



2024 COMPREHENSIVE PLAN &
MUNICIPAL CODE UPDATE
PROJECT
ADVISORY GROUP

MEETING DATE: October 16, 2024

SUBJECT: September Update

CONTACT PERSON: Patricia Love, Community Development Director
Tansy Schroeder, City Planner

Critical Areas Code Amendment

Overview

The City initiated the Municipal Code Update project in 2022 to modernize the code reflecting best practices with respect to content and administration of the code. The update is intended to be user friendly for staff, property owners and developers by 1) removing legalese and jargon unfamiliar to the lay person, 2) improving clarity and overall functionality, and 3) reflect regulatory best practices. The amendments will also be consistent with current case, state and federal laws.

As part of the Municipal Code Update, the City has elected to create a Unified Development Code (UDC) that merges Title 16, Subdivisions, and Title 17, Zoning, into a single Title. A UDC is a comprehensive set of regulations or standards that govern land use, zoning, and development within a single Municipal Code Title. The Critical Area Regulations will be updated and integrated in the new UDC.

Updates to the Critical Area Regulations include:

- Reorganizing and renumbering the existing critical areas regulations to new chapters and aligning them with state guidance based on Best Available Science.
- Duplicative sections were streamlined, definitions updated, and provisions made more consistent with Best Available Science and state regulations.
- Wetland regulations (SMC 18.802) and stream buffers (SMC 18.804) have been revised to align with Washington State Department of Ecology guidance, including buffer updates based on site-potential tree height (SPTH).
- The geologically hazardous areas chapter (SMC 18.806) incorporates definitions consistent with RCW and WAC.
- Floodplain management is renamed “Frequently Flooded Areas” (SMC 18.810) with added protections for HVAC systems.
- New cultural resources provisions were added based on state recommendations.

Organization

Part 8 of the new UDC contains the City’s environmental regulations and will be notated as Stanwood Municipal Code, Chapter 18.800-18.812.

Chapter	Provisions
SMC 18.800	General Provisions - Applies to All Critical Areas
SMC 18.802	Wetlands
SMC 18.804	Fish and Wildlife Habitat Conservation Areas
SMC 18.06	Geologically Hazardous Areas
SMC 18.808	Critical Aquifer Recharge Areas
SMC 18.810	Frequently Flooded Areas
SMC 18.812	Cultural Resources

General Provisions Summary

The General Provisions Chapter serves as the foundational set of baseline regulations addressing critical areas. By including common requirements in one chapter, the aim is to streamline the overall code, ensuring that these provisions apply uniformly across each of the critical area sections without needing to be repeated. This reduces redundancy and improves the readability of the regulations. The General Provisions section includes:

- An explanation of how critical area codes are applied in Stanwood and how to use the chapter.
- Integrates with the procedures chapter in Part 2 of the UDC.
- Requires the application of Best Available Science (BAS) and No Net Loss of ecological functions and values.
- Identifies limitations around exempt activities:
 - Operations, maintenance or repairs of existing facilities and structures
 - Passive outdoor activities such as trails
 - Forest practices per RCW 79.09
 - Minor site investigation work
 - Infill single family residential structures in the floodplain with no impact to wetlands, streams, or buffers
- Identifies limitation around allowed activities:
 - Modifications to existing structures
 - Activities within improved right-of-way
 - Minor utility projects
 - Public and private trails within the outer 25% of buffers
 - Invasive vegetation removal and vegetation management
 - Minor site investigation work
 - Navigational aids and boundary markers
- Details the requirements for critical area reports, mitigation reports, and mitigation plans including application of a sequencing analysis to show avoidance and minimization to avoid impacts to critical areas.
- To avoid a “takings” of private property a reasonable use provision is included as well as a public agency / utility exemption.

- Details variance criteria, bonding requirements, and preservation easement/tract requirements.
- Establishes enforcement processes and references to Chapter 13, Enforcement.

Wetlands Summary

It is US policy to protect the integrity of the nation's waters, which include lakes, rivers, streams, and wetlands. Protection of wetlands falls under the Clean Water Act and is administered through local governmental critical area regulations, the State Department of Ecology (via authorization from the Environmental Protection Agency) and the Federal Corp of Engineers.

Wetlands are defined as (WAC 173-22-035) those areas that are inundated or saturated by surface or groundwater 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 must have three characteristics: hydrology, hydric soils and plants adapted to wet conditions.

Critical area regulations provide for the protection of not just the wetland themselves, but what is referred to as wetland “functions and values”. Functions refers to what wetlands do, such as water filtration, flood control, water storage, groundwater recharge, erosion control, shoreline stabilization, and wildlife habitat areas. Whereas values refers to the benefits wetlands provide to humans, wildlife and the environment such as ecosystem biodiversity and recreational opportunities.

Wetlands are classified into four categories using the 2014 Washington State Wetland Rating System for Western Washington: Type 1 being the rarest and most difficult to replace to Type 4 having the lowest level of functions and values. Buffer widths are applied to a wetland based on a habitat score associated with site specific characteristics. A 15-foot building setback is then applied to the outer edge of the wetland buffer.

The buffers shown below are the same buffers which are currently being applied to projects via a 2018 administrative zoning interpretation consistent with the Department of Ecology’s 2018 modified habitat score ranges.

	Buffer Width (in feet) based on habitat score		
Wetland Category I Habitat Score	3-5	6-7	8-9
Category I: Based on Total Score	75'	110'	225'
Category I: Bogs and Wetlands of High Conservation Value	190'	190'	225'
Category I: Interdunal	225'	225'	225'
Category I: Forested	75'	110'	225'
Category I: Estuarine and Coastal Lagoons	150'	150'	150'
Wetland Category II Habitat Score	3-5	6-7	8-9
Category II: Based on Total Score	75'	110'	225'

Category II: Interdunal	110'	110'	110'
Wetland Category III Habitat Score	3-5	6-7	8-9
Category III: All	60'	110'	225'
Category III: Interdunal	60'	60'	60'
Wetland Category IV Habitat Score	3-5	6-7	8-9
Category IV: All	40'	40'	40'

Buffer averaging and reduction options are provided in the code to provide some flexibility in site design.

Buffer Averaging: The width of a buffer may be averaged, thereby reducing the width of a portion of the buffer, and increasing the width of another portion. However, no part of the buffer width can be less than 65% of the required buffer.

Buffer Reduction: Buffer widths for all categories of wetlands may be reduced by 25 feet if the mitigation measures are applied such as: limiting lights around wetlands, applying noise buffering techniques, routing untreated water away from the wetland, planting dense vegetation around the wetland, and removal of non-native vegetation.

If wetlands are impacted, mitigation must be provided in an amount necessary to successfully replace the existing wetland functions and values. The code encourages the use of mitigation banks, but if a bank is not available, the following mitigation ratios are applied.

Wetland Category	Creation or Replacement Ratio	Enhancement Ratio	Other Combinations
Category I	6:1	16:1	As Determined by Ecology or Corp of Engineers
Category II	3:1	12:1	
Category III	2:1	8:1	
Category IV	1.5:1	6:1	

Fish and Wildlife Habitat Conservation Areas Summary

As noted above, protection of streams is a US public policy regulated under the Clean Water Act. Wildlife habitat is generally protected under the Endangered Species Act and the US Fish and Wildlife Services Ecological Services Program. The Washington State Department of Fish and Wildlife (WDFW) is part of the federal Ecological Services Program. Local governments are required to adopt critical area regulations consistent with the WDFW to protect fish, wildlife, plants and their habitats throughout Washington for future generations.

The draft code designates fish and wildlife habitat as follows:

Wildlife	Streams
Federally designated endangered and threatened species	Type S Streams – Shorelines of the State
State designated endangered, threatened, and sensitive species	Type F Streams – Rivers and associated systems that have fish or the potential to support fish habitat
State Priority Habitats and the Habitats of State Priority Species	Type Np Streams - Perennial non-fish habitat streams (Streams that do not dry up any time during the year)
Habitats and Species of Local Importance	Type Ns Streams – Seasonal, nonfish habitat streams (streams in which surface flow is not present for at least some portion of a year)
Commercial and Recreational Shellfish Areas	<p><i>* The stream classification methodology shown above is different from the current Municipal Code which classifies streams on a numerical scale of Type 1 – Type 5, but have similar definitions. However, the buffer widths are based on the above referenced methodology which causes confusion.</i></p> <p><i>Existing Buffer Widths:</i> <i>For Type S streams – 150 feet;</i> <i>For Type F streams – 100 feet;</i> <i>For Type Np streams – 75 feet; and</i> <i>For Type Ns streams – 50 feet.</i></p>
Naturally Occurring Ponds under 20 Acres	
Waters of the State (lakes, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses)	
State Natural Area Preserves and Natural Resource Conservation Areas	
Land essential for preserving connections between habitat blocks and open spaces	

Buffer requirements for wildlife habitat varies based on species and is determined by applying best available science specified in a critical areas and mitigation report.

River and stream buffers are based on site-potential tree height (SPTH) and range in width from 100 feet to 235 feet based on existing vegetation. The maps below show the typical buffer widths, but the actual buffer will be determined by applying the WDFW site potential tree height mapping tool.

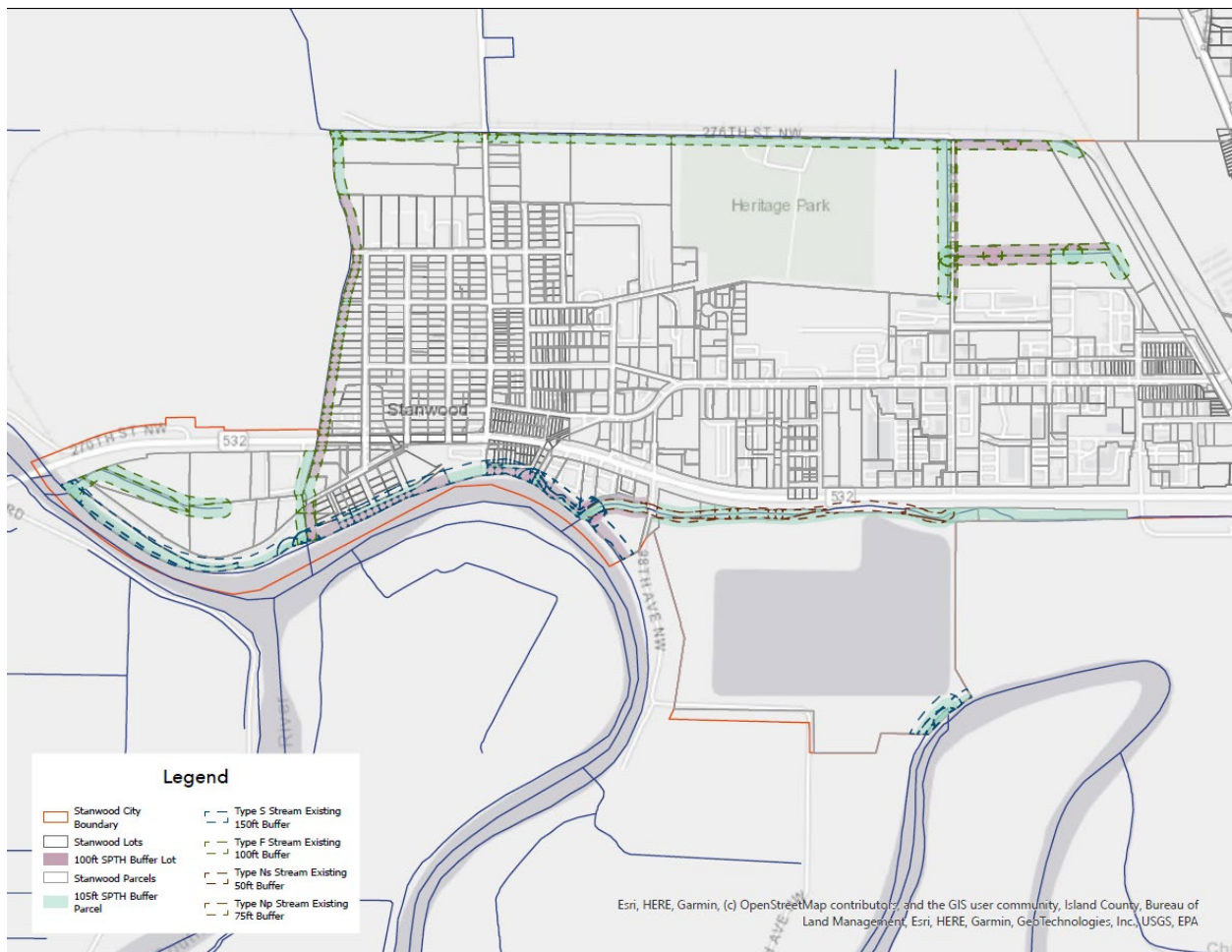
Site potential tree height (SPTH) refers to the maximum height that trees can reach at a specific site, given the local environmental conditions such as soil, water availability, climate, and other ecological factors. It is used in forestry and ecological studies to assess the growth potential of a forest or a stand of trees. The SPTH is typically determined by the dominant tree species in an area, as different species have different height potentials. The SPTH for the northwest has been calculated by the Washington Department of Fish and Wildlife.

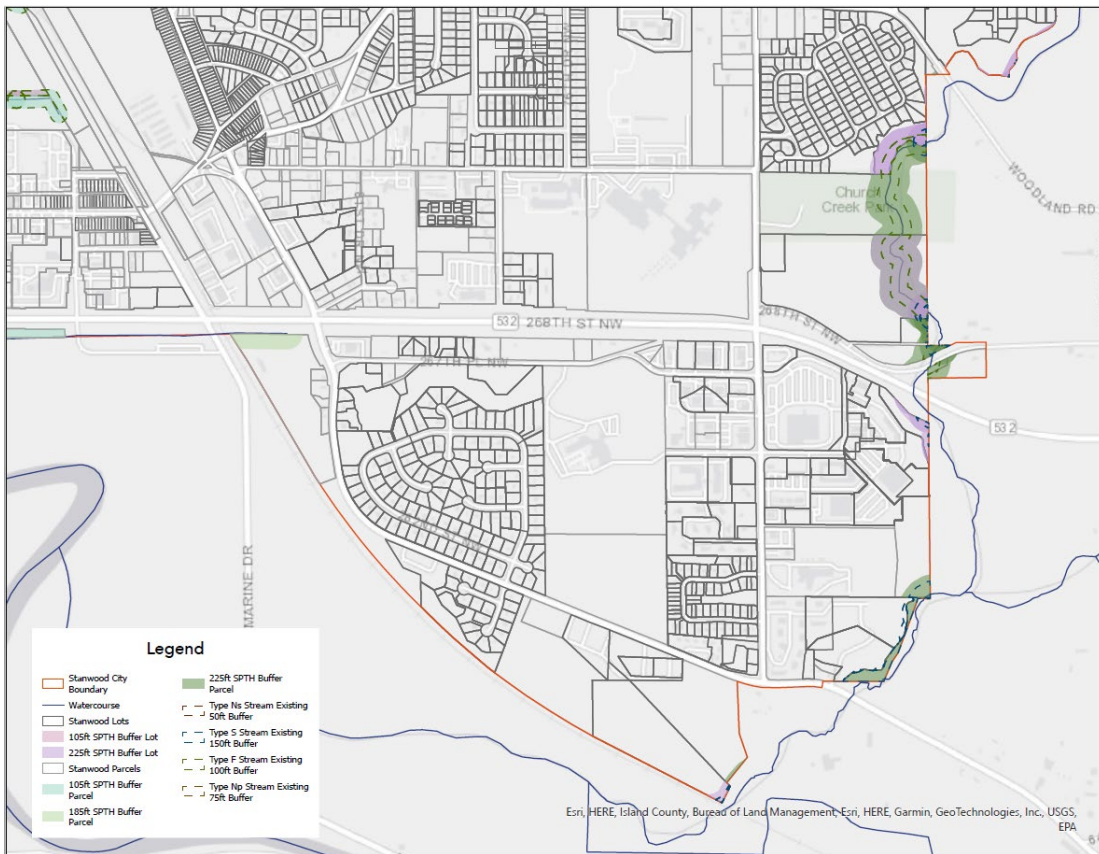
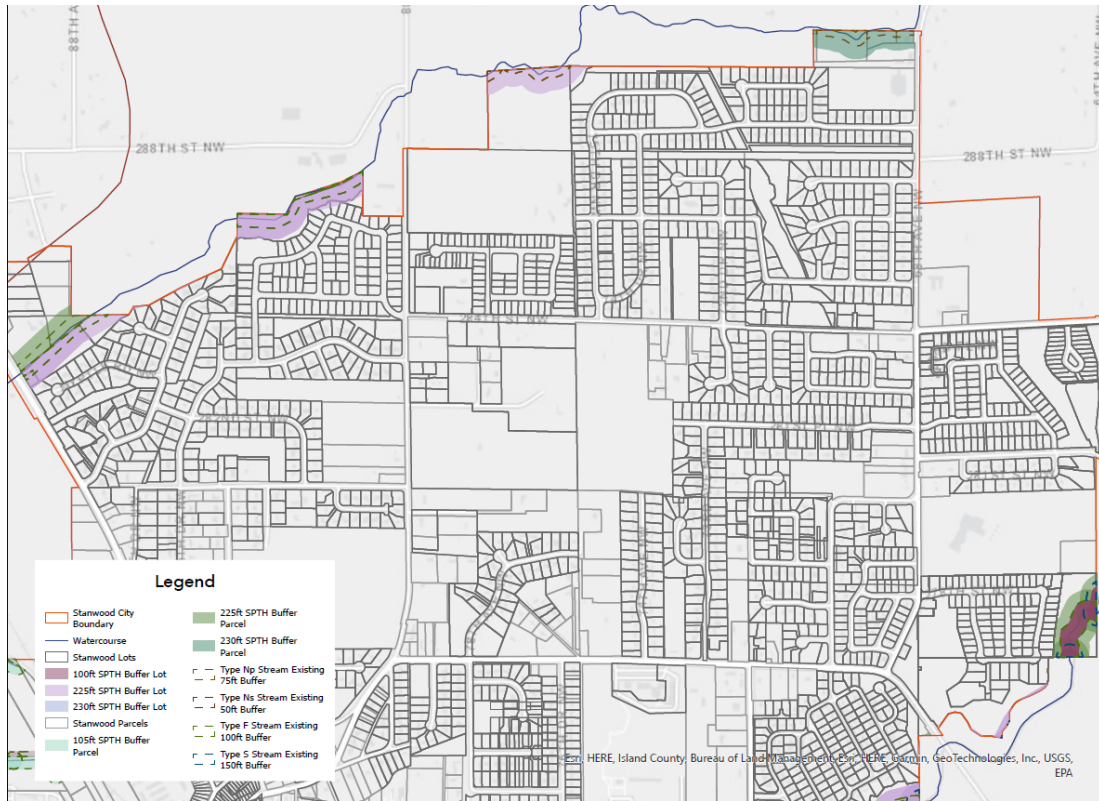
Similar to wetlands, FWHCA buffer averaging and reduction options are provided in the code to provide some flexibility in site design. A 15-foot building setback is also applied to the outer edge of the buffer.

As the buffers overlay many developed lots, the code includes some provisions for existing properties and nonconforming uses.

Nonconforming Uses in Buffers: Existing nonconforming development is not required to utilize SPTH buffers if routine maintenance, modifications, renovations, or redevelopment of existing structures do not intensify the nonconformity of the existing structure or use or increase impacts on a stream.

Existing Properties in Buffers: If existing properties have a previously approved buffer, the approved buffer will remain in effect.



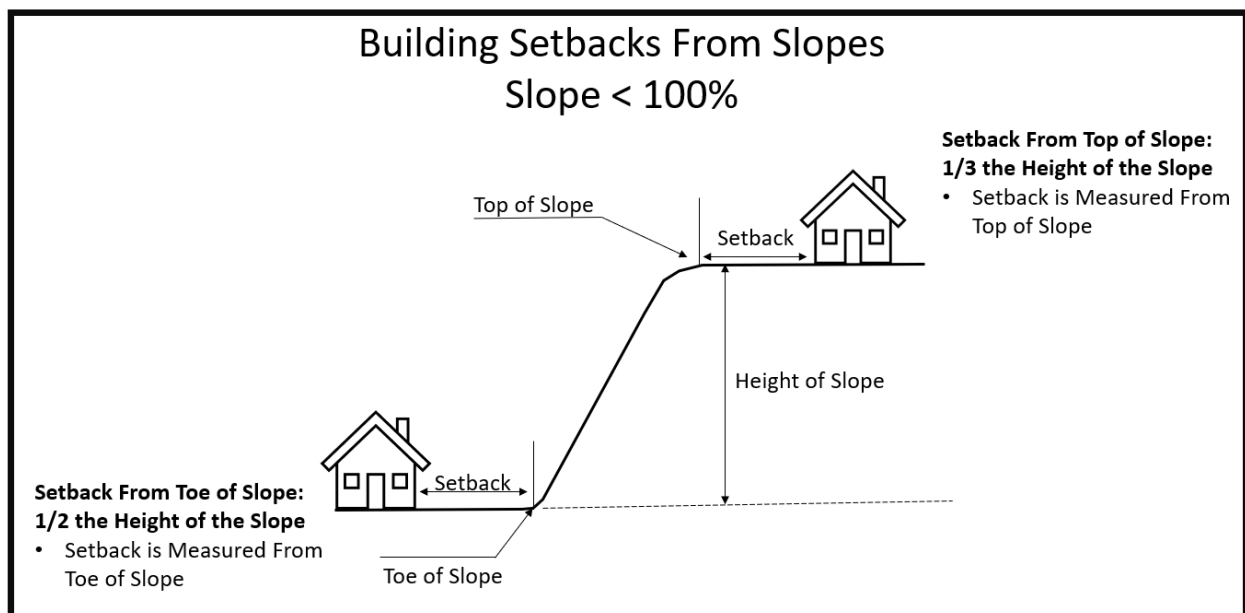


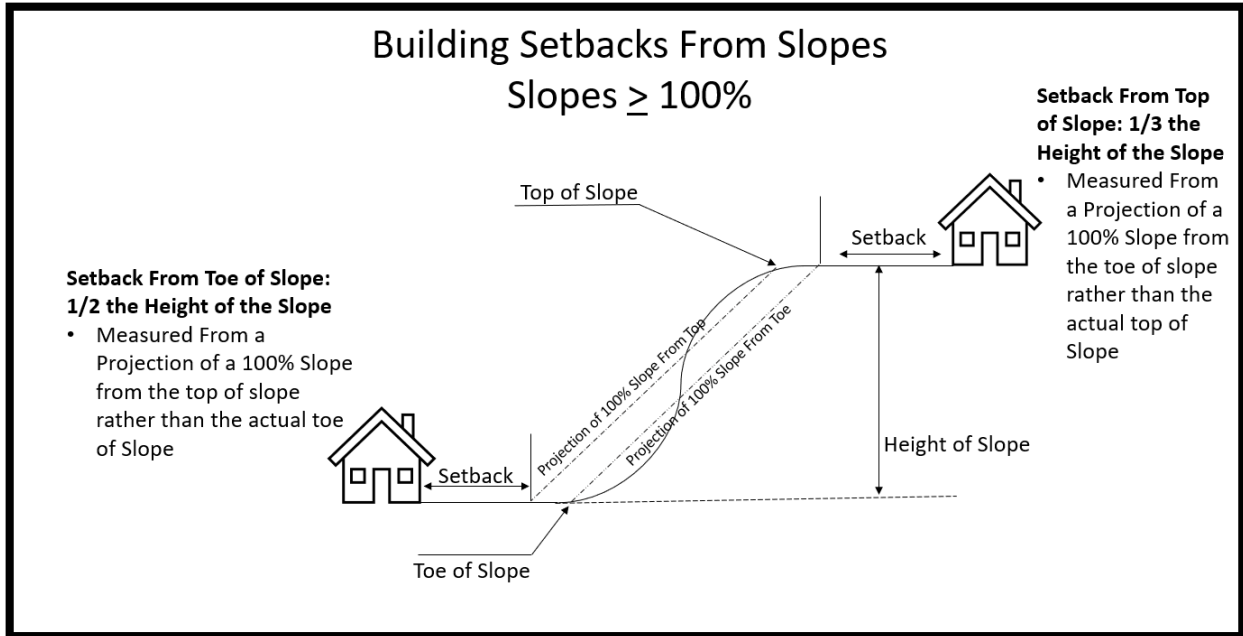
Geologically Hazardous Areas Summary

Geologically hazardous areas include areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, pose a risk or threat to public health and safety. In Stanwood, the following types of hazards are designated as a geologically hazardous area:

- Erosion hazard;
- Landslide hazard;
- Seismic hazard; and
- Other geological events including tsunamis, volcanic hazards, and differential settlement.

Development in these areas requires the submittal of a geotechnical report and structures must be setback from the top and toe of a steep slope as follows unless otherwise specified in the geotech report.





Other standards for developing in a Geologic Hazardous Area include:

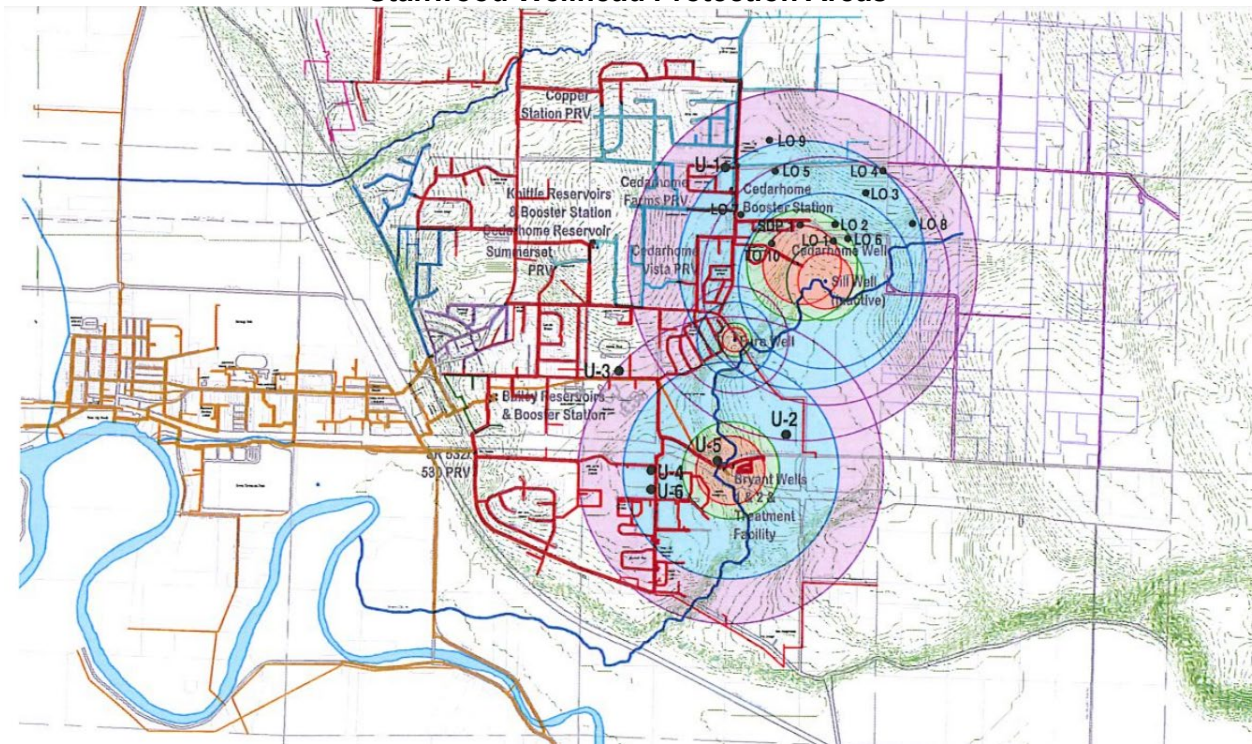
- Maintain vegetation on steep slopes.
- Utilities are allowed on steep slopes if above ground and anchored in.
- Point discharges are only allowed with energy dissipaters and not directly on a slope.
- For subdivisions, landslide hazard and erosion areas must be located in separate tracts.
- Tsunami hazard areas require an evacuation plan (none in Stanwood).

Aquifer Recharge Area Summary

An aquifer recharge **area** is a region where water from rain, streams, rivers, or other surface sources infiltrates the ground and replenishes an underground aquifer. Under the Growth Management Act, Cities are required to protect these areas as part of their critical area regulations. In Stanwood, Aquifer Recharge Areas include:

- Wellhead Protection Areas
- Sole Source Aquifers
- Susceptible Groundwater Management Areas per WAC 173-100
- Special Protection Areas per WAC 173-200-090
- Moderately or Highly Vulnerable Aquifer Recharge Areas per the Department of Ecology
- Moderately or Highly Susceptible Aquifer Recharge Areas per the Department of Ecology

Stanwood Wellhead Protection Areas



The following uses are generally prohibited in Aquifer Recharge Areas: landfills, underground injection wells, mining, wood treatment facilities, hard chrome plating operations, chemical lagoons and pits, hazardous material disposal sites, storage/processing/disposal of radioactive substances, new septic systems and other activities that negatively impact ground water sources.

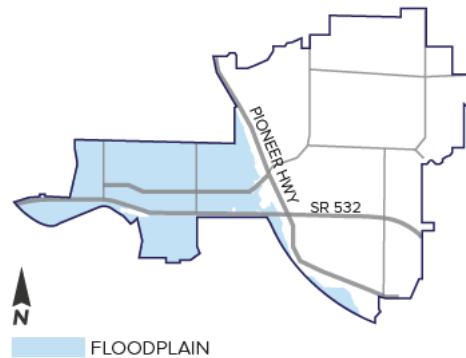
Uses that are allowed in an aquifer resource area may be subject to special regulations referred to as Class I or Class II operations. These include nonresidential uses and operations that present a risk to water resources because of the volume and type of hazardous materials that are used. Restrictions include:

- Potential location restrictions.
- Application of current best management practices.
- Inclusion of spill and emergency response plan.
- An employee training program.
- A site closure plan for decommissioning of hazardous materials.
- An engineering and operations report detailing how to prevent the release of hazardous materials.
- Ongoing maintenance of records and inspection reports.

Also included in the code is a halogenated solvent list. This is a list of chemicals that are commonly used in various industrial applications due to their effectiveness in dissolving oils, fats, waxes, and resins, but are hazardous to health and the environment.

Frequently Flooded Areas Summary

The City of Stanwood is impacted by periodic flooding resulting from large storm events combined with high tides. Due to the topographic nature of the City, all of west Stanwood lies in the 100-year floodplain. This area generally includes land to the west of the railroad tracks and a small area west of Pioneer Highway just east of the railroad tracks. A 100-year flood area is defined as those lands that are subject to a one percent or greater chance of flooding in any one year.



The city's floodplain regulations are included as part of its critical area regulations. The draft includes all of the 2020 FEMA (Federal Emergency Management Agency) model ordinance requirements with two small changes: 1) allowing building modifications up to 50% of the buildings valuation every 12 months versus every 24 months and 2) includes increased protections for HVAC systems by requiring new and replacement HVAC systems to be located above the base flood elevation and elevated off the floor to minimize damage from flooding.

In summary, the proposed ordinance includes the following floodplain requirements:

- Readopts the 2020 FIRM maps.
- Defines substantial development as work and costs incurred within a 12-month period.
- Requires a floodplain permit that raises a building 1-foot above floodplain elevations or floodproofs the building.

General building and construction provisions includes:

- Buildings must be anchored to the ground to avoid the potential to float.
- Construction materials need to be resistant to flood damage.
- Water supply systems and other utilities need to be designed to minimize or eliminate infiltration of flood waters.
- Building design standards for residential, non-residential and manufactured homes.
- Limitations on storage of recreational vehicles.
- Detached structures used solely for parking or storage don't need to be raised above flood elevation with conditions.
- Includes variance and appeal provisions.

Cultural Resources Summary

Protection of cultural resources is a new section added to the critical areas code. Typically, cultural resource protection is implemented through SEPA (State Environmental Policy Act), which results in permit delays if local tribes or the State Department of Archaeology and Historic Preservation asks for an analysis during the comment period or after the SEPA determination has been issued. The Growth Management Act gives local governments the flexibility to expand their critical areas ordinances to include protections for cultural resources. By adding cultural resource protection to critical area codes, it requires an evaluation early in the permit review process and helps avoid costly redesigns or project delays if cultural resources are discovered later in a project.

The draft code is based on Ecology's model language, Pierce County Code, and La Center, WA Municipal Code and includes the following provisions:

- Establishes clear procedures and specific standards for preservation of cultural resources.
- Requires submittal of a cultural resource report when a project is within 500 feet of a known historic site.
- A Cultural Resource Management Plan must be prepared when a Cultural Resource Site Assessment identifies the presence of significant cultural resources.
- Requires an Inadvertent Discovery Plan if requested by DAHP or local Tribes or if discoveries are found during project construction.