Chapter 16.30
HABITAT CONSERVATION AREAS

Sections:
  16.30.010  Designation.
  16.30.020  Designation of habitats and species of local importance.
  16.30.040  Content of critical area reports.
  16.30.050  Substantive requirements.

16.30.010 Designation.

Habitat conservation areas include:

A. Areas having a primary association with fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service as being in danger of extinction or threatened to become endangered;

B. Areas having a primary association with fish and wildlife species identified by the Washington Department of Fish and Wildlife as being in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. See WAC 232-12-014 (state endangered species) and WAC 232-12-011 (state threatened and sensitive species);

C. State priority habitats as identified by the State Department of Fish and Wildlife;

D. Habitats and species of local importance as identified by the city in accordance with BLMC 16.30.020;

E. Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-031;

F. Ponds under 20 acres that provide fish or wildlife habitat except artificial ponds created for a nonwildlife purpose such as stormwater detention facilities, wastewater treatment facilities, farm ponds, and temporary construction ponds;

G. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;

H. Natural area preserves and natural resource conservation areas as defined by the Washington State Department of Natural Resources;

I. Areas of rare plant species and high quality ecosystems as identified by the Washington State Department of Natural Resources through the Natural Heritage Program (see Chapter 79.70 RCW); and

J. Land useful or essential for preserving connections between habitat blocks and open spaces. (Ord. 1070 § 2, 2004).
16.30.020 Designation of habitats and species of local importance.

A. Nominations for habitats and species of local importance shall include:

1. Precise identification of the nominated habitat;

2. A scientifically sound management plan; and

3. A study, paid for by the nominator, containing sufficient information to verify compliance with the following criteria.

B. The designation criteria shall be as follows:

1. The species shall be local, native populations that are vulnerable, declining, or have special recreation, commercial, game, or other value.

2. The habitat shall be important for the long-term persistence of the local population.

3. The habitat shall be of high quality, or be capable of restoration to high quality, or connect otherwise isolated habitats.

4. Protection by other agencies, laws, or nonregulatory tools shall be inadequate to protect the species.

C. Designations of habitats and species of local importance shall form a part of these development regulations. Chapter 14.140 BLMC establishes the review and adoption process. (Ord. 1070 § 2, 2004).


The following maps, which may be continuously updated, may be used as a guide for locating habitat conservation areas:

A. Washington Department of Fish and Wildlife Priority Habitat and Species maps;

B. Washington State Department of Natural Resources, Official Water Type Reference maps;

C. Washington State Department of Natural Resources Shorezone Inventory;

D. Washington State Department of Natural Resources Natural Heritage Program mapping data;

E. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors reports published by the Washington Conservation Commission; and

F. Washington State Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area maps. (Ord. 1070 § 2, 2004).

16.30.040 Content of critical area reports.

In addition to the general critical area report requirements of BLMC 16.20.090, critical area reports for habitat conservation areas shall include, where applicable:
A. Vegetation assessment; and

B. Discussion of any federal, state, or local special management recommendations for species or habitats on near the site. (Ord. 1070 § 2, 2004).

16.30.050 Substantive requirements.

In addition to the substantive requirements of BLMC 16.20.130, the following shall apply to habitat conservation areas:

A. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area except with approval of a state or federal agency with expertise.

B. Preference in mitigation shall be given to contiguous wildlife habitat corridors.

C. In reviewing development proposals, the city shall seek opportunities to restore degraded riparian fish and wildlife functions such as breeding, rearing, migration, and feeding.

D. The city shall require buffers of undisturbed native vegetation adjacent to habitat conservation areas as necessary. Buffer widths shall reflect the sensitivity of the habitat and may reflect the intensity of nearby human activity.

E. When a species is more sensitive to human activity during a specific season of the year, the city may establish an extra outer buffer from which human activity is excluded during said season.

F. No development shall be allowed within a habitat conservation area or buffer with which state or federal endangered, threatened, or sensitive species have a primary association, except in exchange for restoration as approved by the director(s) or as provided in a management plan approved by a state or federal agency with appropriate expertise.

G. When a development permit is applied for on land containing or adjacent to a bald eagle nest or communal roost, the city shall notify the Washington Department of Fish and Wildlife and otherwise comply with WAC 232-12-292.

H. No development shall be permitted which degrades the functions or values of anadromous fish habitat, including structures or fills which impact migration or spawning.

I. Construction and other activities shall be seasonally restricted as necessary to protect the resource. Activities shall be timed to occur during windows designated by the Washington Department of Fish and Wildlife for applicable fish species.

J. Shoreline erosion control shall use bioengineering methods or soft armoring in accordance with an approved critical area report.

K. The following table establishes the standard width of stream buffers (also known as riparian habitat areas) that shall apply to each stream type. The Bonney Lake planning and community development department has maps showing streams of each type. Widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of bank if the...
ordinary high water mark cannot be identified, or from the outer edge of the channel migration zone when present.

<table>
<thead>
<tr>
<th>Stream type</th>
<th>Standard buffer width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type S (subject to Shorelines Management Act)</td>
<td>200 feet (none identified in Bonney Lake)</td>
</tr>
<tr>
<td>Type F (fish-bearing other than S)</td>
<td>150 feet except 200 feet for Fennel Creek and 100 feet for Lake Debra Jane outfall to Fennel Creek</td>
</tr>
<tr>
<td>Type Np (nonfish-, perennial)</td>
<td>100 feet (only PSE Flume is identified in Bonney Lake)</td>
</tr>
<tr>
<td>Type Ns (nonfish-, seasonal)</td>
<td>35 feet except 25 feet for Lake Bonney outfall to Lake Debra Jane outfall</td>
</tr>
</tbody>
</table>

L. The director(s) may increase the standard buffer width as necessary to fully protect riparian functions. For example, the buffer may be extended to the outer edge of the floodplain or windward into an area of high tree blow-down potential.

M. The director(s) may reduce the standard buffer width in exchange for restoration of degraded areas in accordance with an approved plan, or for buffer averaging in accordance with BLMC-16.20-130(G). The director(s) may also reduce the standard buffer width wherever the proposed adjoining upland land use is of low intensity and low impact, such as passive use parks.

N. If the stream enters an underground culvert or pipe, and is unlikely to ever be restored above ground, the director(s) may waive the buffer along the undergrounded stream, provided, that where the stream enters and emerges from the pipe the opposite outer edges of the buffer shall be joined by a radius equal to the buffer width, with said radius projecting over the piped stream.

O. The Shoreline Master Program, not this critical areas code, shall determine allowable uses along and setbacks from lakes; provided, that this critical areas code shall govern wetlands, streams, and other critical areas lying within areas of shoreline management jurisdiction.

P. To the extent facilities are allowed in habitat conservation areas, the following regulations shall apply:

1. Trails: See BLMC 16.20.130(B)(3).

3. Utility lines shall be accomplished by boring beneath the scour depth and hyporheic zone (the saturated zone beneath and adjacent to streams that filters nutrients and maintains water quality). Utilities shall avoid paralleling streams or changing the natural rate of shore or channel migration.

4. New and expanded public flood protection measures shall require a biological assessment approved by the agency responsible for protecting federally listed species.

5. Instream structures such as high-flow bypasses, sediment ponds, instream ponds, retention and detention facilities, tide gates, dams, and weirs shall be allowed only as part of an approved restoration project.

6. Stormwater conveyance structures shall incorporate fish habitat features and the sides of open channels and ponds shall be vegetated to retard erosion, filter sediments, and shade the water.


The Bonney Lake Municipal Code is current through Ordinance 1474, passed December 10, 2013.

Disclaimer: The City Clerk’s Office has the official version of the Bonney Lake Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.