Critical Areas Permit
General Information and Application Form

Per the Revised Code of Washington, there are five categories of critical areas:
1. Frequently flooded areas
2. Geologically hazardous areas
3. Critical aquifer recharge areas
4. Wetlands
5. Fish and wildlife conservation areas

The City of Enumclaw requires a Critical Areas Permit anytime work is proposed within a critical area or its buffer. Per the City's Critical Areas Regulations:

- The following activities shall not occur within a critical area or buffer without a Critical Areas Permit: vegetation clearing, draining, dredging, dumping or stockpiling (native or non-native organic or inorganic materials), excavating, filling, flooding, grading, harvesting, obstructing, pile driving, or shading (with human-made structures).

- The City shall not issue the following permits for activities within a critical area or buffer without first issuing a Critical Areas Permit: building permit; grade and/or fill permit; conditional use permit; shoreline permits; short subdivision; subdivision; planned unit development; binding site plan; zoning variance; zoning code amendment; or any other adopted permit or required approval not expressly exempted by EMC Chapter 19.02.

If a critical area is suspected on a site proposed for any of the above (or similar) activities, the City will require that the project proponent hire a qualified consultant to perform a critical areas determination/delineation (see information on page 4 of this handout). The resultant report must be submitted to the Community Development Department for review.

- If no critical areas or buffers are found on the subject lot, a critical areas permit is not required.
- If critical areas or buffers are found on the subject lot but will not be affected by the project, a critical areas permit is not required.
- If critical areas or buffers will be affected by the project, a critical areas permit will be required. A mitigation plan will be required as part of the critical areas permitting process.

The following pages include the Critical Areas Permit Application Form and detailed information regarding application requirements.

The City of Enumclaw's Critical Areas Regulations are codified within Enumclaw Municipal Code Chapter 19.02. A copy of these regulations can be obtained by calling the Community Development Department (360) 825-3593) or by accessing the municipal code online at www.codepublishing.com/wa/enumclaw.html and clicking on "Title 19 (Other Development Regulations)" and then "Chapter 19.02 (Critical Areas Regulations).

CITY OF Enumclaw

1309 Myrtle Avenue
Enumclaw WA 98022
360-825-3593 FAX 360-825-7232

Application # _____

CRITICAL AREA PERMIT APPLICATION (updated 3/7/16)

For staff use: Completeness Checklist

Owner's Name: _____
Address: _____
Phone/Fax #s: _____
Email: _____

Contact Name, if different: _____
Address: _____
Phone/Fax #s: _____
Email: _____

Address and Assessor's Parcel Number for the site at which a critical area permit is sought:
_____

Acreage of the site: _____

Check the type(s) of critical areas that would be affected by your project:
_____ wetlands
_____ frequently flooded areas
_____ aquifer recharge areas
_____ geologically hazardous areas
_____ fish and wildlife habitat conservation areas

Please describe the proposed project below, providing as much detail as possible:

Please attach the following:

1. A filing fee of $320. Please note that additional public notification costs will be assessed at a later date.

2. Environmental checklist (also called a SEPA checklist), if required, and filing fee of $350. *(Contact the Community Development Director to determine if SEPA review is required.)*

3. A copy of the title or deed document for the property.

4. A **critical areas delineation** for the property. *(See attached specifications.)*

5. A **critical areas report** for the property. *(See attached specifications.)*

6. A **mitigation plan** for the project. *(See attached specifications.)* (The administrator may grant a deferral of the submittal of this plan until after preliminary project design review. Request must be made in writing to the Community Development Director.*)* Even if deferred, an approved mitigation plan, describing mitigation projects for all unavoidable critical areas impacts, will be required before any project permits are approved.

I certify that:

1. The information in this application and attachments thereto is true and correct to the best of my knowledge.
2. I have an ownership interest in the subject land or building.
3. My ownership interest is (circle one): owner / contract purchaser / option purchaser.
4. I am authorized to file this application on behalf of all other persons with ownership interest.
5. I authorize the City to place one or more large signs saying "NOTICE OF LAND USE ACTION" on the subject property (only if environmental checklist is required).

_____

Signature of person with ownership interest date

_____

Signature of property owner if different from above date

Please refer to the attached information in preparing this application:

Critical Areas Delineation

Critical Areas Report

Mitigation Plan

Critical Areas Delineation

The Critical area boundary, classification, and establishment of required buffers shall be determined through a field investigation by a qualified critical areas professional (consultant) at the applicant's expense.

- If the consultant is hired by the applicant, the Community Development Director (administrator) will verify and may possibly adjust the boundary. If the applicant contests the adjusted boundary, the administrator will hire his/her own consultant to render a final delineation at the applicant's expense.
- The applicant may request that the administrator perform the delineation, in which case the administrator will hire a consultant to do so. The applicant will be billed for the consultant's costs.

All wetland delineations will be completed in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual (WDOE Publication No. 96-94); or in accordance with future revised delineation manuals required by federal and state agencies.

Critical Areas Report

The Critical Areas Report must be prepared by a qualified professional with expertise in the critical area of concern. The critical areas professional will be retained by the applicant to develop the Critical Areas Report, as well as other related project activities such as critical area site delineation; analysis and evaluation; site restoration and/or enhancement; and site development plan or project design. The Community Development Director may request a qualification statement for any consultant providing professional services to an applicant.

Critical Areas Report Content

At a minimum, the Critical Areas Report shall include the following information:

1. A general description of the subject site and adjoining properties, including current uses, vegetative cover (indicate dominant vs. other species), animals observed on or likely to use the site, hydrology (water sheet flow, streams, ditches, ponds, etc.), and existing easements.
2. Name and contact information for all adjacent property owners.
3. Site plan(s) or map(s) at a scale no smaller than 1" to 40' showing the entire subject property and relevant portions of adjacent properties. The site plan(s) or map(s) must show:
    a. Date, scale and north arrow
    b. All critical area boundaries and their buffers identified and delineated within and in close proximity to the proposed project *(See attached information re. critical area boundary.)*
    c. Existing and proposed site (and adjacent property) topography and drainage features (i.e., ditches, streams, culverts, pipelines, etc.)
    d. All significant trees, which includes all conifers with a six-inch dbh or greater and all deciduous trees with an eight-inch or greater dbh
    e. The location, length, depth and width of all existing and proposed structures, utilities, roadways, easements and other site improvements within and adjacent to critical areas and their buffers. The exact sites for all proposed activities must be shown.
    f. Elevations of the site and adjacent lands within the critical areas and buffer at contour intervals of no greater than two feet
    g. The proposed storm water management plan
4. Typical cross-section views of the critical area to scale
5. A study of flood, erosion, or other hazards at the site, and the effect of any protective measures that might be taken to reduce such hazards

6. A discussion of the ecological aesthetic, economic, or other values of the critical areas. Include information on the methodology used to identify, delineate, and survey critical areas described in the report
7. The purpose(s) of the project and an explanation why the proposed activity cannot be located at other sites, including an explanation of how (if) the proposed activity is dependant upon critical areas
8. A description of site development alternatives and an evaluation of the alternatives vis-à-vis any proposed critical area alterations. Include a rationale for not avoiding or minimizing impacts to critical areas identified within the project site.
9. Specifications for all regulated activities including amounts and methods

Mitigation Plan

Mitigation will be required if the project impacts critical areas and buffers. When mitigation is required, the application shall submit a mitigation plan for approval by the administrator. The mitigation plan must meet the City's mitigation requirements (EMC 19.02.250 – Critical area impact mitigation).

Mitigation Plan Content

At a minimum, the mitigation plan shall include the following sections and information:

A. Baseline Information *(based on a wetland example*). A written assessment and accompanying maps drawn to an appropriate scale of the:

1. Impacted wetland including, at a minimum, a wetland delineation; existing wetland acreage; vegetative, faunal, and hydrologic characteristics; soil and substrate conditions; topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.
2. Impacted wetland functions and values. These shall be described using the system approved the administrator.
3. Compensation site, if different from the impacted wetland site, including at a minimum: existing acreage; vegetative, faunal and hydrologic conditions; relationship within watershed and to existing water bodies; soil and substrate conditions; topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

B. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:

1. A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the compensation measures, including the site selection criteria; identification of compensation goals; identification of resource functions; and dates for beginning and completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area.
2. A review of the best available science supporting the proposed mitigation and a description of the report author's experience to date in restoring or creating the type of critical area proposed.
3. An analysis of the likelihood of success of the compensation project duplicating the original wetland shall be provided based on the experiences of comparable projects, if any.
4. An analysis of the likelihood of persistence of the created or restored wetland shall be provided based on such factors as surface and ground water supply and flow patterns, dynamics of the wetland ecosystem, sediment or pollutant influx and/or erosion, periodic flooding and drought, etc., presence of invasive flora or fauna, potential human or animal disturbance, and previous comparable projects, if any.

C. Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this chapter have been met. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.

D. Detailed Construction Plans. The mitigation plan submitted to the administrator for review and approval shall include written specifications and descriptions of the mitigation proposed, such as:

1. The proposed construction sequence, timing, and duration.
2. Grading and excavation details.
3. Erosion and sediment control features needed for wetland construction and long-term survival.
4. A planting plan specifying plan species, quantities, locations, sizes, spacing and density; source of plant materials, propagules, or seeds; water and nutrient requirements for planting; planting instructions and, where appropriate, measures to protect plants from predation.
5. Specification of substrate stockpiling techniques and soil augmentation instructions.
6. Specifications for supplemental irrigation systems and a description of conditions that warrant supplemental irrigation.
7. Descriptions of water control and water level maintenance practices needed to achieve the necessary hydrocycle/hydroperiod characteristics, etc..
8. Measures required for protecting and maintaining plants until they are established, including staking of tree species for a period of five years.

These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps prepared by a professional licensed surveyor (PLS) licensed in the state of Washington showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques of anticipated final outcome. The plan shall provide for elevations which are appropriate for the desired habitat type(s).

E. Monitoring Program. A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring may include, but is not limited to, one or more of the following:

1. Establishing vegetation plots to track changes in plant species composition and density over time.
2. Using photo stations to evaluate vegetation community response;
3. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals).
4. Measuring base flow rates and storm water runoff to model and evaluate water quality predictions, if appropriate.
5. Measuring sedimentation rates, if applicable.
6. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity.

A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. The plan will identify the applicant's responsibility for completing an "as-built" survey of the mitigation site after the planting has been completed. A monitoring report documenting

milestones, successes, problems, maintenance activities, and contingency actions of the compensation project shall be submitted to the administrator annually, at a minimum, no later than November 15th each year. The first year's mitigation monitoring report will include a copy of the "as-built" survey.

The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than three to five years.

F. Contingency Plan. 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.

G. Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the compensation project shall be provided. A compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects.

H. Financial Guarantees. The mitigation plan shall include financial guarantees, as determined by the administrator, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted at the time of critical areas permit approval, and shall be paid prior to initiating any activities within the critical areas of buffer. Please refer to Enumclaw Municipal Code 19.02.180.B (Financial Guarantees) for detail on how these fees are to be determined and handled.