

Tracey Redd

From: MDRT User
Sent: Monday, December 22, 2014 11:37 AM
To: Phil Olbrechts
Cc: Nancy Rogers (NRogers@Cairncross.com)
Subject: the citys responses
Attachments: Scanner2_20141222_164924.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Examiner

Attached you will find the responses from city staff and our consultants from the testimony that we have received on plat 2C and changes the applicant has suggested.

At this time the MDRT team is on vacation and I would ask that if you to communicate with me please use awilliamson@ci.blackdiamond.wa.us The above email will connect to my cell phone and I will be able to respond to your inquires and rulings.

The city will also need notification if we are holding a hearing on the 29th as soon as possible as that will be our first day back after the holidays Respectfully Andy Williamson



CITY OF BLACK DIAMOND

Physical Address: 24301 Roberts Drive
Mailing Address: PO Box 599
Black Diamond, WA 98010

Phone: (360) 886-5700
Fax: (360) 886-2592
www.ci.blackdiamond.wa.us

MEMORANDUM

To: Mr. Phil Olbrechts

From: Gillian Zacharias and Andy Williamson

Date: December 22, 2014

Subject: Response to Public Testimony from December 11th, 2014 Hearing On The Villages Preliminary Plat for Phase 2 Plat C, PLN 13-0027

This memorandum responds to exhibits submitted at the above-referenced hearing.

Attached are the reviews of the exhibits and/or comments at the hearing by Parametrix (for transportation issues), RH2 (for civil engineering issues), and Perteet (for biological sciences issues).

Staff reviewed notes from the hearing as well as the exhibited submitted at the hearing and between December 11 and 19. We are responding to comments by clarifying or correcting statements made in the staff report and citing page numbers in the staff report where commenters suggested that code sections had not been adequately addressed.

Mr. Derdowski, Procedural Comments

Page 2, #63. "This condition does not apply." Should be changed to "The proposed stormwater facilities within the parcel boundaries and the stormwater pond in Phase 1A will mitigate the impacts of the project. Assignment of maintenance and ownership is shown on plat Sheet CV4."

Page 4, #77. Deviations are allowed as separate by administrative review and decisions in the Black Diamond Engineering Design and Construction Standards as well as in the DA.

Page 7, A. The note in red typeface should have been deleted prior to publication.

Page 6-7, 11.7 Phasing: The staff's review of the requirement for the Designated Official's finding was addressed in transportation section of the staff report, pages 56-58.

Page 9, 5. The staff report should have stated here, as it does numerous times elsewhere, that City staff and its consultants reviewed the proposed network for compliance with the standards in both the DA and the BDEDCS and found that it complied.

Page 16, Policy CF-3: The basis for the Detailed Regional Implementation Plan was originally approved through the DA and underwent SEPA review and City approval at that time. Condition of approval #5 for the plat requires compliance.

Page 30, 17.15.020.A.1: The proposal was evaluated (as stated numerous times in the staff report) against the applicable sections of the BDMC. Each topic area contains the sections of the BDMC that were reviewed. Mr. Derdowski did not cite any particular code sections that he believes were not evaluated. In our opinion, the relevant sections were reviewed and the evaluation was adequate.

Page 32, 8. The respective sentence could have been written thus: "Staff has concluded that, where information has been provided, or where conditions of approval allow the standard to be met in absence of information because of the stage of design, the proposal meets the standards." In other words, there is nothing outstanding that has not been met or cannot be met by conditions of approval.

Page 33, 6. For review of proposal against MPD guidelines, refer to Plat 2C Staff Report, pp 40-41, 59-63, 77, 111, 117, 128, 130, 149-162, and 172.

Derdowski, Code Sections Applicable to Review, Exhibit 90

Mr. Derdowski did not point to any particular section of the applicable codes and regulations that are both relevant and not addressed in the staff report. We stand by the format and content of the staff report.

With respect to 17.15.020, Preliminary Plat Approval Criteria, I have provided references by page number for where in the staff report the criteria are addressed. The criteria that were called out by Mr. Derkowski and the relevant page numbers are as follows:

- A.1, page 162.
- A.3, pages 41, 63, 77, 99, 112, 117, 126, 131.
- A.5, pages 42, 100, 112, 126, 164.
- A. 6, pages 42, 100, 112, 126, 131, 165.
- A.7, pages 42, 64, 101, 113.
- A.8, page 165.
- A.9, page 165.
- A.10, page 165.
- A.11, pages 43, 65, 102, 115, 165.
- A. 12, page 166.
- A.13, page 166.
- A.14, page 131.

Yarrow Bay's suggested changes to the staff-recommended Plat 2C conditions of approval

#2: Staff request that the phrase "by the City Attorney as to form " be left as it is. The remaining change is fine.

#9: Staff support the original text and object to the applicant's proposed revision. The revision could result in private utilities in the ROW before the franchise is approved which places the City in a weak position to negotiate franchise terms.

#13: Staff support the original text. If the changes are not "subtle" then the review of the Pre Plat is potentially compromised. In addition, the modeling method needs to comply with the Black Diamond Engineering Design and Construction Standards. If the standards used in the prior report do not comply, then the revised document must comply.

#80: Rather than deleting the condition, staff request that the condition be rewritten as follows:

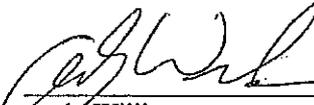
"Parking is prohibited on any section of roadway that is 20 feet wide or narrower, consistent with IFC standards."

Proposed new condition A.: Staff agree.

Yours truly,



Gillian Zacharias
Senior Planner



Andy Williamson
Designated Official

Attachments: Letter from John Perlic, Parametrix
Letter from Dan Ervin, RH2
Letter from Jason Walker, Perteet



December 15, 2014

RH2 ENGINEERING, INC.
www.rh2.com
mailbox@rh2.com
1.800.720.8852

Mr. Andy Williamson
Executive Director of Engineering Services/Economic Development
City of Black Diamond
PO Box 599
Black Diamond, WA 98010

WASHINGTON
LOCATIONS

BOTHELL
MAIN OFFICE
22722 29th Drive SE, Suite 210
Bothell, WA 98021

Sent via: Email and US Mail

Subject: Response to Public Hearing for the Villages Phase 2C Planning

BELLINGHAM

Dear Mr. Williamson:

EAST WENATCHEE

This letter includes responses to public testimony that was heard on December 11, 2014, during the public comment period for the City of Black Diamond's (City) Villages Phase 2C Preliminary Plat Hearing. This letter does not include responses to all of the public comment, only those items related to water, sewer, stormwater, and roads. The responses are listed by topic, rather than by individual or exhibit, since many respondents discussed similar items. The relevant issue is described briefly in the header of each response.

ISSAQUAH

RICHLAND

Comment – There is insufficient capacity in the METRO off-site sewer system for this proposal.

TACOMA

OREGON
LOCATIONS

Refer to Section E (staff response to Policy CF 27 on page 92) of the Staff Report for The Villages Preliminary Plat Phase 2 Plat C (Staff Report), Exhibit 37 (a letter dated December 16 2003 from King County Waste Treatment Division (WTD) regarding sewer capacity), and Exhibit 47 (a letter dated June 16 2003 from Andrew Williamson regarding utility capacity).

NORTHERN OREGON
MAIN OFFICE
8580 SW Macadam Ave. Suite 100
Portland, OR 97239

Exhibit 47 states that this pre plat must comply with the same sanitary sewer restrictions as pre plat 1A. In that application, and as a condition of approval for that Plat (1A) sanitary sewer is restricted to 1,150 equivalent residential units (ERU) (based on approved capacity from King County WTD). Since that plat was approved, fewer than 12 additional sanitary sewer ERUs have been approved or entitled elsewhere in the City. To date, the following ERUs have been encumbered.

SOUTHERN OREGON
Central Point

CENTRAL OREGON
Bend

City (outside Plat 1A and 2C)	12
Villages Phase 1A	921
Villages (Phase 2C Pending)	203
Total	1,136

The total number of ERUs that have been added to the system or entitled in the system via preliminary plats or building permits is less than the 1,150 ERUs allowed under the Phase 1A preliminary plat (which, by condition, entitles and restricts this application).



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Comment – The Phosphorus Monitoring Report, specifically the Baseline Phosphorus Load Calculation, is not complete.

Refer to Section 7.4.5 and Condition 12 of the Staff Report. The Phosphorus Monitoring Report, which includes the Phosphorus Base-Load Calculation, must be completed and approved before any construction permits are issued that will impact off-site stormwater systems. The original Phase 1A conditions related to Phosphorus Monitoring (Pre Plat 1A Conditions 67, 68, 70, 73, 75, 77, 79, 81, 82, and 85 (available in Exhibit 14)) do not require completion of the Expanded Baseline Monitoring Plan before Preliminary Plat approval.

Comment – The project will impact off-site groundwater systems.

Refer to Section 7.1.2 and Condition 7 of the Staff Report. Groundwater hydrology and groundwater quality were analyzed in the Environmental Impact Statement (EIS) conducted for the MPD approval and the required mitigation measures were included in the Development Agreement (which specifies stormwater system design and treatment requirements).

Comment – Mine hazards have not been analyzed or mitigated in the proposal.

Refer to Section 8.2.3 of the Staff Report. No mine hazards have been identified on the applicable site.

Comment – The impacts to wetland hydrology have not been appropriately analyzed.

Refer to Conditions 6, 8, and 13 of the Staff Report. The information presented by the applicant and the review that was completed by the City meet the standards for Preliminary Plat approval in that the information is sufficient to ensure that there is an adequate provision of utility capacity and the ability to comply with codes, standards, and requirements during design and construction. The City recognized that the information presented was not sufficient for design of the stormwater system and applied three conditions in order to ensure code compliance during construction. The first requires the analysis to be updated during design, the second requires use of the appropriate stormwater model, and the third sets the design target as no impact to wetland hydrology. With these conditions, the application meets Code and Development Agreement requirements.

Comment – The project does not have the code-mandated second point of connection for vehicles.

Refer to Staff Response to Policy T6 on page 46 of the Staff Report. City standards require that, “a single point of access shall serve no more than 150 units, except on an interim basis up to 300 units where a future point of access will be extended.” The application includes a single point of public connection on an interim basis and a second point of public connection in the future when the area to the south of this pre plat is developed.



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I do not believe these issues warrant revisions to the Staff Report or the addition of or modifications to any of the recommended Conditions in the Staff Report. If you have questions or require additional information please call me at 425-951-5304 or email me at dervin@rh2.com.

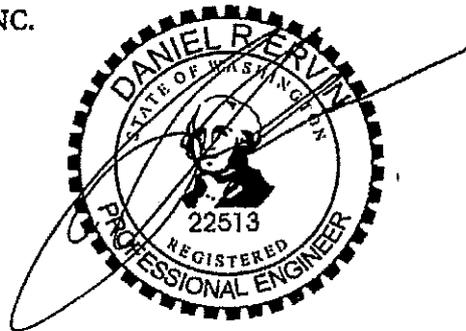
Thank you for your consideration.

Sincerely,

RH2 ENGINEERING, INC.

Dan Ervin, P.E.
Vice President

DE/jq/ms



Memorandum



To: Andy Williamson, MDRT/Economic Development Director, City of Black Diamond
Aaron Nix, Community Development and Natural Resources Director, City of Black Diamond

From: Jason Walker, ALSA, PWS, Wetland Scientist, Environmental Manager, Perteet Inc.



Date: December 20, 2014

Re: The Villages MPD Phase 2 Preliminary Plat C – Wetland Review, Hearing Response

Perteet Inc. has prepared this memo to provide supplemental clarification to general questions pertaining to wetland critical areas raised at the December 11 Preliminary Plat Hearing and in subsequent Exhibits for The Villages MPD Phase 2 Plat C in Black Diamond, Washington.

1. How was steelhead salmon habitat in Rock Creek addressed?

The presence of Puget Sound Steelhead is indicated in the SEPA Checklist (Exhibit 3e) in Item 5(b) on Page 11 of 20. The presence of chinook, coho, sockeye and steelhead salmon, as well as cutthroat trout and a variety of other species in Rock Creek is considered in the City of Black Diamond Sensitive Areas Ordinance Best Available Science Review and Recommendations for Code Update Summary and Recommendations (Parametrix 2008). Greater protections are provided for the Core wetland and stream complex of the Rock Creek system through the Black Diamond Municipal Code. Wetland TOS is associated with the Rock Creek Core wetland and stream complex and is provided with a 225 foot buffer and other protections due to the ecological sensitivity of the Rock Creek system.

2. How was the rating and unit of Wetland E1 verified?

The rating of Wetland E1 was first evaluated during the review of Phase 1A. The potential connectivity of Wetland E1 to the Rock Creek system was also our initial concern when we first evaluated the feature for Phase 1A. Rating this large wetland required several resubmittals from the applicant and field observation visits with the consultant for the applicant and Perteet to verify specific scoring criteria of the Wetland Rating System for Western Washington before a final agreement on the rating and unit of Wetland E1 could be reached to address Condition #87 of the Findings, Conclusions and Decision for the Villages Preliminary Plat 1A and for the Phase 2 Preliminary Plat C application.

Perteet agrees with the rating and unit of Wetland E1 provided for Phase 2 Plat C after conducting substantial review and field evaluation of the wetland, including the further evaluation of a stream we identified in the northern area of the wetland that did not account for a large enough area to influence the rating score.

For the Phase 2 Plat C submittal, information regarding the review of the wetland unit and rating was summarized in our memo from March 31, 2014 (Exhibit 28c). In that memo we state:



Memorandum

The wetland rating form for Wetland E1 was revised by Wetland Resources, Inc. based on previous comments by Perteet for the Phase 1A Preliminary Plat. Based on detailed topographic information, a drainage divide in the wetland unit has been documented within the southern area of Wetland E1. The rating was revised to evaluate the northwestern area of Wetland E1 as a separate wetland unit pursuant to the Ecology Wetland Rating System for Western Washington and companion guidance materials published by the Department of Ecology. The revised wetland rating for Wetland E1 is consistent with BDMC 19.10.210 and we concur with the revised buffer width of 110 feet for the northwestern unit of Wetland E1 according to BDMC 19.10.230.

The Washington State Rating System for Western Washington, Ecology Publication # 04-06-025, allows for the separation of wetland units, as explained on page 12 of the annotated guidance, it states in the last paragraph: "The guiding principle for separating a vegetated wetland into different units for the purpose of rating is changes in the water regime of the wetland. Boundaries between different units should be set at the point where the volume, flow, or velocity of the water changes abruptly, whether created by natural or human-made features". This manual is the instruction document for the 2004 and later updated 2006 and 2008 Wetland Rating System forms. In an attempt to obtain further clarification on this issue for this and other projects, email correspondence with the Department of Ecology was conducted by Perteet during the review of this issue for Phase 1A. General questions were asked of Ecology in this regard; Ecology was not asked to review project specific information, reports, or drawings. This email correspondence is provided on Page 5 of Exhibit 50 and includes partially highlighted text added by others; highlighting only this text puts emphasis on one item identified in this email regarding the potential difficulties of defining wetland units by differentiating hydrogeomorphic (HGM) classes within the same wetland. An example of differentiating a wetland unit by HGM class would be if there was a wetland with combined Riverine and/or Depressional and/or Slope wetland classes and the goal was to separate each wetland unit by determining the extent and area for each type of hydrologic influence. Perteet agrees with Ecology that defining wetland units based on differentiating the HGM classes in this way could be problematic to determine. However, that issue and method does not apply to the unit of Wetland E1 that was evaluated since the applicant and Perteet agree we have only one overall HGM class which is Depressional; the unit is not being differentiated by HGM class. The segregation of the wetland unit was evaluated by Perteet solely due to the changes in gradient at the topographic divide. To simplify the explanation of the topographic conditions present at the drainage divide, essentially this is a highpoint in a ravine that slopes in generally opposite directions. Perteet visited and observed this location in Wetland E1.

The unit of Wetland E1 rated as a Category II essentially occurs in a different drainage basin that does not have a surface water connection to Rock Creek and the associated Core Complex Wetlands. A detailed topographic survey was provided and reviewed as part of the Phase 2 Preliminary Plat C civil engineering plan sheets that adequately documented the topography of the drainage divide. The landform of the Category II component of Wetland E1 is sloped to the northwest and below the divide it is generally sloped in the opposite direction, to the southeast. Upon further review of Figure I-1 of the City of Black Diamond Sensitive Areas Ordinance Best Available Science Review and Recommendations for Code Update Summary and Recommendations (Parametrix, 2008) this information also shows a separate unit for this wetland depicted in that study.

3. How was the buffer determined for the north portion of Wetland E1?

The buffer of Wetland E1 was identified by the applicant to be functionally limited by the existing gravel road on the north side. Our acknowledgment of this limitation is based on field observations and review of submitted information in comparison to the Black Diamond Municipal Code BDMC 19.10.230(E), the Washington State Rating System for Western Washington (Ecology, 2006) Ecology



Perteet

Memorandum

Publication # 04-06-025, and Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington (Ecology 2012), Ecology Publication #10-06-011. Guidance from WSDOT in this regard is also attached to this memo. These State wetland guidance publications are believed to also meet the criteria of Best Available Science under WAC 365-195-905.

Our findings regarding this issue are summarized in our May 19, 2014 Memo (Exhibit 28e) in the context of the buffer averaging request:

It is noted that the applicant submitted a letter to the City on May 14 with supplemental information requesting approval of the buffer averaging plan. Information submitted by the applicant shows they are providing a net gain of 24,105 square feet in buffer area above what is required by the BDMC. This "net gain" includes areas of buffer for Wetland E1 that were not originally provided in the full standard buffer width at the north end of the wetland due to provisions in the Black Diamond Code (BDMC 19.10.230(E)) which allow the buffer to stop at the existing road. Standard buffers should be relatively intact and this code section allows for buffers to stop at human features where they are not intact and effectively separate the potential buffer from ecological functions of the resource, including areas of hardened surfaces such as the logging road in this instance. The proposed additional buffer areas given back at this location are forested, and due to elimination of vehicular uses on the road and conversion to a pedestrian trail, the added buffer at this location should provide ecological benefit in the context of the proposed plan. The remaining components of the buffer averaging plan are summarized as follows: the buffer is reduced at area 4 (182 square feet) for Lots 156 and 157, at area 6 (373 square feet) for Lots 147 and 140, at area 8 (1,366 square feet) for Lots 134-141, and at area 10 (196 square feet) for Lots 129-131. The total buffer reduction at these locations is understood to be 2,117 square feet from the provided information. The total area that is shown to be added in compensation is understood to be 26,222 square feet, and the majority of the added area was observed by Perteet to be forested (except for logging roads) with vegetation substantially similar to the reduction areas, and otherwise functionally equivalent.

During site observations conducted by Perteet for Phase 1A, and later for Plat 2C, this road was observed to be an established pre-existing route within the site, did not appear abandoned, and appeared to be frequently used with numerous tracks from vehicles and pedestrians. A road prism exists. The surface of the road prism is gravel and soil and was observed to be highly compacted (hardened) and unvegetated. In contrast, other existing roads within wetland and buffer areas of Plat 2C were observed to be partially vegetated and abandoned.

A buffer can be functionally limited by a road due to the absence of screening, buffering, and water quality functions at these features, along with habitat disturbances and generated pollutants related to the frequency of use. In consideration of wetland ecology, Perteet agrees that gravel roads have no positive functional attributes when occurring near wetlands for reasons stated by Dr. Cooke on Page 4 of Exhibit 55. However, roads can serve as ecological breaks for wetland buffers due to the disturbances they generate and many municipal codes (including the BDMC) allow for the separation of buffer functions to be acknowledged. This concept is summarized in the attached WSDOT guidance. Furthermore, Perteet agrees with scientific publications from the Department of Ecology that pertain to this issue, including the Washington State Rating System for Western Washington and the companion document for Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington which describe the necessity for wetland buffers to be intact and "relatively undisturbed" to be functional. On Page 80 of the Annotated Guidance, it states: "Any heavily used paved or gravel roads, residential areas, lawns, tilled fields, parking lots, or actively grazed pastures within a zone along the edge would disqualify the buffer from being relatively undisturbed. Bridges crossing streams or rivers within the buffer are



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considered as a disturbance. Infrequently used gravel or paved roads or vegetated dikes in a relatively undisturbed buffer, however, can be ignored as a disturbance". Therefore, gravel roads can serve as a disturbance to separate ecological functions and that separation is also dependent on the frequency of use. The consideration of the frequency of disturbance for roads relating to ecological functions is further described in Note #4 of the Calculating Credits and Debits for Compensatory Mitigation guidance on Page 105: "A rarely used path or gravel road can be considered 'relatively undisturbed' if it is used less than once or twice a week. Daily usage of a road or area is considered 'disturbed.' " The road in question is believed to have had frequent use at the time of review from information provided by the applicant, provided by the City, and from Perteet field observations.

Removing unnecessary roads that occur within wetlands and buffers with proper re-establishment of topography and vegetation can be a mitigation and restoration practice to increase ecological functions. However, identifying opportunities to improve ecological functions is different than conducting ratings and determinations. Ratings and determinations of wetlands and buffers are based upon geographic and vegetation characteristics and other features and conditions (including disturbances) at the time of evaluation. While there may be opportunities that are identified for restoration and enhancement of wetlands and buffers during these assessments, the pragmatic methods of wetland determination and rating are focused on evaluating the existing baseline site conditions.

The road is proposed to be converted to a trail with added buffer on the north side. Although the disturbance presented by the continued use of pedestrians on this feature is acknowledged, eliminating vehicular uses (and related pollutants) will be beneficial.

3. What is the status of the wetland trail crossing at Wetland E1?

Information regarding this issue is summarized in our May 19, 2014 Memo (Exhibit 28e) regarding trails within Wetland E1 and buffers. We recommend eliminating the soft surface trail that bisects Wetland E1 using an abandoned logging road because this road has become naturalized and vegetated and would cause disturbance to hydrology and vegetation if improved for a trail at this location and would be considered a wetland impact. This condition was added as the third item under Condition of Approval #39 of the Staff Report: "the portion of the proposed soft surface trail shown on the plans bisecting Wetland E1 shall be eliminated".

4. What is the status of wetland and buffer protection for Wetlands E7, E8, and E10?

Trails are proposed to occur in the outer buffers of these wetlands and to be conditionally approved pursuant to recommendations in the Staff Report. Wetlands and wetland buffers shall be defined as separate tracts in the final plat (BDMC 19.10.150.B) and this is addressed in Condition of Approval #35. To ensure compliance with BDMC 19.10, subsequent review of development activities in future development tracts adjacent to Wetlands E7, E8 and E10 is also required as Condition of Approval #47.

5. Are Wetlands E7, E8, and/or E10 connected to each other or to Wetland TOS?

These wetlands were observed by Perteet along when ratings were verified on March 13, 2014 prior to our March 31 Memo (Exhibit 28c). Wetlands E7, E8, and E10 were observed to be distinct topographic depressions. No hydrologic connections or other contiguous wetland indicators were observed between the features.

6. Is there a stream tributary to Rock Creek north of Wetland E1 as depicted on City BAS Critical Areas Maps?

This feature is not evident in the field. There is a feature mapped on Critical Areas Maps in the City of Black Diamond Sensitive Areas Ordinance Best Available Science Review and Recommendations for



Perteet

Memorandum

Code Update Summary and Recommendations (Parametrix 2008). The mapped feature appears to be a drainage channel originating from the northern lobe of Wetland E1 to Rock Creek. This area of the site was observed by Perteet during several site visits and this drainage feature was not evident. King County IMAP LIDAR/GIS information was also reviewed to see if there was evidence of a channel at this location in the surrounding landform; no channel is evident and it is uncertain why this feature was mapped.

END OF MEMORANDUM

WSDOT GUIDANCE ON WETLAND BUFFERS ACROSS ROADWAYS

WSDOT 5/16/08

Local CAOs typically identify buffer widths for wetlands based on the rating of the resource and adjacent land use. When WSDOT proposes a *new* roadway through an existing wetland buffer, local governments regulate the buffer on both sides of the roadway and may require mitigation for them. For wetlands adjacent to an existing roadway, some local jurisdictions may identify buffer areas as extending across the road. However, buffer areas that are separated from a wetland by an existing road provide no screening, buffering, or water quality functions to the sensitive area. As such, buffers are considered to be functional on the same side of an existing road as the wetland. **Therefore, when determining the impacts to wetland buffers from a proposed WSDOT project, WSDOT only considers buffer areas on the same side of the roadway as the wetland.***

For example, Figure 1 shows a wetland on the south side of an existing roadway. If WSDOT proposed to widen only the north side of the roadway, the project would not impact any buffers of that wetland.



Figure 1. An existing roadway negates the buffering effects that could benefit a wetland on the opposite side of the road. Therefore, wetland buffers (and potential impacts to them) do not extend across an existing roadway.

In certain situations, a buffer can extend across other types of trails and roads. Existing pedestrian trails and some seldom used non-paved (and non-hardened) roads can occur within a buffer. In these situations, the buffer will continue across them. Typically, paved and hardened (gravel) roads, and railway tracks will separate the buffer and the functional buffer will end at the edge of the hardened surface or railway ballast. Refer to local CAO for clarification.

If local CAO does not provide clear guidance, the biologist must make their own determination. Factors to consider include the type of surface present, road or track elevation (does the structure topographically separate the buffer), existing buffer vegetation, the type and amount of traffic using the road/track, the existing buffer functions, and quality of the existing wetland (rating, HGM, vegetation, and functions). The biologist will need to provide a clear, logical evaluation of the existing conditions to support their determination.

* Potential exception to this guidance: King County's critical areas ordinance is the only known ordinance to address buffers across roads. The relevant ordinance follows.

KCC 21A.325.D.4

4. Where a legally established roadway transects a wetland buffer, the department may approve a modification of the minimum required buffer width to the edge of the roadway if the part of the buffer on the other side of the roadway sought to be reduced:
 - a. does not provide additional protection of the proposed development or the wetland; and
 - b. provides insignificant biological, geological or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland.

Note: Many wetlands/roadways will meet the above qualifications for an exception in King Co., necessitating WSDOT to request buffer width modification from the County.