



MEMORANDUM

Development Services Department

To: Planning Commission

From: Jenny Ngo

Date: February 18, 2015

Subject: Critical Areas

Critical areas include environmentally sensitive land, such as floodplains, wetlands, streams, geologically hazardous areas, and fish and wildlife areas. The City's critical area regulations can be found in Chapter 21.24 WMC, and serve two main purposes: to support, protect and enhance healthy ecosystems, and 2) to protect public health, safety and welfare. The City's critical areas regulations were first adopted in 1997 and subsequently revised over the past 18 years. As part of the Comprehensive Plan update, the City is updating the critical areas regulations to match the plans and policies adopted by the City using today's best available science.

Under the Growth Management Act, some significant revisions must be made to the City's existing code to meet current standards. Additionally, City staff has identified recommended changes based on work from consultants, best practices, and lessons learned during the permitting process. The attached table summarizes these potential revisions to the code. The table is broken down by required updates and optional updates. Due to the limited timeframe, staff will be unable to update the entirety of Chapter 21.24 WMC and, instead, has listed prioritized items in bold. Staff is requesting that the Planning Commission provide feedback on the list of items so that we can begin the update.

TABLE 1 - Critical Areas Ordinance Update

As part of the update of the Comprehensive Plan, the City must update critical areas regulations to match the best available science. The table below summarizes potential changes to the code and is intended to provide guidance to both Planning Commission and staff as to what updates need to be made. The table is split between changes that are required as part of the Comprehensive Plan update and optional changes. The items listed in bold are recommended or high priority changes by staff.

| Critical Areas Code Section | Required Update | Recommended/Optional |
|--|---|--|
| Overall | | <ul style="list-style-type: none"> - Restructuring of ordinance, including removal of unclear or redundant language and overall reorganization of sections - Clean up language throughout ordinance - Language updates for consistency with Growth Management Act (GMA) and best available sciences |
| General Provisions WMC 21.24.010 - 100, 160 - 180 | | <ul style="list-style-type: none"> - Further demonstrate consistency with Comprehensive Plan. - Clarify exemptions such as clearing and grading, and agriculture - Include process to amend city critical areas map - Clarify site plan requirements to show critical areas |
| Exemptions and Exceptions WMC 21.24.060-080 | | <ul style="list-style-type: none"> - Update exemption language - Clarify exemptions, such as clearing and grading, and agriculture - Include additional exception criteria to reflect mitigation sequencing and best available science |
| Critical Area Study and Mitigation Requirements WMC 21.24.110 - 150 | | <ul style="list-style-type: none"> - Develop submittal requirements for critical area study - Develop standards for mitigation plans and sequencing. - Add fencing and signage requirements. |
| Critical Aquifer Recharge Areas (CARAs) WMC 21.24.190 - 200 | | <ul style="list-style-type: none"> - Specify requirements for critical areas studies specific to CARAs and when such a study is required. - Performance standards for certain types of uses. |
| Flood Hazard Areas WMC 21.24.210 - 280 | <ul style="list-style-type: none"> - Develop regulations consistent with the Door 3 of the Biological Opinion, which | <ul style="list-style-type: none"> - Update code to new "frequently flooded area" language |

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| | <p>requires requiring habitat assessments for each development in floodway/plain.</p> | <ul style="list-style-type: none"> - Specific requirements for critical areas studies specific to flood hazard areas and when such a study is required. |
| <p>Geologically Hazardous Areas WMC 21.24.290 - 310</p> | | <ul style="list-style-type: none"> - Specify report requirements for critical areas studies based on each hazard - Updated map of geologically hazard areas using Best Available Science (BAS). - Allowing certain types of activities a limited analysis rather than a full report. |
| <p>Wetlands WMC 21.24.320 - 360</p> | <ul style="list-style-type: none"> - Designation of wetlands using Corps Manual and Regional Supplement. - Rating wetlands and buffer width using Ecology Rating System and BAS. - Update buffer and mitigation requirements based on BAS and Ecology. | <ul style="list-style-type: none"> - Specify requirements for critical areas studies specific to wetlands. - Allowing certain types of activities to be exempt form a special study. |
| <p>Streams WMC 21.24.370 - 400</p> | <ul style="list-style-type: none"> - Classification of stream using Permanent Water Typing System. - Amend buffer widths for each type based on BAS. | <ul style="list-style-type: none"> - Allow for buffer averaging. - Clarify "urban" stream designation. - Allow certain common alterations that may occur in the buffers with minor impacts (if mitigated). |
| <p>Fish and Wildlife Habitat Conservation Areas (FWHCA) WMC 21.24.410 - 440</p> | <ul style="list-style-type: none"> - Update definition to match GMA definition. | <ul style="list-style-type: none"> - Provide a list of species of local importance. - Specific requirements for a critical areas studies specific to FWHCA directly in the code as well as relocating requirements for habitat management plans (HMA) to this section. - Use BAS to determine when a HMA is required as well as requirements for the HMA. |
| <p>Clearing and Grading Regulations (New section)</p> | | <ul style="list-style-type: none"> - Update existing code sections to reflect future clearing and grading code - New section to address impacts of grading and clearing within critical areas. - Proposed code would include purpose, definitions, applicability, exemptions, performance standards and decision criteria. |