



2018 AMENDMENT

**Exhibit 5:
Open Space Corridors
Phase 1**

TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

Exhibit 5: Open Space Corridors – Phase 1

Planning Commission Recommendation: Adopt as Proposed.

(This proposal would amend TMC 13.11, 13.04, 13.05 and Title 9 to create standards for Biodiversity Areas/Corridors to ensure no net loss of critical area functions and to ensure reasonable use of property.)

Notes:
These amendments show all of the changes to existing Land Use regulations.
The sections included are only those portions of the code that are associated with these amendments.
New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

TITLE 9 PUBLIC WAYS

Chapter 9.02

TREES AND SHRUBS – PLANTING

9.19.020 Conformance with surrounding property.

All trees and shrubs hereafter planted in any parking strip or other public place in any residential area in the City of Tacoma shall generally conform as to species, types, and location of any trees or shrubs adjacent to the property to be planted.

9.19.030 Types of trees prohibited.

It shall be unlawful to plant in any parking strip or public place improved right-of-way in any residential area of the City of Tacoma any of the following trees: Poplar, Willow, Cottonwood, Fruit Trees (except ornamental types), Nut Trees, Mountain Ash, Oregon or Big Leaf Maple or any other type or species of tree having any growth characteristic similar to those set forth above.

9.19.040 Types of trees permitted.

The following named trees species shall be permitted in the parking strips or ~~public places~~ improved rights-of-way of any residential area per the direction of the City of Tacoma’s Urban Forest Manual or other City-approved tree list: Acer monspessulanum (‘Montpelier maple’), Acer platancides “Cleveland” (‘Pyramidal Norway maple’), Acer pseudoplatanus (‘planetree or sycamore maple’), Betula alba (‘European white birch’), Carpinus betulus fastigiata (‘upright European hornbeam’), Ginkgo biloba (‘Japanese maidenhair tree’), Gleditsia triacanthoe inermis (‘thornless honey locust’), Liquidambar styraciflua (‘American sweet gum’), Liriodendron tulipifera (‘tulip tree’), Ostrya virginiana (‘American

[hophornbeam](#)'), [Platanus acerifolia](#) ('sycamore London plane'), [Quercus borealis](#) ('northern red oak'), [Tilia cordata](#) ('littleleaf European, linden'), [Ulmus americana columnaris](#) ('American ascending elm'), [Ulmus carpinifolia](#) "Buisman" ('buisman elm'), [Acer campestre](#) ('hedge maple'), [Acer davidi](#) ('David's maple'), [Aesculus carnea](#) ('red horsechestnut'), [Carpinus caroliniana](#) ('American hornbeam'), [Crataegus oxyacantha pauli](#) ('Paul's scarlet hawthorn'), [Crataegus phaenopyrum](#) ('Washington thorn'), [Magnolia kobus](#) ('Kobus magnolia'), [Malus apectabilis riversi](#) ('rivers crabapple'), [Malus icensis piena](#) ('Bechtel crab'), [Quercus coccines](#) ('scarlet oak'), [Quercus palustric](#) ('pin oak'), [Prunus Vesuvius](#) or [Thundercloud](#) ('purpleleaf plum'), [Prunus serrulata Shiro fugen](#) ('flowering cherry'), [Prunus serrulata Kwanzan](#) ('Kwanzan flowering cherry'), [Prunus sargentii](#) ('Sargent's cherry').

9.19.050 Industrial and commercial areas.

It shall be unlawful for any person, firm or corporation to erect or maintain any shrub, plant, structure or container of any type or nature whatsoever for the purpose of beautifying any street or sidewalk upon, over, along or across any street or sidewalk in a business, industrial or commercial area, as defined in Title 13 of this Code, except when authorized by a public street beautification permit issued pursuant to a proper application, and subject to the terms and regulations of this chapter.

Chapter 13.04

PLATTING AND SUBDIVISIONS

13.04.310 Subdivisions and Critical Areas.

The subdivision and short subdivision of land in [Critical Areas wetlands, streams, FWHCAs,](#) and associated buffers/[management areas/geo-setbacks](#) is subject to ~~the following, and~~ Chapter 13.11.[280260](#) and the following:

- A. Land that is located partially within a [Critical Area wetland](#) or its buffer/[management area/geo-setback](#) may be subdivided provided that an accessible and contiguous portion of each new lot is located outside the [Critical Area wetland](#) and its buffer/[management area/geo-setback](#).
- B. Access roads and utilities serving the proposed subdivision may be permitted within the [Critical Area wetland](#) and associated buffers/[management areas/geo-setbacks](#) only if the Director determines that no other feasible alternative exists, and the project is consistent with the remaining provisions of this chapter.
- C. A protection covenant such as a Conservation Easement shall be recorded with the Pierce County Assessor's Office for wetland, stream or natural area tracts that are created as part of the permitting process.

Chapter 13.05

LAND USE PERMIT PROCEDURES

13.05.010 Application requirements for land use permits.

E. Notice of Complete or Incomplete Application.

3. If the application is determined to be incomplete, and/or additional information is requested, within 14 days after an applicant has submitted the requested additional information, the Department shall notify the applicant whether the information submitted adequately responds to the notice of incomplete application, thereby making the application complete, or what additional information is still necessary.

4. An application is complete for purposes of this section when it meets the submission requirements of the Department as outlined in Section 13.05.010.C and TMC Section ~~13.11.250~~ 13.11.230 for projects that may affect [Critical Areas wetlands, streams](#), or their regulated buffers/[management areas/geo-setbacks](#), even though additional information may be required or project modifications may be made later. The determination of a complete application shall not preclude the Department from requesting additional information or studies, either at the time of the notice of complete application or subsequently if new information is required or substantial changes in the proposed action occur, or should it be discovered that the applicant omitted, or failed to disclose, pertinent information.

F. Inactive Applications. If an applicant fails to submit information identified in the notice of incomplete application or a request for additional information within 120 days from the Department's mailing date, or does not communicate the need for additional time to submit information, the Department may consider the application inactive and, after notification to the applicant, may close out the file and refund a proportionate amount of the fees collected with the application.

13.05.030 Director Decision Making Authority.

A. Authority. The Director shall have the authority to act upon the following matters:

5. Applications for preliminary and final plats as outlined in Chapter 13.04, Platting;

6. Applications for ~~Critical Area Wetland/Stream/FWHCA~~ Development Permits, ~~Wetland/Stream/FWHCA~~ Verifications, and ~~Wetland/Stream/FWHCA~~ Minor Development Permits as outlined in Chapter 13.11;

7. Applications for Shoreline Management Substantial Development Permits/conditional use/ variances as outlined in Chapter 13.10;

13.05.040 Decision of the Director.

9. Construction of, or other provisions for, public facilities and utilities. In regard to the conditions requiring the dedication of land or granting of easements for public use and the actual construction of or other provisions for public facilities and utilities, the Director shall find that the problem to be remedied by the condition arises, in whole or significant part, from the development under consideration, the condition is reasonable, and is for a legitimate public purpose.

10. ~~Wetland/stream/FWHCA~~ [Critical Area](#) development permits, ~~wetland/stream/FWHCA~~ minor development permits, and ~~wetland/stream/FWHCA~~ verifications shall be subject to TMC Chapter 13.11.

Refer to Section 13.05.100 and TMC Chapter 13.11 for procedures to enforce permit decisions and conditions.

13.05.050 Appeals of administrative decisions.

A. Purpose. The purpose of this section is to cross-reference the procedures for appealing administrative decisions on land use proposals.

B. Applicability. The provisions of this section shall apply to any order, requirement, permit, decision, or determination on land use proposals made by the Director. These may include, but are not limited to, variances, short plat, wetland/stream development, site approval, and conditional use permits, modifications to permits, interpretations of land use regulatory codes, and decisions for the imposition of fines. Appeals of shoreline permit decisions shall be subject to the appeals process in the Shoreline Master Program and TMC Chapter 13.10. These provisions also do not apply to [exemptions-activities that are allowed with staff review](#) under TMC Chapter 13.11.

C. Appeal to the Hearing Examiner. The Hearing Examiner shall have the authority to hear and decide appeals from any final written order, requirement, permit, decision, or determination on land use proposals, except for appeals of decisions identified in Chapter 13.04. The Hearing Examiner shall consider the appeal in accordance with procedures set forth in Chapter 1.23 and the Hearing Examiner's rules of procedure.

13.05.095 Development Regulation Agreements.

D. Review criteria. The City Manager, and such designee or designees as may be appointed for the purpose, shall negotiate acceptable terms and conditions of the proposed Development Regulation Agreement based on the following criteria:

7. Provisions are sufficient to assure requirements of parks and open space preservation.

8. Best available science and best management practices shall be used to address critical areas within the property covered by a Development Regulation Agreement adopted pursuant to this section. Review of a development activity's critical area impacts ~~that go beyond those exempted activities identified in Section 13.11.140 TMC~~ shall occur during the Development Regulation Agreement review process, and a separate critical areas permit is not required. Any Development Regulation Agreement approval(s) shall, to the maximum extent feasible, avoid potential impacts to critical areas, and any unavoidable impacts to critical areas shall be fully mitigated, either on- or off-site.

9. Interim uses and phasing of development and construction is appropriately provided. In the case of an interim use of a property or portion of a property, deferments or departures from development regulations may be allowed without providing a demonstrated benefit to the City; provided, that any departures or deferments to the Code requested for a final use of the property shall comply with criterion No. 10 below. The agreement shall clearly state the conditions under which the interim use shall be converted to a permanent use within a stated time period and the penalties for noncompliance if the interim use is not converted to the permanent use in the stated period of time.

Chapter 13.11

CRITICAL AREAS PRESERVATION

Sections:

| | |
|---------------------------|--|
| 13.11.100 | General Provisions. |
| 13.11.110 | Purpose. |
| 13.11.120 | Intent. |
| 13.11.130 | Scope and Applicability. |
| 13.11.140 | Regulated Uses/Activities. |
| 13.11.145 | Pre-existing Uses/Structures. |
| 13.11.150 | <i>Repealed.</i> |
| 13.11.160 | Abrogation and Greater Restrictions. |
| 13.11.170 | Severability. |
| 13.11.180 | Critical Area Designation and SEPA. |
| 13.11.190 | Review Process. |
| 13.11.200 | Allowed Activities. |
| 13.11.210 | Activities Allowed with Staff Review. |
| 13.11.220 | Application Types. |
| 13.11.230 | Application Submittal Requirements. |
| 13.11.240 | Legal Test(s). |
| 13.11.250 | General Standards. |
| 13.11.260 | Residential Density Credits. |
| 13.11.270 | General Mitigation Requirements. |
| 13.11.280 | Conditions, Notice on Title, and Appeals. |
| 13.11.290 | Sureties. |
| 13.11.300 | Wetlands. |
| 13.11.310 | Wetland Classification. |
| 13.11.320 | Wetland Buffers. |
| 13.11.330 | Wetland Buffer Modifications. |
| 13.11.340 | Wetland Mitigation Requirements. |
| 13.11.350 | <i>Repealed.</i> |
| 13.11.360 | <i>Repealed.</i> |
| 13.11.400 | Streams and Riparian Habitats. |
| 13.11.410 | Stream Classification. |
| 13.11.420 | Stream Buffers. |
| 13.11.430 | Stream Buffer Modifications. |
| 13.11.440 | Stream Standards. |
| 13.11.450 | Stream Mitigation Requirements. |
| 13.11.500 | Fish and Wildlife Habitat Conservation Areas (FWHCAs). |
| 13.11.510 | Classification. |
| 13.11.520 | Standards. |
| 13.11.530 | <i>Repealed.</i> |
| 13.11.540 | <i>Repealed.</i> |
| 13.11.550 | FWHCA's Mitigation Requirements Modification |
| 13.11.560 | FWHCA's Management Areas Biodiversity Area and Corridor Mitigation |
| 13.11.580 | <i>Repealed.</i> |
| 13.11.600 | Flood Hazard Areas. |
| 13.11.610 | Classification. |
| 13.11.620 | Standards. |
| 13.11.640 | General Development Standards. |
| 13.11.700 | Geologically Hazardous Areas. |
| 13.11.710 | Designation. |
| 13.11.720 | Applicability |
| 13.11.730 20 | Classification. |
| 13.11.740 30 | General Development Standards. |
| 13.11.800 | Aquifer Recharge Areas. |
| 13.11.810 | Classification. |
| 13.11.820 | Standards. |

13.11.900 Definitions.

13.11.120 Intent.

A. Critical areas include critical aquifer recharge areas, fish and wildlife habitat conservation areas (FWHCAs), flood hazard areas, geologically hazardous areas, stream corridors, and wetlands. These critical areas serve many important ecological functions. Many of the critical areas in Tacoma have been lost or degraded through past development. Tacoma, as an urban growth area, is experiencing increasing growth and its land resource is diminishing. This increasing growth and diminishing land resource is creating pressure for the development of critical areas. New construction technology is also creating pressure on these sites by making development feasible on sites where it was formerly impractical to build.

B. Because of the ecological benefits of critical areas, their past destruction, and the increasing pressure to develop them, the intent of this chapter is to ensure that the City's remaining critical areas are preserved and protected and that activities in or adjacent to these areas are managed. The preservation standards are provisions designed to protect critical areas from degradation. These criteria and standards will secure the public health, safety, and welfare by:

1. Protecting members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, volcanic eruptions, flooding or similar events;
2. Maintaining healthy, functioning ecosystems through the protection of ground and surface waters, wetlands, and fish and wildlife and their habitats, and to conserve biodiversity of plant and animal species;
3. Preventing cumulative adverse impacts to ~~water quality, streams, FWHCAs, and wetlands~~ [Critical Areas](#) including the prevention of net loss of wetlands.
4. Providing open space and aesthetic value;
5. Providing migratory pathways for fish and ~~birds~~ [wildlife](#);
6. Giving special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries;
7. Providing unique urban wilds that serve as natural laboratories for schools and the general public;
8. Avoiding public expenditures to correct damaged or degraded critical ecosystems;
9. Alerting appraisers, assessors, owners, potential buyers, or lessees to the potential presence of a critical ecosystem and possible development limitations; and
10. Providing City officials with information, direction, and authority to protect ecosystems when evaluating development proposals.

13.11.130 Scope and Applicability.

A. The provisions of this chapter apply to all lands and waters, all land uses and development activities, and all structures and facilities in the City, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the City. This chapter applies to all critical areas outside of the Shoreline District. This chapter specifically applies to any activity which would destroy vegetation; result in a significant change in critical habitat, water temperature, physical, or chemical characteristics; or alter natural contours and/or substantially alter existing patterns of tidal, sediment, or storm water flow on any land which meets the classification standards for any critical area defined herein. ~~Such activities include excavation, grading, filling, the removal of vegetation, and the construction, exterior alteration, or enlargement of any building or structure.~~ In addition, this chapter applies to all public or private actions, permits, and approvals in or adjacent to a critical area and its buffer, [management area or geo-setback including, but not limited to, the following:](#)

[1. Building permits;](#)

[2. Clearing and grading permits;](#)

[3. Forest practices permits;](#)

[4. Land Use permits;](#)

[5. Subdivision and short subdivisions;](#)

[6. Binding site plans;](#)

[7. Zoning amendments;](#)

[8. Creation of tax parcels. See TMC 13.06.602.A.1 or as amended-](#)

13.11.140 Regulated Uses/Activities.

Pursuant to the requirements of this chapter, a site review or permit shall be obtained prior to undertaking any of the following activities ~~within~~ [in or adjacent to](#) Critical Areas ~~or~~ [and](#) their associated buffer, [geo-setback, or](#) management area, unless otherwise covered under Sections 13.11.200 and 13.11.210.

A. Filling, placing, or dumping any soil, loam, peat, sand, gravel, rock, chemical substance, refuse, trash, rubbish, debris, or dredge material;

13.11.145 Pre-existing Uses/Structures.

A. An established use or existing structure that was lawfully permitted prior to adoption of this chapter, but which is not in compliance with this chapter, may continue subject to the provisions of Tacoma Municipal Code (TMC) Chapter 13.11 Critical Areas Preservation and Section 13.06.630.

B. Except as otherwise required by law, a legal pre-existing use or structure may continue unchanged; or modified only where the use or structure becomes less non-conforming, and where the modification will increase the buffer, and increase the functions of the critical area.

C. All modifications for pre-existing [uses/structures](#), ~~other than trails~~, shall conform to the current code provision to the maximum extent possible as determined by the Director of Planning and Development Services.

13.11.190 Review Process.

A. The Review Process is used to determine whether a critical area, ~~or critical area~~ [buffer, management area, or geo-setback](#) is present on or adjacent to a proposal, and whether additional review or permitting is required.

Critical areas [s](#) may be located through the use of information from the United States Department of Agriculture Natural Resource Conservation Service, the United States Geological Survey, the Washington Department of Ecology, the Coastal Zone Atlas, the Washington Department of Fish and Wildlife stream maps and Priority Habitat and Species maps, Washington DNR Aquatic Lands maps [and geologic mapping](#), the National Wetlands Inventory maps, Tacoma topography maps, the City's Generalized Wetland and Critical Areas Inventory maps, and Pierce County Assessor's maps to establish general locations and/or verify the location of any ~~critical area on wetland, or stream, or FWHCA~~ site. The City's Generalized Wetland and Critical Area Inventory maps and other above-listed sources are only guidelines available for reference. [The City maps are not exhaustive, and other areas meeting the definition or intent will be included.](#) The actual location of critical areas must be determined on a site-by-site basis according to the classification criteria.

The City may utilize information from any source referred to above or available in order to establish general locations and/or to verify the location of any ~~critical area wetland, stream or FWHCA~~.

B. Site Review. In order to assist customers with potential proposals, City staff will provide an initial site review based on existing information, maps and a potential site visit to identify potential ~~wetlands, streams~~ [critical areas](#), and their associated buffers/[geo-setbacks or management areas](#) within 300 feet. ~~FWHCAs and their management areas will also be identified. The review area may be expanded where priority species or habitat are present.~~ Site reviews are completed on a case by case basis and may require the applicant to submit a [critical area assessment that may include: wetland delineation, wetland categorization, stream type and Ordinary High Water Mark location, hydrology reports, and priority fish and wildlife species and habitat presence information from WDFW or the City.](#)

Following the site visit and Review Process, a project may proceed without further critical area permitting if the applicant can demonstrate the following:

1. There are no adverse impacts to the critical area or buffer, geo-setback, or management area, and
2. Structures and alterations improvements are all located outside the critical area and beyond the required buffers or management areas, and
3. Existing hydrology will be maintained to support critical areas, and
4. The proposed use or activity is consistent with WDFW priority species management recommendations.

C. In conjunction with the site review process, the Director of Planning and Development Services (the “Director”; see 13.11.900 D., below) may require additional information on the physical, biological, and anthropogenic features that contribute to the existing ecological conditions and functions to determine whether a formal wetland/stream/FWHCA-critical area development permit is required.

D. Review, Assessment and Permit Requirements.

1. Review of development activities within the jurisdiction of the Shoreline Management Act, including Puget Sound, Wapato Lake, or any stream where the mean annual flow is 20 cubic feet per second or greater are regulated under provisions of TMC 13.10 and the Tacoma Shoreline Master Program. Upon adoption of the new Shoreline Master Program on October 15, 2013, all code excerpts referring to the regulation of critical areas within the shoreline will no longer be valid and those critical areas shall be regulated under the new shoreline code TMC 13.10.

2. Review of development activities outside the jurisdiction of the Shoreline Management Act.

a. Regulated Development activities that require a land use or building/site development clearing or grading permit do not require a separate Critical Areas permit to review for potential impacts to a FWHCA Management Area, Geologically Hazardous Area or Flood Hazard Area provided:

(1) There are no other critical areas, such as a wetlands, streams, or Biodiversity Areas/Corridors, or their associated buffers found on the site that would require a permit under this chapter, and Identification of FWHCA’s and their Management Area, Geologically Hazardous Area and/or Flood Hazard Area are conducted according to 13.11.190 and none are found that would affect the development site, or

(2) If a FWHCA or FWHCA Management Area is found on the project site the applicant complies with applicable WDFW species management recommendation or with an approved Habitat Management Plan (HMP) submitted by the applicant.

(3) If a Geologically Hazardous Area is found on the project site the applicant complies with applicable prescriptive requirements and minimum standards of TMC 13.11.700 and follows the recommendations of their geotechnical expert, or

(4) If a Flood Hazard Area is found on the project site the applicant complies with the applicable prescriptive requirements and minimum standards contained within TMC 13.11.600.

b. Regulated Development activities that do not require a land use or building/site development -permit may require a separate FWHCA-Critical Area review and/or permit under this Chapter.

c. Per TMC 13.11.160, where multiple critical areas are present the project shall meet the minimum standards and requirements for each critical area including requirements for permitting. A separate critical area permit wetland/stream permit may be required when wetlands, streams or their associated buffers are found on the development site may be required when impacts cannot be avoided or the project cannot meet the standards of this chapter.

13.11.200 Allowed Activities.

A. Purpose. The purpose of this section is to allow certain activities that are unlikely to result in critical area impacts. The activities must comply with the protective standards of this chapter and provisions of other local, state, and federal laws. All activities shall use reasonable methods to avoid and minimize impacts. Any incidental damage to, or alteration of, a critical area, geo-setback, management area or buffer, shall be restored or replaced at the responsible party’s expense.

B. The following activities may occur without City review or approval in compliance with the purpose stated above.

1. The maintenance and repair of legally existing utilities, roads, structures, or facilities used in the service of the public provided such work does not expand the footprint of the facility or right-of-way or alter any regulated critical area or buffer. Activities must be in compliance with the current City Stormwater Management Manual and Regional Road Maintenance Manual and provide all known and reasonable protection methods for the critical area.

2. The maintenance and repair of legally existing roads, structures, or facilities used in the service of the public to provide stormwater services may occur provided such work is in compliance with the current City Stormwater Management Manual and Regional Road Maintenance Manual and provides all known and reasonable protection methods for the critical area, and does not expand further into the critical area.

3. Holding basins and detention ponds that are part of the municipalities stormwater system are exempt from the permit provisions of this chapter when such holding basin or detention pond is controlled by an engineered outlet.

4. Maintenance of legally existing structures, accessways, trails, promenades, stairways, parking lots, and landscaping provided such work does not expand the foot print of the structure or right-of-way and does not alter any regulated critical area or buffer.

5. Passive recreational activities, educational activities and scientific research including, but not limited to, fishing, bird watching, walking or hiking and non-motorized boating.

6. The following can be removed by hand or hand-held light equipment provided that appropriate methods are used to protect native vegetation. Removal methods may be found in the Green Tacoma Partnership Habitat Steward Field Guide.

a. English Ivy may be removed from plants on which is adhered or rolled up off the ground provided ground disturbance is minimal and does not cause erosion.

b. Regulated noxious weeds as listed on the Pierce County noxious weed list that are required to be eradicated (Class A and Class B) as specified by the Pierce County Noxious Weed Board.

c. Invasive species removal in a critical area or buffer when the total area is 1,000 square feet or less and slopes are less than ~~45~~ 25%.

d. Refuse and debris.

7. Native vegetation planting in a critical area buffer or Biodiversity Area/Corridor when the total area is 1,000 square feet or less, slopes are less than ~~45~~ 25% and a City approved planting plan is utilized.

8. The following voluntary actions can be conducted by hand or with light equipment by Public Agencies with expertise in critical area restoration and enhancement:

a. Native planting and invasive species removal in a critical area or buffer when the total area is 5,000 square feet or less and slopes are less than 15%.

b. Native planting and invasive species removal in a critical area or buffer when the total area is 2,000 square feet or less and slopes are between 15% and 25%.

§ 9. On-site response, removal or remedial action undertaken pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), or remedial actions undertaken pursuant to a state Model Toxics Control Act (MTCA) order, agreed order or consent decree, or a Department of Homeland Security order that preempt local regulations in the findings of the order. Any subsequent use or redevelopment of the property may be eligible for modification of requirements in this chapter when they are in conflict with the order, such as re-vegetation that would disturb a protective cap placed to contain contaminated soils.

13.11.210 Activities Allowed with Staff Review.

A. Purpose. The purpose of this section is to allow City staff review to determine whether potential impacts to a critical area, ~~or~~ buffer, management area, or geo-setback may occur, without requiring a critical area permit. The staff review will ensure the activity meets the specific criteria below.

B. The following activities require review by City staff. Review and authorization may occur over-the-counter or staff may issue a letter of approval with conditions. Additional information and studies may be requested. Activities must comply with the protective standards of this chapter and provisions of other local, state, and federal laws. Any incidental damage to, or alteration of, a critical area shall be restored or replaced at the responsible party's expense.

1. Emergencies. Those activities necessary to prevent an immediate threat to public health, safety, or welfare or pose an immediate risk of damage to private property and that require remedial or preventative action in a timeframe too short to allow for normal processing. Emergency actions that create an impact to a critical area or its buffer shall use best management practices to address the emergency and, in addition, the action must have the least possible impact to the critical area or its buffer.

The person or agency undertaking such action shall notify the City within one (1) working day following the commencement of the emergency activity. The City shall determine if the action taken was within the scope of an emergency action and

following that determination, may require the action to be processed in accordance with all provisions of this chapter including the application of appropriate permits within thirty (30) days of the impact. The emergency exemption may be rescinded at any time upon the determination by the City that the action was not, or is no longer necessary.

After the emergency, the person or agency undertaking the action shall fully fund and conduct necessary mitigative actions including, but not limited to, restoration and rehabilitation or other appropriate mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved mitigation plan. All mitigation activities must take place within one (1) year following the emergency action and impact to the critical area, or within a timeframe approved by the City and reflected within an approved schedule. Monitoring will be required as specified in the General Mitigation Requirements (Section 13.11.270).

2. Maintenance and repair of legally existing utilities, roads, structures, or facilities used in the service of the public may occur following review where alteration of the critical area or buffer is unavoidable. All activities must be in compliance with the current City Stormwater Management Manual and Regional Road Maintenance Manual and provide all known and reasonable protection methods for the critical area and shall not expand further into the critical area.

3. Isolated Category III or Category IV wetlands, which have been classified and identified as having a total cumulative area of less than 1,000 square feet, regardless of property lines are exempt from the provision of this Chapter provided they:

a. Are of low habitat function (less than 20 points in the Washington Wetlands Rating System for Western Washington).

b. Are hydrologically isolated and are not part of a mosaic wetland system.

c. Are not associated with a Shoreline of the ~~state or wetland~~state, or a wetland that is part of a riparian habitat area, or Designated Biodiversity Area/Corridor, and

d. Are not critical habitat to local populations of priority species.

4. Geotechnical investigation activities may be performed, provided that an access plan, protection measures, best management practices, and restoration are utilized to protect and maintain the critical area where possible. These items must be included with the application.

5. Reconstruction or exterior remodeling, of existing structures and accessory structures provided that disturbance of native vegetation is kept to a minimum and any vegetation that is disturbed shall be replaced. This shall not apply to reconstruction which is proposed as a result of structural damage associated with a critical area, such as slope failure in a landslide hazard area or flooding in a flood hazard area.

6. One-time expansion of existing structures and accessory structures, provided that expansion of the developed footprint within the critical area or buffer does not increase by more than 25 percent and that the new construction or related use extends away from the critical area; keeps disturbance of native vegetation to a minimum; and replaces native vegetation that may be disturbed. This expansion may also occur in a direction parallel to the critical area if the expansion takes place upon existing impervious surfaces. A Notice on Title must be recorded to be eligible for staff review and approval.

7. Maintenance and repair of existing retaining walls and bioengineered stabilization measures designed to protect property from erosion.

8. Interrupted wetland, stream, ~~and~~FWHCA or buffers.

a. Where a legally established, pre-existing use of the critical area or buffer exists, those proposed activities that are within the critical area or buffer but are separated from the remaining critical area by a permanent substantial improvement, or are located in an existing permanent substantial improvement, ~~which serves to eliminate or greatly reduce the impact of the proposed activity upon the critical area~~ may be allowed provided that the detrimental impact to the critical area does not increase. The permanent substantial improvement must serve to eliminate or greatly reduce the impact of the proposed activity upon the critical area. However, if the impacts do increase, the City shall determine if additional buffer may be required along the impact area of the interruption. Substantial improvements may include developed public infrastructure (roads, railroads, dikes, and levees) and buildings. Substantial improvements may not include paved trails, sidewalks, parking areas, or bulkheads. ~~Review of an interrupted buffer~~ may require a functional analysis report for the type of critical area buffer that is affected. In determining whether a functional analysis is necessary, the City shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the interruption.

b. Where a legally established, pre-existing structure or use is located within a regulated wetland or stream biodiversity area/corridor or buffer ~~area~~ and where the ~~regulated buffer area~~ is fully paved and does not conform to the interrupted ~~buffer~~ provision above, the biodiversity area/corridor or buffer will end at the edge of pavement, ~~adjacent to the wetland or stream.~~

9. Construction of pedestrian trails within the buffer of a Critical Area or within a Biodiversity Area/Corridor is permitted, subject to the following criteria:

- a. The trail is constructed of pervious material such as bark chip or equivalent.
 - b. The trail does not cross or alter any regulated drainage features or waters of the state.
 - c. The trail shall be located within the outer quarter (1/4) edge of the buffer, where possible, with the exception for limited viewing platforms.
 - d. The trail system discourages pedestrians from using informal trails that are not part of the designated trail system.
 - e. The trail is designed to avoid human disturbance to priority species and priority habitat. [Trails constructed in Biodiversity Areas/Corridors shall avoid the most sensitive areas and species and must maintain a contiguous and unfragmented corridor for wildlife movement. Expansion of existing trail systems must demonstrate that the expansion will not result in additional disruption of wildlife movement and will avoid the most sensitive areas and species.](#)
 - f. Low impact trails shall not be later widened or upgraded to impervious trails that encourage activities with greater impacts without additional review and required permitting.
 - g. Informational signs are required at trail heads, at a minimum, and are subject to City approval.
10. Voluntary enhancement [or restoration](#) of a critical area or buffer that exceeds the provisions above in 13.11.200.B.56, 7 or 89 may be allowed if the activity meets the requirements of this section..

a. Individual projects

- (1) Enhancement activities shall be limited to planting native vegetation, controlling noxious and invasive species and providing minor habitat structures such as nest boxes.
- (2) Activities shall not include grading or water control structures.
- (3) A planting plan containing information on vegetation species, quantities, and general location of planting areas including the identification of wetlands, streams, and their buffers, is required for review.
- (4) Proper erosion control measures are provided.
- (5) If equipment, other than hand-held equipment is utilized, list the type of equipment, methods and best management practices to prevent unnecessary impacts.

b. Community Projects

Multi-party projects ~~within designated Open Space Corridors, or adjacent vegetated areas that form expanded corridors~~ are encouraged. These projects shall not include new destination facilities or high-intensity recreation facilities as described in 13.06.560. [The applicants may propose a programmatic approach pertaining to multiple sites and on-going restoration and enhancement activities as well as maintenance.](#) A City approved habitat management template or equivalent must be provided that has been reviewed and approved by all property owners. In addition, the project is subject to the following:

- (1) The primary focus is preservation and increase in biological functions through the preservation and improvement of habitat, species diversity and natural features.
- (2) Preserves and connects ~~Open Space Corridor~~[critical areas](#).
- (3) Includes goals, objectives, and measureable performance standards.
- (4) Includes a monitoring plan and contingency plan.
- (5) Trails shall comply with the provisions in Section 13.11.200~~10~~[10](#).B.9.
- (6) Buildings and paved surfaces shall be located outside of ~~wetlands and streams~~ [the critical area](#) and [their buffers](#). [When located in a Biodiversity Area/Corridor, buildings or paved surfaces must be located in the least sensitive area and must maintain a contiguous and unfragmented corridor for wildlife passage.](#)
- (7) Picnic Tables, benches, and signage are allowed when they are located to avoid and minimize impacts.
- (8) A maintenance plan that describes the proper techniques and methods used for on-going maintenance and preservation. [The plan should address maintenance of any buildings and improvements such as picnic areas, as well as restoration and enhancement areas.](#)
- (9) The identification of a trained habitat steward who will be responsible for overseeing volunteers, employees, and/or contractors for all aspects of the project.

11. Hazard trees. The removal of hazard trees from the critical area or ~~critical area buffer~~[buffer/geo-setback](#) that are posing a threat to public safety, or posing an imminent risk of damage to an existing structure, public or private road or sidewalk, or

other permanent improvement, may be allowed following City staff review, or provided that a report from a certified arborist, landscape architect or professional forester is submitted to the City for review and approval. The report must include an evaluation for tree stabilization potential and removal techniques for the hazard tree and procedures for protecting the surrounding critical area and replacement of native trees. Where possible, the hazard tree shall be left as a standing snag and the cut portions shall be left within the critical area as habitat unless removal is warranted due to fire hazard, disease, or pest control.

12. Tree Pruning. Tree pruning may be allowed provided a report from a certified arborist, landscape architect or professional forester regarding the health of the tree is submitted, and a functional impact analysis from a qualified professional evaluating the functions of the critical area as a result of the pruning, is also submitted to the City for review and approval. No topping, complete removal or impacts to the health of the tree shall be allowed.

13. Watershed restoration projects that conform to the provisions of RCW 89.08.460 shall be reviewed without fee and approved within 45 days per RCW 89.08.490.

14. Fish habitat enhancement projects that conform to the provision of RCW 77.55.181 shall be reviewed without fee and comments provided as specified in RCW 77.55.181.

15. Demolition of structures.

13.11.220 Application Types.

A. This chapter allows three types of Critical Area applications, which result in the issuance of an administratively appealable decision consistent with Chapter 13.05. After the appeal period expires, the Director's approved decision becomes the official permit. Programmatic Restoration Projects processed under either the Minor Development Permit or the Development Permit may qualify for additional time extensions according to 13.05.070.

B. The three types of permits are as follows:

1. Verification. [Wetland Delineation, Stream OHWM, or FWHCA Critical Area](#) Verification. An applicant may request verification of a wetland, or stream, or FWHCA on the subject site or within 300 feet of the subject site without submitting plans for a specific project. A verification request may include presence, a boundary determination through wetland delineation or an Ordinary High Water Mark determination. A verification request may also include the jurisdictional status of a critical area.

2. Minor Development Permit. A Minor Development permit may be issued when an applicant cannot meet the minimum buffer requirements or where the Director determines that the proposal will result in temporary, minor, or de-minimis impacts to the buffer or critical area. The Director will consider the size of the area affected, the sensitivity of the critical area and/or presence of priority species and habitat when determining whether the impact is temporary, minor, or de-minimis. The project must comply with the following:

a. The project will not result in a permanent impact to the critical area that would require compensatory mitigation; and

b. Mitigation is provided to restore the site to pre-development conditions, including the maintenance of pre-development hydrological conditions and vegetation conditions.

c. For buffer modification, the project meets the following:

(1) Buffer averaging as allowed within Sections 13.11.330 and 13.11.430; or

(2) Buffer reduction as allowed within Section 13.11.330.

[d. For FWHCA Biodiversity Areas/Corridors, the project meets the following:](#)

[\(1\) The project will meet the minimum standards in Section 13.11.590.B550.E.1.](#)

3. Development Permit. A decision will be issued where, the Director determines that avoidance and minimization have not eliminated all impacts and compensatory mitigation will be required as a result of the proposal.

a. The applicant must meet the requirements of one of three legal tests; No Practicable Alternatives, Public Interest or Reasonable Use, and

b. Demonstrate Mitigation Sequencing, and

c. Provide mitigation as required in accordance with this Chapter.

13.11.230 Application Submittal Requirements.

A. The purpose of information submittal and review is to require a level of study sufficient to protect critical areas and/or the public from hazards. All information submitted shall be reviewed as to its validity and may be rejected as incomplete or incorrect. Additional information or electronic copies of all information may be requested for review and to ensure compliance. In the event of conflicts regarding information submitted, the Director may, at the applicant's expense, obtain expert services to verify information.

B. The following items are required for permit review and approval, where applicable depending upon [the critical area](#), the project and permit type, and as determined necessary by City staff.

1. A Joint Aquatic Resource Permit Application and vicinity map for the project.
2. A surveyed site plan that includes the following:

f. The square footage of the existing critical areas and buffers located on-site and the location and square footage of any impacted areas.

g. Locations of all data collection points used for the field delineation and general location of off-site critical areas and any buffer that extends onto the project site. [Include location and dominant species for significantly vegetated areas and general location for habitat types.](#)

h. The location and square footage of impact areas, mitigation areas and remaining critical areas and buffers, [geo-setbacks or management areas](#); including areas proposed for buffer modification.

3. Critical Area report prepared by a qualified professional as defined in 13.11.900.Q. The analysis shall be commensurate with the sensitivity of the critical area, relative to the scale of potential impacts and consistent with best available science. The report must include the following where appropriate:

a. Delineation, characterization and square footage for critical areas on or within 300 feet of the project area and proposed buffer(s). Delineation and characterization is based on the entire critical area. [The review distance may be expanded for priority species.](#) When a critical area is located or extends off-site and cannot be accessed, estimate off-site conditions using the best available information and appropriate methodologies.

h. Studies of potential flood, erosion, geological or any other hazards on the site and measures to eliminate or reduce the hazard.

[i. An assessment of native vegetation to include habitat types \(i.e. coniferous forest, mixed coniferous-deciduous forest, scrub-shrub, meadow\), species richness, and dominate species. Provide percent cover for ground, shrub, and canopy layers. Describe vertical structure. This can be done using a foliage height diversity index such as MacArthur and MacArthur \(1961\). Include an estimate for non-native species present.](#)

[j. Provide the species and size of trees. At a minimum the average diameter at breast height \(DBH\) for each species and the location of any conifers greater than 30 inches must be provided. Describe the coniferous component as dominant, co-dominant or sub-dominant. A tree survey may be required to identify the location of trees of local significance or tree groves.](#)

[j. Describe habitat elements that are present such as duff layer, cliffs, downed wood, and snags.](#)

[k. For Biodiversity Areas/Corridors provide the overall size of the area including off-site vegetated areas. Provide the average width for corridors.](#)

4. A Compensatory mitigation plan shall be provided for all permanent impacts [to critical areas and their buffers/management areas](#) and will conform to the general mitigation requirements listed under Section 13.11.270 and any specific requirements identified in this chapter for the critical area. The plan shall include the following:

n. An evaluation of potential adverse impacts on adjacent property owners resulting from the proposed mitigation and measures to address such impacts.

5. When the critical area is limited to a Geologically Hazardous Area, the purpose of the information submitted is to obtain a level of study sufficient to protect the public from hazards. The information and proposed mitigation will demonstrate that there is no significant risk to the public health and safety and that any risk that cannot be effectively mitigated is avoided.

56. Programmatic Development Permit. In addition to the requirements above an application shall also include a Management Plan for the area using an approved template format or equivalent. The following information shall be included in the document;

- a. Explanation of the voluntary restoration and enhancement components including phasing.
- b. Identification of the qualified habitat steward who will be responsible for overseeing restoration and enhancement activities.
- c. Explanation of training provided to individuals involved in activities to ensure an understanding of how to perform in accordance with the terms of the permit.

13.11.250 General Standards.

A. General permit standards. No regulated activity or use shall be permitted ~~in or adjacent to within~~ a Critical Area or buffer, management area, or ~~geo-setback~~ without prior approval and without meeting the provisions of this section.

1. The applicant has taken appropriate action to first, avoid adverse impacts, then minimize impacts and finally, compensate or mitigate for unavoidable impacts;
2. The result of the proposed activity is no net loss of Critical Area functions;
3. The existence of plant or wildlife species appearing on the federal or state endangered, sensitive or threatened species list will not be jeopardized;
4. The proposal will not lead to significant degradation of groundwater or surface water quality; and
5. The proposal complies with the remaining standards of this chapter, which include those pertaining to wetland compensation and the provision of bonds.

6. The alteration is the minimum necessary to allow reasonable use.

B. Low-impact uses and activities consistent with critical area buffer/management area/geo-setback ~~the stream or wetland buffer function~~ may be permitted within a buffer/management area/geo-setback that has not been reduced depending upon the sensitivity of wetland-critical area and intensity of activity or use. These may include pedestrian trails, viewing platforms, utility easements and storm water management facilities such as grass-lined swales that are used to sustain existing hydrologic functions of the critical area.

C. Yard Reduction. In order to accommodate for the required buffer zone/geo-setback, the Director may reduce the front and/or rear yard setback requirements on individual lots. The front and/or rear yard shall not be reduced by more than 50 percent. In determining whether or not to allow the yard reduction, the Director shall consider the impacts of the reduction on adjacent land uses.

D. As an incentive, the buffer area between a wetland or stream and regulated activity may be reduced or averaged, not less than $\frac{3}{4}$ of its standard regulated buffer width, depending upon the intensity of use and the wetland category or stream type, if the wetland or stream and its buffer area are dedicated to the public by deeding the property to the City, with City approval. The Director shall determine whether the dedication is of benefit to the City for protection of natural resources.

~~E. Trail use and construction.~~

~~1. Trails shall be located on or near the outer quarter (1/4) edge of the buffer, where possible, with the exception of limited viewing platforms and crossings.~~

~~2. Where possible, trails and associated viewing platforms shall not be made of continuous impervious materials. Natural trails with pervious surfaces such as, but not limited to, bark chip are encouraged.~~

13.11.270 General Mitigation Requirements.

A. Unless otherwise provided in this Title, if alteration to a Critical Area, or its buffer/management area/[geo-setback](#) is unavoidable, all adverse impacts resulting from a development proposal or alteration shall be mitigated using the best available science, so as to result in no net loss of critical area functions and values [and to ensure public health and safety](#). In making a determination as to whether such a requirement will be imposed, and if so, the degree to which it would be required, the Director may consider the following:

1. The long-term and short-term effects of the action and the reversible or irreversible nature of the impairment to or loss of the Critical Area;
2. The location, size, and type of and benefit provided by the original and altered Critical Area;
3. The effect the proposed work may have upon any remaining critical area or associated aquatic system;
4. The cost and likely success of the compensation measures in relation to the magnitude of the proposed project or violation.
5. The observed or predicted trend with regard to the gains or losses of the specific type of ~~wetland or stream~~[critical area](#); and
6. The extent to which the applicant has demonstrated a good faith effort to incorporate measures to minimize and avoid impacts within the project.

B. Mitigation projects shall not result in adverse impacts to adjacent property owners.

C. Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area.

[D. The Director may determine that higher mitigation ratios or mitigation performance standards may be required when the likely success of mitigation is low due to site conditions, difficulty of the type of mitigation, or sensitivity of the critical area.](#)

[E.](#) Mitigation shall not be implemented until after permit approval of the Director and shall be in accordance with all reports and representations made therein.

[F.](#) Mitigation Sequencing. When an alteration to a critical area or its buffer/[management area/geo-setback](#) is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference.

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations.
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
6. Monitoring the required mitigation and taking remedial action where necessary.

[G.](#) Mitigation for Lost or Affected Functions. Compensatory mitigation shall address the functions affected by the proposed project or alteration to achieve functional equivalency or improvement and shall provide similar critical area or buffer/[management area/geo-setback](#) functions as those lost, except when:

1. The lost critical area or buffer/[management area/geo-setback](#) provides minimal functions as determined by a site-specific functional assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or
2. Out of kind replacement of ~~wetland, stream or FWHCA~~[critical area](#) type or functions will best meet watershed goals formally identified by the City, such as replacement of historically diminished critical areas.

[H.](#) Type and Location of Mitigation. Unless it is demonstrated that a higher level of ecological functioning would result from an alternative approach, compensatory mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same stream reach, subbasin, or drift cell (if estuarine wetlands are impacted). Mitigation action shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of the following apply:

1. There are no reasonable on-site or in subdrainage basin opportunities (e.g. on-site options would require elimination of high functioning upland habitat), or on-site and in subdrainage basin opportunities do not have a high likelihood of success based on a determination of the natural capacity of the site to compensate for impacts. Considerations should include: anticipated [wetland/stream/FWHCA critical area](#) mitigation ratios, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands, or streams when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity);
2. Off-site mitigation has a greater likelihood of providing equal or improved critical area functions than the impacted critical area; and
3. Off-site locations shall be in the same sub-drainage basin unless established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the City and strongly justify location of mitigation at another site.

II. Wetland Mitigation Banks.

1. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
 - a. The bank is certified under state rules;
 - b. The Director determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - c. The proposed use of credits shall be consistent with terms and conditions of the bank’s certification.
2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank’s certification.
3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank’s certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

III. In-Lieu Fee. To aid in the implementation of off-site mitigation, the City may develop a program which prioritizes wetland areas for use as mitigation and/or allows payment in lieu of providing mitigation on a development site. This program shall be developed and approved through a public process and be consistent with state and federal rules. The program should address:

1. The identification of sites within the City that are suitable for use as off-site mitigation. Site suitability shall take into account wetland functions, potential for wetland degradation, and potential for urban growth and service expansion, and
2. The use of fees for mitigation on available sites that have been identified as suitable and prioritized.

IV. Timing of Compensatory Mitigation. It is preferred that compensation projects will be completed prior to activities that will disturb the on-site critical area. If not completed prior to disturbance, compensatory mitigation shall be completed immediately following the disturbance and prior to the issuance of final certificate of occupancy. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora. The Director may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified professional as to the rationale for the delay (i.e. seasonal planting requirements, fisheries window).

V. Critical Area Enhancement as Mitigation. Impacts to critical area functions may be mitigated by enhancement of existing significantly degraded critical areas, but should be used in conjunction with restoration and/or creation where possible. Applicants proposing to enhance critical areas or their buffers must include in a report how the enhancement will increase the functions of the degraded critical area or buffer and how this increase will adequately mitigate for the loss of critical area and function at the impact site. An enhancement proposal must also show whether any existing critical area functions will be reduced by the enhancement action.

VI. Innovative Mitigation. The Director may approve innovative mitigation projects that are based on best available science including but not limited to activities such as advance mitigation and preferred environmental alternatives. Innovative mitigation proposals must offer an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this chapter. Such mitigation proposals must demonstrate special consideration for conservation and protection measures for anadromous fisheries. The Director shall consider the following for approval of an innovative mitigation proposal:

13.11.280 Conditions, Notice on Title, and Appeals.

A. The Director shall have the authority, in accordance with Chapter 13.05, to attach such conditions to the granting of any permit under this chapter deemed necessary to mitigate adverse impacts and carry out the provisions of this chapter. In addition, such conditions may include, but are not limited to, the following:

1. Placement of Notice on Title on the subject parcels;

In addition to provisions of Chapter 13.05, the owner of any property upon which approval under Title 13, Tacoma Municipal Code, or Chapter 2.02, Building Code, of the TMC, is sought with a critical area or critical area buffer/[management area/geo-setback](#) verified on site through a Critical Area or building permit, shall record with the Pierce County Auditor a notice of presence of the critical area and buffer/[management area/geo-setback](#) with the exception of protected information. Such recording shall contain notice of the critical area and buffer/[management area/geo-setback](#) and the applicability of this chapter to said property. Such notification shall be in a form as specified by Planning and Development Services. The notice shall be notarized and the applicant must submit proof that the notice has been legally recorded before the final approval for development is issued. The notice shall run with the land and failure to record such notice shall be in violation of this chapter.

13. Fencing is required when the Director determines that a fence will prevent future impacts to a protected [critical area FWHCA, wetland or stream](#) or other natural habitat area. Fencing installed as part of a proposed activity shall not interfere with species migration, including fish runs, nor shall it impede emergency egress; and

14. Subdivisions. The subdivision and short subdivision of land in Critical Areas and associated buffers/[management area/geo-setbacks](#) are subject to the following and Section 13.04.310:

- a. Land that is located partially within a Critical Area or its buffer/[geo-setback](#) may be subdivided provided that an accessible and contiguous portion of each new lot is located outside the Critical Area and its buffer/[geo-setback](#).
 - b. Access roads and utilities serving the proposed subdivision may be permitted within the Critical Area and associated buffers/[geo-setbacks](#) only if the Director determines that no other feasible alternative exists and the project is consistent with the remaining provisions of this chapter.
 - c. A protection covenant such as a Conservation Easement shall be recorded with the Pierce County Assessor's Office for [critical areas FWHCA, wetland, stream](#) or natural area tracts that are created as part of the permitting process.
- B. Compensatory mitigation as a condition. As a condition of a permit or as an enforcement action under this chapter, the City shall require, where not in conflict with a reasonable economic use of the property, that the applicant provide compensatory mitigation to offset, in whole or part, the loss resulting from an applicant's or violator's action or proposal.
- C. Appeals. An appeal of a decision regarding a critical area, except for staff decisions regarding exemptions which are not subject to an administrative appeal, may be made in accordance with the provisions of Chapter 13.05 and Chapter 1.23 of the Tacoma Municipal Code.

13.11.500 Fish and Wildlife Habitat Conservation Areas (FWHCAs).

The 500 section contains the regulations for fish and wildflie habitat conservation areas (FWHCAs) including the following:

- 13.11.510 Classification
- 13.11.520 Standards
- 13.11.530 *Repealed*
- 13.11.540 *Repealed*
- 13.11.550 ~~FWHCA's Mitigation Requirements-Modification~~
- 13.11.560 ~~FWHCA's Management Areas~~ [Biodiversity Area and Corridor Mitigation](#)
- 13.11.580 *Repealed*

13.11.510 Classification.

A. Fish and ~~W~~ildlife ~~H~~abitat ~~e~~Conservation ~~a~~Areas are areas identified ~~by the Washington Department of Wildlife~~ as being of critical importance to the maintenance of fish and wildlife species. ~~All Fish and Wildlife Habitat Conservation Areas (FWHCAs) are hereby designated as Critical Areas subject to the provisions of this Chapter, except for Shorelines of the State that are managed under the City's Shoreline Master Program. FWHCAs~~ ~~These areas~~ may also include other ~~C~~ritical ~~a~~Areas such as ~~G~~eologically ~~H~~azardous ~~A~~reas, ~~S~~tream corridors, ~~W~~etlands, and these ~~C~~ritical ~~A~~reas' associative buffers.

~~B.~~ The City seeks to identify and map the location of FWHCAs taking into account Washington Department of Fish and Wildlife (WDFW) mapping and other sources of information. However, City maps are not complete and other areas meeting the definition will be included.

~~4-~~ Fish and Wildlife Habitat Conservation Areas (FWHCAs)-~~Fish and Wildlife habitat areas~~ include:

~~1a.~~ Lands and waters containing ~~State P~~riority ~~H~~abitats and ~~S~~pecies. ~~Priority habitat and species are classified by WDFW.~~

~~a.~~ As of the date of this ordinance, the following State terrestrial Priority Habitat, ~~and~~ Species, and Features are known to be located in the City of Tacoma:

- ~~1)~~ ~~Bald eagles;~~
- ~~2)~~ ~~Great blue herons;~~
- ~~3)~~ ~~Mountain quails;~~
- ~~4)~~ ~~Ospreys;~~
- ~~5)~~ ~~Peregrine falcons;~~
- ~~6)~~ ~~Pigeon guillemots;~~
- ~~7)~~ ~~Purple martins;~~
- ~~8)~~ ~~Seabird colonies;~~
- ~~9)~~ ~~Waterfowl concentrations;~~
- ~~10)~~ ~~Wood ducks;~~
- ~~11)~~ ~~Oak woodlands~~
- ~~12)~~ ~~Biodiversity Areas and Corridors-~~

- 1) Great blue herons;
- 2) Mountain quails;
- 3) Pigeon guillemots;
- 4) Purple martins;
- 5) Seabird colonies;
- 6) Waterfowl concentrations;
- 7) Wood ducks;
- 8) Pacific (Western) pond turtle
- 9) Marbled Murrelet
- 10) Western grebes
- 11) Orcas (Killer whale);
- 12) Seals and sea lions;
- 13) Anadromous fish (including Bull Trout);
- 14) Reticulate sculpins
- 15) Wetlands
- 16) Streams and riparian areas
- 17) Oregon White Oak Woodlands
- 18) Old-Growth/Mature Forest
- 19) Biodiversity Areas and Corridors-
- 20) Cliffs
- 21) Snags and Logs

b. In classifying an area as a Biodiversity Area or Corridor, the city will assess the functions and values of the existing habitat in the context of adjacent properties and the collective ecosystem services. An area which is already developed with legally

established, pre-existing uses which serve to eliminate or greatly reduce the propensity of wildlife to use the area as habitat or a corridor will not be classified as a Biodiversity Area or Corridor. The following will be considered:

(1) The presence of rare or uncommon plant species and associations designated by the City or identified by federal and state agencies such as the Department of Natural Resources Heritage Program.

(2) The presence of a vertically diverse assemblage of native vegetation containing multiply canopy layers and/or areas that are horizontally diverse with a mosaic of habitats and microhabitats.

(a 3) The Biodiversity Area/Corridor shall be a minimum size of two acres.

(b 4) The needs and requirements of species known or likely to occur must be considered as well as the ability of the habitat to provide wildlife access or movement.

(e 5) The following developments or uses may be considered as an elimination or significant reduction in the ability of an area to serve as a corridor for wildlife use. The permanence and extent of the use or development shall be considered.

(a.) Multilane paved road(s) and their maintained rights-of-way.

(b.) Permanent wildlife-impassible fence(s) and other permanent barriers that prevent wildlife movement.

(c.) Areas where legally established structures and impervious surfaces are present for more than 65% of the area.

(d 6). The following are examples of uses that may not reduce or eliminate the use of the area by wildlife or as a corridor.

(a.) Gravel road(s) and driveways

(b.) Trails used for passive recreation

(c.) Wildlife-passible fence(s)

(d.) Unmaintained rights-of-way

2b. Natural ponds under 20 acres and their submerged aquatic beds that provide critical fish or wildlife habitat.

3e. Waters of the State, which are defined in WAC Title 222, Forest Practices Rules and Regulations. Waters of the State must be classified using the system in WAC 222-16-030. In classifying waters of the state as FWHCAs the following may be considered:

(a.1) Species present which are endangered, threatened, sensitive, or priority;

(b.2) Species present which are sensitive to habitat manipulation;

(c.3) Historic presence of priority species;

(d.4) Existing surrounding land uses that are incompatible with salmonid habitat;

(e.5) Presence and size of riparian ecosystem;

(f.6) Existing water rights; and

(g.7) The intermittent nature of some of the higher classes of Waters of the State.

4d. Lakes, ponds, streams and rivers planted with game fish, including those planted under the auspices of a federal, state, local, or tribal program and waters which support priority fish species as identified by the Washington Department of Fish and Wildlife.

5. Areas with which State or Federally designated endangered, threatened, and sensitive species have a primary association.

6. Habitats and species of local importance that have been identified as sensitive to habitat manipulation. Areas identified must represent either high-quality native habitat or habitat that has a high potential to recover and is of limited availability, highly vulnerable to alteration, or provides landscape connectivity that contributes to the integrity of the surrounding landscape. In designating habitat and species of local importance, the following characteristics will be considered:

(a.) Local population of native species that are in danger of extirpation or vulnerable and in decline.

(b.) The species or habitat has recreation, tribal, or other special value.

(c.) Long-term persistence of the species is dependent on protection, maintenance, or restoration of nominated habitat.

(d.) Protection by other county, state, or federal policies and laws is not adequate to prevent degradation of the species or habitat.

(e.) Without protection, there is a likelihood that the species or habitat will be diminished over the long term.

7. Area critical for habitat connectivity, including Open Space Corridors designated in the City's comprehensive plan.

8. State natural area preserves and natural resource conservation areas.

13.11.520 Standards.

A. General Standards.

1. No development shall be allowed within a Fish and Wildlife Habitat Conservation Area with which state or federally endangered, threatened or sensitive species have a primary association without approval from the City of Tacoma and/or WDFW.

2. Preservation of FWHCAs are necessary to improve the likelihood that species will survive and or reproduce. Alteration of FWHCAs may reduce this likelihood. Activities allowed in FWHCAs shall be consistent with the species located there and all applicable state and federal regulations regarding that species. In determining allowable activities for FWHCAs priority habitats and species that are known or that become known, the provisions of the Washington State Hydraulic Code and Department of Fish and Wildlife's (WDFW's) Management Recommendations for Washington Priority Habitats and Species, best available science, and recommendations by other state or federal agencies with expertise for the species or habitat shall be reviewed. Development in these areas shall be in accordance with the requirements of the underlying zone and any overlapping critical area classification.

3. As of the date of this ordinance, the following terrestrial priority habitat and species are known to be located in the City of Tacoma:

- 1) Bald eagles;
- 2) Great blue herons;
- 3) Mountain quails;
- 4) Ospreys;
- 5) Peregrine falcons;
- 6) Pigeon guillemots;
- 7) Purple martins;
- 8) Seabird colonies;
- 9) Waterfowl concentrations;
- 10) Wood ducks;
- 11) Oak woodlands

4. As of the date of this ordinance, the following aquatic priority habitat and species are known to be located in the City of Tacoma:

- 1) Orcas (Killer whale);
- 2) Seals and sea lions;
- 3) Anadromous fish (including Bull Trout);
- 4) Reticulate sculpins

35. Wetland and Stream- In accordance with TMC 13.11.160.B, where a designated FWHCA geographically coincides with a stream or wetland another critical area, all the appropriate wetland or stream buffer critical area standards and associated buffer/management area/geo-setback requirements shall apply as described within this Chapter.

B. FWHCA Management Areas Standards

1. FWHCA management areas are used to protect and manage activities in or adjacent to areas with a specific priority species. The location and dimensions of FWHCA Management Areas are dependent on the species and habitat and as defined by specific management recommendations established by the Washington Department of Fish and Wildlife and/or other state/federal agencies. While the standards for protection are species specific and established by other agencies, the FWHCA Management Areas remain subject to all applicable standards of this chapter.

If a proposal meets the standards of this chapter and demonstrates that they are meeting the management recommendations for the priority species and their management area, then a separate Critical Area permit may not be necessary (See TMC 13.11.190.D).

2. Typical standards may include seasonal restrictions for activities and required buffer widths from nesting sites. A Habitat Management Plan approved by WDFW may be required.

C. Biodiversity Areas and Corridors Standards

1. In managing Biodiversity Areas and Corridors, the intent is to maintain rare and uncommon plant species and associations and large patches of native vegetation that provide habitat and connecting corridors for animal movement as well as general ecological services. Preservation of Biodiversity Areas and Corridors is necessary to minimize the impacts of development to wildlife and conserve the City's most diverse areas. The following standards apply:

a. Preserve existing native vegetation on the site to the maximum feasible extent, prioritizing the most valuable and sensitive environmental assets by developing the least impactful area.

b. Maintain biodiversity functions to prevent habitat degradation and fragmentation and preserve habitat for priority and common urban species, as supported by the Best Available Science.

c. The applicant shall avoid all actions that degrade the functions and values of a Biodiversity Area and Corridor. When impacts cannot be avoided, they should be minimized and mitigated by limiting overall vegetation clearance, maintaining corridors, protecting the most sensitive environmental features, and clustering development that does occur.

13.11.550 FWHCA's Modification Mitigation Requirements.

A. All proposed modification in a FWHCA shall be in accordance with the standards of this ~~section~~Chapter, except where allowed through 13.11.200 or 13.11.210.

B. ~~Modification All FWHCA~~and mitigation will comply with applicable General Standards of TMC 13.11.250 and mitigation requirements specified in 13.11.270, including, but not limited to, mitigation sequencing, mitigation plan requirements, monitoring and bonding.

C. Where a designated FWHCA geographically coincides with another Critical Areaa stream or wetland, modification and mitigation will comply with applicable ~~mitigation~~ requirements described within this chapter for each type of critical area and/or as recommended by state or federal agencies.

D. Habitat Management Plan. If the critical area review process as described in this chapter (13.11.~~190250~~) determines that the proposed project will adversely impact a FWHCA, a Habitat Management Plan shall be prepared as part of a development proposal ~~to avoid or minimize impacts to FWHCA's management areas~~, the following standards shall apply.

1. ~~The A H~~abitat M~~m~~anagement P~~p~~lan shall be prepared in coordination with the WDFW Washington State Department of Fish and Wildlife or federal agencies where appropriate and by a qualified professional. The professional must have an education and professional work experience relevant to the species and habitat being evaluated (See TMC 13.11.900 Qualified Professional).

2. ~~The A H~~abitat M~~m~~anagement P~~p~~lan may be included as part of a larger critical areas report and shall include all applicable requirements as listed in TMC 13.11.230 and contain, at a minimum, the following:

a. Analysis and discussion on the project's effects on the FWHCAcritical fish and wildlife habitat;

b. An assessment and discussion on special management recommendations which have been developed for species or habitat located on the site by any federal or state agency;

c. A discussion of mitigation sequencing and p~~P~~roposed mitigation measures which could avoid or minimize ~~or avoid~~ impacts;

d. Assessment and evaluation of the effectiveness of mitigation measures proposed; and

e. Assessment and evaluation of ongoing management practices which will protect critical fish and wildlife habitat the FWHCA after development of the project site, including proposed monitoring and maintenance programs.

f. For Biodiversity Areas and Corridors a detailed description of vegetation on and adjacent to the project area is required and may include a surveyed site plan with the specific location and species name of trees with a 12-inch or greater Diameter at Breast Height (DBH).

~~E. If mitigation is performed off site, a conservation easement or other legal document must be provided to the City to ensure that the party responsible for the maintenance and monitoring of the mitigation has access and the right to perform these activities.~~

E. The following shall apply for proposed modifications within or affecting Biodiversity Areas and Corridors.

1. In determining which areas are least sensitive to development impacts, the following criteria shall apply:

a. A minimum of 65% of the Biodiversity Area and Corridor area shall be left in an undisturbed natural vegetated state. The undisturbed area set aside shall contain all other Priority Habitats, Priority Species, and Critical Areas and Buffers that may be present, per applicable standards.

(1) Legally created existing parcels 5,000 square feet in size or smaller must maintain an minimum of 40% of the Biodiversity Area and Corridor in an undisturbed natural vegetated state.

b. A contiguous Biodiversity Corridor with a width of 300-feet shall be retained connecting onsite and offsite Priority Habitats and Critical Areas including shorelines, as well as significant trees per the definition below. The minimum 300 feet shall be a contiguous area that enters and exits the property.

(1) Where a legally created existing parcel cannot accommodate the 300 foot width corridor due to parcel size or configuration, then the maximum feasible width shall be provided in conjunction with maintaining the designated minimum undisturbed gross site area for the size of parcel.

(2) Habitat corridor connections may be required to be wider when additional width is supported by the Best Available Science to support the function and values of species or habitat present.

c. Retain exceptional trees and rare or uncommon plant species or habitat types as identified by the City or by state or federal agencies. Conifers and Madrone are considered exceptional trees.

(1) Significant tree groves. Significant tree groves means a group of 8 or more trees 12- inches diameter or greater that form a continuous canopy. Trees that are less than 12-inch in diameter that are part of a grove's continuous canopy are also considered to be exceptional and cannot be removed if their removal may damage the health of the grove. Street trees shall not be included in determining whether a group of trees is a grove.

(2) Retain exceptional trees. "Exceptional tree" means a tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is determined as such by the Director according to standards and procedures promulgated by the Department of Planning and Development.

d. Development must be clustered and located in the least sensitive areas and must use Low Impact Development practices where feasible.

2. Proposals that meet the minimum standards in 1 above may be reviewed under a Minor Development permit. See TMC 13.11.220.B.2. Other proposals will require review under a Development Permit and must also demonstrate the following:

a. The project cannot meet the minimum standards in 1 above due to site constraints such as parcel size or other physical conditions and the inability is not the result a self-created hardship.

3. In planning the development of the site, consideration shall also be given to ongoing and future management needs such as vegetation maintenance, generally favoring setting aside a large, connected, contiguous areas as feasible.

4. Buffer Averaging or reduction as described within section TMC 13.11.250.D., TMC 13.11.330, and TMC 13.11.430 for wetlands and streams can be utilized to average or reduce portions of buffers to accommodate development.

a. The standards for preservation of 65% of the gross site area and minimum 300 foot corridor width still apply.

5. Corridor width averaging. The width of the corridor may be averaged to allow for reasonable use of the property when the following are met:

a. The averaged corridor width will not result in degradation of the Biodiversity Corridor or its ability to facilitate wildlife movement;

b. The corridor width is increased adjacent to the high-functioning or more sensitive areas and decreased adjacent to lower-functioning or less sensitive portion;

c. The corridor at its narrowest point is never less than $\frac{3}{4}$ of the required width; and

d. The total area of the corridor is equal to the area required without averaging.

F. Innovative mitigation per TMC 13.11.270.L. When the project cannot meet the minimum standards of this section or the project proponent can demonstrate that a different method will achieve equivalent or better protections for the critical area, it will be reviewed per the standards in 13.11.270.L.

G. Protection covenant such as a conservation easement shall be recorded with Pierce County Assessor's Office for critical areas that are identified as part of the review process per 13.11.280 (Conditions, Notice on Title, and Appeals).

H. If mitigation is performed off-site, a conservation easement or other legal document must be provided to the City to ensure that the party responsible for the maintenance and monitoring of the mitigation has access and the right to perform these activities.

13.11.560 FWHCA’s Management Areas.

A. FWHCA Management Areas that do not geographically coincide with wetlands or streams are protected by species-specific Management Areas as established by Washington Department of Fish and Wildlife Management Recommendations for Washington’s Priority Species. FWHCA Management Areas remain subject to TMC 13.11.250.

B. If a proposal meets all WDFW management recommendations for the species and their management area, then no development permit, exemption approval, assessment, or Habitat Management Plan is required.

C. Standards for the most common of these FWHCAs, Anadromous fish, include the following:

1. Anadromous fish:

a. All activities, uses, alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall be given special consideration to the preservation and enhancement of anadromous fish habitat, including but not limited to the following standards:

b. Activities shall be timed to occur only during the allowable work window as designated by WDFW for applicable species;

The activity is designed to provide an overall improvement in the function of the fish habitat or other critical areas; and Any impacts to the functions of the habitat conservation area are mitigated in accordance with the approved critical area.

2. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed.

3. Fills, when authorized by the Director, shall not adversely impact anadromous fish or their habitat or shall mitigate any unavoidable impacts, and shall only be allowed for water dependent activities and uses.

13.11.560 Biodiversity Area and Corridor Mitigation Requirements

A. Mitigation must compensate for the adverse impacts and achieve equivalent or higher ecological functions including, vegetation diversity and habitat complexity and connectivity.

B. Enhancement or Restoration requires the following ratios:

| <u>Onsite Mitigation</u> | <u>Offsite Mitigation</u> |
|---|---------------------------------------|
| <u>1.5:1 Enhancement or Restoration</u> | <u>3:1 Enhancement or Restoration</u> |

C. The protection covenant or conservation easement recorded with Pierce County Assessor’s Office shall include all mitigation areas including those located off-site.

D. The following shall be incorporated to minimize disturbance:

1. Minimize light disturbance by directing lights away from critical areas.

2. Place activities that generate noise furthest from critical areas.

3. Limit disturbance from humans and pets with “impenetrable” natural vegetation between the development and critical areas.

4. Design infrastructure to minimize impacts through such steps as designing narrower streets or integrating LID approaches.

5. Seasonal restriction of construction activities

13.11.700 Geologically Hazardous Areas.

The 700 section contains the general provisions, including the following:

13.11.710 Designation.

13.11.720 Applicability

13.11.730~~20~~ Classification.

13.11.74030 General Development Standards.

13.11.710 Designation.

A. Designation of Geologically Hazardous Areas. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. Areas susceptible to one or more of the following types of geo-hazards shall be designated as a geologically hazardous area:

1. Erosion hazard;
2. Landslide hazard;
3. Seismic hazard;
4. Mine hazard;
5. Volcanic hazard; and
6. Tsunami hazard.

13.11.720 Applicability

Geologically Hazardous Areas are subject to all applicable provisions of this chapter and the following:

A. When the Geologically Hazardous Area or geo-setback cannot be avoided by locating the development outside of the Geologically Hazardous Area and setback, the risk to public health and safety may be minimized by engineering, design, or modified construction practices.

B. When technology cannot reduce the risk to acceptable levels the Geologically Hazardous Area and setback must be avoided.

C. When other critical areas are present the standards specific to those critical areas also apply.

13.11.730 General ~~Development~~ Standards.

The standards in this section apply only to geologically hazardous areas. ~~Other critical area standards may apply to areas which are exempted from the standards for geologically hazardous areas.~~ The following definitions apply to this section:

“Geo-setback” is the minimum building setback from the applicable geo-hazard area.

“Geo-buffer” is a zone within a geo-setback area required to be vegetated with either native or non-native vegetation.

i. Trimming and limbing of vegetation for the creation and maintenance of view corridors, removal of site distance obstructions as determined by the City Traffic Engineer, removal of hazardous trees, or clearing associated with routine maintenance by utility agencies or companies; provided that the soils are not disturbed and the loss of vegetative cover will not significantly increase risks of landslide or erosion. [See TMC 13.11.200 and 210.](#)

j. The construction of approved public or private trails; provided they are constructed in a manner which will not contribute to surface water runoff.

l. The construction of public or private utility corridors; provided it has been demonstrated that such construction will not significantly increase landslide risks.

m. Trimming and limbing of vegetation for the creation and maintenance of view corridors, removal of site distance obstructions as determined by the City Traffic Engineer, removal of hazardous trees, or clearing associated with routine maintenance by utility agencies or companies; provided that the soils are not disturbed and the loss of vegetative cover will not significantly increase risks of landslide or erosion. [See TMC 13.11.200 and 210.](#)

n. Remediation, critical area restoration, or mining and quarrying where local regulation is pre-empted by state or federal law.

C. Specific ~~Development~~ Standards for Erosion and Landslide Hazard Areas.

1. The development shall not increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions. Note that point discharges onto adjacent properties is not permitted without approved easements. Dispersed flows meeting pre-developed flows will be permitted provided other development standards can be met.
2. The development shall not decrease slope stability on adjacent properties.
3. Such alterations shall not adversely impact other critical areas.
4. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code.
5. Structures and improvements shall minimize alterations to the natural contour of the slope, and the foundation shall be tiered where possible to conform to existing topography. Terracing of the land; however, shall be kept to a minimum to preserve natural topography where possible. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation.
6. Development shall be designed to minimize impervious lot coverage. All development shall be designed to minimize impervious lot coverage and should incorporate understructure parking and multi-level structures within the existing height limit.
7. Roads, walkways, and parking areas should be designed parallel to topographic contours with consideration given to maintaining consolidated areas of natural topography and vegetation.
8. Removal of vegetation shall be minimized and only that which is needed to accommodate a structure. Any replanting that occurs shall consist of trees, shrubs, and ground cover that is compatible with the existing surrounding vegetation, meets the objectives of erosion prevention and site stabilization, and does not require permanent irrigation for long-term survival.
9. The proposed development shall not result in greater risk or need for increased geo-buffers on neighboring properties.

13.11.900 Definitions.

13.11.900.B

Best management practices. (BMP's). Conservation practices or systems of practices and management measures that:

- a. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
- b. Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;
- c. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and
- d. Provide standards for proper use of chemical herbicides within critical areas.

Biodiversity Areas include those areas that contain native vegetation that is diverse with a mosaic of habitats and microhabitats. They include areas dominated by a vertically diverse assemblage of native vegetation containing multiply canopy layers and/or areas that are horizontally diverse with a mosaic of habitats and microhabitats. They also include areas with rare or uncommon plant species and associations designated by the City or identified by Federal and State agencies such as the Department of Natural Resources Heritage Program. They are not associated with a specific priority species and their overall habitat function may be limited due to their location in a highly urbanized area; however, they are diverse relative to other areas in the City and support common urban species.

Biodiversity Corridors are areas of relatively undisturbed and unbroken tracts of vegetation that connect Biodiversity Areas, other Priority Habitat and Critical Areas, including shorelines and serve to protect those areas and allow movement of common urban species.

Bioengineering. A combination of engineering techniques and natural products that increase the strength and structure of the soil through biological and mechanical means.

13.11.900.P

Parties of record. Individuals, entities and groups who have commented on a proposal in writing or in person or who have asked to be included on a mailing list for a specific proposal.

Priority habitats. Seasonal range or habitat element with which a given species is primarily associated and which, if altered, may reduce survival potential of that species over the long term. Priority habitats are designated by the Washington Department of Wildlife, Priority Habitat and Species Program, and may include habitat areas of high relative density or species richness, breeding habitat or habitats used as winter range or movement corridors. Habitats of limited availability or with high vulnerability to alteration, such as cliffs, talus, [Biodiversity Areas/Corridors](#) and wetlands, may also be included.

Priority species. Species which are of concern because of their population status and sensitivity to habitat alteration. Priority species are designated by the Washington Department of Wildlife, Priority Habitat and Species Program, and may include endangered, threatened, sensitive, candidate, monitored, or game species.

END