

18.12.060 Relationship to other regulations--
Interpretation. Areas characterized by a particular critical area may also be subject to other regulations due to the overlap of multiple functions of critical areas. In the event of any conflict between these regulations and any other regulations of the city such as, but not limited to, shoreline management, environmental policy and the Federal Clean Water Act, the regulations that provide the greater protection for critical areas shall apply. No permit granted pursuant to this chapter shall remove applicant's obligation to comply in all respects with the applicable provision of any other federal, state or local law or regulation.

The provisions of this chapter shall be liberally construed to give full effect to the purposes of this chapter. (Ord. 978 (part), 2003).

18.12.070 Critical area data maps. The approximate location and extent of critical areas and lands within the city limits are shown on the maps adopted as part of this chapter, and any revisions thereto, and listed on the attached Appendix G. These maps are based on the best available information and are intended to be used as a general guide for the assistance of property owners and as information for the public. Boundaries are generalized; field investigation and analysis by a qualified expert may be required to confirm the existence of a critical area. The city will update information and resource material as it becomes available and feasible.

In the event of any conflict between the location, designation, or classification of a critical area shown on the data maps and the criteria or standards of this section, the criteria and standards and the determination of any field investigation shall prevail. (Ord. 978 (part), 2003).

18.12.080 Critical area wetlands. A. Wetland Classification. Wetlands are classified according to the following scheme:

1. Classification 1. Documented site-specific habitat or state listed endangered, threatened, or sensitive animal species. (WAC 232-12, Department of Fish and Wildlife, Permanent Regulations, as amended).

2. Classification 2.

- a. High quality, regionally rare wetland with irreplaceable ecological functions;
- b. Complex wetlands of three or more wetland types which cannot be replicated through newly created wetlands or restoration; or
- c. Wetlands improved or enhanced by agency approved mitigation projects.

3. Classification 3.

- a. Wetlands of sufficient characteristics to provide any of the following:
 - i. Significant flood control functions;
 - ii. Ground and surface water aquifer recharge function;
 - iii. Significant fish and wildlife habitat; or
 - iv. Significant water quality attributes for sediment retention and pollution control.

b. Wetlands of any size created as a result of agency approved/permitted mitigation projects.

4. Classification 4. Wetlands dominated by non-native, invasive plant species that are not classification 1, 2 or 3 wetlands.

B. Development Limitation--Alterations of Wetlands. Development or regulated activity shall conform with and be governed by the following:

1. Alteration of classification 1 wetlands is prohibited unless the alteration would improve or maintain the existing wetland function and value, or the alteration would create a higher value or less common wetland type which would improve the function or value of the wetland as indicated within the wetland assessment and the mitigation plan.

2. Alteration of classification 2 wetlands may be allowed only when it is demonstrated, by a qualified expert, through a wetland assessment that any of the following criteria are met:

a. Significant public benefit will accrue through the alteration and no reasonable and practical alternative to the alteration exists through on-site design or through acquisition of additional area; or

b. The alteration would improve or maintain the existing wetland function and value, or the al-

teration would create a higher value or less common wetland type which would improve the function or value of the wetland as indicated within the wetland assessment and the mitigation plan.

3. Alteration of classification 3 wetlands may be allowed only when it is demonstrated through a wetland assessment that any of the following criteria are met:

a. Significant public benefit will accrue through the alteration;

b. No reasonable and practical alternative to the alteration exists through on-site design; or

c. The alteration would improve or maintain the existing wetland function and value, or the alteration would create a higher value or less common wetland type that would improve the function or value of the wetland as indicated within the wetland assessment and the mitigation plan.

4. Alteration of classification 4 wetlands may be allowed if feasible alternatives cannot be identified during the development or regulated activity review process and state and federal agencies with jurisdiction over wetlands concur with the alteration.

C. Wetland Buffers.

1. Buffers are required for all regulated wetlands. Wetland buffer widths are established in Table 1 of this section.

2. Buffer widths shall be measured perpendicular to the delineated boundaries of the regulated wetland.

3. Buffer widths intended to protect the wetland's fish and wildlife habitat shall be based on the open water component associated with the regulated wetland.

4. Buffer width can be reduced below minimums when site-specific, abrupt topographical changes such as cliffs, indicate the wetland function will be protected.

Table 1
Required Buffer Widths For Regulated Wetlands

| Type | Minimum Buffer |
|------------------|----------------|
| Classification 1 | 200 ft. |
| Classification 2 | 100 ft. |
| Classification 3 | 50 ft. |
| Classification 4 | 25 ft. |

5. Allowed Alteration to Buffers.

a. Buffer Averaging. The width of a buffer may be averaged, thereby reducing the width of another portion, if all of the following requirements are met:

i. Averaging will not impair or reduce the habitat values, water quality enhancement, storm water detention, ground water recharge, and other functions of the wetland and buffer;

ii. The total area of the buffer on the subject property is not less than the buffer that would be required if averaging was not allowed; and

iii. No part of the width of the buffer is less than fifty percent of the required width or twenty-five feet, whichever is greater.

b. Activities Allowed in a Wetland Buffer.

i. Passive activities that do not have a significant adverse impact on the function of buffers shall be allowed. Examples include: fish and wildlife educational or scientific projects; nonmotorized recreation, such as swimming, boating, fishing, hunting and trails; repair, maintenance and operation of existing roads, utilities and serviceable structures. Such activities or projects shall be consistent with the wetland development limitations and mitigation standards set for the buffered wetland.

ii. Prior to development or alteration within the buffer, the applicant shall demonstrate that no other feasible option exists.

c. Mitigation Standards (See Section 18.12.130).

i. All significant adverse impacts to classifications 2 and 3 wetlands and buffers as identified in the wetlands assessment shall be specified in a mitigation plan consistent with Section 18.12.130 and prepared by or on behalf of the applicant.

ii. When an applicant proposes to alter or eliminate a regulated wetland, he/she shall be required to replace or enhance the function and value of the wetland based upon an approved evaluation procedure such as Wetland Evaluation Technique (WET). When replacement of a wetland is proposed the wetland and associated buffer shall be replaced at the following ratio:

| Regulated Wetland Type | Minimum Ratio of Replaced Wetland to Lost Wetland |
|--------------------------|---|
| Classification 1 Wetland | Not applicable |
| Classification 2 Wetland | 3 to 1 |
| Classification 3 Wetland | 2 to 1 |
| Classification 4 Wetland | 1.25 to 1 |

d. Wetland Delineation. For the purposes of this chapter, wetland delineations shall be performed in accordance with the procedures as specified in the Washington State Wetlands Identification and Delineation Manual. (Ord. 978 (part), 2003).

18.12.090 Fish and wildlife habitat conservation.

A. Designation of Critical Fish and Wildlife Habitat Conservation Areas. Critical fish and wildlife habitat conservation areas are designed according to the classification in the following table.

| Classifications | Description |
|---|---|
| 1. Areas with which state or federally designated endangered, threatened or sensitive species have a primary association. | Areas that, if significantly altered, may reduce the likelihood that the species will reproduce over the long term. Habitats associated with these species are those identified by federal agencies or by Washington Department of Fish and Wildlife's current system for mapping species of concern. These habitats are designated as critical areas, where endangered, threatened and sensitive species are verified to have a primary association. |

APPENDIX D

Wetland Assessment

A wetland assessment shall typically include the following. Technical justification shall be provided where any information is not deemed applicable by the qualified expert.

A. An on-site wetland delineation performed by a qualified expert. The wetland boundaries shall be staked and flagged. The recommended wetland buffer shall be staked and flagged with different colored flags than that used for the wetland delineation.

B. A vicinity map drawn to scale and including a north arrow, public roads and other known landmarks in the vicinity.

C. National Wetlands Inventory Map (U.S. Fish and Wildlife Service) and/or a Skamania County Wetland Inventory Map identifying wetlands on or adjacent to the site.

D. Site Map. This map must be drawn to a useable scale, one inch to one hundred feet or better, and must include a north arrow and all of the following requirements:

1. Site boundary/property lines and dimensions;
2. Wetland boundaries based upon a wetland specialist's delineation, and depicting sample points and differing wetland types, if any;
3. Recommended wetland buffer boundary;
4. Internal property lines such as rights of way, easements, etc.;
5. Existing physical features of the site including buildings and other structures, fences, roads, utilities, parking lots, water bodies, etc.;
6. Topographical variations.

E. Report. This document must include each of the following:

1. Location information (legal description, parcel number and address);
2. Site characteristics including topography, total acreage, delineated wetland acreage, other water bodies, vegetation, soil types, etc., and distances to and sizes of other off-site wetlands and water bodies within one quarter mile of the subject wetland;

3. Identification of the wetland's classification as defined in this chapter, including the rationale for selecting the wetland category;

4. Analysis of functional values of existing wetlands, including flood control, water quality, aquifer recharge, fish and wildlife habitat and hydrologic characteristics;

5. A complete description of the proposed project and its potential impacts to the wetland and, if applicable, adjacent off-site wetlands, including construction impacts;

6. Discussion of project alternatives including total avoidance of impacts to wetland areas;

7. If mitigation for wetland impacts is proposed, a description and analysis of that mitigation;

8. A wetland buffer recommendation and rationale for the buffer size determination.

F. Completed wetland data form provided by the city.