Appendix B
Critical Areas Regulations
Sultan Municipal Code
16.80 Ordinance 918-06

Chapter 16.80
CRITICAL AREAS REGULATIONS (CAR)

16.80.010 Purpose.
It is the purpose of this chapter to promote the public health and general welfare by designating wetlands, streams, habitat areas, and geologically hazardous areas, and regulating development activity in these areas. Additionally, it is the intent of this chapter to adopt development regulations, required in RCW 36.70A.060, precluding land uses or development that is incompatible with critical areas designated under RCW 36.70A.170.

16.80.020 Objectives.
The objectives of this chapter are to: A. Protect human life and health; B. Further the public interest in the conservation and wise use of our lands; and C. Assure the long-term conservation of resource lands.

16.80.030 Applicability.
A. The provisions of this chapter shall apply to all land uses in the City of Sultan, and all persons within the City shall comply with the requirements of this chapter.
B. The City shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water or vegetation or to construct or alter any structure or improvement without first assuring compliance with the requirements of this chapter.
C. Approval of a development proposal pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.
D. When any provision of any other chapter of the Sultan Municipal Code conflicts with this chapter or when the provisions of this chapter are in conflict, that provision that provides more protection to environmentally critical areas shall apply unless specifically provided otherwise in this chapter or unless such provision conflicts with federal or state laws or regulations.

16.80.050 Exemptions.
The following are exempt from the provisions of this chapter:
A. Alterations in response to emergencies that threaten the public health, safety, and welfare or that pose an imminent risk of damage to private property as long as any alteration undertaken pursuant to this subsection is reported to the department immediately. Mitigation may be required following the emergency to protect the health, safety, welfare and environment and to repair any resource damage;

C. Maintenance, operation, repair, modification, or replacement of publicly improved streets as long as any such alteration does not involve the expansion of streets or related improvements into previously unimproved rights-of-way or portions of rights-of-way;
D. Maintenance, operation, or repair of parks, trails and publicly improved recreation areas as long as any such alteration does not involve the expansion of improvements into previously unimproved areas or new clearing of native vegetation beyond routine pruning and related activities.

16.80.060 Critical area markers, signs and fencing.
The city may require fencing, signs and survey markers as need to delineate and protect critical areas. If found to be necessary, permanent fencing shall be required at the edge of the critical area or buffer. Fencing installed in accordance with this section shall be designed to not interfere with fish and wildlife migration and shall be constructed in a manner that minimizes critical areas impacts.

16.80.070 Notice on title.
The owner of any property containing critical areas or buffers on which a development proposal is submitted or any property on which mitigation is established as a result of development, except a public right-of-way or the site of a permanent public facility, shall file a notice approved by the City with the county property records office. The required contents and form of the notice shall be determined by the city. The notice shall inform the public of the presence of critical areas, buffers or mitigation sites on the property, of the application of this chapter to the property and that limitations on actions in or affecting such critical areas or buffers may exist. The notice shall run with the land.

16.80.080 Critical area tracts and designations on site plans.
A. Critical area tracts shall be used to protect those critical areas and buffers listed below in development proposals for subdivisions, short subdivisions, planned unit developments or binding site plans and shall be recorded on all documents of title of record for all affected lots:

1. All landslide hazard areas and buffers that are one acre or greater in size;
2. All wetlands and buffers; and
3. All streams and buffers.

B. Any required critical area tract shall be held in an undivided interest by each owner of a building lot within the development with this ownership interest passing with the ownership of the lot or shall be held by an incorporated homeowner's association or other legal entity which assures the ownership, maintenance, and protection of the tract, or dedicated to the City, at the City's discretion.

16.80.100 Classification of streams and wetlands.
A. Stream Classifications. Streams are classified based on the water typing criteria in WAC 222-16-031 and are summarized below:

1. **Type 1 Water** – All waters, within their ordinary high water mark, as inventoried as “shorelines of the state” under Chapter 90.58 RCW and the rules promulgated pursuant to Chapter 90.58 RCW, but not including those waters associated wetlands as defined by Chapter 90.58 RCW.

2. **Type 2 Water** – Segments of natural waters that are not classified as Type 1 Water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

a. Are diverted for domestic use by more than one hundred (100) residential or camping units or by a public accommodation facility licensed to serve more than ten (10) persons, where such diversion is determined by the Department of Natural Resources to be a valid appropriation of water and only considered Type 2 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by fifty (50%), or whichever is less;

b. Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type 2 Water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality.

c. Are within a federal, state, local or private campground having more than thirty (30) camping units: provided that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within one hundred (100) feet of a camping unit.

d. Are used by fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:

    1. Stream segments having a defined channel twenty (20) feet or greater within the bankfull width and having a gradient of less than four percent (4%).
    2. Lakes, ponds, or impoundments having a surface area of one (1) acre or greater at seasonal low water; or

e. Are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:

    1. The site must be connected to a fish bearing stream and be accessible during some period of the year; and
    2. The off-channel water must be accessible to fish through drainage with less than a five percent (5%) gradient.

3. **Type 3 Water** – Segments of natural waters that are not classified as Type 1 or 2 Waters and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

1. Are diverted for domestic use by more than ten (10) residential or camping units or by a public accommodation facility licensed to serve more than ten (10) persons, where such diversion is determined by the Department of Natural Resources to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by fifty percent (50%), whichever is less;

2. Are used by fish for spawning, rearing or migration. The requirements for determining fish use are described in the State Forest Practices Board Manual, Section 13. If fish use has not been determined:

    a. Waters having the following characteristics are presumed to have fish use:

        1. Stream segments having a defined channel of two (2) feet or greater within the bankfull width and having a gradient of sixteen percent (16%) or less.
        2. Stream segments having a defined channel or two (2) feet or greater within the bankfull width and having a gradient greater than sixteen

percent (16%) and less than or equal to twenty percent (20%), and having greater than fifty (50) acres in contributing basin size, based on hydrographic boundaries.

3. Ponds or impoundments having a surface area of less than one (1) acre at seasonal low water and having an outlet to a fish stream;
4. Ponds or impoundments having a surface area greater than one half (0.5) acre at seasonal low water.

b. The Department of Natural Resources shall waive or modify the characteristics in (a) of this Subsection where:
   1. Waters have confirmed, long term, naturally occurring water quality parameters incapable of supporting fish
   2. Snowmelt streams have short flow cycles that do not support successful life history phases of fish. These streams typically have no flow in the winter months and discontinue flow by June 1; or
   3. Sufficient information about a geomorphic region is available to support a departure from the characteristics in (a) of this Subsection, as determined in consultation with the Department of Fish and Wildlife, Department of Ecology, affected tribes and interested parties.

4. **Type 4 Water** – All segments of natural waters within the bankfull width of defined channels that are perennial non-fish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type 4 Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, non-technical observations (see State Forest Practices Board Manual, Section 23), then Type 4 Waters begin at a point along the channel where the contributing basin area is:
   1. At least thirteen (13) acres in the Western Washington coastal zone (which corresponds to the Sitka spruce zone defined in Franklin and Dyrness, 1973);
   2. At least fifty two (52) acres in other locations in Western Washington;

5. **Type 5 Waters** – All segments of natural waters within the bankfull width of the defined channels that are not Type 1, 2, 3, or 4 Waters. These are seasonal, non-fish habitat streams in which surface flow is not present for at least some portion of the year and are not located downstream from any stream reach that is a Type 1, 2, 3, or 4 Waters.

B. Wetlands Categories. All determinations of wetlands rating will be based on the entire extent of the wetlands, unrelated to property lines or ownership patterns.
Wetlands shall be rated according to the *Washington State Wetland Rating System for Western Washington* (Department of Ecology 2004, as revised). This document contains the definitions, methods and a rating form for determining the categorization of wetlands described below:

Category 1. Category 1 wetlands include those that receive a score of greater than or equal to 70 based on functions, or those that are rated Category 1 based on Special Characteristics as defined in the rating form.

Category 2. Category 2 wetlands include those that receive a score of 51 through 69 based on functions, or those that are rated Category 2 based on Special Characteristics as defined in the rating form.

Category 3. Category 3 wetlands include those that receive a score of 30 through 50 based on functions.

Category 4. Category 4 wetlands score less than 30 points based on functions.

16.80.110 Regulation of small wetlands.

Small wetlands are those that are less than 4,000 square feet.

A. Wetlands less than 1,000 square feet are exempt where it has been shown by the applicant that the wetland is not associated with a riparian corridor, they are not part of a larger wetland system, and do not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife.

B. Wetlands between 1,000 and 4,000 square feet are to be evaluated using the 2004 Western Washington Wetland Rating System and the below criteria when determining whether or not to exempt these smaller wetlands:

1. Category III and IV wetlands between 1,000 and 4,000 square feet may be exempt if the following requirements are met:

a. The wetland is not associated with a riparian corridor; and

b. The wetland is not part of a larger wetland system; and

c. The wetland does not score 20 points or greater for habitat in the 2004 Western Washington Rating System; and

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

e. Surface water impacts are mitigated pursuant to an approved mitigation plan or the Department of Ecology Storm Water Management Manual when necessary.

C. Buffers of a small wetland may be altered only when the alteration and design will result in a net improvement of the functional value of the stream or wetland and their buffer.

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

a. Averaging will not impair or reduce the habitat, water quality purification and enhancement, storm water detention, groundwater recharge, shoreline protection and erosion protection, and other functions of the stream, wetland, or buffer;

b. The total area of the buffer on the subject property is not less than the buffer which would be required if averaging were not allowed; and

c. No part of the width of the buffer is less than 75 percent of the required width or 35 feet, whichever is greater.

2. Buffer Width Reduction. Buffer widths of a small wetland may be reduced if the buffer is enhanced in accordance with the following requirements:

a. Buffers, or buffers required after buffer averaging, will have a minimal functional value due to existing physical characteristics;

b. The applicant demonstrates that proposed buffer enhancement, together with proposed buffer width reduction, will result in an increase in the functional value of the buffer when compared with the functional value of the standard buffer;

c. The applicant includes a comparative analysis of buffer values prior to and after enhancement, and demonstrates compliance with this chapter, as part of the critical area study required by SMC 16.80.060;

d. The buffer width is not reduced below 50 percent of the standard buffer width, or 35 feet, whichever is greater, and the total buffer area reduction is not less than 75 percent of the total standard buffer area required by 16.80.120 (A) or (B) before reduction; and

e. The functional values of the stream or wetland protected by the buffer are not decreased.

16.80.130 Critical area study content requirements for streams or wetlands.

A critical area study is required to be prepared by a qualified professional with experience with the relevant type of habitat for any development activity allowed under SMC 16.80.050 or 16.80.080. Depending on the characteristics of the site and the information submitted by the applicant, the City may require any or all of the following as part of the critical area study:

A. A map drawn to scale or survey showing the following information:

1. The edge of the wetland based on the State Manual for Identifying and Delineating Jurisdictional Wetlands;
2. The wetlands characteristics and plant communities based on the U.S. Fish and Wildlife Service Classification of Wetlands and Deep Water Habitats in the U.S.;
3. Stream corridors, name (if named), and stream type based on the State Department of Natural Resources' Official Water Type Maps; and
4. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that make use of the area including, but not limited to, nesting, breeding, and feeding areas.

B. A description of the streams and wetlands within 200 feet of the subject development, including buffers, drainage systems entering and leaving the site, a list of observed and documented plant and wildlife species, a description of the relative abundance of documented plant and wildlife species, and a description of the method used for flagging the wetlands edge, stream corridor, and buffers.

C. A description and illustration of proposed development activities allowed under SMC 16.80 within streams, wetlands, or buffers.

D. A description of any previous disturbances to the streams, wetlands, or buffers.

E. A summary of the methodology used to conduct the study.

F. A proposed classification of the streams and wetlands based on SMC 16.80.100 and an explanation or rationale for the proposed rating.

G. A mitigation plan which meets the requirements of SMC 16.80.140.

H. A stream relocation plan which meets the requirements of SMC 16.80.160(A)(7), if applicable.

I. A discussion of existing functional values of the stream(s), wetland(s), and buffers.

J. A discussion of the changes to stream, wetland, and buffer functional values resulting from the proposed development activity. The city will assist landowners applying for permits to develop a single-family home in gathering the required information.

K. A detailed discussion of direct and indirect potential impacts on habitat by the project, including water quality impacts.

16.80.140 Mitigation plan requirements for streams or wetlands.

A. Unless otherwise provided by this chapter, mitigation shall be required for loss of area or functional value of wetlands, streams, and buffers. When mitigation is required by this chapter, it shall address restoration, rehabilitation, and compensation in accordance with the following requirements:

1. Restoration is required when a wetland, stream, or buffer has been altered prior to project approval, unless the alteration was authorized by law; or when streams, wetlands, and/or buffers are temporarily affected by construction or any other temporary phase of a project;

2. Mitigation is required when a wetland, stream, or buffer is permanently altered as a result of project approval or activity;

3. Wetland acreage shall be replaced at a ratio of 6:1 for Category 1 wetlands, 3:1 for Category 2 wetlands, 2:1 for Category 3 wetlands, and 1.5:1 for Category 4 wetlands, to compensate for the loss of functional values over time, and the unproven nature of wetland creation/restoration projects;

4. On-site mitigation is preferred so as to assure, to the greatest extent feasible, that the plan results in mitigation for direct impacts resulting from the alteration;

5. Off-site mitigation within the same drainage basin will be preferred to on-site mitigation when the results can achieve greater benefits or functions than on-site mitigation, or would restore or enhance functions that are limiting or important to the health of the watershed.

6. Mitigation shall be completed prior to the completion and final approval of any development activity for which mitigation measures have been required.

B. The mitigation plan shall include:

1. A baseline study that analyzes the existing functional values of the critical area and buffer, functional values that will be lost, and the system's functional values after mitigation;

2. Specific goals and objectives, performance standards, and monitoring and maintenance measures;

3. Specify how lost functional values will be replaced;

4. Specify when mitigation will occur relative to project construction and to the requirements of permits required by other jurisdictions;

5. Contingency provisions if the performance standards are not met by the end of the monitoring period for the mitigation area for at least five years for plant installation and ten years for woody vegetation to determine whether the plan was successful;

6. Provisions for a bond or a series of bonds to assure that work is completed in accordance with the plan, and that restoration or rehabilitation is performed if any portion of the mitigation project fails within three years of implementation; and

7. Address the need for and, when appropriate, determine the width of the buffer adjacent to any altered wetland edge.

C. Mitigation plans shall be approved prior to any development activity.

16.80.150 Buffer requirements for streams and wetlands.

Buffers shall be required for all streams and wetlands regulated by this chapter. Required stream and wetland buffer widths are as stated in this section.

A. Standard required widths for stream buffers are as follows:
2. For a Type 2 stream: 150 feet;
3. For a Type 3 stream: 100 feet;
4. For a Type 4 stream: 50 feet; and
5. For a Type 5 stream: 50 feet.

B. Standard required widths for wetland buffers are as follows:
1. For Category 1 wetlands: 150 feet;
2. For Category 2 wetlands: 100 feet;
3. For Category 3 wetlands: 50 feet; and
4. For Category 4 wetlands: 50 feet.

C. Measurement. For streams and wetlands, the buffer shall be measured horizontally in a landward direction from the ordinary high water mark or wetland edge, respectively.

D. The Standard required widths for wetland buffers shall be increased for each category of wetland to the following widths if the habitat function scores meet the following thresholds:
1. For Category 1 wetlands: 225 feet if the habitat function score is 29 or greater;
2. For Category 2 wetlands: 225 feet if the habitat function score is 29 or greater;
3. For Category 3 wetlands: 110 feet if the habitat function score is 20 or greater; and
4. For Category 4 wetlands: there is no increase regardless of habitat function score.

E. Where increased buffers to streams or wetlands are adjacent to erosion or landslide hazard areas, the buffer shall include such areas. Where the horizontal distance of the area is greater than the required standard buffer, the buffer shall be extended to a point 25 feet beyond the top of the bank.

F. Where a legally established and constructed public roadway transects a wetland buffer, the department may approve a modification of the standard buffer width to the edge of the roadway if the isolated part of the buffer does not provide additional protection of the wetland and provides insignificant biological, geological or hydrological buffer functions relating to the wetland. If the resulting buffer distance is less than 50% of the standard buffer for the applicable wetland category, no further reduction shall be allowed.

16.80.170 Review criteria for development activities in streams, wetlands, and buffers.

A. The city shall evaluate each proposed development activity in a stream, wetland, or buffer in accordance with the following hierarchy of goals: avoid impacts; minimize impacts; repair and restore impacts; reduce impacts over time; or mitigate impacts through replacement, restoration, or enhancement of functions.

B. To utilize the provisions set forth in SMC 16.80.160, applicants must submit a critical area study. The city will review the critical area study and proposed development activity in accordance with the following criteria:

1. The development activity will not:
    a. Adversely affect water quality;
    b. Destroy, damage, or disrupt a fish and wildlife habitat area;
    c. Adversely affect drainage or storm water detention capabilities; or
    d. Lead to unstable earth conditions or erosion;
2. The impacts are the minimum necessary to accommodate the development activity and are fully mitigated in accordance with SMC 16.80.140;
3. Any disruption to a critical area will occur in the least sensitive area; and
4. Critical areas or buffers temporarily disrupted during construction will be restored.

16.80.180 Stream and wetland performance standards

Development on sites with a wetland, stream or buffers shall incorporate the following performance standards in design of the development, as applicable:

A. Lights shall be directed away from the wetland or stream.
B. Activity that generates noise such as parking lots, generators, and residential uses, shall be located away from the wetland or stream, or any noise shall be minimized through use of design and insulation techniques.
C. Toxic runoff from new impervious areas shall be routed away from the wetlands or stream, and shall be 100% contained.
D. Runoff from other impervious surfaces shall be infiltrated into the buffer.
D. The outer edge of the wetland or stream critical area buffer shall be planted with dense vegetation to limit pet or human use

16.80.190 Erosion hazard areas – Development standards and permitted alterations.

A. Land clearing, grading, filling, and foundation work in an erosion hazard area is allowed only from May 1st to September 30th, except that:
1. Construction outside of this seasonal development limitation may be authorized if the City determines that the hazard area will not be adversely impacted by the proposed construction work or the applicant demonstrates that erosion hazards will be fully mitigated.
2. The City may require geotechnical study of the site, grading, structural improvements, hydrology, soils and storm water retention studies, erosion control measures, restoration plans, and/or an indemnification/release agreement.
3. Timber harvest may be allowed pursuant to an approved forest practice permit issued by the Washington Department of Natural Resources.

B. All development proposals on sites containing erosion hazard areas shall include a temporary erosion control plan consistent with this section and the adopted surface water design manual or as otherwise specified by the department prior to receiving approval.

C. All subdivisions, short subdivisions, planned unit developments or binding site plans on sites with erosion hazard areas shall comply with the following additional requirements:
1. Except as provided in this section, existing vegetation shall be retained on all lots until building permits are approved for development on individual lots;
2. If any vegetation on the lots is damaged or removed during construction of the site infrastructure, the applicant shall be required to submit a restoration plan to the city for review and approval. Following approval, the applicant shall be required to implement the plan;
3. Clearing of vegetation on lots will only be allowed when the City determines that:
    a. Such clearing is a necessary part of a large scale grading plan;

b. It is not a reasonable alternative to perform such grading on an individual lot basis; and
c. Drainage from the graded area will meet water quality standards established by the adopted surface water design manual.

D. Where the City determines that erosion from a development site poses a significant risk of damage to downstream receiving waters, based either on the size of the project, the proximity to the receiving water or the sensitivity of the receiving water, the applicant shall be required to provide regular monitoring of surface water discharge from the site. If the project does not meet adopted water quality standards established by law, the City may suspend further development work on the site until such standards are met.

16.80.200 Landslide hazard areas – Development standards and permitted alterations.

A development proposal containing or within 50 feet of a landslide hazard area shall meet the following requirements:

A. A minimum buffer of 50 feet shall be established from all edges of the landslide hazard area. The buffer shall be extended as required to mitigate a landslide hazard or as otherwise necessary to protect the public health, safety, and welfare.

B. The buffer may be reduced to a minimum of 15 feet if, based on a geotechnical study, the City determines that the reduction will adequately protect the proposed development and other properties, the hazard area and other critical areas.

1. For single-family residential building permits only, the City may waive the geotechnical study requirement if other development in the area has already provided sufficient information or if such information is otherwise readily available.

2. The geotechnical study for a landslide hazard area shall include:

a. A description of the extent and type of vegetative cover;
b. A description of subsurface conditions based on data from site-specific explorations;
c. Descriptions of surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;
d. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
e. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred-year storm event;
f. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties.
g. A study of slope stability including an analysis of proposed cuts, fills, and other site grading;
h. Recommendations for building siting limitations; and
i. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion;

3. The city may waive or modify the requirement for a study if the applicant shows that critical areas are located off-site and access to applicable off-site property is restricted.

4. If the development proposal will affect only a part of the development proposal site, the city may limit the scope of the required study to include only that area that is affected by the development proposal.

5. If necessary to ensure compliance with this chapter, the city may require additional information from the applicant, separate from the geotechnical study.

6. A development proposal may be allowed to utilize past studies from neighboring properties, if confirmed that the study findings remain accurate and applicable to proposed development.

C. Unless otherwise provided herein or as part of an approved alteration, removal of any vegetation from a landslide hazard area or buffer shall be prohibited, except for limited removal of vegetation necessary for surveying purposes and for the removal of hazard trees determined to be unsafe by the City. The City may require the applicant to submit a report prepared by a certified arborist to confirm hazard tree conditions. Notice to the City shall be provided prior to any vegetation removal permitted by this subsection;

D. Vegetation on slopes within a landslide hazard area or buffer that has been damaged by human activity or infested by noxious weeds may be replaced with native vegetation pursuant to an enhancement plan approved by the City. The use of hazardous substances, pesticides, and fertilizers in landslide hazard areas and their buffers may be prohibited by the City; and

E. Alterations to landslide hazard areas and buffers may be allowed only as follows:
1. A landslide hazard area located on a slope 40 percent or steeper may be altered only if the alteration meets the following standards and limitations:

a. Approved surface water conveyances, as specified in the applicable City-adopted storm water requirements, may be allowed in a landslide hazard area if they are installed in a manner to minimize disturbance to the slope and vegetation;
b. Public and private trails may be allowed in a landslide hazard area subject to the standards and mitigations contained in this chapter 16.80.160 and 16.80.170 and requirements elsewhere in the SMC, when locating outside of the hazard area is not feasible;
c. Utility corridors may be allowed in a landslide hazard area if a critical areas study shows that such alteration will not subject the area to the risk of landslide or erosion;
d. Limited trimming and pruning of vegetation may be allowed in a landslide hazard area pursuant to an approved vegetation management plan for the creation and maintenance of views if the soils are not disturbed;
e. Stabilization of sites where erosion or landslides threaten public or private structures, utilities, roads, driveways or trails, or where erosion and landslides threatens any lake, stream, wetland, or shoreline. Stabilization work shall be performed in a manner that causes the least possible disturbance to the slope and its vegetative cover; and
f. Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface that was established pursuant to City ordinances and regulations may be allowed provided:

i. If within the buffer, the structure is located no closer to the landslide hazard area than the existing structure; and
ii. The existing impervious surface within the buffer or landslide hazard area is not expanded as a result of the reconstruction or replacement;

F. Point discharges from surface water facilities in erosion hazard areas and onto or upstream from landslide hazard areas shall be prohibited except as allowed in the adopted surface water design manual.

16.80.210 Habitat Management Plan.

A. A habitat management plan is required when the priority habitats and species maps or natural heritage program maps maintained by the zoning and Building Official lCity, or other information, indicates the presence of the following on the site:

1. Habitat for any critical species listed as endangered or threatened; or
2. Habitat for any critical species not already protected pursuant to Chapter 16.80 SMC.

B. All habitat management plans shall be prepared in consultation with the State Department of Fish and Wildlife. Habitat management plans for critical species listed as endangered or threatened shall be reviewed by the Department of Fish and Wildlife .

C. The City may assist Applicants seeking to develop a single-family home on an existing legal lot in preparing a habitat management plan to satisfy the requirements of subsection (A)(2) of this section.

D. Habitat Management Plan Content Requirements. Based on the characteristics of the site and information submitted by the applicant, the building and zoning official may require that all or a portion of the following be included in a habitat management plan:

1. A map drawn to scale or survey showing the following information:
   a. All lakes, ponds, streams, and wetlands on, or adjacent to the subject property, including the name (if named), and ordinary high water mark of each, and the stream type or wetland category consistent with SMC 16.80.100(A) and (B);
   b. The location and description of the fish and wildlife habitat area on the subject property, as well as any potential fish and wildlife habitat within 200 feet of the subject property as shown on maps maintained by the City; and
   c. The location of any observed evidence of use by a critical species;
2. An analysis of how the proposed development activities will affect the fish and wildlife habitat area and any critical species;
3. Provisions to reduce or eliminate the impact of the proposed development activities on any fish and wildlife habitat area and critical species; and
4. The habitat management plan should also address the following issues:
   a. Prohibition or limitation of development activities within the fish and wildlife habitat area;
   b. Establishment of a buffer around the fish and wildlife habitat area;
   c. Retention of certain vegetation or areas of vegetation critically important to the critical species;
   d. Limitation of access to the fish and wildlife habitat area and buffer;
   e. Seasonal restrictions on construction activities on the subject property;
   f. Clustering of development on the subject property; and
   g. The preservation or creation of a habitat area for the critical species.

16.80.230 Density/floor area calculations and transfer of density/floor area.

A. An owner of a site or property in the low/moderate (LMD), moderate (MD) and high density (HD) zoning districts containing critical areas shall be entitled to transfer the residential density attributable to the critical area(s), including buffers, on the property to the unconstrained portion of the same property zoning districts subject to compliance subject to the requirements of this code for residential planned unit developments, and cluster subdivisions.

B. An owner of a site or property in the urban center (UC), highway-oriented development (HO), and economic development (ED) zoning districts containing critical areas shall be entitled to

transfer the floor area attributable to the critical area(s) including buffers to the unconstrained portion of the same property subject to the requirements of the Table of Dimensional and Density Requirements footnoted as “Buildable Area Calculation – Transfer of Floor Area” in SMC 16.12.040, 16.12.050 and 16.12.060.