

3.5 CRITICAL AREAS

The City of Tacoma seeks to protect critical environmental areas such as critical aquifer recharge areas, fish and wildlife habitat conservation areas, flood hazard areas, geologically hazardous areas, stream corridors, wetlands, and any buffer zones, by providing standards to manage development and by designating some of these critical areas as environmentally sensitive in accordance with the State Environmental Policy Act (SEPA). Many critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the City and its residents, while others may pose a threat to human safety, or to public and private property. The City of Tacoma's *Critical Areas Protection/Preservation Ordinance* (TMC 13.11) provides standards and regulations for the treatment of critical environmental areas.

It is anticipated that any projected impacts to critical areas resulting from *The Point at Northshore* development will be adequately mitigated through compliance with the *Tacoma Municipal Code* and the *2003 Surface Water Management Manual*. Information contained in this section is, therefore, intended as a summary of the critical areas present on this site and how compliance with the Code will prevent adverse impacts.

3.5.1 Affected Environment

The Point at Northshore would be constructed on property containing known critical areas, including flood hazard areas, a stream buffer area, two wetlands, and their buffers. The stream buffer and wetland areas and buffers are shown in **Figure 3.5-1**.

Flood Hazard Areas

Pursuant to TMC 13.11.600, development proposals involving land containing flood hazard areas must be regulated consistent with the Federal Emergency Management Act (FEMA) and applicable Flood Insurance Rate Maps (FIRM). Seven ponds on the proposed site have been identified as flood areas according to the FEMA FIRM map panel 167 of 1375, dated September 8, 2007 and stamped "Preliminary." Flood hazard areas in this proposal are also regulated through the City of Tacoma *2003 Surface Water Management Manual*.

City staff has witnessed flooding events on the subject property in the recent past and photographic evidence also indicates the North Shore Golf Course area floods during high rainfall periods.

Joe's Creek

Existing Pond B discharges into Joe's Creek through conveyance pipes. A small day-lit portion of Joe's Creek is located less than 50 feet from the property in the northeast corner of the site.

The Proponent's wetland report states Joe's Creek should be classified as a Type Ns Water (subject to 25-foot or 75-foot buffers). According to TMC 13.11.410, type "Ns" Waters are seasonal, non-fish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall. However, based on existing information, the City has determined that this portion of Joe's Creek should be classified as "Np" Water. Waters classified "Np" are natural waters within defined channels that are perennial nonfish habitat streams. The minimum buffer width for "Np" streams is 100 feet, but this buffer may increase to the outer edge of the frequently flooded area pursuant to TMC 13.11.430. The Joe's Creek drainage basin runs through Federal Way and empties into Puget Sound.

Wetlands

The 2007 *Wetland Assessment of the Northshore Golf Course Property* identifies two wetlands using the parameters of the Washington State *Wetland Identification and Delineation Manual*. The two wetlands are Category IV systems, both with a code required 50-foot buffers, according to TMC 13.11.320 "Wetland Buffers."

"Wetland #1" is located along the concrete golf cart path in the northeast area of the site. It is a linear wetland extending approximately 150 feet by approximately 5 feet, with a wider section toward the middle that extends eastward off the property. The 50-foot buffer area is transected to the east by property lines and to the west by the concrete golf cart path. Wetland functions are interrupted by a golf cart path; and in the remaining portion of the wetland buffer beyond the golf cart path, these functions are so low that this area does not provide measurable benefits to the critical area.

"Wetland #2" is ovular in shape and is located south of the large stormwater pond at the northern end of the property. It is approximately 90 feet long and 20 feet wide. The buffer area is transected to the east by property lines and to the west by the concrete golf cart path. There is a small portion of interrupted buffer beyond the golf cart path. Wetland functions are interrupted by a golf cart path and in the remaining portion of the wetland buffer beyond the golf cart path, these functions are so low that this area does not provide measurable benefits to the critical area.

3.5.2 Impacts of the Proposal

The following impacts to critical areas are anticipated as a result of the proposed 860-unit *The Point at Northshore* development.

Flood Hazard Areas

Each of the existing seven ponds will be altered in the course of this redevelopment, and some will be completely filled in. The completed project will consist of six ponds, including a large surface water detention/retention pond at the north of the site (Pond B), and five smaller ponds scattered throughout the site. There is significant concern that flooding will continue to occur at the project site, and that development could worsen flooding conditions. If the frequently flooded area is not fully contained within the pond, an increase in the stream buffer will be required to extend to the outer edge of the frequently flooded area. However, if the proposed stormwater facilities will resolve the onsite flooding, the expanded stream buffer will not be necessary. Before a final determination can be made whether or not an expanded pond buffer is necessary, the Proponent must demonstrate through an approved stormwater management plan and submittal of proposed site contours that the areas identified by FEMA as flood areas have been changed such that the areas no longer flood, or that flooding can be contained within the proposed surface water management system.

Additionally, the Proponent will be required to conform to regulations set forth in TMC 13.11.600 "Flood Hazard Areas" and in the 2003 *Surface Water Management Manual*. Completion of any requested mitigation and conformity to City standards, as well as any applicable state or federal standards, will be adequate to mitigate any potential impacts to flood hazard areas.

Joe's Creek

The Proponent will be required to conform to development regulations set forth in *TMC* 13.11.400 ("Streams and Riparian Habitat"), which includes maintaining a minimum buffer of 100 feet for "Np" Waters. This required buffer may be extended, if necessary, to the outer edge of the frequently flooded area. Providing the minimum required buffer area may mean alterations to the development proposal are necessary.

Completion of the requested mitigation and conformity to City standards, as well as any applicable state or federal standards, will be adequate to mitigate any potential impacts to Joe's Creek. For projected stormwater impacts and mitigation relating to the Joe's Creek basin, see **Section 3.6 Stormwater**.

Wetlands

No buildings are proposed within the uninterrupted portion of either Wetland buffer. The proposal does include construction of a gravel road within the interrupted portion of the buffer for Wetland #1. As long as the proposed improvements on the west side of the golf cart path conform to the provisions of *TMC* 13.11.300 "Wetlands," these improvements, including construction of a gravel road and ongoing landscape maintenance, will not functionally degrade the quality of Wetland #1. Therefore, the proposed development within the interrupted buffer of Wetland #1 is exempt from further permitting under *TMC* 13.11.¹

Concerning Wetland #2, the City concludes that as long as the proposed development meets development regulations set forth in *TMC* 13.11.300, conformity with these standards, as well as any applicable state or federal standards, will be adequate to mitigate any projected impacts to wetlands.

3.5.3 Impacts of the Proposed Action Alternative

The impacts to critical areas of the *Proposed Action Alternative* will likely be similar to the impacts of the *Proposed Action*. The reduction in development scope is not likely to reduce the impacts to the Joe's Creek and wetland buffer areas or to the flood hazard areas.

3.5.4 Impacts of the No Action Alternative

It is likely that flooding at the North Shore Golf Course will continue to occur under the *No Action Alternative*. There is no evidence to suggest that flooding will worsen under this scenario.

3.5.5 Mitigation Measures

Proposed Action

The following mitigation measures are required to prevent adverse impacts related to flood hazard critical areas:

1. Prior to the issuance of development permits, the Proponent must demonstrate through an approved stormwater management plan and submittal of proposed site contours that the areas identified by FEMA as flood areas have been changed such that the areas no longer flood, or that flooding can be contained within the proposed surface water

¹ As provided by *TMC* 13.11.140.C.11.

management system. If the flood area cannot be properly managed and contained, significant modifications to the proposal and/or site design may be necessary in order to meet the *Tacoma Municipal Code*, including additional flood analysis and critical area permitting.

2. *The Point at Northshore* shall adhere to the *TMC* Chapter 13.11 “Critical Areas Preservation,” and other state and federal regulations pertaining to flood hazard areas, streams and riparian habitats, and wetlands. Adherence with the *Tacoma Municipal Code* shall include, but not be limited to, extending stream buffers to encompass the frequently flooded areas of Joe’s Creek, if necessary, and eliminating or limiting improvements to a gravel road and landscaping within the interrupted buffer of Wetland #1. Adherence with the *Tacoma Municipal Code* and related design standards may require major modifications to the development proposal.

Proposed Action Alternative

Similar mitigation would be required as with the *Proposed Action*, because the reduction of development scope is not likely to reduce the impact on critical areas.

No Action Alternative

No additional mitigation is necessary with the *No Action Alternative*.

3.5.6 Significant Unavoidable Adverse Impacts

No significant unavoidable adverse impacts to *Critical Areas* are anticipated as a result of *The Point at Northshore*, provided the proposed mitigation measures are implemented.