



# Open Space Corridors Project – Phase 1

## FAQ's – April 12, 2018

### 1. What is the Open Space Corridors Project?

The Open Space Corridors (OSC) Project is one of the City's initial steps to implement the Parks and Open Space designation of the new Comprehensive Plan, *One Tacoma*. The Plan's Parks and Open Space designation includes a variety of areas within the City, including active park and recreation areas, passive open spaces, critical areas, steep slopes, and other important habitat areas.

Many of these lands remain privately owned and zoned to encourage development. Many are also designated as critical areas, but while standards for some critical areas are clear others currently lack development standards that would adequately protect and retain the multiple important functions and values these lands provide.

Over the next 20 years, the number of people and jobs will grow significantly in Tacoma, increasing development pressure within sensitive and important open spaces within the City. In addition, climate change is likely to increase landslide and erosion risks, placing even greater importance on taking actions now to protect life and property. Where past policy approaches have typically relied on direct acquisition of properties to preserve functions, this project will evaluate other regulatory approaches.

### 2. What does OSC - Phase 1 include?

The City is pursuing a multi-phased approach to the Open Space Corridors project. Phase 1, the current effort, is being completed as part of the 2018 Annual Amendments with Council action planned for June 2018.

The proposed updates address gaps in current critical area standards pertaining to Biodiversity Areas and Corridors (a category of Priority Habitat designated as a Fish and Wildlife Conservation Area) and to steep slopes (a category of Geohazards) regulated under Tacoma's critical areas code. The intent is to implement longstanding policy direction calling for more effective steps to limit the fragmentation of Tacoma's Open Space Corridors, and to provide clarity regarding the potential for future development of property in these critical areas. These two types of critical areas are currently regulated in Tacoma. However, the current regulations are inadequate to protect the environmental functions and values of Biodiversity Areas/Corridors. Current protections are not robust for Biodiversity Areas/Corridors leaving ambiguity as to what reasonable use of property looks like within these areas. Furthermore, current standards for Geohazard areas are ambiguous in regards to whether the intent is to avoid or minimize development on slopes, or to simply require that the slopes be made stable through engineering approaches.

To address this regulatory gap, the proposed updates would take significant steps toward preventing fragmentation of the most valuable natural areas within the Open Space Corridors, clarify future use of property, and set the stage for future actions.

### **3. What are Biodiversity Areas/Corridors?**

The Growth Management Act requires local jurisdictions to classify and identify Fish and Wildlife Habitat Conservation Areas (FWHCAs) and manage these areas to maintain populations of species and prevent degradation of habitat. FWHCA's are designated under the Critical Area Preservation Ordinance in the Chapter 13.11 of the Tacoma Municipal Code. FWHCA's include several types of habitat and species including wetlands, streams, and priority habitat and species as defined by the Washington Department of Fish and Wildlife (WDFW).

Biodiversity Areas/Corridors are one type of Priority Habitat. WDFW defines Biodiversity Areas/Corridors as those areas within a city that contain habitat that is valuable to fish and wildlife, are mostly comprised of native vegetation, and relative to the surrounding area the vegetation is diverse with a mosaic of habitats. Corridors are defined as areas of relatively undisturbed land that is not fragmented and connects fish and wildlife habitat conservation areas, other priority habitat, or valuable habitats within a city.

### **4. Where are Biodiversity Areas/Corridors?**

WDFW has mapped the likely location of Biodiversity Areas/Corridors in Western Washington. In Tacoma, WDFW's maps overlap substantially with the City's designated Open Space Corridors. Biodiversity Areas/Corridors in Tacoma include the largest remaining vegetated areas of the city including Tacoma's largest forested parks, steep slopes overlooking the water, and large vegetated upland areas.

### **5. What are the current rules regarding development of these areas?**

Under the state's Growth Management Act, cities are required to protect critical areas. And to ensure that there is no net loss to their functions and values. The City regulates a range of critical areas, including:

*Critical Areas in Tacoma*

*Include both environmental assets:*

- marine habitats,
- rivers, streams and lakes,
- wetlands,
- aquifer recharge areas,
- fish and wildlife conservation areas

*and environmental hazards:*

- frequently flooded areas,
- geologic hazardous areas

The City has robust standards in place for critical areas, such as wetlands and streams; however, the standards for Biodiversity Corridors are limited. This project will establish more clear guidance for development within these areas.

## **6. What changes are proposed to the City's critical areas standards?**

The following changes are proposed to TMC 13.11 Critical Areas Preservation Ordinance: Update standards for Fish and Wildlife Habitat Conservation Areas to ensure no net loss of critical areas functions and values for Biodiversity Areas/Corridors, and clarify reasonable use of property:

- Clarify Biodiversity Areas/Corridors definition and review processes
- Establish parameters generally limiting impacts to the least sensitive portions of the Biodiversity Areas/Corridors , and no more than 35% vegetation disturbance maximum
- Clarify Biodiversity Areas/Corridors mitigation standards  
Update standards for steep slopes as follows:
- Clarify that vegetation retention is supported by the Best Available Science as the most appropriate management approach to steep slopes areas in many cases.

Updates are proposed for consistency and clarity to TMC 9.19 Trees and Shrubs – Planting, TMC 13.04 Platting and Subdivisions, and TMC 13.05 Permit Procedures.

## **7. What is the science that supports these proposals?**

The Best Available Science on urban habitat and biodiversity protections demonstrates that these areas play an important role. Maintaining connected vegetated corridors is critical to habitat health and that vegetated areas are very important to maintaining species diversity. The Washington State Department of Fish and Wildlife summarizes this science in its [Landscape Planning For Washington's Wildlife](#) report from December 2009. See also *Exhibit C: BAS Summary* to the City's staff report on this project.

## **8. Why is biodiversity important in an urban environment?**

The GMA requires the protection of critical areas regardless of their location in an urban environment. While it is a common sentiment that habitat is less important in urban areas than rural areas, the urban environment covers a large portion of the Puget Lowlands and plays an important role in the conservation of local species. The City's Biodiversity Areas/Corridors are large enough to sustain an array of native flora and fauna and are used for nesting, foraging, shelter, and perching for hunting and rest. Research has demonstrated that even in an urban environment the reduction in size and fragmentation of these areas can result in the reduction of species diversity. In addition to supporting local species, these areas also provide the community with access to nature.

**9. What are the existing conditions within Biodiversity Corridors/Areas?**

Staff conducted a high level analysis of existing conditions within designated Open Space Corridors to support this effort. The majority of the Open Space Corridors are zoned residential, and current land uses are primarily residential as well. Land ownership patterns are dispersed and include public, private, tribal and right-of-way.

A substantial proportion of the Open Space Corridors are critical areas or buffers. In particular, nearly half (40%) of the Open Space Corridors are known Biodiversity Areas/Corridors regulated under Tacoma’s critical areas standards. These areas are generally part of largely undeveloped, connected forested corridors. Steep slopes are also prevalent in the Open Space Corridors.

**10. What plants and animal species are common in urban natural areas like these?**

Here is a partial list of species and habitat known to occur in urban natural areas like Tacoma’s biodiversity areas/corridors:

Plant species	Animal species
<ul style="list-style-type: none"> <li>• Douglas fir</li> <li>• Cedar</li> <li>• Red Alder</li> <li>• Big leaf maple</li> <li>• Western hemlock</li> <li>• Pacific Madrone</li> <li>• Garry oak or Oregon white oak</li> <li>• Sitka, Pacific, and Scouler’s willow</li> <li>• Cascara</li> <li>• Salal</li> <li>• Evergreen huckleberry</li> <li>• Kinnikinnick</li> <li>• Black twinberry</li> <li>• Red Elderberry</li> <li>• Indian plum</li> <li>• Pacific ninebark</li> <li>• Salmonberry</li> <li>• Thimbleberry</li> <li>• Red-osier dogwood</li> <li>• Vine maple</li> <li>• Snowberry</li> <li>• Devil’s club</li> <li>• Native rose</li> <li>• Sword fern</li> <li>• Licorice fern</li> <li>• Native violet species</li> <li>• Vanilla leaf</li> <li>• Smith’s Fairybells</li> </ul>	<ul style="list-style-type: none"> <li>• Bald Eagle</li> <li>• Great Blue Heron</li> <li>• Owls</li> <li>• Kingfisher</li> <li>• Raven</li> <li>• Hawks</li> <li>• Peregrine falcon</li> <li>• Downy woodpecker</li> <li>• Hairy woodpecker</li> <li>• Vaux’s Swift</li> <li>• Band-tailed pigeon</li> <li>• Various species of bat</li> <li>• Tree frog and other amphibians such as salamanders</li> <li>• Black-tailed deer</li> <li>• Small mammals such as shrews and voles</li> <li>• Several species of perching birds- including resident and migratory species</li> </ul>

<ul style="list-style-type: none"> <li>• Deer cabbage</li> <li>• Carex and sedges</li> </ul>	
<p>Other priority habitats that occur in urban natural areas:</p> <ul style="list-style-type: none"> <li>• Wetlands</li> <li>• Oregon White Oak</li> <li>• Streams</li> <li>• Cliffs</li> <li>• Snag-rich habitat</li> </ul>	<p>Less likely but possible-</p> <ul style="list-style-type: none"> <li>• Northern flying squirrel</li> <li>• Douglas squirrel</li> <li>• Pacific pond turtle</li> <li>• Pileated Woodpecker</li> </ul>

**11. How would the changes affect existing houses and structures located in these areas?**

The focus of these updates is new development and has been structured to allow property owners to continue their accustomed use of property. For the most part, buildings, streets and other improvements will be outside of Biodiversity Areas/Corridors. When buildings, structures or yards are located within Biodiversity Areas/Corridors, critical areas standards allow for maintenance of existing landscaped areas, and maintenance and reasonable expansion of existing structures.

**12. Will this mean no further development would be permitted there?**

No. Federal and state law requires that cities allow reasonable use of all real property. These changes will provide more clarity for what use could be made of property within these areas.

**13. How can I find out if my property is within a Biodiversity Corridor/Area?**

The proposal includes criteria to determine whether specific areas will be considered Biodiversity Areas/Corridors, as follows:

- Biodiversity Areas: Areas that contain native vegetation that is diverse with a mosaic of habitats and microhabitats. Unlike FWHCA Management Areas, they are not associated with a specific priority species and their overall habitat function may be limited due to their location in a highly urbanized area; however, they are diverse relative to other areas in the City and support common urban species. They shall include the following:
  - (a) Areas with rare or uncommon plant species and associations designated by the City or identified by federal and state agencies such as the Department of Natural Resources Heritage Program.
  - (b) Areas dominated by a vertically diverse assemblage of native vegetation containing multiply canopy layers and/or areas that are horizontally diverse with a mosaic of habitats and microhabitats.
- Biodiversity Corridors: Corridors that provide functional wildlife corridors and shall include areas of relatively undisturbed and unbroken tracts of land that connect Biodiversity Areas, other Priority Habitat and Critical Areas, including shorelines.
- To qualify, areas must be a minimum of 2 acres in size

Visit the project webpage and select the interactive map. Put in an address or parcel number to see a range of pertinent information.

**14. What other City actions are underway currently to maintain public open space?**

The City's Passive Open Space Program manages approximately 500 acres of natural land. About 18 acres are in active habitat restoration at this time. Three management plans have been developed, and three active volunteer sites are underway. The City also contracts with EarthCorps to manage volunteer programs to help grow awareness, interest, sites and volunteer numbers.

**15. Are there incentives to conserve and restore open space corridors?**

The City provides incentives for the preservation of open space within city boundaries including Transfer of Development Rights and Open Space Current Use Assessment options. In addition, city critical areas standards encourage clustering to minimize impacts to sensitive features, including setback and minimum lot size reductions/flexibility.

**16. How does this project affect the Tideflats interim regulations?**

There is currently a moratorium in effect on the northeast Tacoma slopes facing the Port of Tacoma. This update will not replace the interim regulations at this time. Instead, these issues will be addressed as part of the upcoming Port/Tideflats Subarea Plan effort.

**17. How did the City notify stakeholders regarding these proposals?**

To assist the public in understanding these proposals, a separate webpage has been developed at [www.cityoftacoma.org/openspacecorridors](http://www.cityoftacoma.org/openspacecorridors). An interactive online map is available and allows the public to see how the proposals would apply both citywide and at the level of individual sites. During the public comment period, the map will be enabled to receive public comments pertaining to specific sites.

Staff are engaging with residents, members of the development community, neighborhood groups, public agencies and the environmental community, including the following specific steps:

- Planning Manager's Letter to the Community (December 6, 2017)
- Open House (January 10, 2018) public notice mailed to property owners within 1,000 feet of likely Biodiversity Areas/Corridors
- Metro Parks Tacoma staff consultation (ongoing)
- Outreach to environmental organizations (ongoing)
- Sustainable Tacoma Commission meeting (January 16, 2018)
- Metro Parks Tacoma: Nature and Environment Advisory Council meeting (February 8, 2018)
- Master Builders Association Legislative Committee meeting (February 13, 2018)
- Community Council meeting (March 28, 2018)
- Northeast Tacoma Neighborhood Council meeting (March 15, 2018)

- Public Draft Open House (March 28, 2018)
- Planning Commission Public Hearing (April 4, 2018)

**18. How will the City enforce these regulations if adopted?**

The City will require compliance with adopted standards for approval of applicable permit applications. In addition, the city responds to public complaints.

**18. Could the regulation be used by one private individual or organization to stop or delay development? If so, where would the burden of proof lay as to whether biodiversity actually was impacted?**

That is not the intent. In fact, while these changes would in some cases further limit development, the intent is equally to clarify how development and reasonable use would be permitted within Biodiversity Corridors/Areas. Currently, these areas are designated as critical areas and subject to City review. However, the standards are not very specific leaving to uncertainty on the part of property owners. What we are proposing is to establish parameters for how some development could occur while protecting the most sensitive features, and providing for mitigation to maintain the overall environmental function of the area.

**19. Would there be an appeals process or manner to contest a finding of critical biodiversity?**

Yes. As with all critical areas, the current regulations allow for a project proponent or property owner who disagrees with a City determination for the presence of a critical area to apply for a verification. This process includes an appeal process and an option for third party review. Similar to other critical areas, it is the applicant's burden to demonstrate that their project is not impacting the biodiversity corridor. City biological staff will review the applicant's information and make a final recommendation to the Director as to whether the project will impact the biodiversity area.

**20. Since a large proportion of the proposed Biodiversity Areas/Corridors are in public ownership, and some significant portion of the remaining in critical areas, why even bother with all of this effort?**

Large-scale development within biodiversity areas/corridors would have impacts disproportionate to the amount of development that could occur there. Think of the west slope, for example. If a plat were to be built somewhere between Pt Defiance Park and Titlow Park, it could have a disproportionately big impact on the overall corridor. The public has over time invested in protecting these areas, and continues to do so through conservation and habitat restoration efforts. The remaining privately held areas are actually critical gaps.