

Critical Areas Ordinance 2015 Periodic Update

October 1, 2015

Planning Commission Meeting

Public Hearing - Continuation



Critical Area Types – per GMA



- Wetlands
- Critical Aquifer Recharge Areas
- Fish and Wildlife Habitat Conservation Areas
- Frequently Flooded Areas
- Geologically Hazardous Areas



CAO Periodic Update

State Growth Management Act requires:

- Critical area regulations be periodically updated to incorporate BAS.
- Complete CAO update within 6 to 12 months of deadline (June 30, 2015).

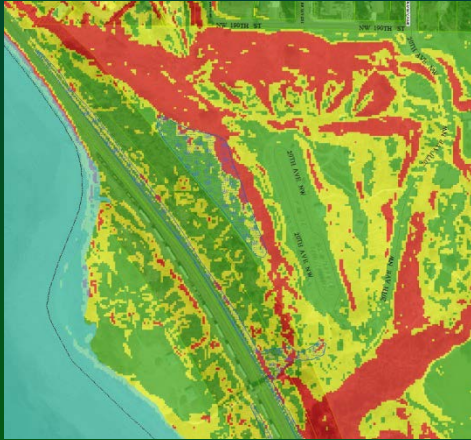
Staff also recommending improvements for clarity and predictability:

- Incorporation of updated CAO into SMP.
- Critical area mapping and report standards.
- Reorganization of subchapters and sections.
- Correction of errors and outdated terms.

CAO Periodic Update

Planning Commission direction:

- Changed standards for development to allow for alteration in Very High Risk Landslide Hazard Areas without reasonable use limitation.



Update Process

Over the past six months:

- 6 Public and Community Group meetings
- Consultation with other City Departments and State/Regional Agencies
- 7 Planning Commission meetings
- 3 City Council meetings scheduled

3 Proposed Ordinances

Ordinance 723 –

Critical Areas Ordinance amendments

Ordinance 724 –

Related Title 20 Development Code
amendments

Ordinance 725 –

Shoreline Master Program limited amendments





Additional Recommendations

1. Revise the Landslide Hazard Area classification standards to simplify definition of distinct break.
2. Remove the requirement for Special Inspections – already covered by Building Code and construction oversight requirements.



Additional Recommendations

3. Delete “and buffers” from sections where the provisions should only apply to the critical area and not the buffer.
4. Resolve inconsistent language for alteration of FWHCAs.

Additional Recommendations

Inconsistent language for FWHCAs:

General – activities and uses prohibited except by CARUP/CASUP or shoreline variance, unless otherwise allowed.

Endangered, Threatened, Sensitive – development prohibited except consistent with a state or federal management plan.

Streams (except Type Ns) – activities, uses, and alterations prohibited except by CARUP/CASUP or shoreline variance.

Type Ns Streams – Unavoidable alteration may be permitted if mitigated.

Priority Species – Alterations of habitat for other priority species (not endangered, threatened, sensitive, or anadromous) would be subject to the general standards prohibiting activities and uses

New Specific Habitat Standard

20.80.276 FISH AND WILDLIFE HABITAT – Specific habitat development standards.

In addition to the provision in SMC 20.80.274, the following development standards apply to the specific habitat types identified below.

E. **Priority Species.** Fish and wildlife habitat conservation areas or buffers with which species that are not state or federally listed as endangered, threatened, or sensitive species and are not anadromous fish species shall be subject to the following:

1. Development activities and uses that result in unavoidable impacts may be permitted in priority species habitat areas and associated buffers in accordance with an approved critical area(s) report and habitat management plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full compensation for the loss of acreage and functions of habitat and buffer areas shall be provided in compliance with the mitigation performance standards and requirements of these regulations.





Remaining Edits

- In response to State Agency comments.
- Correction of terms/wording for legal consistency.
- Typo and grammatical corrections.
- Formatting using additional lists.

Staff Recommendations

1. Staff recommends that Commission amend as discussed and forward a recommendation to Council to adopt all three proposed ordinances.
2. Recommend two month delayed effective date (~February 1, 2016) for Ordinances 723 and 724.

Next Steps?

- Revise public hearing draft based on recommendation from Planning Commission and comments, as well as typo corrections and non-substantive editing for clarity.
- Council Study Sessions October 26 and November 2.
- Council Adoption rescheduled to December 7, 2015.
- Staff prepare for implementation – approximately 2 months.
- Delayed effective date recommended for CAO and related Title 20 changes – February 1, 2016.
- SMP limited amendment review, comment period, possible revisions, and approval by Ecology – approximately 2-6 months after original Council adoption.

Questions or Comments?

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Project Webpage: shorelinewa.gov/critical-areas



