



**RIDGEFIELD PLANNING COMMISSION  
MEETING AGENDA**

**Wednesday, April 1, 2026  
RACC - Columbia Assembly Room  
510 Pioneer Street, Ridgefield, WA 98642**

**I. GENERAL SESSION CALL TO ORDER - 6:30 PM**

- 1. Flag Salute**
- 2. Roll Call**
- 3. Late changes to the agenda**

**II. PUBLIC COMMENT**

Anyone requesting to speak to the Commission regarding all items not subject to a specific Public Hearing may come forward at this time. Please state your name and limit comments to three minutes. Written comments may be submitted to the Clerk prior to the meeting.

**III. CONSENT AGENDA**

- 1. Approval of Minutes from the 03/04/2026 Meeting**

**IV. PUBLIC HEARING**

- 1. Public Hearing: Critical Areas Ordinance Amendments - Claire Lust, Community Development Director**

**V. PUBLIC COMMENT**

Anyone requesting to speak to the Commission regarding all items not subject to a specific Public Hearing may come forward at this time. Please state your name and limit comments to three minutes. Written comments may be submitted to the Clerk prior to the meeting.

**VI. STAFF REPORTS**

**VII. FROM THE COMMISSION**

**VIII. ADJOURN**

**CITY OF RIDGEFIELD  
REQUEST FOR COMMISSION ACTION**

**MEETING DATE:** April 1, 2026

**AGENDA ITEM NAME:** Approval of Minutes from the 03/04/2026 Meeting

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**SUMMARY/BACKGROUND:**

**STAFF CONTACT:**

**ATTACHMENTS:**

1. 03.04.2026 Minutes



**CITY OF RIDGEFIELD, WASHINGTON  
PLANNING COMMISSION MEETING MINUTES  
MARCH 4, 2026**

**Regular Meeting - 6:30 PM**

**I. GENERAL SESSION CALL TO ORDER - 6:30 PM**

**1. Flag Salute**

**2. Roll Call**

**Present:**

Vice Chair Patrick Flynn  
Commission Member Niall Glavin  
Commission Member Jeffrey  
Borchardt  
Commission Member Steven Moylan  
Commission Member Justin Raczak  
Commission Member Heather Gordon

Commissioner Borchardt moved to excuse Chair Tyler. Seconded by Commissioner Glavin. Ayes all. Motion passed unanimously.

**3. Late changes to the agenda**

No late changes to the agenda.

**II. PUBLIC COMMENT**

Anyone requesting to speak to the Commission regarding all items not subject to a specific Public Hearing may come forward at this time. Please state your name and limit comments to three minutes. Written comments may be submitted to the Clerk prior to the meeting.

No public comments provided.

**III. CONSENT AGENDA**

**1. Approval of Minutes from the 02/04/2026 Meeting**

Commissioner Borchardt moved to accept the minutes as presented. Seconded by Commissioner Gordon. Ayes all. Motion passed unanimously.

**IV. BUSINESS**

**1. Critical Areas Ordinance: Project Updates and Draft Code Amendments - Claire Lust, Community Development Director**

Claire Lust, Community Development Director, introduced Eric Eisemann and Kevin Gross. Mr. Eisemann led the presentation of the Critical Areas Ordinance: Project Updates and Draft Code Amendments.

Discussion occurred regarding supporting viable connected populations.

Discussion occurred regarding receiving off the record feedback from applicable state agencies prior to when the formal review period begins.

Discussion occurred regarding whether the Public Works and Trails Departments have reviewed the draft.

Discussion occurred regarding buffers around streams.

Discussion occurred regarding buffers around steep slopes.

Discussion occurred regarding mitigation banks.

Discussion occurred regarding whether the City has maps of high quality wetlands within the city limits.

Discussion occurred regarding whether the City has a list of properties to use as mitigation sites.

Discussion occurred regarding leaving habitat areas unmitigated.

Discussion occurred regarding enhancements.

Discussion occurred regarding whether there is a time frame for mitigation plantings to occur.

Discussion occurred regarding injection wells.

Discussion occurred regarding septic systems.

Discussion occurred regarding underground storage tanks.

Discussion occurred regarding CARA 1 reviews.

Discussion occurred regarding definitions.

Discussion occurred regarding having an administrative cap on fees for 3rd party reviews.

Discussion occurred regarding buffer reduction and buffer averaging.

Discussion occurred regarding the 60-day review period.

## **V. PUBLIC COMMENT**

Anyone requesting to speak to the Commission regarding all items not subject to a specific Public Hearing may come forward at this time. Please state your name and limit comments to three minutes. Written comments may be submitted to the Clerk prior to the meeting.

No public comments provided.

**VI. STAFF REPORTS**

Claire Lust, Community Development Director, advised the State of the City is March 17th at 6:00 PM.

**VII. FROM THE COMMISSION**

Commissioner Gordon visited Storybook Hollow Park, and she is excited that the City has a park like it.

Vice Chair Flynn thanked the City staff, Mr. Eisemann and Mr. Gross.

**VIII. ADJOURN**

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Trina Siebert, Planning Commission Clerk

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Mark Tyler, Chair

**CITY OF RIDGEFIELD  
REQUEST FOR COMMISSION ACTION**

**MEETING DATE:** April 1, 2026

**AGENDA ITEM NAME:** Public Hearing: Critical Areas Ordinance Amendments

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**SUMMARY/BACKGROUND:**

State law requires local jurisdictions to update their critical area regulations approximately every ten years. The city's consultant team prepared a set of potential amendments to the Ridgefield Development Code, Chapter 18.280, Critical Areas, for consideration by Planning Commission and City Council. The topics addressed in the amendment package are the result of staff input, changes in state legislation, changes to Best Available Science (BAS) guidelines, and stakeholder interviews (including state agencies, Clark County staff, and representatives of the development community). The goals of the proposed amendments are to better protect and manage critical areas locally and to provide clear and objective critical area standards for future development of the city.

In the February 4, 2026 Planning Commission packet, staff shared a report, prepared by the consultants, which outlined key issues relating to the current update of Chapter 18.280 including Avoidance, Mitigation, Buffer widths, and Critical aquifer recharge areas. The report provided a thematic synopsis, as well as detailed interview notes, of the central observations the stakeholder raised during the interview process. The report introduced several questions the Planning Commission might consider during their deliberations regarding amendments to Chapter 18.280.

In the March 4<sup>th</sup> Planning Commission packet, staff shared the final stakeholder interview notes, a table outlining proposed amendments to Chapter 18.280, and the First Draft of the amendments presented in legislative underline/strikethrough format. The consultants presented their key findings and proposals at the March 4<sup>th</sup> Planning Commission meeting and Commissioners provided feedback.

The Planning Commission will conduct a public hearing on the proposed amendment package and make recommendations to Council on April 1, 2026. Included in this packet are a report following up on questions and comments from the March 4 meeting, an updated summary table of the proposed amendments to Chapter 18.280, and a draft of the amendments presented in legislative underline/strikethrough format.

Following the Planning Commission hearing, staff will send the proposed amendments to the Department of Commerce for a mandatory 60-day review. The City Council will review the proposed amendments and Planning Commission's recommendations beginning in late April and will conclude the public review and adoption process in June of 2026.

**STAFF CONTACT:** Claire Lust, Community Development Director

**ATTACHMENTS:**

1. CAO Consultants' report - for April 1 PC v 3-25-26 amended

2. Summary of CAO 18.280 Development Amendments 3-25-2026
3. Chapter\_18.280\_\_\_CRITICAL\_AREAS\_PROTECTION AMENDED Feb-24-26

# Ridgefield Critical Area Ordinance (CAO)

## Planning Commission Meeting:

### March 4, 2026 Critical Area Update Conversation Notes

✓ *Have the Parks and Engineering Department staff provided any feedback regarding the proposed amendments?*

Response.

Parks: The consultants sent Corey Crownhart, Park and Recreation Manager, the proposed amendments and supporting documents. The email highlighted the possible changes regarding trails in the outer 25% of wetland and riparian buffers and also inquired whether staff knew of potential candidates for city-owned mitigation enhancement areas.

Mr. Crownhart responded:

- 1. If amending RCM18.280.150.C.1, the city should also consider amending the Engineering Standards Vol. 3 to reference the new code, specifically in Chapter 2 - Trails.  
<https://ridgefieldwa.us/DocumentCenter/View/3061/2025-Engineering-Standards-Volume-3-PDF>
- 2. There are a number of places that are possible enhancement areas. He forwarded our inquiry to the city’s O&M Supervisor and Stormwater Program Supervisor.

Engineering: The consultants sent Bryan Kast, City Engineer, the proposed amendments and supporting documents. The email highlighted the proposed changes to the CARA Section.

Mr. Kast responded:

- 1. The city does not prohibit drywells or other infiltration stormwater BMPs.
- 2. The clay soils in Ridgefield are not conducive to infiltration.
- 3. He discussed the Underground Injection Control (UIC) question with Sean Mulderig, Ridgefield Stormwater Program Supervisor, who reported:  
Ridgefield currently has 19 UICs mapped based on existing as-built data, not all of them have been verified, registered (to our knowledge), nor have they been assessed for risk level. Our UIC program plan is integrated into our SWMP, and the city will start a formal UIC existing well assessment either this year or in 2027.
- 4. Mr. Kast said he had no additional comments on the proposed amendments to the CAO.

✓ *How does the CAO encourage wildlife corridors and their viability?*

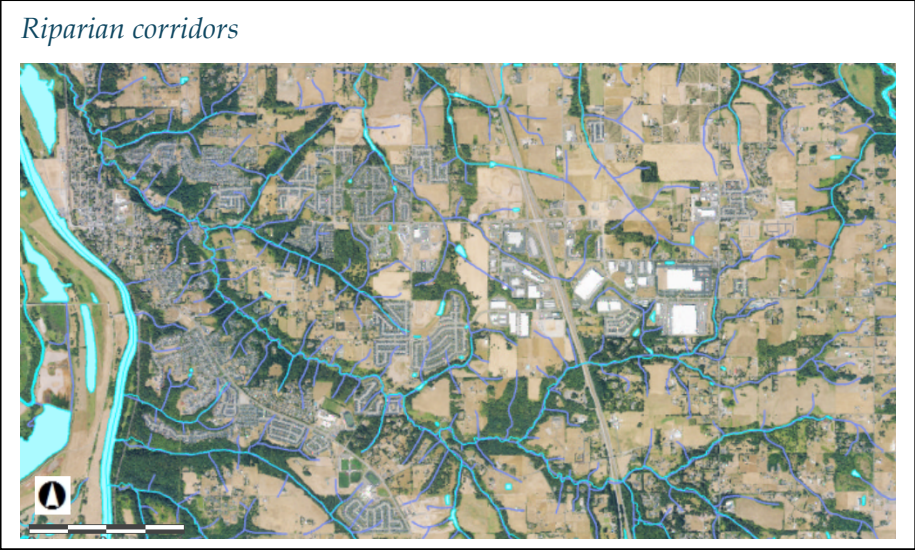
Response.

Wildlife corridors include flyways and riparian corridors along streams. Waterfowl loafing and feeding areas were once associated with the open agricultural fields in the Junction region. Subsequent development, approved by the city and state agencies has eliminated most of the Junction loafing areas. The Ridgefield National Wildlife Area as well as the city’s Shoreline Master Program now provide the greatest protection for waterfowl habitat along with ponds in channels created for livestock.

The city’s critical area and SEPA programs have succeeded in protecting portions of several riparian corridors including Lake River, Gee Creek, Allen Canyon Creek, McCormick Creek and smaller streams. The Lake River corridor which connects to the Wildlife Refuge and south towards Lake Vancouver provides is a significant wildlife corridor although the railroad tracks and the Port District have long constrained wildlife movement. It is true that pre-existing roadways such as Pioneer Street, Hillhurst Road, North Main Avenue, Royle Road and other lesser county roads disrupt corridor continuity. However, from the perspective of an aerial view, one can see that the city’s implementation of its critical

regulations has resulted in an extensive network of riparian wildlife corridors.

? *Why does the city regulate intermittent streams (NP and NS streams) as habitat corridors?*



Response.

RDC 18.100 defines streams as, “Those areas where surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction. A channel or bed need not contain water year-round; provided that there is evidence of at least intermittent flow during years of normal rainfall. Many of the smaller, often seasonal, streams do not provide year-round fish habitat.”

The [Washington Department of Natural Resources](#) defines a Np and Ns streams as follows:

- *Np (Non fish perennial) - “Streams that have flow year-round and may have spatially intermittent dry reaches downstream of perennial flow during normal rainfall years. Type Np streams do not meet the default physical criteria of a Type F stream. Type Np also includes streams that have been proven not to contain fish or fish habitat using methods described in [Forest Practices Board Manual Section 23](#).*
- *Ns (Non-fish season) – “Streams that do not have surface flow during at least some portion of the year, and do not meet the physical criteria of a Type F stream, and are connected to a higher order typed water, such as Type Np or Type F.”*

The WDNR stream mapping tool is accessed [here](#).

The state regulatory agencies argue that the proposed increase in Np and Ns buffer width based on SPTH<sub>200</sub> is supported by BAS. The benefits include feeding fish bearing streams with seasonal fresh water, modulating water temperature shifts, and providing shade and cover for animals which can create an important extension of the city’s wildlife corridors. However, the proposed increase in buffer width is heavily criticized by the Washington Forest Protection Association and other groups which are concerned that the wider buffer widths will have substantial impacts on timber economies as well as resulting in a loss of private property value.

In the figure below, the fish bearing streams in Ridgefield are dark blue and the non-fish bearing streams are cast in light blue.



The proposal before the Planning Commission responds to the regulatory agencies increase in SPTH<sub>200</sub> Np and Ns buffers AND provides the landowner with a clear choice should they chose to develop their land. Tables 18.280.110-1a adopts the new SPTH<sub>200</sub> buffer guidance. Table 18.280.110-1b maintains the buffer width that has been in place since 2013 abut requires enhancement of the buffer.

1. The owner/developer could accept the larger Np or Ns buffer widths.
2. The owner/developer may elect to use the current smaller buffer widths IF they implement a program to enhance the smaller buffers to achieve the functions and values of the larger buffer widths.

✓ Mitigation:

- ? *What is involved in setting up a City-operated Mitigation Bank?*
- ? *Does the city have a map of high quality wetlands?*

Response.

Wetland Mapping: The city relies on the mapping systems that state agencies such as [Fish and Wildlife](#) and Clark County MapsOnline provide to make a preliminary determination about the presence and possible category of a wetland.

Wetland Banking: The size requirements regulatory agencies impose for establishing wetland banks (typically 200 acres) would likely prohibit the city or any entity from establishing a state approved wetland bank in Ridgefield. Land values in the city are too high.

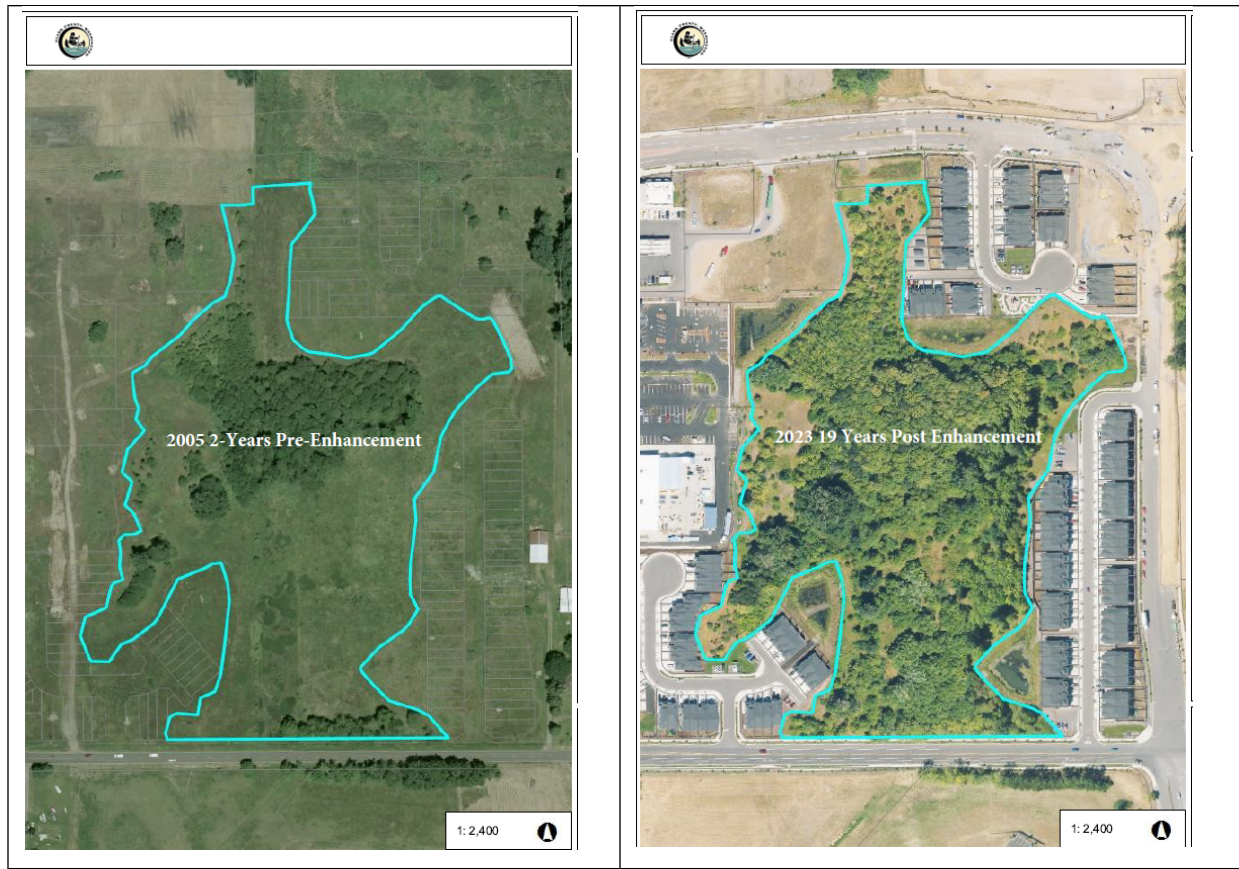
However, there may be an opportunity to do advanced mitigation within the UGB. (See [Ecology's information](#).) Advanced mitigation can only be used by the entity that establishes the advanced mitigation areas. There can be multiple sites under one approval.

✓ Enhancement:

- ? *It is a "Noble Cause" but may be too difficult to implement.*
- ? *What city-owned properties can be used as enhancement sites?*
- ? *Is there a phased approach to Enhancement? Short term - allow private off-site mitigation and Long term - create a city-operated mitigation bank.*
- ? *Is removal of invasive species part of enhancement? Other enhancement strategies that also qualify as enhancement?*
- ? *Is there a location in the city that could be left "unmitigated" so that it can become an enhancement area in the future?*

Response.

Enhancement opportunity - attached are two aerial photographs for property located east of the tractor supply development. The 2005 photo shows the property pre-enhancement (the initial planting occurred in 2007). Pre-enhancement the site is primarily open grassland. The 2023 shows the property 19 years post enhancement. Post enhancement the site is primarily forest/scrub/shrub which increases the wetland functions and values. There are likely similar opportunities using enhancement with the UGB.



? *Monitoring. How monitoring is done and what is the typical monitoring duration? What are the city's responsibilities?*

Response.

The proposed amendments do not substantively change the monitoring procedures and requirements in Chapter 18.280. Typically, the monitoring period typically ten years, depending on the resource and the intensity of the mitigation efforts. The applicant has the burden of hiring a firm to conduct the monitoring. In the past, it was up to the good will of the developer or the vigilance of the city to ensure that the reports were filed. Now, the regulatory agencies are more engaged in the monitoring process and the reports come in more regularly. If the monitoring reveals that the mitigation is not performing as planned, the burden is on the city and agencies to enforce the monitoring program.

? **CARA.**

? *If the entire city is a CARA II, does that create nonconforming problems for some existing uses?*

Response.

No, the new CARA regulations would only impact new development or substantial alterations of existing development.

? *Definitions. Keep the definitions section in 18.280.*

Response.

The critical area definitions will remain in chapter 118.280.

? *3rd Party Review: Could the city establish an internal cap on how large the 3rd party fees can be?*

Response.

Yes. The city could establish a fee cap as an administrative policy rather than establish the fee cap within RDC 18.280.

? *Comment and Adoption. Explain the 60-day formal comment period and final city Council adoption?*

Response.

After the Planning Commission’s April 1<sup>st</sup> public hearing the Commission will make a formal recommendation to the City Council regarding the amendments. Staff will adjust the proposed amendments accordingly and will send a copy to the Department of Commerce for the mandatory 60-day comment period. Commerce will circulate the city’s proposed amendments to interested state agencies (the agency Stakeholders we spoke with will now have an opportunity to comment formally.)

City staff will review and collate all agency comments into a document for City Council review. The Council may accept, modify or reject agency comments but it may not take final action until the 60-day period closes.

After the Council adopts the amendments to RDC 18.280, staff will send the final adopted regulations to the Department of Commerce. If the Council does not accept all or some of an agency’s comments, it may do so. However, the burden then shifts to the agencies, or anyone who testified during the hearing process, to file an appeal with the Western Washington Growth Management Hearing Board. The Hearing Board will adjudicate the appeal and issue a final order. A party to the appeal may appeal the decision to state court.

-- End --

## Critical Areas, RDC 18.280: Matrix of proposed amendments and reason for the change

March 24, 2026

Code Section	Proposed Amendment
<b>Definitions</b>	Several definitions are proposed. Some of the proposed definitions change the description of existing definitions. For example, several state agency representatives suggested that we more carefully define “qualified professional” and adopt agency language defining “Avoidance” and “CARA.” Some new definitions are the result of amending substantive code sections. For example, “Wellhead protection area” and “Enhancement” are concepts that take on more meaning in the proposed amendments.
18.100.110-A and 18.280.170 – New Definitions	<p><u>New definition.</u> Avoidance. Avoidance means the act of refraining from committing an act such as refraining from adversely impacting critical areas.</p> <p><u>New definition.</u> Enhancement means an increase or improvement in quality or extent of the functions and values of critical areas or their buffers. (See Ridgefield Comprehensive Plan, Policy EN-3, Restoration and enhancement. “Promote and facilitate ecosystem restoration and enhancement.”)</p> <p><u>New Definition.</u> Wellhead protection area (WHPA)" means protective areas associated with public drinking water sources established by water systems and approved or assigned by the state department of health. WAC 365-190-030(23).</p>
18.280.030 – Applicability and exemptions	A.1. Link critical area terms to the Definition section.
18.280.030 - Exemptions	B.4.b. Minor syntax change.
18.280.050 – Submittal requirements	<p>A. Add reference to the definition of a ‘qualified professional.’</p> <p>B.1. Tie the need for a ‘Critical Area Report’ to the definitions for critical areas in 18.280.015.A.</p>
18.280.170 - Definitions	Qualified professional. Amends language regarding licensing and qualifications recommended by several state agencies.
<b>Purposes and Procedures</b>	Many of the changes proposed in this section are the result of conversations with agency representatives; the item is marked ( <i>AGENCY</i> – identify the agency). There are a few changes that are the result of existing city practices or policies that, as a result of development review issues, we suggest should be corrected. These changes are marked ( <i>CITY</i> ) which are explained briefly. <i>STAKEHOLDERS</i> proposed some changes.
18.280.010 - Purposes	<p>A. Clarify that Chapter 18.280 applies to land within the city limits, not the UGA. (<i>AGENCY - Health</i>)</p> <p>D. <u>New section.</u> The city strongly encourages avoiding adverse impacts to critical areas and their buffers. The degradation of potable groundwater quality is strictly prohibited. (<i>AGENCY – Ecology and Health</i>)</p> <p>E. <u>New section.</u> If the city permits impacts to critical areas the city may require mitigation to occur on the project site or on city-owned or controlled lands within the city limits. (<i>CITY – this new purpose section supports the policy of encouraging some of the required mitigation to on site or within the city. It helps implement the Comprehensive Plan policy ENF-3 that encourages enhancement of critical areas.</i>)</p>

18.280.015 – Critical Areas	<u>New section.</u> Identify the five types of critical areas chapter 18.280 covers and tie the lit to the RCW and to the definition section of 18.280. <i>(AGENCY - Health)</i>
18.280.020 – General Provisions, No Net Loss	A. Identify critical areas no net loss applies to. No net loss of critical area function does not apply to wellhead protection areas because adverse impacts to potable drinking water are not acceptable. <i>(AGENCY - Health)</i>
18.280.020 – Relationship to other regulations	B. Clarify that when Chapter 18.280 and the city’s Shoreline Master Program (SMP) overlap, the SMP governs. Clarify that when regulations in chapter 18.280 are in conflict with other regulations in the RDC, the regulation which provides the greater protection of a critical area control. Insert Washington State Pollution Control Act. <i>(AGENCY – Health)</i>
18.280.020 – Regulatory flexibility	D. Delete the last two sentences which exempt domestic use site conditions from the critical area review process. The section is in conflict with state agency recommendations regarding Best Available Science (BAS) because it provided an exemption to BAS without a scientific basis. <i>(CITY &amp; AGENCY – Ecology pointed out that these sentences allow circumvention of BAS requirements. Also, the city experienced some issue wherein an applicant attempted to eliminate a required buffer to a wetland altogether.)</i>
	A.5 Increase area of buffer where harmful chemicals are prohibited from 25-feet to 50 feet. <i>(AGENCY – Health suggested to better safeguard drinking water)</i>
18.280.030 - Exemptions	B.6. Allow use of walk-behind motorized equipment for vegetation removal that does not cause ground compaction. <i>(STAKEHOLDER – use of this type of equipment is an agency recognized standard. Requiring hand removal greatly increases time required to maintain a buffer.)</i>
	B.7. Exempt application of pesticides, fungicides and herbicides beyond 50 feet of a critical area, other than a wellhead protection area, when applied by an applicator licensed in the State of Washington and subject to a city-issued permit. <i>(AGENCY – Health suggested clarifying where such materials could safely be used, particularly if used according to the label instructions.)</i>
	B.22 Adopt Ecology’s BAS recommendations for exempting wetlands 4,000 S.F. or smaller from critical area review. <i>(AGENCY – Ecology’s new BAS recommendation for small wetlands. Change from 5,000 s.f. to 4,000 s.f.)</i>
18.280.040 – Approval Process	A.2.b. Add WA Department of Health to list of agencies to consult for scientific opinions. <i>(AGENCY – Health request)</i>
	A.5. Minor text change. <i>(CITY)</i>
	B.1.b. Clarify that application of pesticides within a wellhead one year time of travel zone may require a critical area permit. <i>(Health and CITY – Health is concerned that chemicals can enter the groundwater supply too quickly. The city suggests using the 1-year time of travel as a metric.)</i>
	F.1. Exclude wellhead one year time of travel zone from requiring a critical area marker. <i>(Health – did not see the value in such signs as the zone of travel is not a regular polygon.)</i>
	F.3. Allow community development director to modify standards for critical area and buffer markers. <i>(CITY – provide the CD director with discretion to allow signage location based on characteristics of the buffer.)</i>

	I. Eliminate requirement for a 5-foot building or structure setback from a wellhead one-year time of travel zone. <i>(HEALTH – suggested that the 5-foot standard was not meaningful and could prohibit public works from constructing needed well and pump structures.)</i>
	J.1.b. Increase the required financial security from 110% to 125%. <i>(AGENCY – multiple – suggested the higher value is a more widely used practice.)</i>
18.280.050 – Submittal requirements	B.6. A written response outlining how a project will avoid probable impacts to critical areas and buffers and will cause no net loss of critical area functions and values. <i>(AGENCY – Ecology &amp; WDFW – the agencies suggest that Avoidance is the first step best practice supporting BAS. Procedurally, staff at the pre-app stage would instruct the applicant to provide written and/or visual evidence of how they first tried to avoid impacts on critical areas. The city may require an internal alternatives analysis to determine if the avoidance criteria have been met. At the development review stage, an application that does propose to impact critical areas but which does not include an analysis of avoidance would be technically incomplete.)</i>
	B.7. If the written response demonstrates that avoidance is not feasible, the application must include a rationale for minimizing impacts that cannot be avoided.
	C. Other Reports. Clarify that a critical area report may be required for critical areas that are listed in 18.280. <i>(AGENCY – Health – alert potential applicants what types of critical; area reports might be necessary.)</i>
	D.2. Critical; area report review. Allow third party review of critical area report if the applicant and a reviewing agency disagree about the scope, nature, findings, and recommendations of a critical area. Applicant shall pay for third party review. The community development director is authorized to make findings resolving the disagreement. <i>(STAKEHOLDER – This would establish a city-based mechanism to potentially resolve disputes between an applicant and a regulatory agency about critical area management. The Stakeholder believed that this would provide both flexibility regarding mitigation measures and certainty that there would be a final decision within a specific timeframe. Staff would set and administrative, rather than code based, cap on the cost of third party review.)</i>
	E. Mitigation plans. Mitigation plans do not apply to wellhead protection areas because the city prohibits adverse impacts to public drinking water. <i>(HEALTH – clarifies when mitigation plans are appropriate.)</i>
	Title. Add “Avoid, minimize, compensate, no net loss.” <i>(AGENCY – Ecology and Health – a housekeeping change that puts these actions under one heading.)</i>
18.280.060 – Approval criteria	A.1 Avoidance. Prior to the city authorizing minimization of impacts or compensatory compensation, the applicant shall demonstrate that Avoidance is not feasible. <i>(AGENCY – Ecology – Affirms the policy that an applicant must first consider Avoidance. To implement this policy, staff could develop a methodology that includes metrics to evaluate feasibility such as size of the project area, amount and type of impacts, cost to the applicant, and consistency with relevant Comprehensive Plan policies. )</i>
	C. Compensatory mitigation does not apply to wellhead protection areas because wellhead area may not be adversely impacted. <i>(AGENCY – Health – Continues the theme throughout the chapter that the city cannot approve a permit that degrades public drinking water sources.)</i>
	C.1. Compensatory mitigation should occur within the city’s corporate limits and UGA when feasible. <i>(CITY – this helps to implement the new policy purpose to improve the functions and values of critical areas within the city if possible.)</i>

	<p>C.2. Twenty five percent (25%) of compensatory mitigation shall occur on the project site, or, if it is not possible to achieve 25% compensatory mitigation on-site, then compensatory mitigation elsewhere within the city limits is preferred over off-site mitigation banks. <i>(CITY – to implement the new policy that some mitigation should be a direct benefit to the city’s environment, an applicant would first have to consider whether 25% of the required mitigation could be achieved on-site.)</i></p> <p>C.3. The city shall authorize wetland or habitat mitigation bank credits only after the applicant has demonstrated that any form of compensatory mitigation is not feasible on-site or elsewhere within the city limits. <i>(CITY - These approval criteria establish a process for evaluating the possibility of on-site mitigation, in-city mitigation, and offsite mitigation.)</i></p> <p>D. No net loss does not apply to impacts on public drinking water sources. Impacts on public drinking water sources are not permitted. <i>(AGENCY – Health.)</i></p>
18.280.080 – Minor exceptions	<p>A. clarify that the process for reviewing a request for a minor exception is governed by RDC 18.350 – Adjustments. <i>(CITY – clarifies which regulatory process the staff will use to evaluate a request to modify compliance with a standard – RDC 18.350 is the long-standing procedure process.)</i></p> <p>B.6. The city may not grant a minor exception that would allow impacts to public drinking water. <i>(AGENCY - Health – similar policy stated in a different subsection.)</i></p>
18.280.090 – Reasonable use and public utility exceptions	<p>B. Public utilities may not receive a minor exception that would allow adverse impacts to public drinking water. <i>(AGENCY - Health – similar policy stated in a different subsection.)</i></p>
18.280.110 – <b>Fish and Wildlife habitat conservation areas</b>	<p>B. Fish and Wildlife Habitat Conservation Areas and Riparian Buffers. This section adopts the WDFW Site Specific Tree Height 200 (SPTH<sub>200</sub>) recommendations as the base line for establishing riparian buffers which will result in wider buffers for non-fish bearing streams. As an alternative, the section allows an applicant to use the current buffer widths if they enhance the buffer to equal the anticipated functions and values of the SPTH<sub>200</sub> guidance. <i>(AGENCY – WDFW and CITY – This section demonstrates the city’s willingness to adopt the new BAS recommendation regarding riparian buffers. It also acknowledges that the current BAS riparian buffers may be used IF the applicant enhances to functions and values of the buffers. WDFW staff did not object outright to the proposal.)</i></p> <p>Table 18.280.110-1 . Increase the minimum buffer width for Type Np and Ns — Perennial or seasonal streams with low mass wasting potential from 50 feet to 100 feet based on WDFW guidelines. New Table 18.280.110-1b establishes an alternative minimum buffer width based on current riparian buffer width. New Table. Table 18.280.110-3 provides examples of techniques that might be used to enhance an alternative buffer in addition to additional plants and materials. <i>(AGENCY – WDFW and CITY – The changes to buffers widths to these smaller streams is based on recent agency BAS. Again, the City proposes a compromise measure that an applicant may use IF the applicant enhances the stream buffers.)</i></p> <p>D.2.e. Performance standards – buffer reduction. WDFW strongly disfavors using double buffer adjustments. As an alternative, this section provides: Buffer width reduction shall not be used in combination with buffer width averaging on the same buffer segment of a multi-segment riparian buffer but can be used in combination with the same wetland resource. For example, the lineal distance of a buffer segment, if eligible for buffer reduction, is not eligible for buffer averaging. Double reduction of a segment of a buffer is not allowed. However, one segment of a buffer may be reduced and a separate segment</p>

	of a buffer may be averaged. (AGENCY – WDFW – The regulatory agency recommends adopting the updated BAS. The city offers a compromise that is based on its practice of allowing buffer adjustment in some circumstances but accepts that ‘double’ reductions are not allowed.)
18.280.130 – <b>Geologic Hazards</b>	<p>A. Designation, Landslide hazards. (AGENCY – DNR – The current ordinance does not adequately recognize that landslides are also geologic hazards.)</p> <p>A.1.b. Identifies the Washington State Department of Natural Resources Geologic Information Portal as a technical resource. (AGENCY – DNR – The subsection points the user to the WDNR’s very useful web mapping portal.)</p> <p>B.1. Information requirements, Critical area report. The geotechnical report must be authored by a geologist licensed in the State of Washington and must also address public safety. (AGENCY – DNR – Two separate points: (1) require that the qualified professional be licensed in Washington and (2) ensure that a geotechnical critical area report also considers public safety as a criterion for evaluating slope stability.</p> <p>C. Performance standards.</p> <p>C.1.a.v. Repeats need for a report authored by a qualified professional licensed in the State of Washington. (AGENCY – DNR – that the qualified professional consultant be licensed in the State of Washington is a significant concern for WDNR staff.)</p>
18.280.140 – <b>Critical aquifer recharge areas (CARAs)</b>	<p>Repeal and replace the section. (CITY and AGENCY -Health – The two driving forces behind a repeal and re-write of the CARA section are: (1) Protect the city’s public drinking water sources and (2) clarify and streamline the CARA review process within the city. The new Section will:</p> <p>Designate the entire city limits as a CARA II [the least restrictive CARA] because the entire city limits are within the Troutdale Sole Source Aquifer; exempt many uses, residential use [not mixed use] from CARA review; establish CARA I protection around wellheads and one-year time of travel zones for groundwater movement; limits uses that could degrade public drinking water within the one-year zone; establish the requirements for a criteria for CARA critical area report. The last section updates reference to the WAC and RCW provisions relating to clean water.)</p>
18.280.150 - <b>Wetlands</b>	<p>A. Written evidence prepared by a qualified ecologist or biologist addressing the proposed buffer width reduction and demonstrating how the reduced buffer will enhance the functions and values of the adjacent wetland <u>to the level and intensity of the wider buffer</u>. (AGENCY and CITY – Ecology and City – The agency provided guidance on the nature of a qualified professional and the city linked buffer reduction to the new enhancement policy.)</p> <p>A.2. Reference change to identify the most current wetland rating guidance. (AGENCY – Ecology – based on Ecology’s most recent BAS rating metrics.)</p> <p>B. Reference change to identify the most current wetland rating guidance. (AGENCY – Ecology – based on Ecology’s most recent BAS rating metrics.)</p> <p>C. Performance standards.</p> <p>I. C.1.a.ii. Trails and wildlife viewing structures that have no impact on water quality and are located in the outer 25% of the wetland buffer may be permitted. Trails and walkways should be generally parallel to the perimeter of the wetland and located to avoid removal of significant mature trees. They should be limited to pervious surfaces and</p>

	<p>designed for pedestrian use only. (AGENCY – Ecology – The agency, based on BAS, seeks to reduce uses allowed within wetland buffers and limit them to the outer 25% of the buffer. This might have an impact on the city’s trail plans. The Parks and Recreation Manager suggests that if the city amends RDC 18.280.150.C.1, it should also consider amending the Engineering Standards Vol. 3 to reference the new code, specifically in Chapter 2 - Trails. (<a href="https://ridgefieldwa.us/DocumentCenter/View/3061/2025-Engineering-Standards-Volume-3-PDF">https://ridgefieldwa.us/DocumentCenter/View/3061/2025-Engineering-Standards-Volume-3-PDF</a>))</p>
	<p>C.2. Wetland buffers. The buffer widths in the table assume that the buffer is fully vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided. (AGENCY – Ecology – Amends the section to conform to current Ecology guidance.)</p>
	<p>C.2.a. Deletes reference to outdated Ecology publication (AGENCY – Ecology – Minor reference change.)</p>
	<p>Table 18.280.150-1: Land Use Intensities. Deletes outdated classification and adopts current Ecology land use classification matrix. (AGENCY – Ecology – The result of the revised rating system elevates the classification of some types of uses. The table is more expansive and now provides more examples to refer to. This will be addressed on a case-by-case basis during development review.)</p>
	<p>Table 18.280.150-2: Rating System. Adopts current Ecology habitat rating levels. (AGENCY – Ecology – The result of the revised rating system might increase the habitat score for some wetlands which might increase when classification and buffer width. It will be resolved on a case-by-case basis during development review.)</p>
	<p>Tables 18.280.150 – 4 and 5. Adopts current Ecology buffer width increases for Category II and III wetlands. (AGENCY – Ecology – The Upgrade is based on current BAS recommendations. In the undeveloped areas of the Ridgefield Junction, most, though not all, wetlands are classified as Category III or IV. Because of the changes to the habitat rating system, the recommended buffers for Category III wetlands might increase. Consequently, the city proposes an alternative option that is based on a lower buffer width IF enhancement is provided.)</p>
	<p>C.2.b.ii(F). Adopts Ecology’s current definition of a functionally isolated wetland which differs from the city’s current definition. (AGENCY – Ecology – Functionally isolated wetlands often occur when a portion of a wetland is cut off from the main body by a road, building or other impervious surface. The impact of this change is unknown. The applicant’s professional critical area report may raise this issue which the city staff and regulatory agencies will consider.)</p>
	<p>C.2.b.iv. Buffer Reduction. Allows the community development director to reduce a wetland buffer by no more than 25% of the required width and prohibits using both buffer averaging and buffer reduction on the same buffer. (AGENCY – Ecology – Limiting the reduction of a buffers to no more than 25% might reduce a project’s amount of buildable land.)</p>
	<p>New section. C.4. Mitigation sequencing. Adopts Ecology’s mitigation sequencing matrix. (AGENCY – Ecology – The city currently follows the Ecology mitigation sequencing. This amendment brings the issue to the forefront of the mitigation conversation. Avoidance is the lead mitigation measure which is consistent with the discussion of Avoidance in other sections of the chapter.)</p>

	<p>C.6. Mitigation action. Authorize certain types of mitigation actions permissible after an applicant demonstrates that avoidance is not feasible. <i>(AGENCY – Ecology – The sequencing of mitigation actions after avoidance is not substantially different from current city practices. The questions of whether Avoidance is feasible will be based on the metrics recommended in 18.280.050.B.6, Submittal requirements.)</i></p>
	<ul style="list-style-type: none"> <li>• New Table 18.280.150-7 Strategies for avoiding or reducing impacts to wetlands and buffers.</li> <li>• Table 18.280.150-8 Mitigation ratios. Adjusts mitigation ratios based on current Ecology guidelines. <i>(AGENCY – Ecology – Not considered a significant change.)</i></li> </ul>
<b>No Changes</b>	
	<p>18.280.070 – Density transfer, 18.280.100 - Unauthorized critical areas alterations and enforcement, 18.280.120 – Frequently flooded areas and 18.280.160 – Appeal procedures</p>

## *Chapter 18.280 CRITICAL AREAS PROTECTION<sup>1</sup>*

### **18.280.010 Purposes.**

- A. This chapter complies with the Washington State Growth Management Act (GMA) specified in RCW 36.70.A pertaining to the designation, classification and protection of ecologically sensitive and hazardous areas more specifically referred to as critical areas within the existing ~~and future~~ municipal limits of the city of Ridgefield. For the purposes of this chapter critical areas are identified as wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, critical aquifer recharge areas and frequently flooded areas.
- B. This chapter implements applicable goals and policies of the Ridgefield Comprehensive Plan by promoting the reasonable economic use of property while protecting the functions and values of critical areas within the city.
- C. The city of Ridgefield finds that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the city and its residents. The beneficial functions and values provided by critical areas include but are not limited to water quality protection and enhancement, fish and wildlife habitat, food chain support, food storage, conveyance and attenuation of flood waters, groundwater recharge and discharge, erosion control, protection from hazards, historical, archaeological and aesthetic value protection and recreation. These beneficial functions are not listed in order of priority.
- D. The city strongly encourages avoiding adverse impacts to critical areas and their buffers. The degradation of potable groundwater quality is strictly prohibited.
- E. If the city permits impacts to critical areas the city may require mitigation to occur on the project site or on city-owned or controlled lands within the city limits.

(Ord. No. 1132, § 2(Exh. A), 7-11-2013)

### 18.280.015 Critical Areas

A. "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company. (RCW 36.70A.030(12) (See RDC 18.280.170, Definitions, for a definition of each of the five critical areas discussed in Chapter 18.280.

### **18.280.020 General provisions.**

- A. No Net Loss of Functions. Land development and uses within the city shall result in no net loss of functions and values of wetlands, riparian areas, priority habitat, frequently flooded areas, slope stability, and their buffers. in the critical areas. No net loss of function and value of wellhead protection areas is prohibited. Since values are difficult to measure no net loss of functions and values means no net loss of functions. The beneficial functions provided by critical areas include, but are not limited, to water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage; conveyance and attenuation of flood waters; ground water recharge and discharge; erosion control; and wave attenuation. These beneficial functions are not listed in order of priority. This chapter is also intended to protect residents from hazards and minimize risk of injury or property damage.

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<sup>1</sup>Editor's note(s)—Ord. No. 1132, § 2(Exh. A), adopted July 11, 2013, amended Ch. 18.280 in its entirety to read as herein set out. Former Ch. 18.280, §§ 18.280.010—18.280.170, pertained to similar subject matter, and derived from Ord. No. 1111, § 2(Exh. A), 8-9-2012; Ord. 903 § 2(part), 2006.

Prior ordinance history: Ords. 676, 716, 744 and 802.

- B. Relationship to Other Regulations. These critical area regulations shall apply in addition to zoning and other regulations adopted by the city. When there is a conflict between any provisions of this chapter ~~and of any other regulations, Shorelands managed under the Ridgefield Shoreline Master Program, the SMP shall apply. Where there is a conflict between provisions of this chapter and other regulations, the city shall enforce both regulations giving priority to~~ that which provides the most protection to the subject critical area ~~shall apply~~. Conditions of approval of a project affecting critical areas may be supplemented by a review under the State Environmental Policy Act (SEPA), as locally adopted. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements (for example, Shoreline Substantial Development Permits, Hydraulic Project Approval (HPA) permits, the Washington State Pollution Control Act, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, or National Pollution Discharge Elimination System permits). The applicant is responsible for complying with other state and federal requirements in addition to the requirements of this chapter. Obtaining all applicable state and federal permits shall be made a condition of a critical areas permit and such permits shall be obtained prior to issuance of permits for construction or site disturbance.
- C. Implementation of Best Available Science. The regulations of this chapter are intended to protect critical areas in accordance with the Growth Management Act (GMA) through the application of best available science as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies, Tribes, and other qualified professionals.
- D. Regulatory Flexibility. This chapter is to be administered with flexibility and attention to site-specific characteristics. This chapter is not intended to make a property in the city unusable by denying its owner reasonable economic use of the property or to prevent the provision of public facilities and services necessary to support existing or planned development. ~~When property that is identified as being within a critical area or the proposed buffers has been used by the property owner for domestic uses such as lawns, buildings and similar uses other than being left in its natural state that land shall not be considered as critical as intended by this code. These areas shall also be exempt from the critical area permitting process.~~
- E. General Public Interest Served. The city's enactment and enforcement of this chapter shall not be construed for the benefit of any individual person or group of persons other than the general public.
- F. Warning and Disclaimer of Liability. The standards established herein are minimum standards. The standards are established for regulatory purposes only. Minimum compliance with these standards may not be sufficient protection from identified or unidentified hazards. city-establishment of these minimum standards is not a representation that these standards are sufficient protection from any hazard. Critical areas development should be based on sound scientific and engineering considerations that may be more stringent than this chapter. The city assumes no liability if these established standards prove to be insufficient protection.

(Ord. No. 1132, § 2(Exh. A), 7-11-2013)

### 18.280.030 Applicability and exemptions.

- A. Applicability.
1. All areas within the city meeting the definition of one or more critical areas in RDC 18.280.170, Definitions and RCW 36.70A.030(12), whether mapped or not, are hereby designated critical areas and with their buffers are subject to the provisions of this chapter.
  2. Unless exempted the provisions of this chapter shall apply to all lands, all land uses, clearing and development activity, and all structures and facilities in the city located within a critical area or buffer or on a site containing a critical area or buffer.
  3. The provisions of this chapter shall apply whether or not a permit or authorization is required.
  4. Any individual critical area that overlaps another type of critical area shall meet the requirements that provide the most protection to the critical areas involved.
  5. No person, company, agency, or applicant shall alter a critical area or buffer (including removal of downed woody vegetation from or application of chemicals harmful to fish and wildlife within ~~twenty-~~

- fivefeet of wetlands, ponds, lakes, streams or rivers) except as consistent with the requirements of this chapter.
6. The critical areas permit required pursuant to this chapter shall be obtained prior to undertaking any activity regulated by this chapter, unless exempted.
- B. Exemptions. The following activities shall be considered exempt from the permit provisions of this chapter:
1. Development or clearing, not within a floodway or floodplain and other than tree removal, as minimally necessary to remodel an existing structure, provided:
    - a. The activity will increase the footprint of structures including impervious surfaces by less than five hundred square feet from the footprint size at the time of the adoption of this chapter; and
    - b. If the structure or impervious surface is within a critical area or buffer, the distance from the nearest structure or impervious surface to lakes, streams, rivers, wetlands or geological hazards is not decreased; and
    - c. All vegetation disturbed as a result of the development shall be replaced one-to-one. Native vegetation shall be used where feasible.
    - d. Impacts to critical areas and buffers shall be minimized and mitigated.
  2. Development activity on the portions of sites with existing structures or impervious surfaces which does not increase the impervious surface area within the riparian management area or riparian buffer shall be exempt from the provisions of RDC 18.280.110 (Fish and Wildlife Habitat Conservation Areas). The applicant is encouraged to provide enhancement to the extent feasible. Such enhancement activities may include, but are not limited to, landscaping using native plants, additional treatment of stormwater as appropriate, and implementation of best management [practices].
  3. Mitigation for those impacts consistent with the requirements of this chapter.
  4. Emergencies. Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of property damage and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this chapter, so long as all of the following apply:
    - a. The emergency action uses reasonable methods to address the emergency.
    - b. The emergency action must have the minimum possible impact ~~to~~on the critical area or its buffer.
    - c. The property owner, person or agency undertaking such action shall notify the city within one working day following commencement of the emergency activity.
    - d. Within fourteen days the community development director or designee shall determine if the action taken was within the scope of the emergency actions allowed in this section. If the community development director or designee determines that the action taken, or any part of the action taken was beyond the scope of an allowed emergency action, then enforcement provisions of RDC 18.280.090 shall apply.
    - e. After the emergency, the property owner, person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical areas report and mitigation plan. The property owner, person or agency undertaking the action shall apply for review. The alteration, critical areas report, and mitigation plan shall be reviewed by the city in accordance with the review procedures contained in this chapter.
    - f. Restoration and/or mitigation activities must be initiated and completed within one year of the date of the emergency and instituted within the timeframe determined by the community development director or designee.
  5. Landscape maintenance (other than tree removal or use of pesticides, herbicides, fungicides or fertilizers applied into or within twenty-five feet of water bodies or within a one year time of travel wellhead

- protection zone) consistent with product labels and accepted horticultural practices, such as those recommended by the Washington State University Extension Service, within the boundaries of an existing lawn, garden or landscaped area and not associated with development.
6. Clearing of noxious weeds using hand-held, electric or non-motorized equipment, or walk-behind motorized equipment that does not cause compaction. A copy of the Clark County Weed Management Department list of noxious weeds is available from the community development director or designee.
  7. Use of pesticides, herbicides, fungicides or fertilizers intended to control noxious weeds or invasive species applied by an applicator licensed in the State of Washington, further than twenty-five fifty feet from any wetland, pond, lake, stream or river, excluding wellhead protection areas, or in a manner specified in a valid city-issued permit.
  8. State or federally approved conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing critical area or buffer.
  9. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops or other native vegetation and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area or buffer by changing existing topography, water conditions or water sources.
  10. Passive outdoor activities such as recreation, education, and scientific research activities that do not degrade the critical area or buffer, including fishing, hiking and bird watching.
  11. Work necessary for land use submittals, such as surveys, soil sampling, percolation tests, and other related activities. In every case, impacts to the critical area or buffer shall be minimized and disturbed areas shall be stabilized immediately.
  12. Construction or modification of navigational aids and boundary markers. Impacts to the critical area or buffer shall be minimized and disturbed areas shall be restored within seventy-two hours.
  13. Existing and ongoing agricultural activities protected under the federal Food Security Act occurring in wetland areas provided that these activities use appropriate best management practices for agriculture.
  14. Existing and ongoing agriculture within fish and wildlife habitat conservation areas so long as livestock and application of pesticides, herbicides, fungicides and fertilizers are kept twenty-five feet from any state classified stream body.
  15. Implementation of a city, state or federally approved stand-alone restoration or enhancement project.
  16. Operation, repair and maintenance of existing structures, infrastructure, roads, sidewalks, railroads, trails, dikes, or levees or water, sewer, stormwater, electric, gas, telephone, cable, or fiber optic cable facilities if the activity does not further increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, repair, or maintenance.
  17. In ground shaking or liquefaction areas, repair or construction of roads, sidewalks or trails (except where there are structures), or water, sewer, stormwater, gas, electric, cable, or fiber optic cable facilities shall be exempt from the ground shaking and liquefaction permitting requirements.
  18. Public improvement projects located within existing impervious surface areas.
  19. Implementation of a city, state or federally approved stand-alone "critical area" creation project that is not mitigation. A "critical area" created under these circumstances that would not otherwise have met the definition of that type of critical area is exempt from the provisions of this chapter.
  20. Emergency or hazard tree removal that presents an immediate threat to personal or real property conducted in a manner approved by the city to minimize critical areas impacts.
  21. Development activities in artificial wetlands intentionally created from non-wetland sites, including, but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater

treatment facilities, farm ponds, and landscape amenities, or those wetlands that were unintentionally created as a result of the construction of a road, street or highway.

22. Exemptions and Allowed Uses in Wetlands

Wetlands that meet the following criteria are not subject to the avoidance and minimization requirements of the mitigation sequence in Section 18.280.060 may be filled if the impacts are fully mitigated. Impacts should be mitigated through on-site mitigation, mitigation on city-owned or controlled lands, or by the purchase of credits from a mitigation bank or in-lieu fee program, if available, consistent with the terms and conditions of the bank or program. In order to verify whether the following criteria are met, it is essential that a critical area report for wetlands meeting the requirements of this Chapter be submitted.

a. All Category IV wetlands less than 4,000 square feet that:

i. Are located in the areas covered by the Regional Supplement to the Corps of Engineers

Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (U.S. Army Corps of Engineers, 2010),

ii. Are not associated with riparian areas or their buffers,

iii. Are not associated with shorelines of the state or their associated buffers, and

iv. Are not part of a wetland mosaic

b. Do not score 6 or more points for habitat function based on the Washington State Wetland Rating System for [Western] Washington: 2014 Update (Ecology Publication [#14-06-029 ]), or as revised by Ecology).

c. Do not contain a Priority Habitat or a Priority Area for a Priority Species identified by the Washington Department of Fish and Wildlife and do not contain state or federally listed species or their critical habitat or species of local importance identified in the [City/County] code [if there is a locally adopted regulation].

d. Wetlands less than 1,000 square feet that meet the above criteria are exempt from the buffer provisions contained in this Chapter.

~~a. Wetlands less than two thousand five hundred square feet in size may be exempted where it has been shown by a qualified professional that they are not associated with a riparian corridor, are a functionally isolated wetland, and do not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife.~~

~~b. Wetlands between two thousand five hundred square feet and five thousand square feet in size may be exempted when compliance to the following is fully demonstrated by a qualified professional:~~

~~i. The requirement to avoid impacts may be dropped for Category III and IV wetlands between two thousand five hundred square feet and five thousand square feet that meet all of the following criteria:~~

~~a. Wetland is not associated with a riparian corridor; and~~

~~b. Wetland is a functionally isolated wetland; and~~

~~c. Wetland does not score five points or greater for habitat in the 2014 Western Washington Wetland Rating System; and~~

~~d. Wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife.~~

- ~~ii.—Impacts allowed under this provision to these wetlands will be fully mitigated as required by this chapter.~~
- ~~iii.—All Category I and II wetlands between two thousand five hundred square feet and five thousand square feet shall be evaluated with full mitigation sequencing and buffer establishment. Any approved impacts should be adequately compensated by mitigation.~~
- ~~e.—Wetlands larger than five thousand shall be evaluated using standard procedures for wetland review identified in Section 18.280.150 of this chapter.~~

(Ord. No. 1132, § 2(Exh. A), 7-11-2013; Ord. No. 1207, § 2(Exh. A), 5-26-2016)

#### **18.280.040 Approval process.**

##### **A. Initial Critical Areas Determination Process.**

1. The community development director or designee shall review submitted information, conduct a site inspection, review other information available pertaining to the site and the proposal, and make a determination as to whether a critical areas permit is required.
2. Decision Indicators. The community development director or designee shall use the following indicators whenever available, to assist in determining the need for a critical areas permit:
  - a. Indication by the city's critical area location information of a critical area or buffer that may be impacted by the proposed activity.
  - b. Information and scientific opinions from appropriate agencies, including but not limited to the Washington Departments of Fish and Wildlife, Natural Resources, Health and Ecology.
  - c. Documentation, from a scientific or other reasonable source, of the possible presence of a critical area or buffer.
3. Interpretation of Critical Area Boundaries. The community development director or designee shall be authorized to interpret the exact location of the critical area boundary. Final designations shall be based on site conditions and other available data or information. A person who disagrees with the interpretation may appeal the interpretation pursuant to the city's currently adopted appeal procedures for administrative decision-making.
4. Critical Areas Permit Not Required. If the community development director or designee's analysis indicates that there is no critical area or buffer on the subject property, then the community development director or designee shall determine that the initial critical area review is complete and that no further review is required.
5. Critical Areas Permit Required. If the community development director or designee determines that a critical area or its buffer may be located on the subject property, the community development director or designee shall determine that a critical areas permit is ~~required, and~~ required and shall indicate each of the critical area types to be addressed in the critical areas report.
6. Reconsideration of Initial Critical Area Determination. The community development director or designee's determination may be reconsidered if new information is received. If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances.

##### **B. Critical Areas Permit.**

1. Type I Application. The following activities shall be processed as a Type I permit:
  - a. New single-family and duplex residences, alterations to existing single-family and duplex residences, or new accessory structures located within a critical area or buffer, or on a property containing a critical area or buffer.

- b. Application of pesticides, herbicides, fungicides or fertilizers within ~~twenty-five~~ fifty feet of ponds, lakes, streams, rivers, ~~or~~ wetlands or within a one year time of travel wellhead protection zone.
  - c. Approval of agricultural activities within twenty-five feet of ponds, lakes, streams or rivers.
  - d. Critical area enhancement projects, unless otherwise exempted.
  - e. Public improvement projects located entirely within existing right-of-way, not otherwise exempted.
  - f. Clearing vegetation within a critical area or buffer, including grading, uprooting or other activities that impair the soil stabilization function of vegetation in landslide hazard areas and including the removal of downed woody vegetation from wetlands, lakes, streams or rivers. Provided, vegetation removal within the floodplain outside of the riparian setback and in seismic hazard areas shall not require a permit.
  - g. Approval of management plans for activities within critical areas and buffers.
2. Other Application Types. All other activities proposed within any critical area or buffer shall be reviewed according to the procedures of the underlying land use application.
- C. Review Procedure. The community development director or designee shall make a determination as to whether a proposed activity is exempt or is subject to compliance with this chapter. The community development director or designee's determination shall be based on the approval criteria of this chapter. The critical areas permit shall be valid for as long as the underlying land use permit or as otherwise specified by the community development director or designee.
- D. Critical Area Inspections. Reasonable access to the site shall be provided to the city, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.
- E. Reconsideration of Permit Determination. If, within five calendar days following the date of mailing of a critical areas permit, new information relevant to the decision is made available, any party may request that the decision be reconsidered. If the new information is found to be substantial and relevant to the critical area review, the community development director or designee may reopen the critical area review and make a new determination based on the revised report. The critical areas permit shall not be considered final and subject to appeal until the decision on the request for reconsideration, if applied for, has been issued.
- F. Critical Area Markers and Signs.
- 1. The boundary of the outer edge of critical areas tracts and easements, excluding wellhead protection areas, shall be delineated with permanent survey stakes using iron or concrete markers as established by local survey standards.
  - 2. The boundary at the outer edge of the critical area or buffers shall be identified with temporary signs prior to any site alteration. Such temporary signs shall be replaced with permanent signs or fencing as determined by the community development director or designee prior to occupancy or use of the site.
  - 3. The community development director may modify these sign and marker requirements as necessary to ensure protection of ~~sensitive features or wildlife needs~~ critical areas and buffers.
- G. Notice on Title.
- 1. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is approved shall file a notice with the county auditor's office according to the direction of the city. The notice shall state the presence of the critical area or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The notice shall "run with the land."

2. The applicant shall submit proof that the notice has been filed for public record before the city approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, at or before recording.
- H. Critical Areas Tracts or Conservation Easement. Critical areas tracts or conservation easements shall be used in subdivisions, planned unit developments, site plans and binding site plans to delineate protected critical areas comprising identified landslide hazard areas and buffers, identified wetlands and buffers and identified habitat conservation areas and buffers.
- I. Building Setbacks. Unless otherwise authorized through the project approval process, buildings and other structures shall be set back a minimum of five feet from the edges of all critical areas, excluding wellhead one-year time of travel areas, and buffers. Uses allowed in this minimum setback area include landscaping, uncovered decks, building overhangs that extend no more than twenty-four inches into the setback area and impervious ground surfaces such as driveways and patios provided that these surfaces comply with the city's stormwater regulations as applicable.
- J. Financial Assurances.
1. When mitigation required pursuant to a development proposal is not completed prior to the city final permit approval, such as final plat approval, final building inspection or final occupancy issuance, the city shall require the applicant to provide security in a form and amount deemed acceptable by the city. If the development proposal is subject to mitigation, the applicant shall provide security in a form and amount deemed acceptable by the city to ensure mitigation is fully functional subject to the following:
    - a. The security shall be in the amount of one hundred ~~ten-twenty-five~~ percent of the estimated cost of restoring the functions of the critical area that are at risk.
    - b. The security authorized by this section shall remain in effect until the city determines, in writing, that the standards bonded for have been met. Bonds or other security shall be held by the city for a minimum of five years to ensure that the required mitigation has been fully implemented and demonstrated to function and may be held for longer periods when necessary.
    - c. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
    - d. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed in the project budget or capital improvement budget for mitigation, maintenance, monitoring, or restoration.
    - e. Failure to satisfy any critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty calendar days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the city code or any other law.
    - f. Any funds recovered pursuant to this section shall be used to complete the required mitigation. Excess funds shall be returned to the applicant.

(Ord. No. 1132, § 2(Exh. A), 7-11-2013; Ord. No. 1325, § 2(Exh. A), 9-24-2020)

#### **18.280.050 Submittal requirements.**

- A. Preparation by Qualified Professional. Any required critical areas report shall be prepared by a qualified professional, as defined in RDC 18.280.170, Definitions, herein.
- B. General Critical Areas Report Contents. The community development director may require a critical area report if proposed development might impact any of the critical areas listed in section 18.280.015.A. At a minimum, the critical areas report shall have been prepared within five years prior to submittal and contain the following:

1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested.
  2. A copy of the site plan for the development proposal including:
    - a. A map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared; and
    - b. Proposed stormwater management and sediment control plan for the development including a description of any impacts to drainage alterations.
  3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site.
  4. Identification and scientific characterization of all critical areas and buffers.
  5. An assessment of the probable impacts to critical areas and buffers, public safety, and risk of injury or property damage including permanent, temporary, temporal, and indirect impacts resulting from development of the site and the operations of the proposed development.
  6. A written response outlining how a project will avoid ~~and minimize~~ probable impacts to critical areas and buffers and will result in no net loss of critical area functions and values. -and a rationale when impacts cannot be avoided and minimized.
  7. If the written response demonstrates that avoidance is not feasible, the application must include a rationale for minimizing impacts that cannot be avoided.
  8. A written response to each of the approval criteria in RDC 18.280.060.
  98. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with RDC 18.280.050.E (Mitigation Plan Requirements).
  910. A copy of the SEPA checklist, if required by RDC 18.810.
- C. Other Reports or Studies. Unless otherwise provided, a critical areas report for a regulated critical area may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the community development director or designee. Provided, the site conditions shall not have changed since the earlier report or study was completed.
- D. Critical Areas Report—Modifications to Requirements. The applicant may consult with the community development director or designee prior to or during preparation of the critical areas report to obtain city approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential impacts to any critical areas or buffers and the required mitigation.
1. The community development director or designee may also initiate a modification to the required report contents by requiring either additional or less information, when determined to be necessary to the review of the proposed activity in accordance with this chapter.
  2. When the community development director or designee determines that 3<sup>rd</sup> party independent review of one or more critical area reports is necessary to implement the purpose and requirements of this chapter, the city may hire a professional consultant, qualified in the subject matter at issue, whose fee shall be paid by the applicant, to review and comment on the applicant's critical area report. The community development director, after review of all reports, may thereafter adopt findings to resolve the dispute.
- E. Mitigation Plan Requirements. When impacts to regulated critical areas require mitigation ~~mitigation is required~~, the applicant shall submit a mitigation plan as part of the critical areas report. Mitigation does not apply to wellhead protection areas because adverse impacts to the city's drinking water supply are prohibited. The mitigation plan shall include:
1. Detailed Construction Plans. The mitigation plan shall include descriptions of the mitigation proposed, such as:

- a. The proposed construction sequence, timing, and duration.
  - b. Grading and excavation details.
  - c. Erosion and sediment control features.
  - d. A planting plan specifying plant species, quantities, locations, size, spacing, and density.
  - e. Measures to protect and maintain plants until established.
  - f. These written descriptions shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
2. Monitoring Program. The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years. For example, ten years or more of monitoring are typically needed for forested wetlands or scrub-shrub communities. The city shall notify the responsible party in writing once the conditions of the monitoring plan are met.
  3. Adaptive Management. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
- F. One original copy of all application materials is required. Electronic copies of all materials that include graphic and text files are required.
- G. Tree Preservation and Protection Plan. The applicant shall submit a tree preservation and protection plan consistent with the requirements in RDC 18.840.

(Ord. No. 1132, § 2(Exh. A), 7-11-2013; Ord. No. 1253, § 2(Exh. A), 12-7-2017; Ord. No. 1372, § 2(Exh. C), 10-13-2022; Ord. No. 1406, § 2(Exh. A), 7-13-2023; Ord. No. 1426, § 2(Exh.), 7-25-2024)

### **18.280.060 Approval criteria - Avoid, minimize, compensate, no net loss.**

Any activity subject to this chapter, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The city may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter. Adverse impacts to potable water sources in the wellhead one-year time of travel zone are prohibited. Activities shall ensure that the development results in no net loss of the functions and values of the resource and buffers on the site. Activities shall protect the functions of the critical areas and buffers on the site.

- A. Avoidance. Was it feasible to avoid impact altogether by not taking a certain action or parts of an action? Prior to the city authorizing minimization of impacts or compensatory compensation, the applicant shall demonstrate that Avoidance is not feasible. This may necessitate redesigning the proposal. Impacts to wellhead one-year time of travel areas are prohibited.
- B. Minimizing impacts. How did the proposal limit the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts? The applicant shall seek to minimize fragmentation of the resource to the greatest extent possible.
- C. Rectifying the impact. What actions are proposed to repair, rehabilitate, restore, or enhance the affected environment.

- D. Reducing or eliminating the impact. How does the proposal reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action?
- E. Compensation. Does the proposal adequately compensate for the impact by replacing, enhancing, or providing substitute resources or environments?
1. Section 18.280.010 found that management of critical areas is necessary to implement the city's Comprehensive Plan and to provide a variety of valuable and beneficial biological and physical functions that benefit the city and its residents. Therefore, compensatory mitigation should occur within the city's corporate limits when feasible.
  2. Twenty five percent (25%) of compensatory mitigation shall occur on the project site, or, if it is not possible to achieve 25% compensatory mitigation on-site, then compensatory mitigation off-site within the city limits is permissible.
  3. The city shall authorize wetland or habitat mitigation bank credits only after the applicant has demonstrated that any form of compensatory mitigation is not feasible on-site or elsewhere within the city limits.
- F. Monitoring. What is the type and term of the proposed monitoring measures and what appropriate corrective measures are proposed over time. The mitigation plan shall outline goals and objectives for the mitigation. Mitigation success will be determined by meeting specific performance standards outline in the plan
- G. General purposes. Is the proposal consistent with the general purposes of this chapter and does it pose a significant threat to public health, safety, and welfare on or off the development site?
- ~~A. Avoid Impacts. The applicant shall first seek to avoid all impacts that degrade the functions and values of (a) critical area(s). This may necessitate a redesign of the proposal.~~
  - ~~B. Minimize Impacts. Where avoidance is not feasible, the applicant shall minimize the impact of the activity and mitigate to the extent necessary to achieve the activity's purpose and the purpose of this ordinance. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.~~
  - ~~C. Compensatory Mitigation. The applicant shall compensate for the unavoidable impacts by replacing each of the affected functions to the extent feasible. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be sufficient to maintain the functions of the critical area consistent with the mitigation provisions of this ordinance, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area-1. The city found in section 18.280.010 that management of critical areas is necessary to implement the city's Comprehensive Plan and to provide a variety of valuable and beneficial biological and physical functions that benefit the city and its residents. Therefore, it is essential that compensatory mitigation occur within the city's corporate limits and UGA when feasible.~~
    2. Twenty five percent (25%) of compensatory mitigation shall occur on the project site, or, if it is not possible to achieve 25% compensatory mitigation on-site, then compensatory mitigation elsewhere within the city limits is permissible.
    3. The city shall authorize wWetland or habitat mitigation bank credits shall only after the applicant has demonstrated that any form of compensatory mitigation is not feasible on-site or elsewhere within the city limits. be utilized when consistent with the provisions of this ordinance.
  - ~~D. No Net Loss. The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.~~
  - ~~E. Consistency With General Purposes. The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site.~~

(Ord. No. 1132, § 2(Exh. A), 7-11-2013)

### 18.280.070 Density transfer allowance.

- A. The city shall encourage the protection and retention of identified critical areas through the allowance of density transfer. The transfer of density opportunity from identified critical areas and required buffers shall only be authorized if the critical area is to be protected and retained and is not modified through the buffer width reduction or buffer averaging allowed elsewhere in RDC 18.280.
- B. Process. Density transfer shall be reviewed as part of the Planned Unit Development, subdivision, or short plat process for the subject property. Applicants shall submit density calculations detailed in subsection (C) below and a narrative describing how critical areas and buffers will protect, enhance, and preserve critical areas.
- C. Density Transfer Calculations. Density attributable to the critical areas and buffers may be transferred to a buildable portion of the same site or property subject to all of the following requirements;
  - 1. Properties in the RLD-4, RLD-6, RLD-8, and RMD-16 are eligible for density transfer.
  - 2. The density credit can only be transferred within the development proposal site, within the same parcel or same property, within the same zoning classification, and under the same ownership. Density credits cannot be transferred off-site.
  - 3. Density transfer credits shall be calculated at 50 percent of the minimum density allowed in the zone for the total acreage of protected critical areas and buffers. In no case shall the site as a whole, including buildable and unbuildable lands, exceed the maximum density.
- D. Site Development. Development within the property utilizing density transfer may reduce the minimum lot size and minimum lot width dimensions for the zone by up to ten percent in order to accommodate the additional lots transferred. Within PUDs, any further reduction to lot size or width greater than ten percent shall comply with RDC 18.401.100.A. Outside of PUDs, any further reduction to lot size or width greater than ten percent shall be processed as a variance consistent with RDC 18.350.
- E. Requirements.
  - 1. Critical areas and buffers from which density is transferred shall be protected from future development. Areas shall either be dedicated to the city for public use or protected as an unbuildable area by means of deed restriction, conservation easement, or other mechanism approved by the planning director or his designee.
  - 2. Critical areas and buffers from which density is transferred shall be enhanced to improve their functions and restore native species. Such enhancement activities may include, but are not limited to, landscaping using native plants, removal of invasive species, additional treatment of stormwater, and implementation of best management practices. Proposed critical areas enhancement shall be detailed in the applicant's critical areas report required by RDC 18.280.050. The burden is on the applicant to demonstrate the enhancements are proportionate to the increase in density.

(Ord. No. 1132, § 2(Exh. A), 7-11-2013; Ord. No. 1178, § 2(Exh. A), 2-12-2015; Ord. No. 1207, § 2(Exh. A), 5-26-2016; Ord. No. 1253, § 2(Exh. A), 12-7-2017; Ord. No. 1260, § 2(Exh. A), 4-26-2018; Ord. No. 1325, § 2(Exh. A), 9-24-2020)

### 18.280.080 Minor exceptions.

- A. Minor Exceptions Authorized. Minor exceptions of no greater than twenty percent from the standards of this chapter may be authorized by the city in accordance with the procedures set forth in RDC 18.350 for an adjustment or variance, as amended, provided that minor exceptions shall not be permitted in combination with buffer averaging permitted elsewhere in this chapter.
- B. Minor Exception Criteria. A minor exception from the standards of this chapter may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria. Unusual conditions or circumstances exist that are peculiar to the intended use, the land, the lot, or something inherent in the land, and that are not applicable to all other lands in the same vicinity or district:

1. The unusual conditions or circumstances do not result from the actions of the applicant.
  2. Granting the minor exception requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings under similar circumstances.
  3. The minor exception is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the same vicinity or district.
  4. The minor exception requested is the least necessary and no greater than twenty percent of the subject standard.
  5. The granting of the minor exception or the cumulative effect of granting more than one minor exception is consistent with the general purpose and intent of the city of Ridgefield Comprehensive Plan, this title, this chapter, and the underlying zoning district.
  6. Degradation of the functions (including public health and safety) of the subject critical areas and any other adverse impacts resulting from granting the minor exception will be minimized and mitigated to the extent feasible in accordance with the provision of this chapter. Degradation of the city's potable water supply is not permissible.
  7. Granting the minor exception will not otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property.
  8. The proposed development complies with all other applicable standards.
- C. Conditions May be Required. In granting any minor exception, the city may attach such conditions and safeguards as are necessary to secure adequate protection of critical areas and developments from adverse impacts, and to ensure conformity with this chapter.
- D. Time Limit. The city shall prescribe a time limit within which the action for which the minor exception is required shall be begun, completed, or both. Failure to begin or complete such action within the established time limit shall void the minor exception.
- E. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and upon which any decision has to be made on the application.

(Ord. No. 1132, § 2(Exh. A), 7-11-2013)

**18.280.090 Reasonable use and public agency and utilities exceptions.**

- A. Reasonable Use Exception Request and Review Process. Reasonable use exceptions do not apply to wellhead protection areas. If the application of this chapter would deny all reasonable economic use of the subject property, the property owner may apply for an exception pursuant to this section. Exceptions from the standards of this chapter may be authorized by the city provided that the following is complied with:
1. An application for a reasonable use exception shall be made to the city and shall include a critical areas report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (RCW 43.21C). The community development director or designee shall issue a written determination based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria.
  2. The city shall approve applications for reasonable use exceptions when all of the following criteria are met:
    - a. The application of this chapter would deny all reasonable economic use of the property.
    - b. No other reasonable economic use of the property has less impact on the critical area.
    - c. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property.

- d. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this chapter, or its predecessor.
  - e. The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site.
  - f. The proposal mitigates for the loss of critical area functions to the greatest extent feasible. A proposal may not result in a loss of drinking water functions and values.
  - g. The proposal is consistent with other applicable regulations and standards.
  - h. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.
- B. Public Agency and Utility Exception Request and Review Process. Public agency and utility exceptions do not apply to wellhead protection areas. If the application of this title would prohibit a development proposal by a public agency and utility, the public agency or utility may apply for an exception pursuant to this section. Exceptions from the standards of this chapter may be authorized by the city provided that the following is complied with:
1. An application for a public agency and utility exception shall be made to the city and shall include a critical areas report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (RCW 43.21C). The community development director or designee shall issue a written determination based on review of the submitted information, a site inspection, and the proposal's ability to comply with the public agency and utility exception criteria.
  2. The city shall approve applications for public agency and utility exceptions when all of the following criteria are met:
    - a. There is no other practical alternative to the proposed development with less impact on the critical areas.
    - b. The application of this title would unreasonably restrict the ability to provide utility services to the public.
    - c. The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site.
    - d. The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with other applicable regulations and standards.
    - e. The proposal is consistent with other applicable regulations and standards.
    - f. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

(Ord. No. 1132, § 2(Exh. A), 7-11-2013)

#### **18.280.100 Unauthorized critical areas alterations and enforcement.**

- A. Enforcement.
1. It shall be unlawful to violate the provisions of RDC 18.280. Any violation of this chapter shall constitute a public nuisance subject to code enforcement pursuant to the city's adopted code enforcement regulations.
  2. The city may impose any of the remedies, requirements or corrective actions contained in this chapter. In lieu of or in addition to the city's code enforcement provisions the city may also seek injunctive or other relief from any court of competent jurisdiction.

- B. Requirement for Restoration Plan. In the event the city initiates enforcement action or files a complaint in court, the city may require a restoration plan consistent with the requirements of this chapter. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements described in RDC 18.280.100.C. The community development director or designee shall, at the violator's expense, seek expert advice in determining whether the plan restores the affected area to its pre-existing condition or, where that is not possible, restores the functions of the affected area. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.
- C. Minimum Performance Standards for Restoration.
1. For alterations to frequently flooded areas, wetlands, and fish and wildlife habitat conservation areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:
    - a. The structure and functions of the critical area or buffer prior to violation shall be restored, including water quality and habitat functions.
    - b. The soil types and configuration prior to violation shall be replicated.
    - c. The critical area and buffers shall be replanted with native vegetation.
    - d. Information demonstrating compliance with the requirements in RDC 18.280.050.E (Mitigation Plan Requirements) shall be submitted to the community development director or designee.
  2. For alterations to frequently flooded and geologiegeological hazard areas, the following minimum performance standards shall be met for the restoration of a critical area or buffer, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:
    - a. The hazard shall be reduced to a level equal to, or less than, the pre-violation hazard.
    - b. The risk of personal injury resulting from the alteration shall be eliminated or minimized.
    - c. Drainage patterns shall be restored to those existing before the alteration.
    - d. The hazard area and buffers shall be replanted consistent with pre-violation conditions with native vegetation sufficient to minimize the hazard.
- D. Site Investigations. The community development director or designee is authorized to make site inspections and take such actions as are necessary to enforce this chapter. As a condition of the restoration plan, the applicant shall grant reasonable access to the property.

(Ord. No. 1132, § 2(Exh. A), 7-11-2013)

#### **18.280.110 Fish and wildlife habitat conservation areas.**

- A. Designation.
1. There are established in the city the following identified fish and wildlife habitat conservation areas:
    - a. Habitat for any life stage of state or federally designated endangered, threatened, and sensitive fish or wildlife species. A current list of federally and state identified species is available from the community development director or designee.
    - b. Priority habitats and areas associated with priority species. Current lists of priority habitats and species and applicable management recommendations promulgated by the Washington Department of Fish and Wildlife are available from the community development director or designee.
    - c. Water bodies including lakes, streams, rivers and naturally occurring ponds.

2. Fish and wildlife habitat conservation areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.
  3. Habitat Location Information. Information on the approximate location and extent of habitat conservation areas is available from the community development director or designee. The habitat location information is based on:
    - a. Washington Department of Fish and Wildlife Priority Habitat and Species Maps.
    - b. Washington Department of Fish and Wildlife Anadromous and Resident Salmonid Distribution Maps in the Salmon and Steelhead Habitat Inventory Assessment Program (SSHIAP).
    - c. Washington Department of Natural Resources Official Water Type Reference Maps.
    - d. Other information acquired by the city.
- B. Fish and Wildlife Habitat Conservation Areas and Riparian Buffers. Riparian management zones (RMZs) within the city shall be established pursuant to the Site Specific Tree Height 200 (SPTH<sub>200</sub>) recommendations described in “Guidelines for Determining Site Potential Tree Height from Field Measurements”, Washington Department of Fish and Wildlife, 2025. Olympia, WA. RMZs and wildlife habitat conservation areas shall be established by a qualified professional and shall be measured to include the land in each direction from the ordinary high water mark of the designated stream type.

**Table 18.280.110-1**

**Minimum Riparian Buffer Widths for Fish and Wildlife Habitat Conservation Areas—based on SPTH<sub>200</sub> DNR Stream Typing System**

<u>Site Class</u>	<u>Type S and F Waters (feet)</u>	<u>Type Np Waters (feet)</u>	<u>Type Ns Waters (feet)</u>
<u>II</u>	<u>235</u>	<u>155</u>	<u>100</u>
<u>III</u>	<u>205</u>	<u>135</u>	<u>100</u>
<u>IV</u>	<u>165</u>	<u>105</u>	<u>100</u>
<u>V</u>	<u>150</u>	<u>100</u>	<u>100</u>

~~Fish and wildlife habitat conservation areas within the city shall be established pursuant to the Washington State Department of Natural Resources Stream Typing System, as amended. Fish and wildlife habitat conservation areas shall be established by a qualified professional and shall be measured to include the land in each direction from the ordinary high water mark of the designated stream type.~~

1. Minimum riparian buffers based on SPTH<sub>200</sub> may not be reduced or averaged.
  2. Riparian buffers may be reduced or averaged only when conducted consistent with Table 18.280.110-1b Alternative buffers to SPTH<sub>200</sub> buffer width if enhancement is approved.
  2. Fish and wildlife habitat conservation areas and associated buffers shall be identified on the face of plat maps site plans or other development plans, and shall be protected in perpetuity with conservation covenants, deed restrictions or other legally binding mechanisms.
  3. If impervious surfaces from previous development completely functionally isolate the designated stream type and associated buffer the regulated fish and wildlife habitat conservation shall extend from the ordinary high water mark to the impervious surfaces. An example would be an existing industrial paved area and warehouses in the riparian buffer.
- C. Additional Critical Areas Report Requirements.

1. A critical areas report for a fish and wildlife habitat conservation area shall include evaluation of the habitat functions using the Clark County Habitat Conservation Ordinance Riparian Habitat Field Rating Form or another habitat evaluation tool approved by the Washington Department of Fish and Wildlife.
  2. If the clearing or development activity is in the fish and wildlife habitat conservation area, the critical areas report shall contain the following information, if applicable, in addition to the general critical areas report requirements of RDC 18.280.050.B:
    - a. How the clearing or development activity constitutes a water-dependent, water-related or water-enjoyment use.
    - b. How the clearing or development activity cannot feasibly be located on the site outside of the fish and wildlife habitat conservation area.
    - c. How the proposal meets the fish and wildlife habitat conservation area width averaging standard.
    - d. How the proposal will not adversely affect the connectivity of habitat functions.
- D. Performance Standards.
1. General.
    - a. Development or clearing activities shall protect the functions of the fish and wildlife habitat conservation areas on the site. The activity shall result in no net loss of functions. Protection can be provided by avoiding (the preferred protection) or minimizing and mitigating. Functions include:
      - i. Providing habitat for breeding, rearing, foraging, protection and escape, migration, and over-wintering.
      - ii. Providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, removing pollutants from water, and maintaining appropriate temperatures.
    - b. An applicant shall replace any lost functions by enhancement to other functions, so long as the applicant demonstrates that enhancement of the other functions provides no net loss in overall functions and maintains habitat connectivity. An example of unavoidable loss of function would be interruption of a travel corridor in a fish and wildlife habitat conservation area and its associated buffer. To the maximum extent feasible, enhancement shall be undertaken on-site.
    - c. If development or clearing activity is within a priority habitat and species area the applicant shall follow Washington Department of Fish and Wildlife Management Guidelines or other standards approved by the Washington Department of Fish and Wildlife.
    - d. Signs for Fish and Wildlife Conservation Areas:
      - i. Temporary Markers. The location of the outer perimeter of the fish and wildlife habitat conservation area shall be marked in the field, and such marking shall be approved by the community development director or designee prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.
      - ii. Permanent Signs. Wood or metal signs shall be posted at an interval of one per lot for single family residential uses or at a maximum interval of two hundred feet or as otherwise determined by the community development director or designee, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the community development director or designee: "The area beyond this sign is a fish and wildlife habitat conservation area. Alteration or disturbance is prohibited by law. Please call the city of Ridgefield for more information."
  2. Fish and Wildlife Habitat Conservation Areas and Riparian Buffers.
    - a. Fish and Wildlife Habitat Conservation Areas. Development or clearing activity may occur in fish and wildlife habitat conservation areas for the following:

- i. A water-dependent, water-related or water-enjoyment activity where there are no feasible alternatives that would have a less adverse impact on the fish and wildlife habitat conservation area or riparian buffer. The applicant shall minimize the impact and mitigate for any unavoidable impact to functions; or
  - ii. A road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, electric, cable, fiber optic cable, or telephone facility that cannot feasibly be located outside of the fish and wildlife habitat conservation area, that minimizes impacts, and that mitigates for any unavoidable impact to functions; or
  - iii. Trails and wildlife viewing structures provided that the trails and structures are constructed to minimize impacts.
- b. Riparian Buffer. Development or clearing activity may occur in the riparian buffer, provided that mitigation is conducted that results in no net loss of riparian habitat functions on the site, and further, that functionally significant habitat, defined as habitat that cannot be replaced or restored within twenty years, shall be preserved unless the clearing or development activity cannot feasibly be located on the site outside of the riparian buffer. An example of habitat that cannot be replaced within twenty years would be a stand of mature trees or a peat bog.
- c. Alternative riparian buffer. The community development director may allow an applicant to reduce the SPTH<sub>200</sub> riparian buffer to no less than the minimum buffer described in Table 18.280.110-1b if the critical area report demonstrates that the reduced buffer will be enhanced to a state that equals the functions and values of the recommended SPTH<sub>200</sub> riparian buffer.

**Table 18.280.110-1b Alternative buffers to SPTH<sub>200</sub> buffer width if enhancement is approved**

<u>Fish and Wildlife Habitat Conservation Areas—DNR Stream Typing System</u>	<u>Minimum Riparian Buffer Width</u>
<u>Type S - Shorelines of the state</u>	<u>150 feet</u>
<u>Type F - Fish-bearing streams (&gt;5 feet wide)</u>	<u>150 feet</u>
<u>Type F - Fish-bearing streams (&lt;5 feet wide)</u>	<u>125 feet</u>
<u>Type Np and Ns — Perennial or seasonal streams with high mass wasting potential</u>	<u>100 feet</u>
<u>Type Np and Ns — Perennial or seasonal streams with low mass wasting potential</u>	<u>50 feet</u>

- d. Buffer Width Averaging. The community development director or designee may allow buffer width averaging on a case-by-case basis in accordance with Table 18.280.110-1b, an approved critical area report on a case-by-case basis. Buffer width averaging shall not be used in combination with buffer width reduction or a minor exception on the same buffer segment to reduce the minimum buffer width below that specified in this ~~chapter~~Table 18.280.110-1b. Averaging of buffer widths may only be allowed where a qualified professional ecologist or biologist demonstrates that:
- i. Such averaging will ~~not reduce~~enhance the functions or functional performance of the riparian buffer equal to or greater than the functional values of rerecommended SPTH(200) buffer required in Table 18.280.110-1; and
  - ii. The fish and wildlife habitat conservation area varies in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places; and
  - iii. The total area contained in the buffer area after averaging is no less than that which would be contained within the ~~standard~~SPTH<sub>(200)</sub> buffer; and
  - iv. The buffer width is not reduced below the stream widths in Table 18.280.110-1~~reduced by no more than fifty percent of the standard width and at no point to less than twenty-five feet~~.

- ed. Buffer Width Reduction. The community development director or designee may allow buffer width reduction on a case-by-case basis in accordance with Table 18.280.110-1b. ~~The community development director or designee may authorize the reduction of required buffer widths to a lesser width provided that an applicant demonstrates compliance with the following:~~
- i. Written evidence prepared by a qualified professional ecologist or biologist addressing the proposed buffer width reduction and demonstrating how the reduced buffer will enhance the riparian buffer equal to or greater than the functional values of rerecommended SPTH(200) buffer required in Table 18.280.110-1; ~~the functions and values of the fish and wildlife habitat conservation area.~~
  - ii. In addition to the use of enhanced riparian plants and materials, other techniques and measures that might enhance the riparian area and buffer are described in Table 18.280.110-3.

**Table 18.280.110-3 Additional Buffer Enhancement Strategies.**

<u>Examples of Disturbance</u>	<u>Activities and Uses that Cause Disturbances</u>	<u>Examples of Measures to Minimize Impacts</u>
<u>Lights</u>	<ul style="list-style-type: none"> <li>• <u>Parking lots</u></li> <li>• <u>Warehouses</u></li> <li>• <u>Manufacturing</u></li> <li>• <u>Residential</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Direct lights away from the riparian area</u></li> </ul>
<u>Noise</u>	<ul style="list-style-type: none"> <li>• <u>Manufacturing</u></li> <li>• <u>Residential</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Locate activity that generates noise away from the riparian area</u></li> </ul>
<u>Toxic runoff*</u>	<ul style="list-style-type: none"> <li>• <u>Parking lots</u></li> <li>• <u>Roads</u></li> <li>• <u>Manufacturing</u></li> <li>• <u>Residential areas</u></li> <li>• <u>Application of agricultural pesticides</u></li> <li>• <u>Landscaping</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Route all new untreated runoff away from the riparian area</u></li> <li>• <u>Establish covenants limiting use of pesticides within 150 ft of the riparian area</u></li> <li>• <u>Apply integrated pest management</u></li> </ul>
<u>Stormwater runoff</u>	<ul style="list-style-type: none"> <li>• <u>Parking lots</u></li> <li>• <u>Roads</u></li> <li>• <u>Manufacturing</u></li> <li>• <u>Residential areas</u></li> <li>• <u>Commercial</u></li> <li>• <u>Landscaping</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u></li> <li>• <u>Prevent channelized flow from lawns that directly enters the buffer</u></li> </ul>
<u>Change in water regime</u>	<ul style="list-style-type: none"> <li>• <u>Impermeable surfaces</u></li> <li>• <u>Lawns</u></li> <li>• <u>Tilling</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</u></li> </ul>
<u>Pets and human disturbance</u>	<ul style="list-style-type: none"> <li>• <u>Residential areas</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Use privacy fencing, plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion and place the riparian area and its buffer in a separate tract</u></li> </ul>
<u>Dust</u>	<ul style="list-style-type: none"> <li>• <u>Tilled fields</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Use best management practices to control dust</u></li> </ul>

- iii. The remaining buffer area shall be intensely planted with a mixture of native vegetation pursuant to an approved landscape plan prepared by a registered landscape architect in the State of Washington and reviewed and certified by a qualified professional ecologist or biologist certifying that the plantings to be used in the remaining buffer area will compliment and support the functions and values of the fish and wildlife habitat conservation area equal to or greater than the functional values of the recommended SPTH<sub>(200)</sub> buffer.
- iiiv. The remaining buffer area shall be managed by the applicant or applicant's successor in interest for a minimum of three years following the city's final acceptance of any portion or phase of the project. A detailed management plan prepared by a qualified professional ecologist or biologist shall be submitted for city review and approval prior to the city's authorization of any on-site construction, unless otherwise authorized by the community development director or designee. The detailed management plan shall address among other things the replanting of dead or dying plant material, the contents and submittal to the city of annual monitoring report prepared by a qualified ecologist or biologist with the cost of this report to be borne entirely by the applicant or applicant's successor in interest and methods to address any identified problems with the buffer's support of the functional value of the fish and wildlife habitat conservation area.
- fe. Buffer width reduction shall not be used in combination with buffer width averaging on the same buffer segment of a multi-segment riparian buffer, but can be used in combination with the same wetland resource. For example, the lineal distance of a buffer segment, if eligible for buffer reduction, is not eligible for buffer averaging. Double reduction of a segment of a buffer is not allowed. However, one segment of a buffer may be reduced and a separate segment of a buffer may be averaged. Where multiple resources exist on a property or site, the community development director or designee may authorize the use of buffer width averaging and buffer width reduction on different resources on the property or site provided that any required scientific analysis or reporting addresses and supports the separate use.
- gf. Buffer Maintenance. Except as otherwise specified or allowed in accordance with this chapter, buffers for fish and wildlife habitat conservation areas shall be maintained according to the approved critical area permit.
- hg. Buffer Uses. The following uses may be permitted within a buffer for a fish and wildlife habitat conservation area in accordance with the review procedures of this chapter; provided, they are not prohibited by any other applicable law or regulation and they are conducted in a manner so as to minimize impacts to the buffer and the wetland:
- i. Activities allowed under the same terms and conditions as in the associated fish and wildlife habitat conservation areas.
  - ii. Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.
  - iii. Passive recreation facilities including trails and wildlife viewing structures, provided that the trails and structures are constructed with a surface that does not interfere with wetland stream hydrology.
  - iv. Stormwater management facilities limited to detention facilities, constructed wetlands, stormwater dispersion outfalls and bioswales, may be constructed in accordance with an approved critical area report.
3. Signs and Fencing of Fish and Wildlife Habitat Conservation Areas:
- a. The location of the outer perimeter of the fish and wildlife habitat conservation areas and its buffer shall be marked in the field, and such marking shall be approved by the community development director or designee prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.

- b. A permanent physical demarcation along the upland boundary of the fish and wildlife habitat conservation area buffer shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment, and is approved by the community development director or designee.
- c. Permanent fencing of the fish and wildlife habitat conservation area buffer on the outer perimeter shall be erected and thereafter maintained when there is a substantial likelihood of the presence of domestic grazing animals within the property unless the community development director or designee determines that the animals would not degrade the functions of the fish and wildlife habitat conservation area or buffer.
- d. Wood or metal signs shall be posted at an interval of one per lot for single family residential uses or at a maximum interval of two hundred feet or as otherwise determined by the community development director or ~~designee, and designee and~~ must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the community development director or designee: "The area beyond this sign is a fish and wildlife habitat conservation area or fish and wildlife habitat conservation area buffer. Alteration or disturbance is prohibited by law. Please call the city of Ridgefield for more information."

(Ord. No. 1132, § 2(Exh. A), 7-11-2013; Ord. No. 1207, § 2(Exh. A), 5-26-2016)

#### **18.280.120 Frequently flooded areas.**

Refer to RDC Chapter 18.750, Flood Control, for all requirements and standards regarding frequently flooded areas.

(Ord. No. 1132, § 2(Exh. A), 7-11-2013)

#### **18.280.130 Geologic hazard areas.**

- A. Designation. Designated or potential geologic hazard areas include landslide, seismic, and erosion hazard areas. With the exception of bank erosion hazard areas and fault rupture hazard areas, their potential locations are shown on maps available from the community development director or designee. Final designations shall be based on site conditions and other available data or information.
  - 1. Landslide Hazard Areas. Potential landslide hazard areas are identified from the sources listed below:
    - a. Slopes greater than twenty-five percent on the property and adjacent areas within fifty feet except engineered slopes such as cut and fill slopes along transportation routes (including trails), railroad and other berms, or dikes.
    - b. Areas of historic or active landslides, potential instability, or older landslide debris identified on the 1975 map by Allen Fiksdal of the Washington State Department of Natural Resources entitled, Slope Stability: Clark County Washington as revised or superseded or identified on the Washington State Department of Natural Resources Geologic Information Portal.
    - c. Identified from other available data or in the field by a qualified professional and adjacent areas within fifty feet.
  - 2. Seismic Hazard Areas. Seismic hazard areas include liquefaction or dynamic settlement, ground shaking amplification, and fault rupture hazard areas:
    - a. Liquefaction or Dynamic Settlement. The following are designated liquefaction or dynamic settlement hazard areas:
      - i. Areas with low to moderate, moderate, moderate to high, or high liquefaction susceptibility or peat deposits as indicated on the Alternative Liquefaction Susceptibility Map of Clark County, Washington based on Swanson's Groundwater Model by Stephen P. Palmer,

Sammantha L. Magsino, James L. Poelstra, and Rebecca A. Niggemann, September, 2004, as revised or superseded.

- ii. Areas of fill (Fn) identified by the 1972 USDA Soil Conservation Service Soil Survey of Clark County Washington and by the community development director, based on other reliable evidence.
  - b. Ground Shaking Amplification. Designated ground shaking amplification hazard areas: include site classes C to D, D, D to E, E and F as indicated on the Site Class Map of Clark County, Washington by Stephen P. Palmer, Sammantha L. Magsino, James L. Poelstra, and Rebecca A. Niggemann, September, 2004 as revised or superseded.
  - c. Fault Rupture Hazard Areas. Potential fault rupture hazard areas are faults identified on geological maps prepared and maintained by the Washington Department of Natural Resources (DNR), U.S. Geological Survey (USGS), Oregon Department of Geology and Mineral Industries (DOGAMI), Clark County, Washington, or identified from other available data or in the field by a qualified professional and adjacent areas within fifty feet.
3. Erosion Hazard Areas. Erosion hazard areas include soil erosion and bank erosion hazard areas.
    - a. Soil Erosion Hazard Areas. Soil erosion hazard areas are those areas with soils identified as having a severe erosion hazard by the 1972 USDA Soil Conservation Service Soil Survey of Clark County Washington.
    - b. Bank Erosion Hazard Areas. Bank erosion hazard areas are areas along lakes, streams, and rivers that are subject to regression or retreat due to lacustrine or fluvial processes and adjacent land within fifty feet.
- B. Additional Critical Areas Report Requirements.
1. In addition to the requirements of 18.280.050.B, the following are critical areas report requirements to be prepared by a ~~registered~~-geotechnical engineer or ~~registered~~-geologist, licensed in the State of Washington, for development proposals in ~~geologic~~geological hazard areas. These requirements may be adjusted as appropriate by the community development director or designee. The required report shall address factors of public safety. A critical areas report is not required for placement or replacement of roads, sidewalks, and trails where there are no structures, gas, electric, cable, fiber optic cable, stormwater, sewer, or water facilities in areas with only ground shaking or liquefaction hazards:
    - a. Identification of the site and project area, topography in one foot contours (or other increment at the discretion of the community development director or designee), gas, electric, cable, fiber optic cable, telephone, sewer, water, and stormwater management facilities, wells, on-site septic systems, dikes, levees, and existing structures on the site plan.
    - b. Detailed review of field investigations, published data and references, data and conclusions from past geologic studies or investigations, site-specific measurements, tests, investigations, or studies, and the methods of data analysis and calculations that support the results, conclusions, and recommendations.
    - c. Field investigation and evaluation of the areas on-site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within fifty feet of the site for landslide and bank erosion hazards.
    - d. A description of the surface and subsurface geology, hydrology, drainage patterns, soils, and vegetation on-site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within fifty feet of the site for landslide and bank erosion hazards.
    - e. Identification of the hazard area indicators that were found (if any) on-site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within fifty feet of the site for landslide and bank erosion hazards.

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- f. Conclusion as to whether there is a geologic hazard area on-site or for landslide and bank erosion hazards on or within fifty feet of the site.
  - g. If a liquefaction, dynamic settlement, ground shaking amplification, fault rupture, or soil erosion hazard is found to exist on site or if a landslide or bank erosion hazard is found to exist on or within fifty feet of the site the following shall be specified on a site plan:
    - i. The location(s), extent, and type(s) of geologic hazard area(s) identified.
    - ii. The location(s) and extent of any area(s) that must be left undisturbed to protect the proposed development from damage or destruction and to protect the hazard area(s) from the impacts of the proposed development.
    - iii. The boundaries of the area that may be disturbed.
    - iv. The dimension of the closest distance(s) between the geologic hazard area(s) and the project area.
    - v. The dimension of the closest distance(s) between any non-disturbance area and the project area.
  - h. For bank erosion hazard areas, show these areas, boundaries, and dimensions based upon natural processes and, if applicable, proposed bank stabilization measures.
  - i. Analysis of the erosion processes on-site for soil erosion hazard areas and on or within one hundred feet of the site for bank erosion hazard areas.
  - j. Evaluation of the impact of the geologic hazard area(s) on the proposed development, other properties, and other critical areas as follows:
    - i. Landslide Hazard Areas. The impact of the run-out hazard of landslide debris from both upslope and downslope shall be included in the evaluation.
    - ii. Bank Erosion Hazard Areas. Evaluation of impacts on other properties shall include properties both upstream and downstream of the subject property.
    - iii. Evaluation of the impact of the proposed development on the geologic hazard area(s).
    - iv. Assessments and conclusions regarding geologic hazard(s) for both existing and proposed (post-development) site conditions. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.
    - v. Written discussion of the risk of damage or destruction from the geologic hazard(s) with respect to human health and safety; infrastructure; the proposed development; other properties (both upstream and downstream for bank erosion hazard areas); and other critical areas; and whether and to what degree the proposed development would increase the risk from the geologic hazard(s), such as the occurrence of a landslide or the rate of regression.
    - vi. Recommendations for mitigation of impacts to protect human health and safety; infrastructure; the proposed development; other properties (both upstream and downstream for bank erosion hazard areas); other critical areas; and the hazard area during construction and for the anticipated life of the proposed development. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.
  - k. An analysis of how the standards of RDC 18.280.130.C applicable to each geologic hazard area will be met.
- C. Performance Standards.
- 1. Landslide, Soil Erosion, and Bank Erosion Hazard Areas. Development in designated non-disturbance areas shall be prohibited. Where such areas have not been identified, development, including elimination

of a landslide hazard area through grading, in landslide, soil erosion, and bank erosion hazard areas and their buffers shall be prohibited except where the applicant has demonstrated compliance with or satisfaction of the following standards or requirements.

- a. The applicant has demonstrated that the use, activity, and structure(s) cannot feasibly be located outside the geologic hazard area or buffer given the physical limitations of the site; and that during construction and for the anticipated life of the proposed development the following will be satisfied:
  - i. Will not increase the threat of the geological hazard beyond pre-development conditions;
  - ii. Will not adversely impact other critical areas wherever feasible given the type of critical areas involved and the characteristics of the site;
  - iii. Are designed so that the hazard to the proposed project is eliminated or mitigated to a level equal to or less than pre-development conditions;
  - iv. The life safety risk is minimal or eliminated; and
  - v. Are certified by a ~~registered~~ geotechnical engineer or ~~registered~~ geologist, licensed in the State of Washington, as safe as designed and under anticipated conditions.
  - vi. A plan for revegetation and landscape maintenance to ensure soil stabilization shall be developed and implemented in accordance with the mitigation plan requirements of RDC 18.280.050.E.
  - vii. Clearing, grading, uprooting, or otherwise impairing the soil stabilizing function of vegetation shall be prohibited during the wet season (November 1 to May 1), except as authorized under a valid state or federal permit or a city Type I permit.
  - viii. Drainage patterns shall not be altered such that potential for damage or risk to the proposed project, the geologic hazard area, or other critical areas or buffers is increased.
  - ix. The city's adopted erosion control requirements shall be met.
  - x. Trails shall be for pedestrian and non-motorized vehicular use only and shall be the minimum width necessary to meet applicable regulations and for the ability to conduct required operations and maintenance.
- b. Roads in Landslide and Bank Erosion Hazard Areas. A road through or across a landslide or bank erosion hazard area shall meet the standards of RDC 18.280.130.C.1.a and shall not be:
  - i. The sole access for a proposed subdivision (not including short plat) or critical facility.
  - ii. Longer than two hundred feet.
  - iii. Steeper than a twenty percent grade.
- c. Markers and Signs in Landslide Hazard Areas.
  - i. The boundary at the outer edge of landslide area tracts and easements shall be delineated with permanent survey stakes, using iron or concrete markers as established by local survey standards.
  - ii. The boundary at the outer edge of the farthest of the landslide hazard area, non-disturbance area or buffer shall be identified with temporary signs prior to any site alteration. Such temporary signs shall be replaced with permanent signs prior to occupancy or use of the site.
  - iii. These provisions may be modified by the community development director or designee as necessary to ensure protection of sensitive features or wildlife needs.
- d. Bank Stabilization for Existing Development in Bank Erosion Hazard Areas.

- i. Bank stabilization measures may be employed to protect an existing structure when a critical areas report conclusively demonstrates all of the following:
    - (A) Bank erosion threatens an established use or existing structure(s).
    - (B) The threatened structure(s) cannot be relocated landward of any non-disturbance area.
    - (C) Where applicable, bank stabilization measures are necessary to the operation and location of water-dependent, water-related, or water enjoyment activities consistent with the city's shoreline management master program.
    - (D) Bank stabilization measures will not cause a significant adverse impact on upstream or downstream properties or an impact that cannot be mitigated without developing bank stabilization measures for those properties.
    - (E) Bank stabilization measures will not cause a significant adverse impact on fish, wildlife, or their habitats protected by this chapter.
  - ii. When bank stabilization is allowed, it shall be accomplished using beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two. Other techniques may be used when an approved critical areas report demonstrates conclusively that beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two will not provide sufficient protection for the remaining useful life of the structure(s) to be protected.
  - iii. When bank stabilization is allowed, the pertinent policies and regulations of the city's shoreline management master program shall apply in addition to the requirements of this section. The terms and conditions of any other required state or federal permit or approval shall also apply.
  - e. Buffer. The following regulations apply to landslide and bank erosion hazard area buffers. No buffer is required for soil erosion hazard areas. Buffers may be included in non-disturbance areas and required planting and maintenance activities may be undertaken within them:
    - i. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area, except for those instances where there is a physical grade separation of ten feet or greater between the geologic hazard area and an upland area. In this instance, the buffer area measurement shall take into account this physical grade separation.
    - ii. A vegetated buffer shall be maintained around all landslide and bank erosion hazard areas. No alteration to the buffer shall be undertaken without a city approved erosion control plan. New plantings shall consist of native vegetation. Maintenance shall be the responsibility of the property owner.
    - iii. The minimum buffer width for bank erosion hazard areas shall be the distance recommended in an approved critical areas report.
    - iv. The minimum buffer width for landslide hazard areas shall be the minimum distance(s) recommended in an approved critical areas report.
    - v. A modified buffer width may be authorized for landslide and bank erosion hazard areas at the discretion of the community development director or designee when recommended in an approved critical areas report prepared by a qualified professional.
2. Seismic Hazard Areas.
- a. Liquefaction or Dynamic Settlement Hazard Areas. All building structures in liquefaction or dynamic settlement hazard areas shall comply with the city's adopted building code regulations, as applicable. No buffer is required for liquefaction or dynamic settlement hazard areas.

- b. Ground Shaking Amplification Hazard Areas. All building structures in ground shaking amplification hazard areas shall comply with the city's adopted building code regulations applicable to the NEHRP soil classification of the subject property. No buffer is required for ground shaking amplification hazard areas.
- c. Fault Rupture Hazard Areas.
  - i. A road through or across a fault rupture hazard area shall not be:
    - (A) The sole access for a proposed subdivision (not including short subdivision) or critical facility.
    - (B) Longer than two hundred feet.
    - (C) Steeper than a twenty percent grade.
  - ii. Structures for human habitation and critical facilities shall be prohibited within fault rupture hazard areas and buffers.
- d. Buffer.
  - i. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area, except for those instances where there is a physical grade separation of ten feet or greater between the geologic hazard area and an upland area. In this instance, the buffer area measurement shall take into account this physical grade separation.
  - ii. The minimum buffer width for landslide hazard areas shall be the minimum distance(s) recommended in an approved critical areas report.
  - iii. A modified buffer width may be authorized for landslide and bank erosion hazard areas at the discretion of the community development director or designee when recommended in an approved critical areas report prepared by a qualified professional.

(Ord. No. 1132, § 2(Exh. A), 7-11-2013)

**18.280.140 Critical aquifer recharge areas. NEW CHAPTER Replaces Prior Chapter**

**A. Designation of Critical Aquifer Recharge Areas (CARAs). (See 18.280.170 – Definitions)**

For purposes of RDC 18.280.140, the following designation shall apply:

**1. Sole Source Aquifers. Sole source aquifers are areas that the U.S. Environmental Protection Agency designated pursuant to the Federal Safe Water Drinking Act.**

- a. The Ridgefield corporate limits are in the Troutdale Aquifer System Source Area Sole Source Aquifer. See link.
- b. In accordance with WAC 365-190-100, the entirety of the city of Ridgefield is designated as a CARA to preserve the volume of recharge available to the aquifer system and to protect groundwater from contamination.

**B. Classification. For regulatory purposes, lands within the overall CARA designation are classified as either Category I CARA or Category II CARA.**

- 1. Category I CARA means the highest priority CARA, represented by the one (1) year time-of-travel wellhead protection area for Group A public water system sources. (See 18.280.170, Definition of “Wellhead protection area.”)
- 2. Category II CARA means the remainder of the designated CARA.
- 3. Parcels that are partly within Category I and Category II shall be subject to the Category I provisions in this section.

C. Mapping of Critical Aquifer Recharge Areas.

1. The approximate location and extent of CARAs are shown on the adopted critical areas maps. (See: Ridgefield Community Development Department, Clark County MapsOnline, and Washington State Department of Health Source Water Assessment Program Mapping Tool.)
2. These maps are to be used as a guide for the city, project applicants, and/or property owners and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

D. Exempt activities. The following activities are exempt from CARA permit review and do not require submission of a critical area report:

1. Existing activities that currently and legally existed on January 1, 2026.
2. Construction of structures and improvements, including additions, resulting in less than five percent or two thousand five hundred square feet (whichever is greater) total site impervious surface area that does not result in a change of use or increase the use of a hazardous substance.
3. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent total site impervious surface area that do not increase the use of a hazardous substance.
4. Existing or replacement on-site domestic septic systems releasing less than fourteen thousand five hundred gallons of effluent per day and that are limited to a maximum density of one system per one acre.
5. Residential uses, including typical residential accessory structures, excluding mixed-use development.
6. Group A public water system source development and associated infrastructure including public water pipelines; and public water supply storage structures;
7. Activities already permitted and regulated by the state or the Clark County Health Department to incorporate best management practices; and
8. Uses where containment is provided and approved by the city of Ridgefield and Clark County Fire and Rescue.

E. Prohibited Activities. The following uses are prohibited in Category I and Category II CARAs:

1. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste, and inert and demolition waste landfills;
2. Class I-IV Underground Injection Wells (See WAC 173-218-040)
3. Mining, wood treatment and radioactive substances.
  - a. Metals and hard rock mining.
  - b. Sand and gravel mining, prohibited from critical aquifer recharge areas determined to be highly susceptible or vulnerable.
  - c. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade).
  - d. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or dispose of radioactive substances except for medical equipment or materials that are used in a medical or dental facility, and medical waste as defined in RCW 70A.390.020 that is generated within a medical facility and held for lawful disposal.
4. Other Prohibited Uses or Activities.
  - i. Activities that would significantly reduce the recharge to aquifers currently or potentially be used as a potable water source.

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- ii. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a regulated stream.
        - iii. New on-site sewage systems.
        - iv. New application of agricultural wastewater to land.
  - F. Performance Standards—Critical Aquifer Recharge Areas. Non-exempt activities may only be permitted, subject to city review and approval of a critical area permit. The applicant must show that the proposed activity will not cause contaminants to enter the aquifer and that the proposed activity will not adversely affect the recharging of the aquifer.
    - 1. Storage Tanks. All storage tanks proposed to be located in a CARA must comply with local building code requirements and must conform to the following requirements:
      - a. Underground Tanks. All new underground storage facilities proposed for the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
        - i. Prevent releases due to corrosion or structural failure for the operational life of the tank;
        - ii. Be protected against corrosion, constructed of non-corrosive material, steel clad with a non-corrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and
        - iii. Use material in the construction or lining of the tank that is compatible with the substance to be stored.
      - b. Aboveground Tanks. All new aboveground storage facilities proposed for the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
        - i. Not allow the release of a hazardous substance to the ground, ground waters, or surface waters; and,
        - ii. Have a primary containment area enclosing or underlying the tank or part thereof; and
        - iii. A secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.
      - c. Vehicle Repair and Servicing.
        - i. Vehicle repair and servicing, excluding repair or service of less than two personal vehicles on a residential lot, must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.
        - ii. Dry wells shall not be used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the state department of Ecology prior to commencement of the proposed activity.
      - d. Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.
  - G. Critical Aquifer Recharge Areas Assessment and Reporting. In addition to the general critical area report requirements of RDC 18.280.050, critical area reports for CARAs must meet the requirements of this section. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.
    - 1. Preparation by a Qualified Professional. A critical area report for a use in a CARA shall be prepared by a qualified professional who is currently a licensed Washington State geologist holding a current specialty license in hydrogeology or an engineer currently licensed in the State of Washington who, in the opinion of the community development director or designee, has hydrogeology experience consistent with the intent of WAC 308-15-053(2).

2. Hydrogeologic Assessments.

- a. Level One Hydrogeological Assessment. For development outside of a Category I CARA, the critical area report shall contain a level one hydrogeological assessment which, at a minimum, shall include the following site and proposal-related information:
  - i. Available information regarding geologic and hydrogeologic characteristics of the site including the permeability of the unsaturated zone.
  - ii. Ground water depth, flow direction, and gradient based on available information.
  - iii. Location of other critical areas, including surface waters, within one thousand three hundred feet of the project area.
  - iv. Available historic water quality data for the area affected by the proposed activity.
  - v. Best management practices proposed to be utilized to avoid adverse impacts to the aquifer.

3. Level Two Hydrogeologic Assessment.

- a. A level two hydrogeologic assessment shall be required for any of the following proposed activities in a Category I:
  - i. Activities that result in ten percent or more impervious site area;
  - ii. Activities that divert, alter, or reduce the flow of surface or ground waters, or otherwise reduce the recharging of the aquifer;
  - iii. The use of hazardous substances, other than household chemicals used according to the directions specified on the packaging for domestic applications;
  - iv. Any other activity the community development director determines is likely to have an adverse impact on ground water quality or quantity or on the recharge of the aquifer.
- b. A level two hydrogeologic assessment shall include the following site- and proposal-related information at a minimum, in addition to the requirements for a level one hydrogeological assessment:
  - i. Historic water quality data for the area to be affected by the proposed activity compiled for at least the previous five-year period.
  - ii. Ground water monitoring plan provisions for three years.
  - iii. Discussion of the effects of the proposed project on the ground water quality and quantity, including:
    - 1. Predictive evaluation of ground water withdrawal effects on nearby wells and surface water features.
    - 2. Predictive evaluation of contaminant transport based on potential releases to ground water.
    - 3. A spill plan that identifies equipment and/or structures that could fail, resulting in an impact. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment that could fail.

H. Statutes, Regulations, and Guidance Pertaining to Ground Water Impacting Activities.

Table 18.280.140-1

<b>Activity</b>	<b>Statute—Regulation—Guidance</b>
Above ground storage tanks used to treat or store dangerous waste	Chapter 173-303-640 WAC

Automobile washers	Vehicle and Equipment Wash water Discharges/Best Management Practices Manual. Revised November 2012 Publication no. WQ-R-95-056
Below ground storage tanks	Chapter 173-360A WAC
Chemical treatment storage and disposal facilities	Chapter 173-303 WAC
Dangerous waste regulations	Chapter 173-303 WAC
Underground Injection control program	WAC Chapter 173-218
Functional standards for solid waste handling	Chapter 173-304 WAC, Vehicle Recyclers: A Guide for Implementing the Industrial Stormwater General National Pollutant Discharge Elimination System (NPDES) Permit Requirements, Publication no. 94-146
Oil and gas drilling	Chapter 332-12-450 WAC, Chapter 173-218 WAC
On-site sewage systems (large scale)	Chapter 246-272B WAC
On-site sewage systems (< 14,500 gal/day)	Chapter 246-272A WAC, Local Health Ordinances
Pesticide storage and use	Chapter 17.21 RCW

### 18.280.150 Wetlands.

#### A. Designating and Rating Wetlands.

1. Designating Wetlands. Wetlands are those areas, designated in accordance with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), US Army Corps of Engineers, 2010 or as revised, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created (but not as mitigation for impacts to wetlands) from non-wetland sites, including ditches constructed in non-wetlands areas that do not drain wetlands, but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities or those wetlands created after July 1990 that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands shall include those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands. Final designations shall be based on-site conditions and other available data or information (See RDC 18.280.030.A.1).
2. Wetland Ratings. Wetlands shall be rated according to the Washington State Department of Ecology (Ecology) wetland rating system found in Hruby, 2014, Washington State Wetland Rating System for Western Washington, "Washington State Wetland Rating System For Western Washington: 2014 Update, Version 2.0 (Ecology Publication #23-06-009, or as revised and approved by Ecology". Ecology publication #14-06-029, or as revised by Ecology. The rating system document contains the definitions and methods for determining if the criteria below are met.
3. Wetland Rating Categories.
  - a. Category I. Category I wetlands are those that meet one or more of the following criteria:

- i. Wetlands of High Conservation Value as defined by the Washington State Department of Fish and Wildlife and the Natural Heritage Program at the Department of Natural Resources.
  - ii. Bogs;
  - iii. Mature and old growth forested wetlands larger than one acre;
  - iv. Wetlands that perform many functions well, as indicated by scoring twenty-three or more points (out of twenty-seven possible points) in the rating system.
- b. Category II. Category II wetlands are those with a moderately high level of functions, as indicated by scoring twenty to twenty-two points in the Ecology rating system.
  - c. Category III. Category III wetlands are those with a moderate level of functions, as indicated by scoring sixteen to nineteen points in the Ecology rating system.
  - d. Category IV. Category IV wetlands are those with a low level of functions, as indicated by scoring less than sixteen points in the Ecology rating system.
- B. Additional Critical Areas Report Requirements. A critical area report for wetlands shall be prepared by a professional ecologist or biologist according to the current approved federal manual and supplements including the 1987 Corps of Engineers Wetlands Delineation Manual and Regional Supplements, or as revised, and ~~the "Washington State Wetland Rating System For Western Washington, 2014 Update, Version 2.0 (Ecology Publication #23-06-009, or as revised and approved by Ecology".~~ he Hruby, 2014, Washington State Wetland Rating System for Western Washington, Ecology publication #14-06-029, or as revised by Ecology. The critical area report shall contain an analysis of the wetlands including the following site- and proposal-related information:
1. A written assessment, data sheets and accompanying maps of any wetlands or buffers on the site including the following information:
    - a. Hydrogeomorphic (HGM) classification.
    - b. Wetland category.
    - c. Wetland delineation and required buffers.
    - d. Existing wetland acreage.
    - e. Vegetative, faunal, and hydrologic characteristics.
    - f. Soil types and substrate conditions.
    - g. Topographic elevations, at one-foot contours.
    - h. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year - drift lines, algal layers, moss lines, and sediment deposits).
  2. Functional evaluation for the wetland and buffer using Ecology's most current approved method and including the reference of the method and all data sheets.
  3. Proposed mitigation, if needed, including a written description and accompanying maps of the mitigation area, including the following information:
    - a. Existing and proposed wetland acreage;
    - b. Existing and proposed vegetative and faunal conditions;
    - c. Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
    - d. Relationship to lakes, streams and rivers in the watershed;

- e. Soil type and substrate conditions;
  - f. Topographic elevations, at one-foot contours; and
  - g. Required wetland buffers including existing and proposed vegetation.
- C. Performance Standards.
1. General Requirements. Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. Activities shall result in no net loss of wetland or buffer functions. Protection may be provided by avoiding (the preferred protection) or minimizing and mitigating.
    - a. In Category I wetlands only the following activities may be allowed:
      - i. Installation of utilities such as water, sewer, stormwater conveyance, gas, electric, cable, fiber optic cable or telephone, expansion of existing roads, utilities and railroads and maintenance of existing levees or dikes, provided that impacts are minimized and that mitigation for any unavoidable impact to functions is conducted. New roads, dikes and levees shall only be allowed if compliance to Section 18.280.090 (Reasonable Use Exceptions) is demonstrated.
      - ii. Trails and wildlife viewing structures that have no impact on water quality and are located in the outer 25% of the wetland buffer may be permitted. Trails and walkways should be generally parallel to the perimeter of the wetland and located to avoid removal of significant mature trees. They should be limited to pervious surfaces and designed for pedestrian use only, provided that the trails and structures minimize the impact and are constructed so that they do not interfere with wetland hydrology.
    - b. In Category II wetlands the following activities may be allowed:
      - i. Activities allowed in Category I wetlands.
      - ii. Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.
      - iii. Activities that are mitigated in accordance with an approved critical areas report and an approved mitigation plan.
    - c. In Category III and IV wetlands the following activities may be allowed:
      - i. Activities allowed in Category I and II wetlands.
      - ii. Activities that are mitigated in accordance with an approved critical areas report and an approved mitigation plan.
    - d. Mitigation for the loss of acreage and functions shall be provided pursuant to an approved mitigation plan prepared by a qualified professional.
  2. Wetland Buffers. The buffer widths in the table assume that the buffer is fully vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.
    - a. Standard Buffer Widths. ~~Standard buffer widths are those determined by the Department of Ecology and described in Freshwater Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands or as revised by Ecology.~~ Buffer widths are based on wetland category, wetland characteristics and land use intensity.
    - b. Land use intensities are as follows:

**Table 18.280.150-1: Land Use Intensities**

(Based upon C: Guidance on Buffers and Ratios for Western Washington Wetlands in Washington State Volume 2 - Protecting and Managing Wetlands, Ecology Publication No. 05-06-008, Modified from Appendix 8-)

Land Use Intensity	Land Uses
High	<u>Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than 1 unit/acre) • Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.) • High-intensity recreation (golf courses, ball fields, etc.) • Hobby farms</u> <del>Moderate • Residential (1 unit/acre or less) Residential, Commercial or Industrial</del>
Moderate	<u>Moderate-intensity open space (parks with biking, jogging, etc.) • Conversion to moderate-intensity agriculture (orchards, hay fields, etc.) • Paved trails • Building of logging roads • Utility corridor or right-of-way shared by several utilities and including access/maintenance road</u> <del>Low • Forestry (cutting of trees only) Park or Open Space Greenway</del>
Low	<u>Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.) • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management. * Local governments are encouraged to create land-use designations for zoning that are consistent with these examples</u> <del>Open Space Greenway or Open Space Natural</del>

- i. Level of function for habitat, based on the 2014 Washington State Wetland Rating System, is as follows:

**Table 18.280.150-2:  
Rating System**

Level of Function	Final Habitat Score in Rating System
High	8—9
Moderate	<del>5</del> 6—7
Low	3— <del>4</del> 5

- ii. Buffer widths are measured horizontally from the edge of the wetland and are as follows:
  - (A) Category I wetlands:

**Table 18.280.150-3:  
Category I Wetland Buffer Widths**

Wetland Characteristics	Land Use Intensity	Buffer Width (in feet)
Natural heritage wetlands or bogs	High	250
	Moderate	190
	Low	125
Forested wetlands—High habitat function	High	300
	Moderate	225
	Low	150
Forested wetlands—Moderate habitat function	High	150
	Moderate	110
	Low	75
Forested wetlands—Low habitat function	High	100
	Moderate	75
	Low	50
Other Category 1 wetlands—High habitat function	High	300
	Moderate	225
	Low	150
Other Category 1 wetlands—Moderate habitat function	High	150
	Moderate	110

	Low	75
Other Category 1 wetlands—Low habitat function	High	100
	Moderate	75
	Low	50

(B) Category II wetlands:

**Table 18.280.150-4:  
Category II Wetland Buffer Widths**

Wetland Characteristics	Land Use Intensity	Buffer Width (in feet)
High habitat function	High	<del>200-300</del>
	Moderate	<del>150-225</del>
	Low	100
Moderate habitat function	High	100
	Moderate	75
	Low	50
Low habitat function	High	<del>100-90</del>
	Moderate	<del>65-100</del>
	Low	<del>35-150</del>

(C) Category III wetlands:

**Table 18.280.150-5:  
Category III Wetland Buffer Widths**

Wetland Characteristics	Land Use Intensity	Buffer Width (in feet)
Moderate habitat function	High	<del>100-150</del>
	Moderate	<del>75-110</del>
	Low	<del>50-100</del>
Low habitat function	High	80
	Moderate	60
	Low	40

(D) Category IV wetlands:

**Table 18.280.150-6:  
Category IV Wetland Buffer Widths**

Wetland Characteristics	Land Use Intensity	Buffer Width (in feet)
All Category IV wetlands	High	50
	Moderate	40
	Low	25

(E) All buffers shall be measured from the wetland boundary as surveyed in the field.

(F) "Functionally Disconnected Buffer Area. Buffers may exclude areas that are functionally and effectively disconnected from the wetland by an existing public or private road or legally established development, as determined by the community development director. Functionally and effectively disconnected means that the road or other significant development blocks the protective measures provided by a buffer.

Significant developments shall include built public infrastructure such as roads and railroads, and private developments such as homes or commercial structures. The community development director shall evaluate whether the interruption will affect the entirety of the buffer. Individual structures may not fully interrupt buffer function. In such cases, the allowable buffer exclusion should be limited in scope to just the portion of the buffer that is affected. Where questions exist regarding whether a development functionally disconnects the buffer, or the extent of that impact, the community development director may require a critical area report to analyze and document the buffer functionality."

~~Areas which are completely functionally separated from a wetland and do not protect the wetland from adverse impacts may be excluded from buffers otherwise required.~~

- iii. Buffer Width Averaging. The community development director or designee may allow buffer width averaging in accordance with an approved critical area report on a case-by-case basis. Buffer width averaging shall not be used in combination with buffer width reduction or a minor exception on the same buffer segment to reduce the minimum buffer width below that specified in this chapter. Averaging of buffer widths may only be allowed where a qualified professional wetland scientist demonstrates that:
  - (A) Such averaging will not reduce wetland functions or functional performance; and
  - (B) The wetland varies in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places; and
  - (C) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
  - (D) The buffer width is reduced by no more than ~~fifty-twenty-five~~ fifty percent of the standard width and at no point to less than twenty-five feet.
- iv. Buffer Width Reduction. ~~Buffer width reduction is disfavored. However, t~~The community development director or designee may authorize the reduction of required buffer widths ~~by no more than 25% to a lesser width~~ by no more than 25% provided that an applicant demonstrates why avoidance is not possible and also compliance with the following:
  - (A) Written evidence prepared by a qualified ecologist or biologist licensed in the State of Washington addressing the proposed buffer width reduction and demonstrating how the reduced buffer will enhance the functions and values of the adjacent wetland.
  - (B) The remaining buffer area shall be intensely planted with a mixture of native vegetation pursuant to an approved landscape plan prepared by a qualified ecologist or biologist or prepared by a registered landscape architect licensed in the State of Washington and reviewed and certified by a qualified ecologist or biologist certifying that the plantings to be used in the remaining buffer area will compliment and support the functions and values of the adjacent wetland.
  - (C) The remaining buffer area shall be managed by the applicant or applicant's successor in interest for a minimum of three years following the city's final acceptance of any portion or phase of the project. A detailed management plan prepared by a qualified ecologist or biologist shall be submitted for city review and approval prior to the city's authorization of any on-site construction, unless otherwise authorized by the community development director or designee. The detailed management plan shall address among other things the replanting of

dead or dying plant material, the contents and submittal to the city of annual monitoring report prepared by a qualified ecologist or biologist with the cost of this report to be borne entirely by the applicant or applicant's successor in interest and methods to address any identified problems with the buffer's support of the functional value of the adjacent wetland.

- (D) Buffer width reduction shall not be used in combination with buffer width averaging on the same buffer segment but can be used in combination with the same wetland resource.
- (E) The city will establish a list of certified qualified professionals through appropriate annual advertisement and receipt of statements of qualifications. Individuals or firms selected to be on the list of qualified professionals will be required to abide by professional performance standards established by the city, provided that the city retains the discretion to modify these standards as it deems appropriate. Qualified individual or firms that are recognized and accepted by the city shall not have to have their submitted work products reviewed by a third party.
- (F) Strategies for avoiding or reducing impacts to the wetlands and buffers are found in Table 18.280.150-7.

**Table 18.280.150-7 Strategies for avoiding or reducing impacts to wetlands and buffers**

<u>Examples of Disturbance</u>	<u>Activities and Uses that Cause Disturbances</u>	<u>Examples of Measures to Minimize Impacts</u>
<u>Lights</u>	<ul style="list-style-type: none"> <li>• <u>Parking lots</u></li> <li>• <u>Warehouses</u></li> <li>• <u>Manufacturing</u></li> <li>• <u>Residential</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Direct lights away from the wetland</u></li> </ul>
<u>Noise</u>	<ul style="list-style-type: none"> <li>• <u>Manufacturing</u></li> <li>• <u>Residential</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Locate activity that generates noise away from the wetland</u></li> </ul>
<u>Toxic runoff*</u>	<ul style="list-style-type: none"> <li>• <u>Parking lots</u></li> <li>• <u>Roads</u></li> <li>• <u>Manufacturing</u></li> <li>• <u>Residential areas</u></li> <li>• <u>Application of agricultural pesticides</u></li> <li>• <u>Landscaping</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Route all new` untreated runoff away from wetland while ensuring wetland is not dewatered</u></li> <li>• <u>Establish covenants limiting use of pesticides within 1 50 ft of the wetland</u></li> <li>• <u>Apply integrated pest management</u></li> </ul>
<u>Stormwater runoff</u>	<ul style="list-style-type: none"> <li>• <u>Parking lots</u></li> <li>• <u>Roads</u></li> <li>• <u>Manufacturing</u></li> <li>• <u>Residential areas</u></li> <li>• <u>Commercial</u></li> <li>• <u>Landscaping</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u></li> <li>• <u>Prevent channelized flow from lawns that directly enter the buffer</u></li> </ul>
<u>Change in water regime</u>	<ul style="list-style-type: none"> <li>• <u>Impermeable surfaces</u></li> <li>• <u>Lawns</u></li> <li>• <u>Tilling</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Infiltrate or treat` detain` and disperse into buffer new runoff from impervious surfaces and new lawns</u></li> </ul>

<u>Pets and human disturbance</u>	• <u>Residential areas</u>	• <u>Use privacy fencing plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion and place the wetland and its buffer in a separate tract</u>
<u>Dust</u>	• <u>Tilled fields</u>	• <u>Use best management practices to control dust</u>

- v. Buffer Maintenance. Except as otherwise specified or allowed in accordance with this chapter, wetland buffers shall be maintained according to the approved critical area permit.
- vi. Buffer Uses. The following uses may be permitted within a wetland buffer in accordance with the review procedures of this chapter; provided, they are not prohibited by any other applicable law or regulation and they are conducted in a manner so as to minimize impacts to the buffer and the wetland:
- (A) Activities allowed under the same terms and conditions as in the associated wetlands.
  - (B) Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.
  - (C) Passive recreation facilities including trails and wildlife viewing structures, provided that the trails and structures are constructed with a surface that does not interfere with wetland hydrology. When practicable and appropriate trails may be constructed of permeable surfaces, should be located in the outer twenty-five percent of a buffer and should be designed to avoid the removal of significant trees. The city engineer shall have the discretion to determine the surface material and location of trails to ensure compliance to the city's engineering standards and state or federal accessibility requirements.
  - (D) Stormwater management facilities limited to detention facilities, constructed wetlands, stormwater dispersion outfalls and bioswales, may be constructed in the outer twenty-five percent of the wetland buffer for Category I or II wetlands, and in the outer fifty percent of the wetland buffer for Category III and IV wetlands in accordance with an approved critical area report.

### 3. Signs and Fencing of Wetlands.

- a. The location of the outer perimeter of the wetland and buffer shall be marked in the field, and such marking shall be approved by the community development director or designee prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.
- b. A permanent physical demarcation along the upland boundary of the wetland buffer shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment, and is approved by the community development director or designee.
- c. Permanent fencing of the wetland buffer on the outer perimeter shall be erected and thereafter maintained when there is a substantial likelihood of the presence of domestic grazing animals within the property unless the community development director or designee determines that the animals would not degrade the functions of the wetland or buffer.
- d. Wood or metal signs shall be posted at an interval of one per lot for single family residential uses or at a maximum interval of two hundred feet or as otherwise determined by the community development director or designee and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the community

development director or designee: "The area beyond this sign is a wetland or wetland buffer. Alteration or disturbance is prohibited by law. Please call the city of Ridgefield for more information."

4. Mitigation Sequencing. The following are the steps in the mitigation sequence according to the implementing rules of SEPA (Chapter 197-11-768 WAC). Applicants shall demonstrate that they have taken these actions:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;
- b. 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;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
- f. Monitoring the impact and taking appropriate corrective measures

5. Compensatory Mitigation. Compensatory mitigation for impacts to wetlands shall be provided pursuant to Table 18.280-7 and shall be consistent with the Department of Ecology Guidance on Wetland Mitigation in Washington State, Part 1: Laws, Rules, Policies, and Guidance Related to Wetland Mitigation, Ecology publication # 04-06-013a, or as revised by Ecology. Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide similar wetland functions as those lost, except when:

- a. The lost wetland provides minimal functions as determined by a site-specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limited within a watershed through a formal Washington state watershed assessment plan or protocol; or
- b. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

65. Mitigation Actions. If the applicant demonstrates that preservation of the resource is not possible due to unique character of the land, the applicant may undertake the following mitigation actions

- a. Creation. The manipulation of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site where a biological wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres and functions.
- b. Re-establishment. The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches or breaking drain tiles. Re-establishment results in a gain in wetland acres and functions.
- c. Rehabilitation. The manipulation of the physical, chemical or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland, or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland functions but not in wetland acres.

- d. **Enhancement.** The manipulation of the physical, chemical or biological characteristics of a biological wetland to increase or improve specific functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations to result in open water ponds, or some combination of these. Enhancement results in a change in certain wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acres.
- e. **Type and Location of Mitigation.** Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, compensatory mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same stream reach or watershed. Mitigation actions shall be conducted within the same watershed as the project site and on the same site as the alteration except when all of the following apply:
  - i. Based on a determination of the natural capacity of the site to mitigate for the impacts, there are no reasonable on-site or in-watershed opportunities or on-site and in-watershed opportunities do not have a high likelihood of success. Consideration shall include anticipated wetland mitigation replacement ratios, buffer conditions and proposed widths, hydrogeomorphic classes of on-site wetlands when restored, proposed flood storage capacity, and potential to impact riparian fish and wildlife habitat including connectivity.
  - ii. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland.
  - iii. Off-site locations shall be in the same watershed unless:
    - (A) Watershed goals for water quality, flood or conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site; or
    - (B) Credits from a certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.

## 76. Mitigation Ratios.

- a. **Acreage Replacement Ratios.**
  - i. The replacement ratios shall apply to wetland mitigation that is for the same hydrogeomorphic class (depressional, riverine, lacustrine or slope wetlands), on-site, the same category, and timed prior to or concurrent with alteration and that has a high probability of success.
  - ii. The ratios are based on replacing a Category I or II wetland with a Category II wetland and replacing a Category III or IV wetland with a Category III wetland.
  - iii. The ratios do not apply to the use of credits from a state certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification.
  - iv. If the wetland area impacted is replaced at a 1:1 ratio through re-establishment, creation or rehabilitation, the remainder of the area needed for mitigation can be replaced by enhancement.
  - v. **Mitigation Ratios.** The mitigation ratios specified in Table 18.280-7 are to be considered target mitigation ratios that the city shall attempt to achieve, however, the city shall have the authority to determine the appropriate mitigation ratio on a case-by-case basis. The community development director or designee shall determine the appropriate mitigation ratio on a case-by case basis following review and consideration of the submitted mitigation plan. The mitigation ratio applied on a case-by-case basis may be greater or less than the target mitigation ratio as determined by the community development director or designee.

**Table 18.280.150-78: Wetland mitigation ratios**

<u>Wetland Category &amp; Type</u>	<u>Reestablishment Or Creation</u>	<u>Rehabilitation Only</u>	<u>Reestablishment or Creation (R/C) &amp; Rehabilitation (RH)</u>	<u>Reestablishment Or Creation &amp; Enhancement (E)</u>	<u>Enhancement Only</u>
<u>Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>1:1 R/C &amp; 1:1 RH</u>	<u>1:1 R/C &amp; 2:1 E</u>	<u>6:1</u>
<u>Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>1:1 R/C &amp; 2:1 RH</u>	<u>1:1 R/C &amp; 4:1 E</u>	<u>8:1</u>
<u>Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>1:1 R/C &amp; 2:1 RH</u>	<u>1:1 R/C &amp; 8:1 E</u>	<u>12:1</u>
<u>Category I Forested</u>	<u>6:1</u>	<u>12:1</u>	<u>1:1 R/C &amp; 10:1 RH</u>	<u>1:1 R/C &amp; 20:1 E</u>	<u>24:1</u>
<u>Category I Based on Functions Score</u>	<u>4:1</u>	<u>8:1</u>	<u>1:1 R/C &amp; 6:1 RH</u>	<u>1:1 R/C &amp; 12:1 E</u>	<u>16:1</u>
<u>Category I Natural Heritage Site</u>	<u>Considered Not Possible</u>	<u>6:1 RH of Natural Heritage Site</u>	<u>R/C Considered Not Possible</u>	<u>R/C Considered Not Possible</u>	<u>Case-by-Case</u>

<u>Wetland Category and Type</u>	<u>Reestablishment or Creation</u>	<u>Rehabilitation</u>	<u>1:1 Reestablishment or Creation (R-C) Plus Enhancement</u>	<u>Enhancement Only</u>
<u>Category I bog</u>	<u>Not considered possible</u>	<u>6:1</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>Category I natural heritage site</u>	<u>Not considered possible</u>	<u>6:1</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>Category I forested</u>	<u>6:1</u>	<u>12:1</u>	<u>1:1 R-C 10:1 E</u>	<u>24:1</u>
<u>Category I based on score for functions</u>	<u>3:1</u>	<u>8:1</u>	<u>1:1 R-C 64:1 E</u>	<u>16:1</u>
<u>Category II</u>	<u>3:1</u>	<u>8:1</u>	<u>1:1 R-C 4:1 E</u>	<u>12:1</u>
<u>Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>1:1 R-C 1:1 E</u>	<u>8:1</u>
<u>Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>1:1 R-C 2:1 E</u>	<u>6:1</u>

- b. Increased or Decreased Mitigation Ratios. The preceding table provides target mitigation ratios. Ratios may be increased or decreased to address site-specific situations. It is up to the project proponent to provide the justification for a decrease in the standard ratios.
- i. Increased Replacement Ratio. The community development director or designee may increase the ratios under the following circumstances:
- (A) Uncertainty exists as to the probable success of the proposed restoration or creation; or
  - (B) A significant period of time will elapse between impact and replication of wetland functions; or
  - (C) Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
  - (D) The impact was an unauthorized impact.

- ii. Decreased Replacement Ratio. The department may decrease the ratios under the following circumstances:
  - (A) Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions have a very high likelihood of success;
  - (B) Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted; or
  - (C) The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.

**78.** Mitigation Timing. The mitigation shall be prior to or concurrent with alteration or as soon as feasible.

**89.** Wetland Mitigation Banks.

- a. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:
  - i. The bank is certified under Chapter 173-700 WAC; and,
  - ii. The community development director or designee determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and
  - iii. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
- b. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
- c. 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, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

(Ord. No. 1132, § 2(Exh. A), 7-11-2013; Ord. No. 1207, § 2(Exh. A), 5-26-2016; Ord. No. 1290, § 2(Exh. A), 4-25-2019)

#### **18.280.160 Appeal procedure.**

- A. Appeals of administrative decisions issued pursuant to the provisions of this chapter shall be made to the city's hearing examiner pursuant to the city's currently adopted appeal procedures for administrative decision-making.
- B. Appeals of a hearing examiner's final order addressing compliance to this chapter shall be made pursuant to the city's currently adopted appeal procedures for quasi-judicial decision-making.

(Ord. No. 1132, § 2(Exh. A), 7-11-2013)

#### **18.280.170 Definitions.**

"Active fault" means a fault that is considered likely to undergo renewed movement within a period of concern to humans. Faults are commonly considered to be active if the fault has moved one or more times in the last ten thousand years.

"Adjacent" means immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. Adjacent shall mean any activity or development located:

- A. On site immediately adjoining a critical area; or
- B. A distance equal to or less than the required critical area buffer width and building setback.

"Alteration" means any human-induced [city option: anthropogenic] change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to grading, filling, dredging, channelizing, clearing (vegetation), applying pesticides, discharging waste, construction, compaction, excavation, modifying for storm water management, relocating, or other activities that change the existing landform, vegetation, hydrology, wildlife, or habitat value, of critical areas.

"Anadromous fish" means fish that spawn in fresh water and mature in the marine environment.

"Applicant" means a person who files an application for a permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

"Aquifer recharge area" means an area that, due to the presence of certain soils, geology, and surface water, acts to recharge ground water by percolation.

"Best available science" means current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through WAC 365-195-925.

"Best management practices" means conservation practices or systems of practice 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, circulation patterns, and the chemical, physical, and biological characteristics of wetlands;
- C. Protect trees and vegetation designated to be retained during and following site construction; and
- D. Provides standards for proper use of chemical herbicides within critical areas.

"Buffer" means the zone contiguous with a critical area that is required for the continued maintenance, function, and structural stability of the critical area.

"Building setback line (BSBL)" means a line beyond which the foundation of a structure shall not extend.

"Channel migration zone (CMZ)" means the lateral extent of likely movement along a stream or river during the next one hundred years as determined by evidence of active stream channel migration movement over the past one hundred years.

"City" means the city of Ridgefield.

"Clearing" means the removal of vegetation by any means and includes cutting or grubbing vegetation.

"Community development director" means the community development director for the city of Ridgefield or his or her designee.

"Compensation project" means actions specifically designed to replace project-induced critical area and buffer losses. Compensation project design elements may include, but are not limited to, land acquisition, planning, construction plans, monitoring, and contingency actions.

"Compensatory mitigation" means types of mitigation used to replace project-induced critical area and buffer losses or impacts.

"Critical aquifer recharge area" ~~means (CARA) are those areas with a critical recharging effect on aquifers used for potable water. CARAs have prevailing geologic conditions associated with infiltration rates that create a high potential for contaminants of groundwater resources or contribute significantly to the replenishment of groundwater. See WAC 365-190-030(3). areas designated by WAC 365-190-080(2) that are determined to have critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).~~

"Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company. (RCW 36.70A.030(12))  
"Critical areas" means any of the following areas or ecosystems: wetlands, critical aquifer recharge areas, streams, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas as defined by the Growth Management Act (RCW 36.70A.170).

"Critical facility" means a facility for which even a slight chance of flooding, inundation, or impact from a hazard event might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency installations, and installations that produce, use or store hazardous materials or hazardous waste.

"Developable area" means a site or portion of a site that may be utilized as the location of development, in accordance with the rules of this chapter.

"Erosion" means the process by which soil particles are mobilized and transported by natural agents such as wind, rain, frost action, or stream flow.

"Erosion hazard area" means those areas that because of natural characteristics, including vegetative cover, soil texture, slope gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

"Fish and wildlife habitat conservation areas" means areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas include:

- A. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;
- B. Habitats of local importance, including, but not limited to, areas designated as priority habitat by the department of fish and wildlife;
- C. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish and wildlife habitat;
- D. Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface water and watercourses within the jurisdiction of the State of Washington;
- E. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
- F. State natural area preserves and natural resources conservation areas; and
- G. Land essential for preserving connections between habitat blocks and open spaces.
- H. These areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of runoff or surface waters from any source.

"Floodplain" means any land area susceptible to being inundated by floodwaters from any source.

"Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

"Formation, confining" means the relatively impermeable formation immediately overlaying a confined aquifer.

"Frequently flooded areas" means lands in the floodplain subject to a one percent or greater chance of flooding in any given year. Designation on flood insurance rate maps (FIRM) always includes the letter A.

"Functions and values" means the beneficial roles served by critical areas, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, and recreation. This should be divided in to "functions" and also "values."

"Geologically hazardous areas" means areas that may not be suited to development consistent with public health, safety or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include erosion, landslide[s], steep slopes, seismic, volcanic hazards, and mine[s].

"Geotechnical report" means a comprehensive assessment of geological conditions of a particular area where construction or installation of any kind needs to be undertaken.

"Grading" means any excavation, clearing, filling, leveling, or contouring of the ground surface by human or mechanical means.

"Hazard areas" means areas designated as frequently flooded or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geologically hazardous conditions, including steep slopes.

"High-intensity land use" means land uses consisting of commercial, urban, industrial, institutional, retail, residential with more than one unit per acre, agricultural (dairies, nurseries, raising and harvesting crops, requiring annual tilling, raising and maintaining animals), high-intensity recreation (golf courses, ball fields), and hobby farms.

"Heavy equipment" means such construction machinery as backhoes, treaded tractor, dump trucks, and front-end loaders.

"Hydraulic project approval (HPA)" means a permit issued by the State of Washington's Department of Fish and Wildlife for modification to waters of the state in accordance with RCW Chapter 75.20.

"Impervious surface area" means any non-vertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops swimming pools, paved or graveled roads and walkways or parking areas and excluding landscaping and surface water retention/detention facilities.

"Isolated wetland" means a Non-federally regulated wetland: A wetland that is not jurisdictional under the federal Clean Water Act. Sometimes referred to as "isolated wetlands," these wetlands remain regulated under state and local laws and rules, whether or not they are protected by federal law, those wetlands that are outside of and not contiguous to any one hundred-year floodplain, lake, river, or stream and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

"Lake" means an area permanently inundated by water in excess of two meters deep and greater than twenty acres in size measured at the ordinary high water mark.

"Landslide" means episodic down slope movement of a mass of soil or rock that includes, but is not limited to, rock falls, slumps, mudflows, and earth flows.

"Landslide hazard areas" means areas that are potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

"Low-intensity land use" means and includes, but is not limited to, forestry, open space (such as passive recreation and natural resources preservation).

"Minor utility project" means the placement of a utility pole, street sign, anchor, vault, or other small component of a utility facility, where the disturbance of an area is less than seventy-five square feet.

"Mitigation" means the process of minimizing or compensating for adverse environmental impact(s) of a proposal on a critical area.

"Monitoring" means the collection of data by various methods for the purpose of understanding natural systems and features, evaluating the impact of development proposals on such systems, and/or assessing the performance of mitigation measures imposed as conditions of development.

"Native vegetation" means plant species that are indigenous to the region.

"Ordinary high water mark" means on all lakes, streams, and tidal waters, the biological vegetation mark that indicates the "ordinary" high water level (WAC 173-22-030(11)).

"Practical alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impact to critical areas.

"Priority habitat" means habitat types or elements with unique or significant value to one or more species as classified by the state department of fish and wildlife.

"Qualified professional" means a person with experience and training in the pertinent scientific discipline who is licensed or certified in the State of Washington, and who is a qualified expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental sciences, fisheries, geomorphology or related field, and two years of related work experience.

- A. A qualified professional for habitats ~~or wetlands~~ must have a degree in biology or a related environmental science and professional experience related to the subject.
- B. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the State of Washington.
- C. A qualified professional for critical aquifer recharge areas must be a hydrologist, geologist, engineer, or other scientist with experience in preparing hydrological assessments, licensed in the State of Washington.

D. Qualified wetland professional: A person with professional wetland experience that meets the following criteria:

- (a) A Bachelor of Science or Bachelor of Arts or equivalent degree in hydrology, soil science, botany, ecology, resource management, or related field, or four years of full-time work experience as a wetland professional may substitute for a degree, and
  - (b) At least two additional years of full-time work experience as a wetland professional; including delineating wetlands, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans, and
  - (c) Completion of additional wetland-specific training programs. This could include a more comprehensive program such as the University of Washington Wetland Science and Management Certificate Program or individual workshops on topics such as wetland delineation, function assessment, mitigation design, hydrophytic plant or hydric soil identification.
- A person certified as a Professional Wetland Scientist through the Society of Wetland Scientists professional certification program meets the above criteria.

"Reasonable use" means a legal concept articulated by federal and state courts in regulatory taking cases.

"Riparian habitat" means areas adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other.

"Salmonid" means a member of the fish family Salmonidae. In King County, chinook, coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; and native char (bull trout and Dolly Varden).

"Section 404 permit" means a permit issued by the Army Corp of Engineers for the placement of dredge or fill material waterward of the ordinary high water mark or clearing in waters of the United States, including wetlands, in accordance with 33 United State Code (USC) Section 1344.

"Seismic hazard areas" means area that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

"Species, threatened and endangered" means those native species that are listed in rule by the state department of fish and wildlife pursuant to RCW 77.12.070 as threatened (WAC 232-12-011) or endangered (WAC 232-12-014), or that are listed as threatened and endangered under the federal Endangered Species Act (16 U.S.C. 1533).

"Steep slopes" means those slopes forty percent or steeper within a vertical elevation change of at least ten feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least ten feet of vertical relief.

"Stream" means any portion of a watercourse, either perennial or intermittent, where the surface water flow is sufficient to produce a defined channel or bed. Streams also include natural watercourses modified by humans. Streams do not include irrigation ditches, canals, stormwater run-off facilities, or other entirely artificial watercourses.

"Topping" means the severing of main trunks or stems of vegetation at any place above twenty-five percent of the vegetation height.

"Unavoidable" means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

"Understory" means the vegetation layer of a forest that includes shrubs, herbs, grasses, and grass-like plants, but excludes trees.

"Utility" means a service and/or facility that produces, transmits, carries, stores, processes, or disposes of electrical power, gas, potable water, stormwater, communications (including, but not limited to, telephone and cable), sewage, oil and the like.

"Vegetation" means plant life growing below, at, and above the soil surface.

"Vegetation alteration" means any clearing, grading, cutting, topping, limbing, or pruning of vegetation.

"Water resources inventory area (WRIA)" means one of sixty-two watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in Chapter 173-500 WAC as it existed on January 1, 1997.

"Water typing system" means the system used to classify freshwater surface water systems. Current regulations establish "interim" water typing (1-5) until fish habitat water type maps are available for permanent water typing (S, F, Np, Ns) (WAC 222-16-031).

Wellhead protection area (WHPA)" means protective areas associated with public drinking water sources established by water systems and approved or assigned by the state department of health. WAC 365-190-030(23).

"Wetland" means as defined by RCW 36.70 or as here after amended, those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands.

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"Wetlands rating system" means wetlands shall be rated according to the ~~Washington State Wetland Rating System for Western Washington, Department of Ecology, Ecology Publication #23-06-009, or as revised and approved by Ecology Publication #14-06-029, or as revised.~~

(Ord. No. 1132, § 2(Exh. A), 7-11-2013; Ord. No. 1207, § 2(Exh. A), 5-26-2016)