Comment [pgi115]: Typo

B. ~~D~~ Mitigation Fund Contribution Schedule

Comment [pgi116]: Typo

Low Impact Development (Zoning Code), Section 20.50.030 Area and applicability.

- (1) The LID program applies to development proposals in parcels intersected by the unincorporated areas of the Birch Bay watershed (~~Ord2007-019 or as amended Res. 2008-049 § 4 (Exh. A § 2)~~).
- (2) These optional standards apply to development that qualifies under in 20.50.100.
- (3) The benefits are available to residential and commercial development, as well as short subdivisions and long subdivisions, and binding site plans ~~not associated with Heavy Impact Industrial uses (WCC 20.68)~~.
- (4) The provisions of this chapter do not apply within the jurisdiction of the Shoreline Management Program.

Comment [pg117]: Clarification on where the program applies if watershed boundary bisects a parcel.

Comment [pg118]: Preferred reference to Birch Bay watershed boundary.

Comment [pg119]: Clarifies that the flexibility allowed through the LID program are not available to Industrial uses.