

Proposed UDC Amendments

Pursuant to Review of Best Available Science (Christensen 2004)

Note: All references to Fish and Wildlife Habitat Areas (FWHAs) in the UDC to be changed to Fish and Wildlife Habitat Conservation Areas (FWHCAs). These include, but are not limited to, references in Sections 1, 2, and 3.

UDC SECTION 3 – LAND USE DISTRICTS

Note: Table of Contents to be modified appropriately.

3.6.7 Geologically Hazardous Areas

a. Classification/Designation

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(2) **Designation.** The following erosion, landslide, ~~and~~ seismic, and channel migration zone (CMZ) hazard areas shall be subject to the standards of this section:

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iv. Channel Migration Zones (CMZs). Areas subject to the natural movement of stream channel meanders. In the High Risk CMZ area, channel migration is likely within the next 100 years; in the Moderate Risk CMZ area, channel migration is possible in the next 100 years. Areas protected from channel movement due to the existence of permanent levees or infrastructure improvements such as roads and bridges constructed and maintained by public agencies are excluded from the High or Moderate Risk designation. These areas also do not include areas outside the meander hazard which may be subject to rapid movement of the entire stream channel or avulsion.

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(3) **Sources Used for Identification.**

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vii. US Department of the Interior, Bureau of Reclamation. 2004. Channel Migration Zone Study for the Duckabush, Dosewallips, Big Quilcene and Little Quilcene Rivers, Jefferson County, Washington. Denver, CO.

viii. Perkins Geoscience. 2004. Channel Migration Hazard Maps for the Dosewallips, Duckabush, Big Quilcene and Little Quilcene Rivers, Jefferson County, Washington. Seattle, WA.

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b. Protection **Standards.**

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(6) **Buffers – Standard Requirements.**

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vii. A building setback line is required to be five (5) feet from the edge of any buffer area for a landslide hazard area OR to outside the full extent of the High Risk channel migration zone, whichever is greater.

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3.6.8 Fish and Wildlife Habitat **Conservation** Areas.¹

- a. **Classification/Designation.** ~~Fish and wildlife habitat areas~~Fish and Wildlife Habitat Conservation Areas (FWHCAs) include both aquatic and terrestrial areas within Jefferson County. The approximate location and extent of critical ~~fish and wildlife habitat areas~~Fish and Wildlife Habitat Conservation Areas are displayed in the Washington Department of Fish & Wildlife's (WDFW) Priority Habitat and Species (PHS) Program database, and Jefferson County's Core Wildlife Habitat Conservation Areas database. The following designations shall be used in classifying ~~ESAs environmentally critical areas~~ to be regulated under this section.
- ~~(1)~~ (1) Those waters that meet the criteria for type S, F, Np, and Ns as set forth in Chapter 222-16-030 and Chapter 222-16-031 WAC. Included in this definition are streams, lakes, and marine waters that are regulated under RCW 90.58 RCW, Shoreline Management Act, and wetlands associated to regulated water bodies.
 - ~~(4)~~(2) Areas that are recognized by Federal or State agencies for which federal or state endangered, threatened, and sensitive species of fish and wildlife have a primary association. This includes known locations of nests, rookeries, or other breeding areas; and habitat areas targeted for preservation by Federal, State and/or local government which provide wildlife habitat benefits.
 - ~~(3)~~ (3) Areas that contain habitats and species of local importance, including areas identified as Core Wildlife Habitat in Jefferson County's Wildlife Habitat Conservation Areas database.
 - ~~(3)~~Those waters that meet the criteria for type 1, 2, 3, 4 and 5 streams as set forth in Chapter 222-16-030 WAC.
 - ~~(4)~~ (4) Areas with which federal or state endangered, threatened, and sensitive species of fish and wildlife have a primary association.
- b. **Sources Used for Identification.** Sources used to identify ~~fish and wildlife habitat areas~~Fish and Wildlife Habitat Conservation Areas include, but are not limited to:
- (1) United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory.
 - (2) Washington State Department of Natural Resources, Water Type Index Maps.
 - (3) Washington State Department of Fish and Wildlife, Non-Game and Priority Habitats and Species Data Bases.
 - (4) Jefferson County Shoreline Master Program and associated inventory and analysis.
 - (5) National Wetlands Inventory database.
 - (6) Coastal Zone Atlas, Jefferson County.
 - (7) WRIA 16, WRIA 17, WRIA 20, and WRIA 21 Limiting Factors Analyses.
 - (8) Jefferson County's Core Wildlife Habitat Conservation Areas database.

¹ As stated above, all references to Fish and Wildlife Habitat Areas (FWHAs) in this section and the UDC as a whole will be replaced with Fish and Wildlife Habitat Conservation Areas (FWHCAs).

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e. Regulated Activities.

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(2) All land divisions...

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ii. The applicant must submit a Habitat Management Plan if the proposal is located within a designated Core Wildlife Habitat Area or Corridor, unless the proposal is for a PRRD, as regulated in Section 3 of this Code. The Habitat Management Plan must demonstrate that the land division and subsequent development will not result in fragmentation and loss of wildlife habitat function.

iii. After preliminary approval...

iv. Buffer areas...

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(4) Bank Stabilization.

i. A stream channel and bank, bluff, and shoreline may be stabilized when naturally occurring earth movement threatens existing legal structures (structure is defined for this purpose as those requiring a Building Permit pursuant to the ~~Uniform~~-Building Code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of fish habitat or improved water quality, as demonstrated through a Habitat Management Plan or equivalent study or assessment. Bluff, bank and shoreline stabilization shall follow the standards of the Jefferson County Shoreline Master Program, Geologically Hazardous Areas provision in this Section, and the Floodplain Management Ordinance.

ii. The Administrator ~~may~~ shall require that bank stabilization be designed by a professional engineer licensed in the State of Washington with demonstrated expertise in hydraulic actions of shorelines. For bank stabilization projects within FWHCAs, the applicant must provide a geotechnical report that demonstrates that emphasis shall be placed on bioengineering solutions (vegetation versus hard surfaces) unless proved by the applicant to be are infeasible. The report must document the engineering rationale why bioengineering solutions are infeasible in a manner which can be confirmed by review by other engineering professionals. Bank stabilization projects may also require a Hydraulic Project Approval from the Washington Department of Fish and Wildlife which will be determined after consultation with WDFW.

(5) **Gravel Mining.** Gravel mining is discouraged within FWHAs or their buffers, and it shall not be permitted if it causes unmitigatable significant adverse impacts, but it may be allowed following the review and approval of a Habitat Management Plan, including a detailed mining and reclamation plan pursuant to the applicable performance standards in Section 4 (Mineral Extraction) or as otherwise required in this Code.

(6) **Forest Practices, Class IV General.** Timber harvesting with associated development activity involving land conversions from Forest Use, or otherwise meeting the DNR definition as a Class IV General application, shall comply with the provisions of this Section, including the maintenance of buffers, where required. Proposals corresponding with Class IV General applications and located within a designated Core Wildlife Habitat Area or Corridor must either conform to the minimum standards of UDC Section 4.16.7 or include a Habitat Management Plan that demonstrates that the activity will not be detrimental to the function of the Core Wildlife Habitat Area or Corridor.

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g. **Protection Standards.**

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(4) **Vegetation Retention.**

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iv. Vegetation in a delineated channel migration zone (CMZ) shall be managed consistent with DNR Forest and Fish rules for timber harvest, which encourage the development of mature trees to provide a source of habitat-forming large woody debris (LWD). [222-30-020(12) WAC]

(5) **Buffers – Standard Requirements.**

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v. Standard streamside buffer widths shall be applied to each side of the stream waterbody in accordance with Table 3-2.

~~Table 3-2. Standard Streamside Buffers.~~

<u>Stream Type</u>	<u>Buffer Widths</u>
Type 1 & 2	150 ft
Type 3	100 ft
Type 4	100 ft
Type 5	50 ft

Note: Stream type shall be determined using the criteria set forth in Chapter 222-16-030 WAC.

Table 3-2. Standard Streamside Buffers.

<u>Stream Type</u>	<u>Buffer Widths</u>
<u>Category S</u>	<u>150 ft</u>
<u>Category F</u>	<u>150 ft</u>
<u>Category Np</u>	<u>100 ft</u>
<u>Category Ns</u>	<u>50 ft</u>

Note: Stream type shall be determined using the criteria set forth in Chapter 222-16-030 WAC (Chapter 222-16-031 WAC until adoption by the Forest Practices Board)

vi. The standard marine shoreline buffer width shall be 100 feet. The first 50 feet of the buffer is an “inner core” buffer to be regulated as per buffers listed in Table 3-2. The next 50 feet of buffer is to be managed for low impact as an “outer core” buffer. In the outer core buffer, native vegetation is encouraged. If landscaping or lawn is to be planted, pesticides—including herbicides—and fertilizers shall be prohibited to maintain the non-native vegetation.

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(7) **Increasing Buffer Widths.**

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~~iv. If the FWHA lies within an area where there is evidence of a migrating stream or river channel, increased protection will be necessary. Based upon site habitat conditions and species presence, the buffer may be extended.~~

~~v. iv.~~ If streams are located in ravines...

3.6.9 Wetlands.

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d. Protection Standards.

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Table 3-3. Minimum Wetland Buffers Necessary as part of Qualifying for a Waiver from Delineation and Special Report Requirements^(1, 2,3)

Wetland Category	Required Distance from Estimated Wetland Boundary (feet) ⁽⁴⁾
I	225 300
II	150
III	75
IV	37 52

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Table 3-4. Standard Buffer Widths for Wetlands

Wetland Category	Standard Buffer Width
I	150 200 ft
II	100 ft
III	50 ft
IV	25 35 ft

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3.6.13 Planned Rural Residential Developments (PRRDs).

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10. Modification of Permitted Densities – Density Bonuses.

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d. Criteria for Approval of Bonus Densities.

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(5) **Environmental Design.** Items for consideration under this criterion include on-site designs providing regional benefits, including drainage control using natural drainage and landscaped drainage retention facilities; flood control measures, particularly those measures serving regional needs; significant public access provided to designated potential open space or park areas, shoreline areas, trails, scenic sites and viewpoints; provision for substantial and exceptional landscape treatment; preservation of critical fish and wildlife habitat ~~identified for threatened and endangered species~~; and the use of recycled materials and resource conserving designs.

[End]