



MEMORANDUM

*Department of Community and Economic Development
Planning Division*

TO: SeaTac LUP Committee
FROM: Mike Scarey, Senior Planner *MS*
REGARDING: Project Background, Process Summary and Response to Comments
DATE: June 1, 2016

This memo provides some background about why we are working on this project to amend some sections of SMC 15.700, Environmentally Sensitive Areas, a brief recap of the review process to date, and staff responses to address comments offered at the Planning Commission's Public Hearing (May 3, May 17) and since then.

1. Project Background

- The city's existing critical areas regulations have been in place since 1990. At that time, the Growth Management Act (GMA) was enacted by the legislature, establishing the requirement that all cities and counties adopt comprehensive plans that, among other requirements, include policies that protect critical areas, and adopt development regulations to implement those policies.
- The Department of Ecology's email of May 7, 2015 indicating that five sections of the city's critical area regulations should be updated. (Attachment 1)
- The Department of Commerce's letter of September 2, 2015 reminds the city of the statutory deadline for project completion, and notes that "Commerce is responsible for tracking compliance with the requirements of the GMA in order to advise granting agencies of whether jurisdictions are eligible to receive funds for certain grants and loan programs. This includes completion of the periodic review and update." (Attachment 2)

2. Summary of the Amendment Process **(all dates in 2016 unless otherwise noted)**

- Eight briefings to the Planning Commission
 - November 2015 – Overview
 - January to March – Detailed review section by section
 - April 5 – All proposed amendments in full chapter context
- March 4 – Draft amendments submitted to Department of Commerce for 60-day review as required. Commerce distributes to other state agencies/departments. No comments received.
- March 22 – Council Study Session (CSS), overview
- April 12 – CSS, all proposed amendments in full chapter context
- April 13 – Presentation to Hotel-Motel Tax Advisory Committee

- April 20 – Draft provided to the four water districts serving SeaTac and Seattle Public Utilities (SPU)
- May 3 and May 17 – Public Hearing (Planning Commission)
- May 24 – CSS (Presentation not made; referred to LUP)
 - Comments received from SPU
- Consultation with Valley View Sewer District
- SEPA:
 - Notice issued April 19
 - Comment deadline: May 3. No comments received
 - Appeal deadline: May 13. No appeal filed

3. Responses to Comments

Cathy Boysen-Heiberg

Comment:

What will be the impact of [wetland regulations] on existing developed properties?

Response:

- If no new development or redevelopment is proposed, the new regulations would not be triggered.
- In some cases the proposed wetland buffers are less than what is required currently; in most cases the proposed buffers are wider.
- Buffer requirements for other critical areas (e.g., streams, steep slopes, etc.) remain unchanged.

Two alternatives are offered to address wetland buffer requirements for developed properties. Both of these alternatives have been **approved** by Dept. of Ecology staff.

Alt. 1. Description of Reduced Buffer Allowance. See Attachment 3 for example illustrating this alternative.

- If the redevelopment does not include any portions of the required buffer width, there is no requirement to re-establish the buffer
- If the redevelopment includes the required buffer width or any portion of it, affected portions of the buffer would be required to be re-established under the new standards, but the buffer width could be reduced by 25%.
- To establish the requirements for the new buffer, a Critical Area Report would be necessary.
- This alternative is included in the draft amendments on page 38 at 15.700.285.G(1) as follows:

G. Reduced Buffer Allowance. Reduced buffers may be allowed, with enhancements, in accordance with an approved Critical Area Report provided:

1. The existing condition of the buffer is degraded, or

2. The existing required buffer width, or portions of it have been impacted by development,
 - a. When a redevelopment proposal meets the threshold of “Major Redevelopment” (SMC 15.105.130), only the portions of the site being altered shall be required to integrate the buffer requirements of this chapter into the design of the proposal.

Alt. 2. Description of Buffer Exemption.

- If a developed property includes a wetland, and the required buffer width is already developed, that property may redevelop without re-establishing a wetland buffer.
- This alternative is included in the draft amendments on page 39 at 15.700.285.G(2) as follows:

G. **Buffer Exemption.** When a property redevelops, if portions of a required buffer width are already developed with legally established uses, those portions of the proposed redevelopment within the required buffer width are exempt from the buffer requirements of this Chapter.

Councilmember Forschler:

Comment:

We shouldn't be calling wellhead protection areas and other parts of the city Critical Aquifer Recharge Areas because the recharge to whatever aquifers underlie SeaTac is actually happening out in the Cascade foothills; glacial till layers lie over the aquifers so recharge is not occurring through surface water seeping through other soil layers either.

Response:

- The draft has been revised to remove the term “Critical Aquifer Recharge Area,” Instead, the term “wellhead protection area” is used to refer to these areas which were delineated by Highline Water District and Seattle Public Utilities, in accordance with state Department of Health regulations; “groundwater resources” is used to refer to other areas of the City.
- Please note that this approach is recommended by Dept. of Ecology staff, including licensed hydrogeologist Laurie Morgan. (Attachment 4)
- Ms. Morgan also notes that glacial till layers “are not uniformly present without gaps.” (Attachment 4)
- The draft Wellhead Protection Areas and General Groundwater Resources section highlights what are mostly **existing requirements**, bringing them together in one location e.g.,
 - The list of prohibited uses are currently uses that are not allowed in the city (SMC 15.205.040, Use Charts)
 - Standards for above-ground and below-ground storage tanks are already regulated through the Fire Code

- The Table under 15.700.360(5) lists existing state and federal statutes, regulations, and guidance pertaining to ground water impacting activities.

New regulations have been included to ensure protection of groundwater resources while having a minimal impact on residents and businesses:

- New non-residential uses proposed within a Wellhead Protection Area (WHPA) are required to submit a Hazardous Materials Inventory Sheet, a standard form used by the Fire Department. This will allow the city to determine whether there is a potential contamination risk to the WHPA or not.
- Vehicle repair and servicing is required to take place inside over an impermeable pad and not be exposed to the weather. Vehicle repair and servicing businesses typically conduct their work in this manner already.

Daryl Tapio:

Comment:

“Altering” property within a buffer is defined as “any human induced change.” This puts the area inside a buffer essentially off limits to the owner. Property owners could be found in violation of city regulations for doing what they would consider reasonable use of their property.

Response:

Regarding Wetland Buffers:

- The current regulations already limit uses/activities in wetland buffers. The proposed amendments provide more flexibility.
 - See Response to Ms. Heiberg above regarding alternatives for “Reduced Buffer Allowance” or “Buffer Exemption.”
- The following language has been added to Section 15.700.290 as additional subsections, providing some additional flexibility for property owners:
 - D. Maintenance to remove hazards (e.g., flooding of areas outside the buffer) or to remove invasive plant species may be allowed. The use of herbicides may be allowed only if used employing best management practices.
 - E. The harvesting of wild crops (e.g., native berries) in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or changing existing topography, water conditions or water sources.

Subsection 15.700.285(K) has been amended to read as follows to accommodate the above provisions:

K Hazardous Substances Prohibited. The use of hazardous substances, pesticides, herbicides and fertilizers in a wetland or its buffer are prohibited, except as provided in 15.700.290(D)

Regarding the term “alteration”:

Response:

- New terms used in the code are defined.

- The proposed definition has been amended to apply only to wetlands, streams, steep slopes and landslide hazard areas and their respective buffers, not to “critical areas and their buffers”. Since groundwater protection regulations apply to all areas of the city, this change avoids the potential that city regulations would prohibit reasonable use of private property.

Steve Pilcher

From: Bunten, Donna (ECY) [DBUN461@ECY.WA.GOV]
Sent: Thursday, May 07, 2015 1:23 PM
To: Steve Pilcher
Subject: SeaTac Wetland Regulations
Attachments: Guidance on Frequently Flooded Areas January 2015-FINAL.pdf

Hi, Steve,

Thanks for returning my call and pointing me to your wetland regulations in Chapter 15. It looks like it's been a while since the City updated this language (1992?). I took a quick look at it and made a couple of observations below. I strongly recommend that you take a look at *Wetlands & CAO Updates: Guidance for Small Cities (Western Washington Version)* (Ecology Publication #10-06-002, January 2010). You can view that document here: <http://www.ecy.wa.gov/programs/sea/wetlands/gma/guidance.html>.

I'm also attaching some guidance from our floodplain management staff regarding frequently flooded areas and floodplain management ordinances. If you have any questions about this, please call or email David Radabaugh at (425) 649-4260, david.radabaugh@ecy.wa.gov.

- ✓ • 15.10.675: The wetland definition should be revised to match the definition required by RCW 36.70A.030(21):
"Wetland" or "wetlands" means areas that are inundated or saturated by surface water 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 from nonwetland 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 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 created to mitigate conversion of wetlands.
- ✓ • 15.10.680: The state delineation manual was repealed in 2011. Delineation is now done in accordance with "the approved federal wetland delineation manual and applicable regional supplements." All areas within the City meeting the wetland designation criteria in that procedure should be designated as critical areas.
- 15.10.700: Isolated wetlands are not determined by size. I'm assuming that the intention here is to exclude these wetlands from regulation. We recommend including additional criteria. See page A-4 of the Small Cities Guidance.
- ✓ • 15.30.190: The existing buffers are not consistent with the best available science and may not be providing adequate protection for SeaTac's wetlands. See the revised Table XX.1 in the Small Cities Guidance at <http://www.ecy.wa.gov/programs/sea/wetlands/pdf/2014TableXX1West.pdf>
- ✓ • 15.30.320: The City's mitigation requirements are not consistent with the joint Corps/EPA/Ecology guidance. See pages A-14 through A-24 in the Small Cities Guidance. By requiring mitigation based on this guidance, you will be providing consistency for applicants who must also apply for state and federal permits. Requiring less compensatory mitigation would create unrealistic expectations for your constituents.

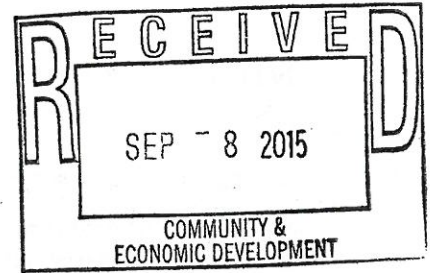
add
to our
list

There may be some other details that need to be revised, but these represent our major concerns. I understand that updating your CAO was not part of your work plan this year; however, you should review these comments as supporting the purpose of your code to prevent cumulative adverse environmental impacts on wetlands (15.30.010.E).

NOTE: ✓ =

ID'd as Amendment Through GIS Checklist

Joe has original



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE

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www.commerce.wa.gov

September 2, 2015

COPY

Ms. Cindy Baker
Director of Planning and Community Development
4800 South 188th Street
SeaTac, Washington 98188-8605

RE: 2015 Periodic Update Deadline

Greetings:

As you know, the deadline for the required Growth Management Act (GMA) periodic review and update for counties and cities in the central Puget Sound (King, Pierce, and Snohomish counties) was June 30, 2015. For many jurisdictions, the update is still underway for a variety of reasons. Here are the critical statutory deadlines for you.

- June 30, 2015 Statutory deadline to complete the review and update.¹⁵⁷
- June 30, 2016 **Deadline for completion of the review and update of development regulations that protect critical areas, also known as the critical areas ordinance (CAO), under the reasonable progress exception.**¹⁵⁸

Commerce is responsible for tracking compliance with the requirements of the GMA in order to advise granting agencies of whether jurisdictions are eligible to receive funds for certain grant and loan programs.¹⁵⁹ This includes completion of the periodic review and update.

Currently, our assigned planners are contacting with every jurisdiction in central Puget Sound to make sure that we have an accurate and up-to-date understanding of your compliance status. Attached is a list of critical steps you can take to help your jurisdiction successfully finalize the review and update process.

¹⁵⁷ RCW 36.70A.130(5)(a)

¹⁵⁸ RCW 36.70A.130(7)(b)

¹⁵⁹ RCW 43.155, RCW 70.146

September 2, 2015

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We are reviewing submitted draft amendments at this time. Jurisdictions with a June 2015 deadline are wrapping up their update process. Jurisdictions with a June 2016 deadline are in the middle of the review and update process. Many 2017 jurisdictions are already underway.

We are prioritizing review of amendments that are part of the update process, or are part of an outstanding Growth Management Hearings Board decisions. When we see an item submitted for review, we are using the check box on the cover sheet to identify periodic review items and reviewing them accordingly. We use the checklist to review them for completeness and are contacting you to go over the items before we send a comment letter.

The GMA requires jurisdictions to review, and if needed, revise the comprehensive plan and development regulations. Therefore, we are tracking the Comprehensive Plan, Development Regulations, and the CAO as the three separate steps or milestones. When we receive adopted amendments that are part of your periodic review and update, we review them to determine, with your assistance, whether you have completed one or more of these milestones. Commerce will issue a letter, congratulating you on the submittal of update adopted amendments, depending on the update milestones completed. We will also provide advice on how to finalize any remaining milestones in your update process.

Your final step to complete the periodic review process is to **notify us in writing that your update is complete**. When you have taken final action, we are sending you a congratulatory letter completing the process. We will call you first to make sure we correctly interpreted what you sent us. However, **a cover letter telling us that your process is complete will help avoid confusion on our end**.

We maintain a list on our web site showing who, according to our records. You can see it here:

<http://bit.ly/GMACompliance>

Please review the list. If it does not reflect your current status, please contact us and let us know. We will update this list in the next few weeks to reflect the latest GMA deadline.

Your assigned planner is available to help you if you have any questions. Please call:

Joyce Phillips at (360) 725-3045

Thank you for all your hard work on this important process.

Best regards,



Jeffrey S. Wilson, AICP
Senior Managing Director
Growth Management Services

Critical Steps to Finalize the Periodic Review and Update Process

- 1. Legislative Action:** After reviewing and, if needed, revising your local plans and regulations, you must take legislative action to formally conclude the periodic review process. Every ordinance or resolution that is a component of your periodic update process should outline the periodic review and update action completed, and it should **include a finding in the ordinance or resolution recitals that explain this action is part of the periodic review and update.** Our Commerce periodic update web site includes several examples of legislative language to assist. We can also help you find an example that is right for you.
- 2. Final Action:** When you have completed the entire process of reviewing the plan and all development regulations, the last legislative action should again **include a finding in the recitals that summarizes all necessary action and declares your periodic review and update process is complete.** This final declaration may be incorporated into the ordinance adopting your final amendments, or it may be summarized within a separate, final resolution. Whichever method you choose, a clear statement in the record that you have completed the update is critical. This step starts the 60-day appeal clock and will help defend your process if a failure to act claim is made after the end of the 60-day appeal period. Again, we have sample language available to help guide you through this final step
- 3. Notify Department of Commerce:** Your final step to complete the periodic review process is to **notify us in writing that your update is complete.** You are required to send every comprehensive plan or development regulation amendment that you adopt to Commerce within ten days of adoption (RCW 36.70A.106). When submitting any adopted amendment, please indicate whether the legislative action was part of the periodic review process. The easiest way to do this is to check the box on the cover sheet that you include with your agency notice. Additionally, when submitting your final legislative action to complete your update, **please include a letter formally notifying Commerce that your update process is complete.** We recognize that many jurisdictions have been drafting and adopting updates in stages, often requiring additional time and experiencing unforeseen delays. Formal notice that the process is complete is critical to keeping us in the loop. We want to work with you as much as possible to make sure our records reflect that you have successfully completed your review and update process.

Where to go for more Help and Information?

- <http://www.commerce.wa.gov/growth> (select "GMA Periodic Update" from the left index)
- *Keeping your Comprehensive Plan and Development Regulations Current: A Guide to the Periodic Update Process under the Growth Management Act.*
- WAC 365-196-610 Periodic review and update of comprehensive plans and development regulations
- RCW 36.70A.130

RCW 36.70A.130

(5) Except as otherwise provided in subsections (6) and (8) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2015, and every eight years thereafter, for King, Pierce, and Snohomish counties and the cities within those counties;

RCW.36.70A.130

(7)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70.146 RCW:

(i) Complying with the deadlines in this section;

(ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas; or

(iii) Complying with the extension provisions of subsection (6)(b), (c), or (d) of this section. (SeaTac doesn't meet any of that criteria).

(b) A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

RCW 43.155.050**Public works assistance account.**

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. During the 2015-2017 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund, the water pollution control revolving account, and the drinking water assistance account such amounts as reflect the excess fund balance of the account. During the 2013-2015 fiscal biennium, the legislature may transfer from the public works assistance account to the education legacy trust account such amounts as specified by the legislature. During the 2015-2017 fiscal biennium, the legislature may appropriate moneys from the account for activities related to the growth management act and the voluntary stewardship program. During the 2015-2017 fiscal biennium, the legislature may transfer from the public works assistance account to the state general fund such amounts as specified by the legislature. In the 2017-2019 fiscal biennium the legislature intends to allocate seventy-three million dollars of future loan repayments paid into the public works assistance account to support basic education.

[2015 3rd sp.s. c 4 § 959; 2015 3rd sp.s. c 3 § 7032; 2013 2nd sp.s. c 4 § 983; 2012 2nd sp.s. c 2 § 6004; 2011 1st sp.s. c 50 § 951. Prior: 2010 1st sp.s. c 37 § 932; 2010 1st sp.s. c 36 § 6007; (2009 c 564 § 940 expired June 30, 2011); (2008 c 328 § 6002 expired June 30, 2011); 2007 c 520 § 6037; (2007 c 520 § 6036 expired June 30, 2011); prior: 2005 c 488 § 925; (2005 c 425 § 4 expired June 30, 2011); 2001 c 131 § 2; prior: 1995 2nd sp.s. c 18 § 918; 1995 c 376 § 11; 1993 sp.s. c 24 § 921; 1985 c 471 § 8.]

NOTES:

Reviser's note: This section was amended by 2015 3rd sp.s. c 3 § 7032 and by 2015 3rd sp.s. c 4 § 959, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective dates—2015 3rd sp.s. c 4: See note following RCW 28B.15.069.

Effective date—2015 3rd sp.s. c 3: See note following RCW 43.160.080.

Effective dates—2013 2nd sp.s. c 4: See note following RCW 2.68.020.

Effective date—2012 2nd sp.s. c 2: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 23, 2012]." [2012 2nd sp.s. c 2 § 6013.]

Effective date—2011 1st sp.s. c 50 § 951: "Section 951 of this act takes effect June 30,

2011." [2011 1st sp.s. c 50 § 952.]

Effective date—2010 1st sp.s. c 37: See note following RCW 13.06.050.

Effective date—2010 1st sp.s. c 36: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 4, 2010]." [2010 1st sp.s. c 36 § 6018.]

Expiration date—2009 c 564 § 940: "Section 940 of this act expires June 30, 2011." [2009 c 564 § 962.]

Effective date—2009 c 564: See note following RCW 2.68.020.

Expiration date—2008 c 328 § 6002: "Section 6002 of this act expires June 30, 2011." [2008 c 328 § 6018.]

Part headings not law—2008 c 328: "Part headings in this act are not any part of the law." [2008 c 328 § 6020.]

Severability—2008 c 328: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2008 c 328 § 6021.]

Effective date—2008 c 328: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 1, 2008]." [2008 c 328 § 6022.]

Expiration date—2007 c 520 § 6036: "Section 6036 of this act expires June 30, 2011." [2007 c 520 § 6039.]

Part headings not law—Severability—Effective dates—2007 c 520: See notes following RCW 43.19.125.

Part headings not law—Severability—Effective dates—2005 c 488: See notes following RCW 28B.50.360.

Finding—2005 c 425: "The legislature has and continues to recognize the vital importance of economic development to the health and prosperity of Washington state as indicated in RCW 43.160.010, 43.155.070(4)(g), 43.163.005, and 43.168.010. The legislature finds that current economic development programs and funding, which are primarily low-interest loan programs, can be enhanced by creating a grant program to assist with public infrastructure projects that directly stimulate community and economic development by supporting the creation of new jobs or the retention of existing jobs." [2005 c 425 § 1.]

Expiration date—2005 c 425: "This act expires June 30, 2011." [2005 c 425 § 6.]

Severability—2005 c 425: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2005 c 425 § 7.]

Severability—Effective date—1995 2nd sp.s. c 18: See notes following RCW

19.118.110.

Findings—1995 c 376: See note following RCW 70.116.060.

Severability—Effective dates—1993 sp.s. c 24: See notes following RCW 28A.310.020.

Severability—Effective date—1985 c 471: See notes following RCW 82.04.260.

RCW 43.155.070**Eligibility, priority, limitations, and exceptions.**

(1) To qualify for financial assistance under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive financial assistance under this chapter unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving financial assistance under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 that has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 may apply for and receive financial assistance under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before executing a contractual agreement for financial assistance with the board.

(3) In considering awarding financial assistance for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board must consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board must develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board must attempt to assure a geographical balance in assigning priorities to projects. The board must consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Except as otherwise conditioned by RCW 43.155.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(d) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(e) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance;

(f) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007;

(g) The cost of the project compared to the size of the local government and amount of loan money available;

General Comparison of Wetland Buffers

Current Wetland Buffer (Red) Based On King Dounty Data



100 ft. Buffer per Current Code (Class 1 Wetland)



57 ft. Buffer Per Draft Code
(Assumes Cat. 1 Wetland; Low Habitat Score;
25% Reduction Applied)



Mike Scarey

From: Morgan, Laurie (ECY) [Imor461@ECY.WA.GOV]
Sent: Friday, April 22, 2016 3:05 PM
To: Mike Scarey
Cc: Martin, Christopher (ECY)
Subject: [Spam score:9%] FW: SeaTac Critical Aquifer Recharge Areas

Hi,

I agree with Chris, the City of Redmond has a really good CARA. So see the following for input. You can reach Chris Martin at (425) 649-7110.

Thanks,

Laurie

From: Martin, Christopher (ECY)
Sent: Friday, April 22, 2016 3:01 PM
To: Morgan, Laurie (ECY)
Subject: RE: SeaTac Critical Aquifer Recharge Areas

Laurie,

Thanks for the chance to make some input.

If you want to cite a good example for CARAs in the Northwest region, the city of Redmond is a real good one.

In relation to CARA's over till, I'd recommend using the well head protection areas AND include any other recharge areas that might be within the city limits. (If their aquifer recharges in Des Moines, there's not much they can do, but if it recharges, say, on the west side of town, then include those areas.

Other than these minor points it looks good.

Give me a call if you have questions.

Chris Martin

From: Morgan, Laurie (ECY)
Sent: Friday, April 22, 2016 1:56 PM
To: Martin, Christopher (ECY)
Subject: SeaTac Critical Aquifer Recharge Areas

Hi Chris, I got a call from Mike Scarey, Planner for SeaTac, who had a question. This is what I was going to send, checking in with you. - Laurie

Hi,

Thank you for your inquiry about Critical Aquifer Recharge Areas in SeaTac.

One way for cities to classify Critical Aquifer Recharge Areas is to designate Well Head Protection zones as one classification of Critical Aquifer Recharge Area and the rest of the City as another. The reasoning behind this is that it provides a way to prevent contamination on a straightforward easy to implement basis, which is useful for cities. A good example is the City of Vancouver (WA).

You were saying that the question has come up whether well head protection areas where there is a till layer above the aquifer still would be designated as a classification of Critical Aquifer Recharge Area, based on the till being a material of low susceptibility, while the recharge to the well occurs elsewhere than the well head protection area.

- Till is a jumble of various unconsolidated materials that have been compressed by the massive weight of the overlying glacier. It is a confining layer when there is an aquifer beneath the till. Water travels slowly through till, and could spread laterally and move more horizontally over the top of the till until it reaches a discharge point, like a wetland, stream, lake, spring or the Puget Sound.
- Till has been held to be a protective layer (see King County here: <http://your.kingcounty.gov/dnrp/library/2004/kcr1614/Chapter-4.pdf>). Note that the till has been cut through to the recessional outwash by streams at some locations.
- The well head protection areas are designated as low susceptibility (see
- Till layers in Puget Sound are not uniformly present without gaps. Faulting and folding can cause disruptions in geologic layers that either result in increased ability to recharge or they can also result in a barrier (i.e., faults can be either conduits or barriers).
- A nice overview of glaciation in the Puget Sound region in Seattle and surrounding areas: http://www.geology.cwu.edu/facstaff/nick/g351/2008_Troost_GeologySeattle.pdf

In my opinion, if the City wishes to make a case for not designating part of the City, especially well head protection zones, as a Critical Aquifer Recharge Area, the case would have to be made using best available science as required by the GMA. I would have the following questions:

- Are there contaminated groundwater sites within the City? What caused the contamination? Are City authorities and ordinances sufficient to prevent contamination in the future?
- What do the public water system purveyors and their Water System Plans say about groundwater protection needs for the public water supply wells (check with the purveyors)?
- Have any of the public water supply wells had sample results with contaminant detections?
- Are there residential single domestic wells within the City? How deep are they?
- What do well logs say about the nature of geologic materials overlying the aquifer(s)? Reports (like the EIS for the SeaTac 3rd runway, or USGS reports)?

Poor management of hazardous materials that results in surface spills or shallow groundwater contamination can flow into wetlands, streams and lakes, even if the larger public water supply wells are deep and more protected. Contamination causes big problems and prevention is a good idea.

If the city does not give itself authority, it would not be able to act if an unfortunate situation or pollution discharge occurred. Authority allows the City to stop contamination from occurring in the first place and to make sure any activities that involve chemical release risks follow standard pollution prevention practices. This is applicable to the entire City, since it would be unfortunate and costly if anyone were to create a contaminated site within the City in any

case. Contaminated sites can cause liability and soil/groundwater cleanup requirements and costs, so it's better to avoid that.

The City of Vancouver prohibits discharges of pollutants into water resources of the City, which includes surface water, stormwater and groundwater. They also have an enforcement ordinance. The following is useful verbiage from the ordinance that illustrates granting the City authority to act::

Section 14.26.117 Discharges to water resources.

- A. Prohibited Discharges: No person or operation shall discharge any potentially harmful materials as set forth at VMC Section 14.26.110 herein into the water resources of the City. Persons or operations shall use all known, available, and reasonable means to prevent the discharge of any potentially harmful materials into the water resources of the City.

City of Vancouver Ordinance for Water Resources:

http://www.cityofvancouver.us/sites/default/files/fileattachments/public_works/page/1033/final_wrordinance_revised2009.pdf

King County CARA map: <http://your.kingcounty.gov/dnrp/library/2003/kcr958/0303kcCARA7.pdf>

Ecology Facility Site map showing well head protection zones and Susceptibility Ratings:

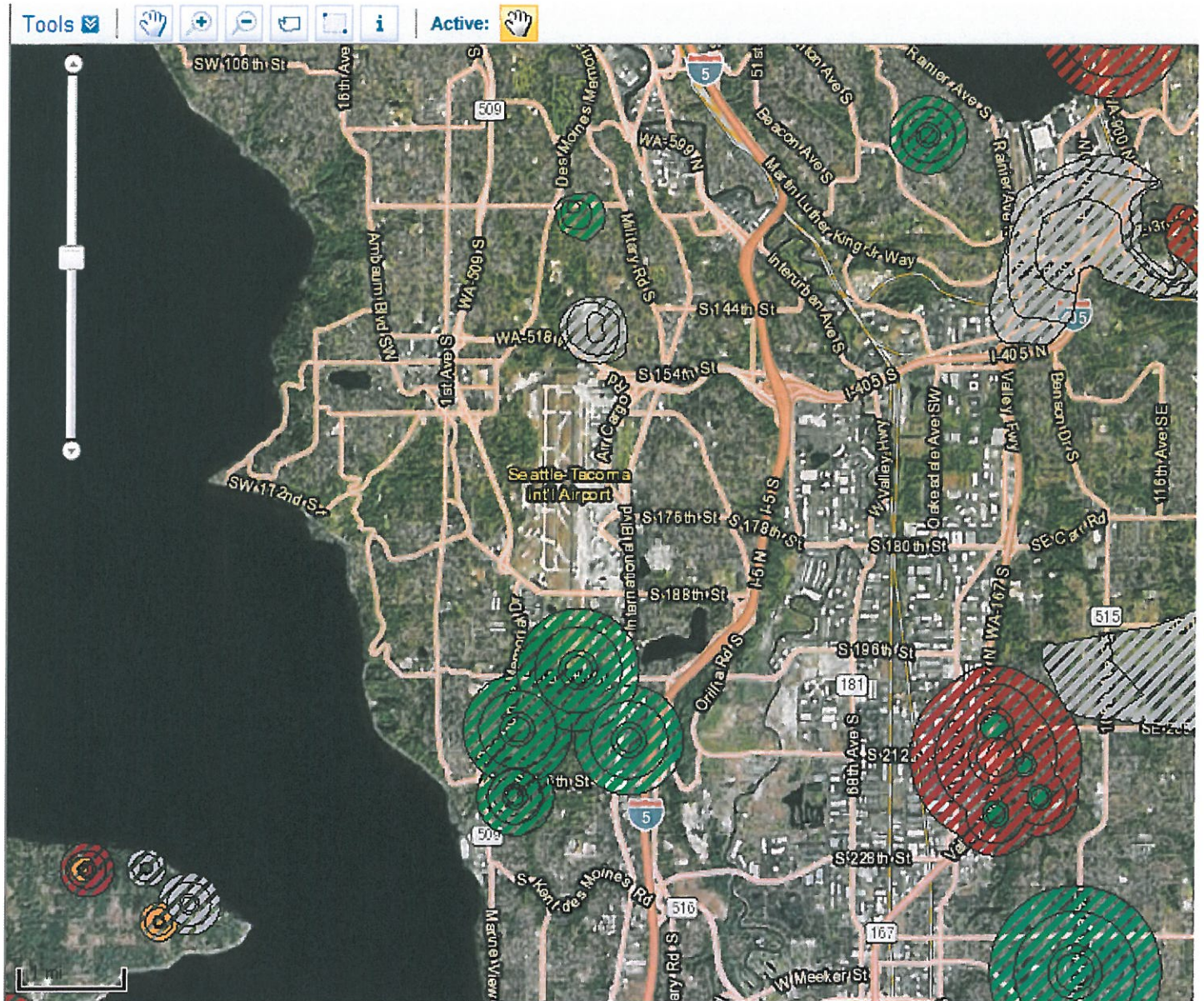
<https://fortress.wa.gov/ecy/facilitysite/MapData/MapSearch.aspx?RecordSearchMode=New>

- Wellhead Protection Zones (6 month) Susceptibility
 - High
 - Moderate
 - Low
 - Not Rated

- Wellhead Protection Zones (1 year) Susceptibility
 - High
 - Moderate
 - Low
 - Not Rated

- Wellhead Protection Zones (5 year) Susceptibility
 - High
 - Moderate
 - Low
 - Not Rated

- Wellhead Protection Zones (10 year) Susceptibility
 - High
 - Moderate
 - Low
 - Not Rated



Just give me a call if you want to discuss.

Best,

Laurie

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Critical Aquifer Recharge Area Guidance: <https://fortress.wa.gov/ecy/publications/SummaryPages/0510028.html>

