

## Aberdeen SMP Update – Draft Critical Areas Regulations

# APPENDIX 2: CRITICAL AREAS REGULATIONS

### 1.01 INTRODUCTION

- A. The Critical Areas Regulations in effect on the \_\_\_\_ day of \_\_\_\_, 20\_\_, which are codified in the City of Aberdeen Critical Areas Ordinance (CAO), AMC Section 14.100 – Critical Area Protection, are integral and applicable to the SMP, and are hereby adopted by reference. All uses and development occurring within critical areas or their buffers within shoreline jurisdiction shall comply with these regulations except as modified by SMP Appendix 2: Table 1-1 in SMP Appendix 2: Section 1.01(C).
- B. If there are any conflicts or unclear distinctions between the provisions AMC Section 14.100, the SMP, and this section, the requirements most consistent with the SMA shall apply, as determined by the Shoreline Administrator.
- C. To ensure consistency with the SMA, exceptions to the applicability of the regulations in AMC Section 14.100 in shoreline jurisdiction are listed below:
1. Where there is a difference in a definition between the CAO and the SMP, the SMP definition shall apply.
  2. Within shoreline jurisdiction, critical area review, approval, notice, and appeal periods shall be integrated with the associated shoreline permit or exemption found in SMP Chapter 7: Shoreline Administration. Where there is a difference in a review, approval, notice, and appeal process between the CAO and the SMP, the SMP process shall apply
  3. The following sections of AMC Section 14.100: Critical Area Protection do not apply within the shoreline jurisdiction and they are replaced by the particular regulations listed in SMP Appendix 2: Table 1-1.

**Comment [BM1]:** Note for City Staff: Copy of AMC 14.100 will be attached to final SMP adopted by the City.

**SMP Appendix 2: Table 0-1: AMC Critical Area Protection 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 14.100.035	Appeals	Not applicable. Replaced by SMP Section 7.05.05

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Aberdeen Municipal Code Section	Aberdeen Municipal Code Section Description	Replacement Section in the SMP
AMC 14.100.051	Reasonable Use	Not applicable. Replaced by SMP Section 7.04.03
AMC 14.100.052	Nonconforming Development	Not applicable. Replaced by SMP Section 7.07
AMC 14.100.053	Variances	Not applicable. Replaced by SMP Section 7.04.03
AMC 14.100.200	Wetlands Critical Areas – Designation	Not applicable. Replaced by SMP Appendix 2 Section 1.02
AMC 14.100.250	Wetland Buffers – Dimensions	Not applicable. Replaced by SMP Appendix 2 Section 1.03
AMC 14.100.530	Fish and Wildlife Habitat Conservation Areas-Water bodies-Performance Standards - Specific Activities	Not applicable. Replaced by SMP Appendix 2 Section 1.04
AMC 14.100.550	Fish and Wildlife Habitat Conservation Areas - Water Bodies - Buffers	Not applicable. Replaced by SMP Appendix 2 Section 1.05
AMC 14.100.551	Fish and Wildlife Habitat Conversation Areas-Water Bodies-Buffer Averaging	Not applicable. Replaced by SMP Section 4.04.02(C)
AMC 14.100.553	Fish and Wildlife Habitat Conservation Areas - Water Bodies - Buffer Decrease	Not applicable. Replaced by SMP Section 4.04.02(C)

### 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.

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- 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 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.
- 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 (Ecology Publication No. 04-06-029). These categories are generally defined as follows:
  - 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 wetland communities of infrequent occurrence 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 disconnected functionally and effectively from the wetland by a road

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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 Shoreline Administrator may increase the standard buffer, require buffer planting or enhancement, and/or deny a proposal for buffer reduction or buffer averaging.
- C. 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 the land-use intensities and wetland characteristics of SMP Appendix 2: Table 1-2 and SMP Appendix 2: Table 1-3.
  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. 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 0-2: 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
Low	<ul style="list-style-type: none"><li>• Forestry</li><li>• Low-intensity open space (hiking, bird watching, preservation of natural resources, etc.)</li><li>• Unpaved trails</li><li>• Utility corridor without maintenance road and little to no vegetation management</li></ul>

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Level of Impact from Proposed Change in Land Use	Types of Land Uses
Moderate	<ul style="list-style-type: none"> <li>Residential (one unit/acre or less)</li> <li>Moderate-intensity open space (parks with biking, jogging, etc.)</li> <li>Paved driveways and gravel driveways serving 3 or more residences</li> <li>Paved trails</li> </ul>
High	<ul style="list-style-type: none"> <li>Commercial</li> <li>Urban</li> <li>Industrial</li> <li>Institutional</li> <li>Retail sales</li> <li>Residential (more than one unit/acre)</li> <li>High-intensity recreation (golf courses, ball fields, etc.)</li> </ul>

**SMP Appendix 2: Table 0-3: Width of Buffers Needed to Protect Wetlands in Aberdeen**

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

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Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Not meeting above characteristic	Low – 40 ft. Moderate – 60 ft. High – 80 ft.	No additional measures at this time
<b>Category II Wetlands</b> (For wetlands that score 20-22 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
<b>Category I Wetlands</b> (For wetlands that score 23 points or more for all functions or having the “Special Characteristics” identified in the rating system)		
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

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Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Bogs	Low – 125 ft. Moderate – 190 ft. High – 250 ft.	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer.
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. High – 200 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

- D. 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.

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- E. 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 FISH AND WILDLIFE HABITAT CONSERVATION AREAS – WATER BODIES – PERFORMANCE STANDARDS – SPECIFIC ACTIVITIES**

The following activities may be permitted by the 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 relocated 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.
  - 2. There is no other feasible alternative route with less impact on critical areas.
  - 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



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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.

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.
  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.
  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. Trails shall not exceed four feet in width and shall be surfaced with gravel or pervious material, including boardwalk.
  2. The trail or facility shall be located in the outer 25 percent of the buffer area unless a location closer to the water body edge is required for interpretive purposes.
  3. 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:

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1. Utility construction is in accordance with design guidelines found in SMP Section 5.17 – Utilities.
  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.
  3. Impacts to fish and wildlife habitat shall be avoided to the maximum extent possible and mitigated when avoidance is not feasible.
  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.
  5. If not a crossing, the utility line shall be located as far from the water body as possible.
  6. The utility installation shall maintain the existing stream gradient and substrate.
  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.
  2. Due to topographic or other physical constraints, there are no feasible locations for these facilities outside the buffer.
  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.
  4. The discharge outlet is in an appropriate location and is designed to prevent erosion and promote infiltration.
  5. The discharge meets stormwater flow and water quality standard as provided in Chapter 13.68, Stormwater Management, of the Municipal Code.

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- 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 6.02: General Shoreline Modification Provisions, SMP Section 6.06: Shoreline Stabilization, and SMP Section 5.07: Boating and Water Access Facilities;
  2. Natural shoreline processes will be maintained to the maximum extent 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;
  3. Adverse impact to fish or wildlife habitat conservation areas, specifically juvenile and adult fish migration corridors, or associated wetlands will be mitigated;
  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;
  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;
  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 in SMP Section 6.06: 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 and Water Access Facilities and designed and used only as a facility for access to watercraft.

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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 5.07: Boating and Water Access Facilities.
  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.
  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;

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- 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 SMP. Dams on other streams that are within the shoreline jurisdiction, but are not shorelines of the state shall require a variance as provided by SMP Section 7.04.03: Shoreline Variances.
  - 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 Shoreline Administrator may require the submittal of a critical area report for facilities that are not associated with residential uses.

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- 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 6.03: Clearing, Grading, and Fill.
  - 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.
  - 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.
  - 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 AMC Section 14.100.050, or expressly allowed in this section shall require review by the Shoreline Administrator and shall require submittal of a critical area report. The Shoreline Administrator may modify critical area report requirements according to AMC Section 14.100.061.

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### **1.05 FISH AND WILDLIFE HABITAT CONSERVATION AREAS – WATER BODIES – BUFFERS**

The 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 all waters, as inventoried as “shorelines of the state” under the jurisdiction of the Shoreline Management Act, except associated wetlands, which shall be regulated in accordance with SMP Section 4.04.02.
  - 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:
    - a. 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;
    - b. 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,

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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 disconnected functionally and effectively 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.