

1 APPENDIX 2: CRITICAL AREAS REGULATIONS

1.01 INTRODUCTION

Critical Areas in the City of Aberdeen's shoreline jurisdiction are regulated by the city's CAO, (Ordinance 6474), codified under AMC 14.100 – Critical Area Protection, which is herein incorporated into this SMP.

The following sections of the city's CAO do not apply within the shoreline jurisdiction. The sections of the SMP that replace these particular regulations are listed in SMP Appendix 2: Table 1-1 below.

SMP Appendix 2: Table 1-1: AMC Critical Areas Regulations Replaced by the SMP in the City of Aberdeen's Shoreline Jurisdiction

Aberdeen Municipal Code Section	Aberdeen Municipal Code Section Description	Replacement Section in the SMP
AMC 14.100.013	Definitions	SMP Chapter 8
AMC 14.100.020	Jurisdiction - Critical Areas	SMP Section 1.06
AMC 14.100.034	Permit Processing	SMP Section 7.02
AMC 14.100.035	Appeals	SMP Section 7.05.05
AMC 14.100.041	Relationship to Other Regulations	SMP Section 1.07
AMC 14.100.050	Exempt and Allowed Activities	SMP Section 5.03 and SMP Appendix 3: Shoreline Substantial Development Permit Exemptions
AMC 14.100.051	Reasonable Use	Not applicable. See SMP Section 7.04.03 for Variance Criteria
AMC 14.100.052	Nonconforming Development	SMP Section 7.07
AMC 14.100.053	Variances	SMP Section 7.04.03
AMC 14.100.091	Unauthorized Critical Area Alterations and Enforcement	SMP Section 7.08
AMC 14.100.200	Wetlands Critical Areas – Designation	SMP Appendix 2 Section 1.02

Aberdeen Municipal Code Section	Aberdeen Municipal Code Section Description	Replacement Section in the SMP
AMC 14.100.230	Allowed Activities in Wetland Areas	Not applicable
AMC 14.100.250	Wetland Buffers – Dimensions	SMP Appendix 2 Section 1.03
AMC 14.100.260	Performance Standards – Mitigation Requirements	SMP Appendix 2 Section 1.04
AMC 14.100.530	Fish and Wildlife Habitat Conservation Areas-Water bodies-Performance Standards - Specific Activities	SMP Appendix 2 Section 1.05
AMC 14.100.550	Fish and Wildlife Habitat Conservation Areas - Water Bodies - Buffers	SMP Appendix 2 Section 1.06

- ~~A. AMC 14.100.013 Definitions~~
- ~~B. AMC 14.100.020 Jurisdiction – Critical Areas~~
- ~~C. AMC 14.100.034 Permit Processing~~
- ~~D. AMC 14.100.035 Appeals~~
- ~~E. AMC 14.100.041 Relationship to Other Regulations~~
- ~~F. AMC 14.100.050 Exempt and Allowed Activities~~
- ~~G. AMC 14.100.051 Reasonable Use~~
- ~~H. AMC 14.100.052 Nonconforming Development~~
- ~~I. AMC 14.100.053 Variances~~
- ~~J. AMC 14.100.091 Unauthorized Critical Area Alterations and Enforcement~~
- ~~K. AMC 14.100.230 Allowed Activities in Wetland Areas~~
- ~~L. AMC 14.100.250 Wetland Buffers – Dimensions~~
- ~~M. AMC 14.100.260 Performance Standards – Mitigation Requirements~~

~~N. AMC 14.100.530 Fish and Wildlife Habitat Conservation Areas—Water bodies—
Performance Standards—Specific Activities~~

~~O. AMC 14.100.550 Fish and Wildlife Habitat Conservation Areas—Water Bodies—Buffers~~

Comment [BM1]: AHBL Comment: Sections of AMC 14.100 replaced in this SMP Appendix.

1.02 WETLANDS CRITICAL AREAS - DESIGNATION

A. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

B. Wetlands shall be identified in accordance with the requirements of RCW 36.70A.175 and 90.58.380. Unless otherwise provided for in this chapter, all areas within the city meeting the criteria in the ~~Washington State Wetland Identification and Delineation Manual (Ecology Publication 96-94)~~ Approved Federal Wetland Delineation Manual and Applicable Regional Supplements, as amended, regardless of any formal identification are hereby designated critical areas and are subject to the provisions of this chapter.

Comment [BM2]: AHBL Comment: Updated to reflect current manual

C. Wetlands shall be rated based on categories that reflect the functions and values of each wetland. Wetland categories shall be based on the criteria provided in the Washington State Wetland Rating System for Western Washington 2014 Update October 2014 – Effective January 2015, ~~revised August 2004~~ (Ecology Publication No. 04-06-~~025029~~). These categories are generally defined as follows:

Comment [BM3]: AHBL Comment: Updated to reflect current manual

Comment [BM4]: AHBL Comment: Point values below have been updated.

1. Category I Wetlands. Category I wetlands are those wetlands of exceptional value in terms of protecting water quality, storing flood and stormwater, and/or providing habitat for wildlife as indicated by a rating system score of 23 or more. These are wetland communities of infrequent occurrence that often provide

documented habitat for critical, threatened or endangered species, and/or have other attributes that are very difficult or impossible to replace if altered.

2. Category II Wetlands. Category II wetlands have significant value based on their function as indicated by a rating system score of 20 to 22 points. They do not meet the criteria for Category I rating but occur infrequently and have qualities that are difficult to replace if altered.
3. Category III Wetlands. Category III wetlands have important resource value as indicated by a rating system score of 16 to 19 points.
4. Category IV Wetlands. Category IV wetlands are wetlands of limited resource value as indicated by a rating system score of less than 16 points. They typically have vegetation of similar age and class, lack special habitat features, and/or are isolated or disconnected from other aquatic systems or high quality upland habitats.

1.03 WETLAND BUFFERS - DIMENSIONS

- A. Wetland buffer zones shall be required for all regulated activities adjacent to regulated wetlands. Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored or enhanced wetland. Buffers shall not include areas that are functionally and effectively disconnected from the wetland by a road or other substantially developed surface of sufficient width and with use characteristics such that buffer functions are not provided.
- B. The buffer standards required by this chapter presume the existence of a dense vegetation community in the buffer adequate to protect the wetland functions and values. When a buffer lacks adequate vegetation, the ~~Director~~Shoreline Administrator may increase the standard buffer, require buffer planting or enhancement, and/or deny a proposal for buffer reduction or buffer averaging.
- C. The ~~Director~~Shoreline Administrator has the authority to pre-assess certain wetlands and establish buffer widths for such wetlands. The ~~Director~~Shoreline Administrator will prepare maps of wetlands that have been pre-assessed in this manner.
- D. Buffer Dimensions.

1. The wetland buffer widths are based on wetland category, intensity of impacts, and wetland functions or special characteristics. Wetland buffer widths shall be determined according to whether a buffer has been pre-assessed for the specific wetland or not.
 - a. When Wetland buffers have not been pre-assessed, wetland buffer widths shall be determined according to the land-use intensities and wetland characteristics of [SMP Appendix 2: Tables 1-2 and SMP Appendix 2: Table 1-3.](#) ~~14.100.250C.1a and b.~~
 - b. When wetland buffer widths have been pre-assessed for specific wetlands, the buffer widths shall be determined according to the location and application of Best Management Practices ~~of in~~ [SMP Appendix 2: Table 14.100.250.C.21-4.](#)
2. The buffer is to be vegetated with native plant communities that are appropriate for the site conditions. If vegetation in the buffer is disturbed (grazed or mowed) proponents planning changes to land that will increase impacts to wetlands need to rehabilitate the buffer with native plant communities that are appropriate for the site conditions. The width of the buffer is measured in horizontal distance. All buffers shall be measured from the wetland boundary as surveyed in the field.
3. Buffer widths for wetlands that have not been pre-assessed. The buffer for a wetland created, restored, or enhanced as compensation for wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.
4. Buffer widths for wetlands that have been pre-assessed. The buffer for a wetland created, restored, or enhanced as compensation for wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.

[SMP Appendix 2: Table 1-2](#) Types of Proposed Land Use that can Result in High, Moderate and Low Levels of Impacts to Adjacent Wetlands

Level of Impact from Proposed Change in Land Use	Types of Land Uses
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Level of Impact from Proposed Change in Land Use	Types of Land Uses
Low	<ul style="list-style-type: none"> • Forestry • Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.) • Unpaved trails • Utility corridor without maintenance road and little to no vegetation management
Moderate	<ul style="list-style-type: none"> • Residential (one unit/acre or less) • Moderate-intensity open space (parks with biking, jogging, etc.) • Paved driveways and gravel driveways serving 3 or more residences • Paved trails
High	<ul style="list-style-type: none"> • Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than one unit/acre) • High-intensity recreation (golf courses, ball fields, etc.)

SMP Appendix 2: Table 1-3: Width of Buffers Needed to Protect Wetlands in Aberdeen

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Category IV Wetlands (For wetlands scoring less than thirty <u>16</u> points or more for all functions)		
Score for all 3 basic functions is less than 30-16 points	Low – 25 ft Moderate – 40 ft High – 50 ft	No additional measures at this time
Category III Wetlands (For wetlands scoring 30-16-50 <u>16-50-19</u> points or more for all functions)		

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Moderate level of function for habitat (score for habitat 5-7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No additional measures at this time
Not meeting above characteristic	Low – 40 ft Moderate – 60 ft High – 80 ft	No additional measures at this time
Category II Wetlands (For wetlands that score 5120-6922 points or more for all functions or having the “Special Characteristics” identified in the rating system)		
High level of function for habitat (score for habitat 8-9 points)	Low – 150 ft Moderate – 225 ft High – 300 ft	Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 5-7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No additional measures at this time
High level of function for water quality improvement and low for habitat (score for water quality 8-9 points; habitat less than 5 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Estuarine	Low – 75 ft Moderate – 110 ft High – 150 ft	No additional measures at this time
Not meeting above characteristic	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional measures at this time
Category I Wetlands (For wetlands that score 70-23 points or more for all functions or having the “Special Characteristics” identified in the rating system)		

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Natural Heritage Wetlands	Low – 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300ft of wetland. Restore degraded parts of buffer
Bogs	Low – 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries
Forested	Buffer width based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connections to other habitat areas
Estuarine	Low – 100 ft Moderate – 150 ft	No additional measures at this time
High level of function for habitat (score for habitat 8-9 points)	Low – 150 ft Moderate – 225 ft High – 300 ft	Restore degraded parts of buffer Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 5-7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No additional measures at this time
High level of function for water quality improvement (8-9 points) and low for habitat (less than 5 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional measures at this time

SMP Appendix 2: Table 1-4: Width of Buffers Needed to Protect Pre-assessed

Wetland	Category	Habitat Score	High Land Use Intensity Proposed Buffer Widths	
			Without BMPs (1)	With BMPs
SA3	II	205	150	110
SA4	III	205	150	110
SA5	III	184	80	60
SA6 North	III	163	80	60
SA6 North-A	IV	123	50	40
SA6 South	III	143	80	60
SA7	III	123	80	60
SA9	III	174	80	60
SA10	III	215	150	110

Comment [BM5]: AHBL Comment: The Habitat Scores in this table were updated to reflect the new 2014 function scores adopted by Ecology. The translation will need to be confirmed by Ecology.

Notes:

(1) The Best Management Practices (BMPs) are defined in Section 14.100.253 (E)

- E. Where lands within the wetland buffer have an average continuous slope of 20 percent to 35 percent, and the required buffer width is less than 100 feet, the buffer shall extend to a 30 percent greater dimension. In all cases, where slopes within the buffers exceed 35 percent, the buffer shall extend 25 feet beyond the top of the bank of the sloping area or, if a buffer associated with a geological hazard is present, to whichever extent is greater.
- F. Because there is a large increase in width associated with a one point increase in the habitat score, the ~~Director~~ **Shoreline Administrator** may deviate from the buffer requirements outlined in ~~14.100.250~~ **SMP Appendix 2 Section 1.03(C)** and increase the buffer widths in increments of 20 feet for every one point increase in the habitat score in accordance with guidance developed by the Department of Ecology in Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands (Publication #05-06-008).

Where other critical areas defined in this chapter fall within the wetland buffer, the buffer dimension shall be the most expansive of the buffers applicable to any applicable critical area.

1.04 PERFORMANCE STANDARDS – MITIGATION REQUIREMENTS

Activities that adversely affect wetlands and/or wetland buffers shall include mitigation sufficient to achieve no net loss of wetland function and values in accordance with AMC Section 14.100.070 and this section.

- A. Wetland Alterations. Compensatory mitigation shall be provided for all wetland alteration and shall re-establish, create, rehabilitate, enhance, and/or preserve equivalent wetland functions and values. Compensation for wetland alterations shall occur in the following order of preference:
 5. Re-establishing wetlands on upland sites that were formerly wetlands.
 1. Rehabilitating wetlands for the purposes of repairing or restoring natural and/or historic functions.
 2. Creating wetlands on disturbed upland sites such as those consisting primarily of nonnative, invasive plant species.
 3. Enhancing significantly degraded wetlands.
 4. Preserving Category I or II wetlands that are under imminent threat; provided, that preservation shall only be allowed in combination with other forms of mitigation and when the Director-Shoreline Administrator determines that the overall mitigation package fully replaces the functions and values lost due to development.
- B. Mitigation Ratios. Compensatory mitigation for wetland alterations shall be based on the wetland category and the type of mitigation activity proposed. The replacement ratio shall be determined according to the ratios provided in ~~the table below~~ SMP Appendix 2: Table A1-5; provided, that replacement ratio for preservation shall be determined by the Director-Shoreline Administrator on a case-by-case basis. The created, re-established, rehabilitated, or enhanced wetland area shall at a minimum provide a level of function equivalent to the wetland being altered and shall be located in an appropriate landscape setting.

Comment [BM6]: AHBL Comment: Ecology comment from their December 5, 2014 memo to the cities was to add a reference to the Washington State Credit-Debit method: *Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington*. This method can be cited as an alternative (and preferred) approach for determining requisite wetland mitigation.

This is not a required method according to the *Wetlands & CAO Updates: Guidance for Small Cities Western Washington Version* (2nd Revision October 2012) and the current Aberdeen CAO does not include it.

Does this need to be included as part of the SMP update? If not, this section does not need to be included in SMP Appendix 2: Critical Areas Regulations.

SMP Appendix 2: Table 1-5: Mitigation Ratios for Western Washington

Wetland Category	Creation	Rehabilitation Only (1)	Re-establishment or Creation (R/C) and Rehabilitation (RH) (1)	Re-establishment or Creation (R/C) and Enhancement (E) (1)	Enhancement Only (1)
IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
II (Estuarine)	On a case-by-case basis	4:1 Rehabilitation of an estuarine wetland	On a case-by-case basis	On a case-by-case basis	On a case-by-case basis
II (Interdunal)	2:1 compensation has to be interdunal wetland	4:1 Compensation has to be interdunal wetland	1:1 R/C and 2:1 RH compensation has to be interdunal wetland	Not recommended (2)	Not recommended (2)
II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
I (Forested)	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
I (based on score for functions)	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
I (Natural Heritage)	Not recommended (3)	6:1 restoration of a Natural Heritage site	R/C not recommended (3)	R/C not recommended (3)	On a case-by-case basis
I (Coastal Lagoon)	Not recommended (3)	6:1 rehabilitation of a coastal lagoon	R/C not recommended (3)	R/C not recommended (3)	On a case-by-case basis
I (Bog)	Not recommended (3)	6:1 rehabilitation of a bog	R/C not recommended (3)	R/C not recommended (3)	On a case-by-case basis
I (Estuarine)	On a case-by-	6:1	On a case-by-	On a case-by-	On a case-by-

	case basis	rehabilitation of an estuarine wetland	case basis	case basis	case basis
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Notes:

(1) These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement (see [AMC 14.100](#) Appendix H for further discussion).

(2) Due to the dynamic nature of interdunal systems, enhancement is not considered an ecologically appropriate action.

(3) Natural Heritage sites, coastal lagoons, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

- C. Compensation for wetland buffer impacts shall occur at a minimum one-to-one ratio. Compensatory mitigation for buffer impacts shall include enhancement of degraded buffers by planting native species, removing structures and impervious surfaces within buffers, and other measures.
- D. Mitigation banks shall not be subject to the replacement ratios outlined in the replacement ratio table above, but shall be determined as part of the mitigation banking agreement and certification process.
- E. Buffers. Replacement wetlands established pursuant to these mitigation provisions shall have adequate buffers to ensure their protection and sustainability. The buffer shall be based on the category and land-use intensity in Section 14.100.250C.1; provided, that the [Shoreline Administrator](#) ~~Director~~ shall have the authority to approve a smaller buffer when existing site constraints (such as a road) prohibit attainment of the standard buffer.

- F. Adjustment of Ratios. The ~~Shoreline Administrator~~Director shall have the authority to adjust these ratios when a combination of mitigation approaches is proposed. In such cases, the area of altered wetland shall be replaced at a one-to-one ratio through re-establishment or creation, and the remainder of the area needed to meet the ratio can be replaced by enhancement at a two- to-one ratio. For example, impacts to one acre of a Category II wetland requiring a three-to- one ratio for creation can be compensated by creating one acre and enhancing four acres (instead of the additional two acres of creation that would otherwise be required).
- G. Location. Compensatory mitigation shall be provided on-site or off-site in the location that will provide the greatest ecological benefit and have the greatest likelihood of success; provided, that mitigation occurs as close as possible to the impact area and within the same watershed sub-basin as the permitted alteration. Compensatory mitigation shall use a landscape-based approach sufficient to maintain the functions and values of critical areas. ~~An applicant-permittee~~ may be required to provide compensatory mitigation through an aquatic resource restoration, establishment, enhancement and/or preservation activity.
- H. Protection. All mitigation areas whether on- or off-site shall be permanently protected and managed to prevent degradation and ensure protection of critical area functions and values into perpetuity. Permanent protection shall be achieved through deed restriction or other protective covenant in accordance with AMC Section 14.100.080 and AMC 14.100.081.
- I. Timing. Mitigation activities shall be timed to occur in the appropriate season based on weather and moisture conditions and shall occur as soon as possible after the permitted alteration.

1.05 FISH AND WILDLIFE HABITAT CONSERVATION AREAS – WATER BODIES – PERFORMANCE STANDARDS – SPECIFIC ACTIVITIES

The following activities may be permitted by the ~~Director~~Shoreline Administrator in water bodies or their buffers provided that: the specified requirements for the activities have been included in the design and implementation of the proposal; the applicant has taken all reasonable measures to avoid adverse effects on water body and water body buffer functions and values; the applicant has provided compensatory mitigation for all adverse impacts to

water bodies and their buffers that cannot be avoided; the applicant has demonstrated that the amount and degree of alteration is limited to the minimum needed to accomplish the project purpose; and the activities and uses are not prohibited by any other applicable law. Submittal of a critical area report will not be required for the activities listed in this Section, except as provided below.

- A. Restoration of streams previously piped or channeled into a new or relocation streambed when part of a restoration plan that will result in equal or better habitat and water quality and quantity, and that will not diminish the flow capacity of the stream or other natural stream processes; provided, that the relocation has a state hydraulic project approval and all other applicable permits.
- B. Road, trail, bridge, and right-of-way crossings, provided they meet the following criteria:

1. Development is completed in accordance with design guidelines found in SMP Section 5.16 – Transportation.

~~5.2.~~ There is no other feasible alternative route with less impact on critical areas.

~~6.3.~~ The crossing minimizes interruption of natural processes such as the downstream movement of wood and gravel and the movement of all fish and wildlife. Bridges are preferred for all stream crossings and should be designed to maintain the existing stream gradient and substrate, provide adequate horizontal clearance on each side of the ordinary high water mark and adequate vertical clearance above ordinary high water mark for animal passage. If a bridge crossing is not feasible, culverts shall be designed according to applicable state and federal guidance criteria for fish passage as identified in Fish Passage Design at Road Culverts, WDFW March 1999, and/or the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossings, 2000 (and subsequent revisions), and in accordance with a state hydraulic project approval. The applicant or property owner shall maintain fish passage through the bridge or culvert.

~~7.4.~~ The city may require that existing culverts be removed, repaired, or modified as a condition of approval if the culvert is detrimental to fish habitat or water quality, and a feasible alternative exists.

~~8.5.~~ Crossings shall be limited to the minimum width necessary. Common crossings are the preferred approach where multiple properties can be accessed by one crossing.

~~9.6.~~ Access to private development sites may be permitted to cross streams, if there are no feasible alternative alignments. Alternative access shall be pursued to the maximum extent feasible, including through the provisions of Chapter 8.24 RCW. Exceptions or deviations from technical standards for width or other dimensions, and specific construction standards to minimize impacts may be specified, including placement on elevated structures as an alternative to fill, if feasible.

- C. Passive outdoor recreational or educational activities which do not significantly affect the function of the water body or regulated buffer (including wildlife management or viewing structures, outdoor scientific or interpretive facilities, trails, hunting blinds, etc.) and meet the following criteria:

1. The trail is constructed in accordance with design guidelines found in SMP Section 4.06.

~~10.2.~~ Trails shall not exceed four feet in width and shall be surfaced with gravel or pervious material, including boardwalk.

~~11.3.~~ The trail or facility shall be located in the outer ~~25~~^{fifty} percent of the buffer area unless a location closer to the water body edge is required for interpretive purposes.

~~12.4.~~ The trail or facility shall be constructed and maintained in manner that minimizes disturbance of the water body or buffer.

- D. Utility lines and facilities providing local delivery service, not including facilities such as electrical substations, water and sewage pumping stations, water storage tanks, petroleum products pipelines and transformers or other facilities containing hazardous substances, may cross water bodies or be located in buffers, if the following criteria are met:

1. Utility construction is in accordance with design guidelines found in SMP Section 5.17 – Utilities.

~~1.2.~~ There is no reasonable location or route that does not cross the water body or outside the buffer based on analysis of system needs, available technology and

alternative routes. Location within a buffer shall be preferred over a location within a water body. Crossings shall be contained within the footprint of an existing road or utility crossing where possible.

~~2.3.~~ Impacts to fish and wildlife habitat shall be avoided to the maximum extent possible and mitigated when avoidance is not feasible.

~~3.4.~~ Utilities that cross water bodies shall be as close to perpendicular to the channel as possible to minimize disturbance. Boring under the water body may be required.

~~4.5.~~ If not a crossing, the utility line shall be located as far from the water body as possible.

~~5.6.~~ The utility installation shall maintain the existing stream gradient and substrate.

~~6.7.~~ Clearing, grading, and excavation activities shall be limited to the minimum necessary to install the utility line, and the area is restored following utility installation.

- E. Stormwater conveyance or discharge facilities such as infiltration systems dispersion trenches, level spreaders, and outfalls may be permitted in a fish and wildlife habitat conservation area buffer on a case-by-case basis when all of the following are met:

1. Facilities are constructed in accordance with design guidelines found in SMP Section 5.17 – Utilities.

~~1.2.~~ Due to topographic or other physical constraints there are no feasible locations for these facilities outside the buffer.

~~2.3.~~ The discharge is located as far from the ordinary high water mark as possible and in a manner that minimizes disturbance of soils and vegetation.

~~3.4.~~ The discharge outlet is in an appropriate location and is designed to prevent erosion and promote infiltration.

~~4.5.~~ The discharge meets stormwater flow and water quality standard as provided in Chapter 13.68, Stormwater Management, of the Municipal Code.

- F. Stream bank stabilization, shoreline protection, and public or private launching ramps may be permitted subject to all of the following standards:

1. Stream bank stabilization, shoreline protection, and public or private launching ramps are constructed in accordance with design guidelines found in SMP Section

6.01 – Boating Facilities, SMP Section 6.07 – Overwater Structures and Launching Facilities, and SMP Section 6.08 – Shoreline Stabilization;

- ~~1.2.~~ Natural shoreline processes will be maintained to the maximum extent ~~practicable~~ feasible. The activity will not result in increased erosion and will not alter the size or distribution of shoreline or stream substrate, or eliminate or reduce sediment supply from feeder bluffs;
 - ~~2.3.~~ Adverse impact to fish or wildlife habitat conservation areas, specifically juvenile and adult fish migration corridors, or associated wetlands will be mitigated;
 - ~~3.4.~~ Nonstructural measures, such as placing or relocating the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;
 - ~~4.5.~~ Stabilization is achieved through bioengineering or soft armoring techniques in accordance with an applicable hydraulic project approval is issued by the Washington Department of Fish and Wildlife;
 - ~~5.6.~~ Hard bank armoring may occur only when the property contains an existing permanent structure(s) that is in danger from shoreline erosion caused by riverine processes and not erosion caused by upland conditions, such as the alteration of natural vegetation or drainage, and the armoring shall not increase erosion on adjacent properties and shall not eliminate or reduce sediment supply.
- G. New public flood protection measures and expansion of existing measures may be permitted; provided, that bioengineering or soft armoring techniques shall be used where feasible. Hard bank armoring may occur only in situations where soft approaches do not provide adequate protection, and shall be subject to requirements of the shoreline master program in SMP Section 6.08 – Shoreline Stabilization, where applicable, hydraulic project approval and other permits.
- H. New docks shall be permitted only for public access, as an accessory to water-dependent uses or associated with a single-family residence; provided, that it is consistent with design guidelines found in SMP Section 5.07 – Boating Facilities and SMP Section 6.07 – Overwater Structures and Launching Facilities and designed and used only as a facility for access to watercraft.
1. To limit the effects on ecological functions, the number of docks should be limited and new subdivisions should employ shared moorage whenever feasible. Docks

on shorelines of the state must comply with policies and regulations of the city of Aberdeen shoreline master program.

2. Docks shall be located and designed to minimize adverse effects on ecological processes through location where they will interfere with fluvial and limnal processes including gradient and substrate; recruitment of woody debris; and fish habitat, including that related to anadromous fish.
3. Docks shall minimize reduction in ambient light level by limiting width to the minimum necessary and shall not exceed four feet in width, except where specific information on use patterns justifies a greater width. Materials that will allow light to pass through the deck may be required including grating on walkways or gangplanks in nearshore areas.
4. Approaches shall utilize piers or other structures to span the entire upper foreshore to the point of intersection with stable upland soils and shall be designed to avoid interfering with stream processes.
5. Pile spacing shall be the maximum feasible to minimize shading and avoid a wall effect that would block or baffle currents, sediment movement or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment.
6. Docks should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term.
- I. Launch ramps may be permitted for access to the water for the public or for residents of a development or for water dependent use subject to the following criteria:

1. Launch ramps shall be located and designed in accordance with SMP Section 6.07 – Overwater Structures and Launching Facilities.

1.2. Launch ramps shall be located and designed to minimize adverse effects on fluvial and limnal processes including stream gradient and substrate; recruitment of woody debris; and fish habitat, including that related to anadromous fish.

2.3. Ramps shall be placed and maintained near flush with the bank slope. Preferred ramp designs, in order of priority, are:

- a. Open grid designs with minimum coverage of beach substrate;
- b. Seasonal ramps that can be removed and stored upland;

- c. Structures with segmented pads and flexible connections that leave space for natural shoreline substrate and can adapt to changes in shoreline profile.
- J. In-stream structures, such as, but not limited to, high flow bypasses, dams, and weirs, other than those regulated exclusively by the Federal Energy Regulatory Commission (FERC) shall be permitted only when the multiple public benefits are provided and ecological impacts are fully mitigated. Dams on shorelines of the state shall be regulated in accordance with the ~~shoreline master program~~SMP. Dams on other streams shall require a variance as provided by SMP Section 7.04.03 – Shoreline Variances.~~Section 14.100.053.~~
 - 1. In-stream facilities locations shall avoid areas of high habitat value for aquatic organisms, specifically anadromous fish.
 - 2. In-stream facilities shall be designed to produce the least feasible effect on fluvial processes and shall minimize change in gradient.
 - 3. In-stream facilities shall provide mitigation of all impacts on aquatic species and habitat.
 - 4. In-stream facilities shall provide fish passage, in accordance with Chapter 77.57 RCW.
 - 5. A construction bond for one hundred fifty percent of the cost of the structure and all mitigation measures shall be filed prior to construction and a maintenance agreement shall specify responsibility for maintenance, shall incorporate the maintenance schedule specified by the design engineer, shall require annual inspections by a civil engineer licensed in the state of Washington and shall stipulate abandonment procedures which shall include, where appropriate, provisions for site restoration.
- K. Facilities permitted as shoreline dependent or shoreline oriented uses in accordance with the city shoreline master program may be located in water bodies and buffers; provided, that only those facilities that are water dependent or water oriented and facilities for necessary access may be located in water bodies and buffers; and provided, that the facility is located, designed, constructed and operated to minimize and, where possible, avoid critical area disturbance to the maximum extent feasible. The ~~Director~~Shoreline Administrator may require the submittal of a critical area report for facilities that are not associated with residential uses.

- L. Clearing and grading, when allowed as part of an authorized use or activity or as otherwise allowed in these standards, may be permitted; provided, that the following shall apply:

1. Clearing and grading is conducted in accordance with SMP Section 6.04 – Clearing, Grading, and Fill.

1.2. Grading is allowed only during the designated dry season, which is typically regarded as May 1st to October 1st of each year; provided, that the city may extend or shorten the designated dry season on a case-by-case basis, based on actual weather conditions.

2.3. Appropriate erosion and sediment control measures shall be used at all times. The soil duff layer shall remain undisturbed to the maximum extent possible. Where feasible, disturbed topsoil shall be redistributed to other areas of the site.

3.4. The moisture-holding capacity of the topsoil layer shall be maintained by minimizing soil compaction or reestablishing natural soil structure and infiltrative capacity on all areas of the project area not covered by impervious surfaces.

- M. Repairs to Existing On-Site Sewage Systems. Repairs to failing on-site sewage systems associated with an existing structure shall be accomplished by utilizing one of the following methods that result in the least impact:

1. Connection to an available public sanitary sewer system;
2. Replacement with a new on-site sewage system located in a portion of the site that has already been disturbed by development and is located landward as far as possible, provided the proposed sewage system is in compliance with Grays Harbor County Environmental Health Department; or
3. Repair to the existing on-site septic system.

- N. Activities in water bodies or water body buffers not expressly allowed by Section 14.100.050, or expressly allowed in this Section ~~14.100.530.A through M~~ shall require review by the ~~Director~~Shoreline Administrator and shall require submittal of a critical area report. The ~~Director~~Shoreline Administrator may modify critical area report requirements according to AMC Section 14.100.061.

1.051.06 FISH AND WILDLIFE HABITAT CONSERVATION AREAS – WATER BODIES – BUFFERS

The ~~Director~~Shoreline Administrator shall have the authority to require buffers from the edges of all streams in accordance with the following:

- A. Buffers shall be established for activities adjacent to as necessary to protect the integrity, functions and values of the resource. Buffer widths shall reflect the sensitivity of the species or habitat and the type and intensity of the adjacent human use or activity.
- B. The buffer widths required by this section are based on scientific studies of the conditions necessary to sustain ecological functions and values to support anadromous and resident fish and presume the existence of a dense native vegetation community in the buffer zone adequate to protect the stream functions and values at the time of the proposed activity. Buffers shall be measured as follows:
 1. Type S Water. ~~Buffers for Aa~~l waters, as inventoried as “shorelines of the state” under the jurisdiction of the Shoreline Management Act, except associated wetlands, which shall ~~be regulated~~be regulated in accordance with SMP Section 5.04.02 – Shoreline Buffers, Sections 14.100.200 through 14.100.263—~~One hundred fifty feet.~~
 2. Type F-A Water. Segments of natural waters other than Type S waters, which are greater than ten feet in width—One hundred fifty feet.
 3. Type F-B Water. Segments of natural waters other than Type S waters, which are less than ten feet in width—One hundred feet.
 4. Type Np Water. Segments of natural waters that are perennial nonfish habitat streams— Seventy-five feet.
 5. Type Ns Water. Segments of natural waters within defined channels that are seasonal, nonfish habitat streams—Fifty feet.
 6. Nonfish-bearing streams in existing subdivisions:
 - d. Where streams have been placed in separate tracts, buffers will be provided by the tract, provided a minimum dimension of twenty-five feet from the edge of the stream is provided;

Comment [AM7]: AHBL Comment: The buffer in High Intensity shoreline environment designation is 75 feet.

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- e. Where streams have not been placed in separate tracts, or if a minimum dimension of twenty-five feet from the edge of the stream is not provided, buffers will meet the dimensional requirements in subsection B.4 of this section, unless existing structures are located within the buffer. In that case, the following provisions shall apply:
 - 1) An inner riparian buffer shall be provided with a dense community of native trees, shrubs, and groundcover. The dimension of this buffer shall be a minimum of fifteen feet, and may be expanded if sufficient clearance is available between the stream and existing primary structures;
 - 2) An outer riparian buffer may be provided to extend within ten feet of an existing primary structure. Within the outer buffer, a maximum of twenty-five percent of the zone may be used as grass turf, with the balance a dense community of native trees, shrubs, and groundcover.
 - C. Buffer Measurement. The buffer shall be measured landward horizontally on both sides of the water body from the ordinary high water mark as identified in the field perpendicular to the alignment of the stream or lake/pond bank. The required buffer shall be extended to include any adjacent regulated wetland(s), landslide hazard areas and/or erosion hazard areas and required buffers, but shall not be extended across roads or other lawfully established structures or hardened surfaces that are functionally and effectively disconnected from the stream. Where lands adjacent to a stream display an average continuous slope of twenty percent to thirty-five percent and the required buffer is less than one hundred feet, the buffer shall extend to a thirty percent greater dimension. In all cases, where slopes within the required buffer exceed thirty-five percent, the buffer shall extend to a minimum dimension of twenty-five feet from the top of said slopes, or if a buffer associated with a geological hazard is present, to whichever extent is greater.
 - D. Buffers in conjunction with other critical areas. Where other critical areas defined in this chapter fall within the water body buffer, the buffer area shall be the most expansive of the buffers applicable to any applicable critical area.