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Appendix D:
Critical Areas Regulations

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APPENDIX D. CRITICAL AREAS REGULATIONS BY CITY

City/County	Critical Area	Description	Mitigation
City of Redmond (Redmond Zoning Code (RZC) Section 21.64.010)			
	General (applicable to all critical areas)	Utility installation, construction, and associated facilities and lines are exempt from CAO regulations if located in City road ROWs and are subject to restoration. If not exempt, then utilities project (facilities and poles) are prohibited from locating in critical areas but are allowed in critical area buffers provided mitigation standards are met.	Mitigation is required (for all critical areas) to be provided on-site, in-kind if feasible. If not feasible, then off-site (within Redmond city limits), out-of-kind mitigation may be considered.
RZC 21.64.030	Wetlands	Wetlands are categorized according to Category I, II, III, and IV based on the Ecology Wetland Rating System. Buffers range from 25-300 feet. Alterations to category I wetlands are prohibited, alterations to II, III, and IV may be allowed subject to performance standards and mitigation.	Wetland acreage replacement ratios are required for mitigation (in addition to general mitigation requirements) and determined according to mitigation activity (creation, reestablishment, rehabilitation, and/or enhancement) and Category.
RZC 21.64.020	Streams	Streams are classified according to Class I, II, III, and IV based on fish use. Buffers range from 25 to 200 feet. Utility facilities and poles may be permitted within the stream buffer if no feasible alternative location exists.	Additional specific mitigation standards (outside of general requirements) apply in restoration or enhancement of stream corridors, including: using native, adaptable, and perennial plants; depth and type of substrate; planting densities; fertilizer application; pesticide use limitations, etc.

City/County	Critical Area	Description	Mitigation
RZC 21.64.020	Fish and Wildlife Habitat Conservation Areas (FWHCAs)	Classification of FWHCAs determined by adopted City maps, Washington Department of Fish and Wildlife Priority Habitats and Species maps, Washington State Conservation Commission habitat-limiting factors reports, federal and state info, and technical reports. Alterations to FWHCAs may be permitted subject to mitigation.	Additional mitigation measures are required during mitigation planning: a)consider habitat in site planning and design; b) locating buildings and structures that preserve and minimize adverse impacts to important habitat areas; c)integrate retained habitat into open space and landscaping consistent with RZC 21.32; d)where possible, consolidate habitat and vegetated open space in contiguous blocks; e)Locate habitat contiguous to other habitat, open space, or landscaped areas to contribute to a continuous system or corridor that provides connections to adjacent habitat areas; f) Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers; g) Emphasize heterogeneity and structural diversity of vegetation in landscaping; h) Remove and/or control any noxious weeds or animals as defined by the City; and i). Preserve significant trees, preferably in groups, consistent with RZC 21.72, Tree Preservation, and with achieving the objectives of these standards.
RZC 21.64.050	Critical Aquifer Recharge Areas (CARAs)	CARAs are classified into Wellhead Protection Zone 1, 2, 3, and 4 based on proximity to and travel time of groundwater to City's public water source wells. Utility facilities and poles are permitted for location within these zones subject to the performance standards specific to each zone in RZC 21.64.050.D.	No additional mitigation measures.

City/County	Critical Area	Description	Mitigation
City of Bellevue Land Use Code (LUC) Part 20.25H			
LUC 20.25H.215 (mitigation sequencing) 20.25H.220 (Mitigation and restoration plan requirements)	General	Critical Areas Land Use Permit is required for any utility facilities and poles located in any of the designated critical areas and/or buffers. New or expanded facilities and systems are allowed within the critical area or buffer only where no technically feasible alternative with less impact on the critical area or buffer exists (LUC 20.25.H.055.C.2.a).	Require mitigation or restoration plan, and mitigation sequencing
LUC 20.25H.095 (designation of critical area and buffers) 20.25H.100 (performance standards) 20.025H.105 (Mitigation and monitoring - additional provisions)	Wetlands	Wetlands are classified according to Category I, II, III, and IV using the Ecology Wetland Rating System. Buffers range from 40 to 225 feet. Structure setbacks range from 0-20 feet. Utility facilities and poles may be allowed in a wetland and/or wetland buffer subject to performance standards (20.25H.100) and mitigation.	Mitigation actions that require compensation of impacted critical area buffer are required to occur in the following order of preference and in the following locations: a. On-site, through replacement of lost critical area buffer; b. On-site, through enhancement of the functions and values of remaining critical area buffer; c. Off-site, through replacement or enhancement, in the same sub-drainage basin; d. Off-site, through replacement or enhancement, out of the sub-drainage basin but in the same drainage basin. Wetland Acreage replacement ratios apply to creation or restoration mitigation activities: Category I, 6-to-1; Category II, 3-to-1; Category III, 2-to-1; Category IV, 1.5-to-1. Enhancement of existing significantly degraded wetlands may also be allowed subject to a critical areas report.

City/County	Critical Area	Description	Mitigation
LUC 20.25H.075 (designation of critical areas and buffers) 20.25H.080 (performance standards)	Streams	Streams are classified according to Type S, F, N and O based on the Washington State Department of Natural Resources (WDNR) typing. Buffers range from 25-100 feet. Structure setbacks range from 0-50 feet. Stream channels can be modified for new or expanded utility facilities and poles, subject to performance standards (LUC 20.25H.080) and mitigation.	A. Mitigation plans for streams and stream critical area buffers are required to provide mitigation for impacts to critical area functions and values in the following order of preference: 1. On-site, through replacement of lost critical area buffer; 2. On-site, through enhancement of the functions and values of remaining critical area buffer; 3. Off-site, through replacement or enhancement, in the same sub-drainage basin; 4. Off-site, through replacement or enhancement, out of the sub-drainage basin but in the same drainage basin. Mitigation off-site and out of the drainage basin shall be permitted only through a critical areas report. B. Buffer Mitigation Ratio. Critical area buffer disturbed or impacted under this part shall be replaced at a ratio of one-to-one.

City/County	Critical Area	Description	Mitigation
LUC 20.25H.150 (Designation of critical area) 20.25H.155 (uses in habitat for species of local importance) 20.25H.160 (performance standards)	Habitat Associated with Species of Local Importance	Buffers depend if they're required for known species or are 35 feet for naturally occurring ponds w/o any other CA designation. Utility facilities and poles are allowed within habitat associated with species of local importance subject to the following performance standards (LUC 20.25H.160): If habitat associated with species of local importance will be impacted by a proposal, the proposal shall implement the wildlife management plan developed by the Department of Fish and Wildlife for such species. Where the habitat does not include any other critical area or critical area buffer, compliance with the wildlife management plan shall constitute compliance with this part.	No additional mitigation measures.
City of Newcastle Municipal Code (NMC), Chapter 18.24 Critical Areas			
NMC 18.24.130 (mitigation and monitoring) 18.24.135 (off-site mitigation)	General		A. If mitigation is required to compensate for adverse impacts, unless otherwise provided, an applicant shall: 1. Mitigate adverse impacts to: a. Critical areas and their buffers; and b. The development proposal as a result of the proposed alterations on or near the critical areas; and 2. Monitor the performance of any required mitigation. On-site mitigation is preferred, but off-site mitigation (in same drainage subbasin as development proposal site) can be approved if on-site isn't practical and off-site mitigation will achieve equivalent or greater hydrological, water quality and wetland or aquatic area functions.

City/County	Critical Area	Description	Mitigation
NMC 18.24.310 (categories) 18.24.315 (Buffers) 18.24.316 (development standards) 18.24.320 (permitted alterations) 18.24.325 (specific mitigation requirements)	Wetlands	Wetlands are classified into Category I, II, III, and IV based on the Ecology Wetland Rating System. Buffers range between 25 and 225 feet depending on Category and land use. If no practical alternative location exists utility facilities and poles can be located within wetland buffers if: 1. The utility corridor is not located in a buffer where the buffer or associated wetland is used as a fish spawning area or by species listed as endangered or threatened by the state or federal government or contains critical or outstanding actual habitat for those species or heron rookeries or raptor nesting trees; 2. The construction area and resulting utility corridor are the minimum widths practical; 3. Except as provided in subsection (G) of this section, the utility corridor is located within the outer 25 percent of the buffer or within a roadway, the improved area of an existing utility corridor or the improved area of an approved trail; 4. The wetland and its buffer are protected during utility corridor construction and maintenance; 5. The utility corridor is aligned to avoid cutting significant trees, to the maximum extent practical; 6. Vegetation removal is limited to the minimum necessary to construct the corridor; 7. Vegetation removal for the purpose of corridor maintenance is the minimum necessary to maintain the utility's function; 8. Any corridor access for maintenance is at specific points into the buffer rather than by a parallel road, to the maximum extent	In addition to general mitigation requirements, mitigation for wetland or wetland buffer impacts: A. Mitigation measures must achieve equivalent or greater wetland functions, including, but not limited to: 1. Habitat complexity, connectivity and other biological functions; and 2. Seasonal hydrological dynamics, as provided in the King County Surface Water Design Manual; B. The following ratios of area of mitigation to area of alteration apply to mitigation measures: 1. For alterations to a wetland buffer, a ratio of one to one; and 2. For alterations to a wetland, proposed mitigation shall be in compliance with the acreage replacement ratios in NMC 18.24.325. C. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance Wetland Mitigation in Washington State Parts I and II (Ecology Publication No. 06-06-011a-b, Olympia, WA, March 2006), the administrator may allow mitigation based on the "credit/debit" method developed by the Department of Ecology in Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report.

City/County	Critical Area	Description	Mitigation
		practical; 9. If the department determines that a parallel maintenance road is necessary, the following conditions shall be complied with: a. The width of the roadway shall be as small as possible and not greater than 15 feet; and b. The location of the roadway shall be contiguous to the utility corridor on the side farthest from the wetland; Development subject to performance standards (18.24.316) and mitigation.	
NMC 18.24.306 (classifications) 18.24.307 (development standards) 18.24.308 (permitted alterations) 18.24.309 (specific mitigation requirements)	Streams	Streams are classified as Types, F, Np, and Ns based on the WDNR typing system. Buffers range between 25 and 200 feet. If no practical alternative location exists utility corridors in stream buffers are allowed if: 1. The utility corridor is not located in a buffer where the buffer or associated stream is used by species listed as endangered or threatened by the state or federal government or contains critical or outstanding actual habitat for those species or heron rookeries or raptor nesting trees: 2. The construction area and resulting utility corridor are the minimum widths practical; 3. Except as provided in subsection (E) of this section, the utility corridor is located within the outer 25 percent of the buffer or within a roadway, the improved area of an existing utility corridor or the improved area of an approved trail; 4. The stream and its buffer are protected during utility corridor construction and maintenance; 5. The utility corridor is aligned to avoid	In addition to general mitigation requirements, mitigation for streams or their buffers is required to include: 1. For permanent alterations, restoration or enhancement of the altered stream or buffer, as determined by the city, using the following formulae: a. For mitigation on site: i. Correcting the adverse impact to any class of stream by repairing, rehabilitating or restoring the affected stream or buffer shall be on a 1:1 areal and functional basis; ii. Enhancement or restoration which is not mitigation of an alteration associated with a Type F, Np or Ns stream shall be on a 1.5:1 area and functional basis; iii. Enhancement or restoration which is not mitigation of an alteration associated with a Type S stream shall be on a 2:1 area and functional basis; b. For mitigation off site: i. Enhancement or restoration which is not mitigation of an alteration associated with a Type F, Np or Ns stream shall be on a 2:1 area and functional basis; ii. Enhancement or restoration which is not mitigation of an

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		cutting significant trees, to the maximum extent practical; 6. Vegetation removal is limited to the minimum necessary to construct the corridor; 7. Vegetation removal for the purpose of corridor maintenance is the minimum necessary to maintain the utility's function; 8. Any corridor access for maintenance is at specific points into the buffer rather than by a parallel road, to the maximum extent practical; 9. If the department determines that a parallel maintenance road is necessary, the following conditions shall be complied with: a. The width of the roadway shall be as small as possible and not greater than 15 feet; and b. The location of the roadway shall be contiguous to the utility corridor on the side farthest from the stream; and subject to mitigation	alteration associated with a Type S stream shall be on a 3:1 area and functional basis; and 2. For temporary alterations, restoration of the altered stream or buffer, as determined by the city; Off-site mitigation is only approved if it isn't practical to mitigate on site and it will achieve biologic, habitat, and hydrologic functions equivalent to or better than on-site mitigation.
NMC 18.24.302	Fish and Wildlife Habitat Conservation Areas	Designated FWHCAs include: areas with which state or federally designated endangered, threatened, and sensitive species have a primary association; state priority habitats and areas associated with state priority species; state-designated priority habitat or critical habitat for state-designated species; habitats and species of local importance; naturally occurring ponds under 20 acres; waters of the state; lakes, ponds, streams, and rivers planted with game fish; and land useful for preserving habitat and open space connections. Buffers based on a CAR. Utility facilities and poles located in FWHCAs subject to	Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biological functions. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis. Mitigation shall be detailed in a fish and wildlife habitat conservation area mitigation plan, which may include the following as necessary: a. A native vegetation plan; b. Plans for retention, enhancement or restoration of specific habitat features; c. Plans for control of nonnative invasive plant or wildlife species; and d. Stipulations for use of innovative, sustainable building practices.

City/County	Critical Area	Description	Mitigation
		development standards (18.24.305) and mitigation.	
City of Renton Municipal Code (RMC) Chapter 4-3-050			
RMC 4-3-050.C.3 (exemptions - critical areas and buffers) RMC 4-3-050.G.2 (critical area buffers and structure setbacks from buffers) RMC 4-3-050.L. (mitigation maintenance and monitoring)	General	Utilities may be located within geologic hazard areas, habitat conservation areas, streams and lakes (Types F, Np, & Ns), and wetlands when they area within existing and improved public road rights-of-way or easements. If activities exceed the existing improved area or the public right-of-way, this exemption does not apply. Where applicable, restoration of disturbed areas would need to be conducted. Overbuilding or replacement of existing utility systems may occur in geologic hazard areas, habitat conservation areas, or wetlands if the work does not increase the footprint of the structure or line by more than 10% within the critical area and/or buffer areas, and occurs in the existing right-of-way boundary or easement boundary.	Mitigation shall be provided on site, unless on-site mitigation is not scientifically feasible due to physical features of the property. The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on site. When mitigation cannot be provided on site, mitigation shall be provided in the immediate vicinity of the permitted activity on property owned or controlled by the applicant, and identified as such through a recorded document such as an easement or covenant, provided such mitigation is beneficial to the habitat area and associated resources. In-kind mitigation shall be provided except when the applicant demonstrates and the City concurs that greater functional and habitat value can be achieved through out-of-kind mitigation. When a mitigation plan is required, the proponent shall submit a final mitigation plan for the approval of the Administrator prior to the issuance of building or construction permits for development. The proponent shall receive written approval of the mitigation plan prior to commencement of any construction activity. Where the City requires increased buffers rather than standard buffers, it shall be noted on the subdivision plan and/or site plan.

City/County	Critical Area	Description	Mitigation
RMC 4-3-050.G.2 (critical area buffers and structure setbacks from buffers) RMC 4-3-050.6	Habitat Conservation Areas	Critical Habitats are habitats that have a primary association with the documented presence of non-salmonid or salmonid species (RMC 4-3-090.L1)) species proposed or listed by the Federal government or State of Washington as endangered, threatened, sensitive and/or of local importance. Buffers consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity, functions and values of the affected habitat. Critical area buffer widths are established based on: (1) the type and intensity of human activity proposed, (2) recommendations contained within a habitat assessment report, and (3) management recommendations issued by the Washington Department of Fish and Wildlife. Structure setback beyond the buffer is 15 ft.	The Administrator may approve mitigation to compensate for adverse impacts of a development proposal to habitat conservation areas through use of a federally and/or state certified mitigation bank or in-lieu fee program. See RMC 4-3-050.L.
RMC 4-3-050.G.2 (critical area buffers and structure setbacks from buffers) RMC 4-3-050.G.7 (streams and lakes) RMC 4-3-050.J.2 (Alterations to Critical Areas) 4-3-050.I.2 (Alterations to Critical Areas Buffers)	Streams and Lakes	Streams are classified as Type S, F, Np, and Ns based on the WDNR permanent water typing system (WAC 222-16-030). Buffers range between 50 and 175 feet. Structure setback beyond the buffer is 15 ft. Permit approval for projects on or near regulated Type F, Np and Ns water bodies are only granted if no net loss of regulated riparian area or shoreline ecological function in the drainage basin would occur and one of the following conditions is met: (1) project would meet the standard provisions of RMC 4-3-050.7, (2) project would meet alternative administrative standard provisions of	

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		RMC 4-3-050.7, or (3) a variance is acquired. New utility lines and facilities may be permitted to cross water bodies in accordance with an approved stream/lake study, if : fish and wildlife habitat areas are avoided to the maximum extent possible; utilities are designed to bore beneath the scour depth and hyporheic zone of the water body and channel migration zone, cross at the centerline of the stream channel at an angle greater than 60 degrees, or have crossings be contained within the footprint of an existing road or utility crossing; new utility routes avoid paralleling the stream or following a down-valley course near the channel; utility installation does not increase or decrease the natural rate of shore migration or channel migration; seasonal work windows are determined and made a condition of approval; and mitigation criteria of subsection L of RMC 4-3-050 are met.	
RMC 4-3-050.G.2 (critical area buffers and structure setbacks from buffers) RMC 4-3-050.G.8 (wellhead protection areas)	Wellhead Protection Areas	Wellhead Protection Areas are the portion of an aquifer within the zone of capture and recharge area for a well or well field owned or operated by the City. They are delineated into zones based on the Renton Wellhead Protection Plan. These include Zone 1, Zone 1 Modified, and Zone 2. There are no critical area buffers. Construction activities within zones 1 and 2 must comply with RMC 4-3-050.G.8.	

City/County	Critical Area	Description	Mitigation
RMC 4-3-050.G.2 (critical area buffers and structure setbacks from buffers) RMC 4-3-050.G.9 (wetlands) RMC 4-3.050.J.4 RMC 4-3-050.I.3 (Alterations to Critical Areas Buffers)	Wetlands	Wetlands are classified into Category I, II, III, and IV based on the Ecology Wetland Rating System. Buffers range between 0 and 200 feet depending on Category and land use. Structure setback beyond the buffer is 15 ft. for all uses and all wetland types. Utilities can be located within wetland buffers if they are located within an existing and improved public road rights-of-way or easements. Overbuilding or replacement of existing utility systems may occur in wetlands if the work does not increase the footprint of the structure or line by more than 10% within the critical area and/or buffer areas and occurs in the existing right-of-way or easement boundary. Development subject to performance standards (4-3-050.G) and mitigation.	Compensatory mitigation for wetland alterations shall be based on the wetland category and the type of mitigation activity proposed. The replacement ratio shall be based on wetland category. The created, re-established, rehabilitated, or enhanced wetland area shall at a minimum provide a level of functions equivalent to the wetland being altered and shall be located in an appropriate landscape setting.