

Critical Areas Ordinance 2015 Periodic Update

October 26 and November 2, 2015

City Council Meeting

Study Sessions



Overview

October 26 meeting

- Introduction & Scope
- Ord. 724 –
Miscellaneous Title 20
Amendments
- General Provisions
- Geologic Hazard Areas
Discussion

November 2 meeting

- Fish and Wildlife
Habitat Conservation
Areas & Streams
- Wetlands
- Flood Hazard Areas
- Aquifer Recharge
Discussion

Critical Area Types – per GMA



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

Why regulate?

SAFETY



PROPERTY
VALUE



HABITAT

CLEAN AIR &
WATER

BEAUTY



FUTURE



...for the benefit and protection of our residents

- To protect the public health, safety, and welfare
- To allow for reasonable uses
- To maintain beneficial functions and values of critical areas such as:
 - water quality protection
 - fish and wildlife habitat
 - flooding reduction
 - erosion control
 - recreation
 - natural beauty
 - air quality protection
- To reduce cumulative adverse impacts
- and because the State Growth Management Act (GMA) requires it.

GMA Requirements

The State Growth Management Act requires:

- All critical areas designated and functions and values protected using Best Available Science (BAS).
- Special consideration to protection of anadromous fisheries.
- Periodic update to incorporate BAS.
- Meaningful public participation.
- Complete CAO update within 6 to 12 months of State deadline (June 30, 2015) to remain eligible for state grant funding tied to GMA.



Best Available Science (BAS)

Common Sources of scientific information:

- Research
- Monitoring
- Inventory
- Survey
- Modeling
- Assessment
- Synthesis
- Expert opinion

Clarity and Predictability

- ✓ Add standards for critical area reports
- ✓ Clarify exemptions/allowed activities
- ✓ Improve standards for critical area review process
- ✓ Modify problematic and unclear code sections

Keep in Mind...

- Translating SCIENCE into REGULATION is not simple.
- BEST AVAILABLE SCIENCE will not be at the same level for every situation or circumstance.
- Must balance PRIVATE impacts with PUBLIC benefits.



Update Process

Over the past six months:

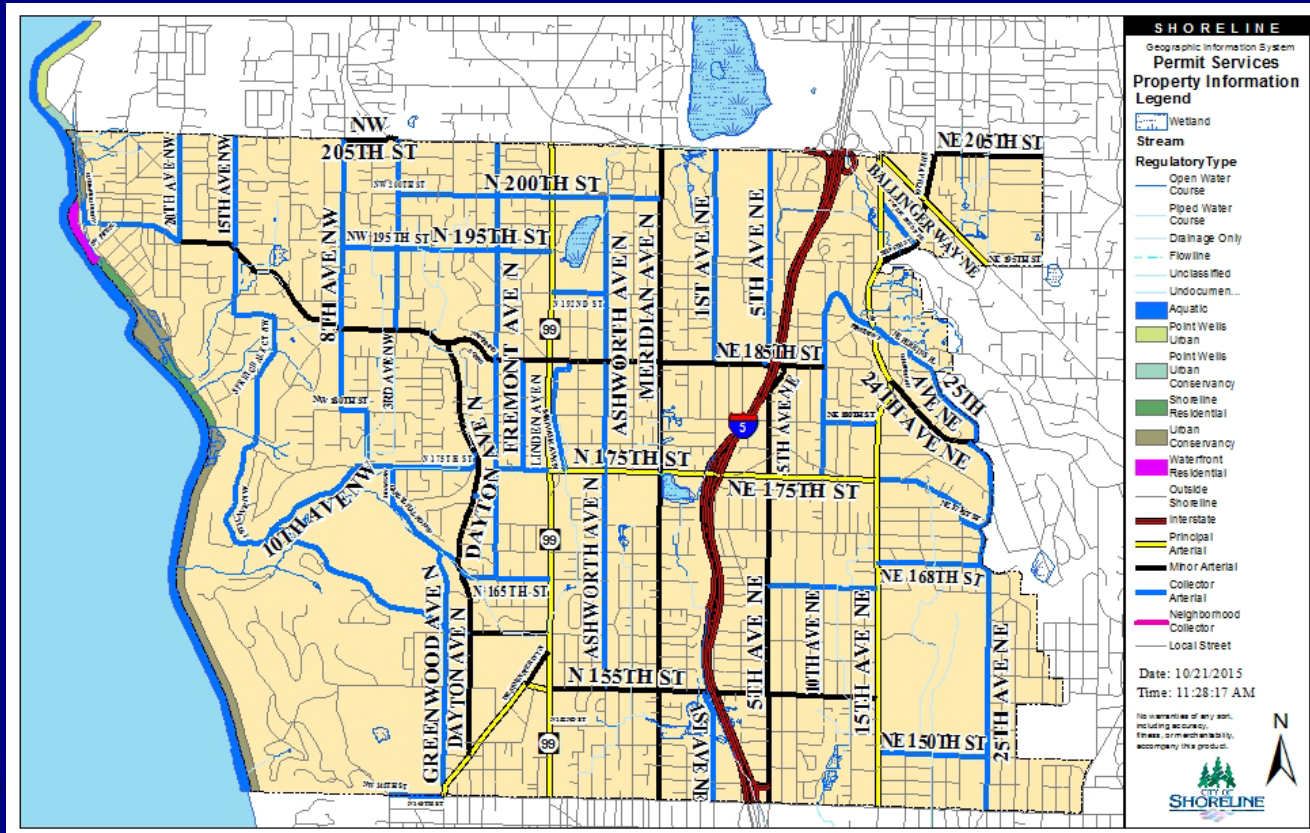
- 7 Public and Community Group meetings
- Consultation with other City Departments and State/Regional Agencies
- 7 Planning Commission meetings
- 3 City Council meetings scheduled

3 Proposed Ordinances

- Ordinance 723 – Critical Areas Ordinance amendments
- Ordinance 724 – Related Title 20 Development Code amendments
- Ordinance 725 – Shoreline Master Program limited amendments – ON HOLD



Applicability



Structure of Critical Area Regulations

Definitions and Administration – apply to all types of critical areas

- Authority in SMC Chapter 20.10 General Provisions
- Definitions are in SMC Chapter 20.20 Definitions
- Administrative provisions in SMC Chapters 20.30 Procedures and Administration, including:
 - Neighborhood and Preapplication Meetings
 - Procedures for review of applications
 - Types of permits – Critical Area Special Use and Critical Area Reasonable Use
 - Code Enforcement



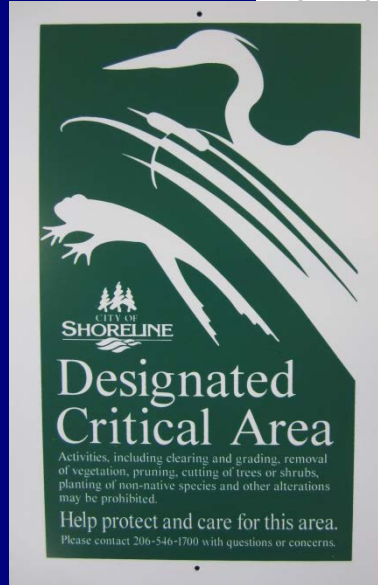
Structure of Critical Area Regulations

- **General Provisions** – apply to all types of critical areas
 - Purpose and Applicability
 - Exemptions
 - Protective Measures
 - Critical Area reports
 - Alteration and Mitigation
 - Code Enforcement - new



CRITICAL AREA NOTICE
GRANTOR: **OWNER NAME(S)**
GRANTEE: CITY OF SHORELINE

Tax Parcel ID#: **000000-0000**
Address: **STREET ADDRESS, SHORELINE, WA**
Legal Description: **LOT X BLOCK X OF ??? PLAT ETC**



retains critical areas and/or critical area buffers, as defined in the City of Shoreline Municipal Code (SMC). The provisions of SMC Chapter 20.80 (and/or any successor code adopted by the City of Shoreline) apply to this property. Limitations may exist on conducting the critical areas or their buffers present on this property. For further information regarding such limitations, please contact the City of Shoreline, Department of Community Development, or its successor agency. This notice shall run with the property and shall not be removed except upon the recorded written authorization by the City of Shoreline.

SEPA Not REQUIRED
except on lands
covered by water =
projects in Wetlands
and Streams

Structure of Critical Area Regulations

Critical Area – Specific

- Classify sensitivity or risk of critical area.
- Apply restrictions or buffers for protection.
- Allow for modifications with mitigation.
- Require monitoring of mitigation to ensure success.
- Specific analysis and reporting requirements.



Types of Permits

- Building Permits
- Site Development Permits
- CA Reasonable/Special Use Permits
- Tree Evaluation Form

QUESTIONS?



Key Changes to CAO

- Updated incorporated best available science.
- Added specific mapping references.
- Standardized requirements that apply to all critical areas.

Added new sections:

- preapplication meetings
- voluntary restoration
- best available science
- mitigation plan requirements
- financial guarantee requirements
- code enforcement provisions

Revised existing sections:

- classification criteria
- development standards
- mitigation standards
- critical area report requirements
- noticing requirements



Key Changes to CAO

- Added critical area report standards, including triggers for third party review.
- Updated terms used, definitions, and wording for consistency and accuracy.
- Reorganized to group related provisions and for subchapter consistency.

Title 20 Development Code Amendments

DEFINITIONS - updated, added, or deleted

CODE REFERENCES – standardized, updated, and cross references added

DECISION CRITERIA – added/clarified for Critical Area Reasonable Use and Special Use permits as well as other land use applications



Title 20 Development Code Amendments

CODE ENFORCEMENT – revised for incorporation of new critical area specific section

RESTORATION EXEMPTION – details move to SMC 20.80.030 and cross referenced

PRUNING STANDARDS – added specific standards pruning of protected trees, including for view pruning



Discussion Item

20.30.295 Temporary use.

B. The Director may approve or modify and approve an application for a temporary use permit if:

6. The temporary use is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and is located outside the shoreline jurisdiction regulated by the Shoreline Master Program, SMC Title 20, Division II.

Discussion Item

20.30.310 Zoning variance (Type B action).

B. Decision Criteria. A variance shall be granted by the City, only if the applicant demonstrates all of the following:

8. The variance does not relieve an applicant from:
 - d. Any provisions of the critical areas development standards regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II;

Discussion Item

20.30.330 Special use permit-SUP (Type C action).

B. Decision Criteria. A special use permit shall be granted by the City, only if the applicant demonstrates that:

9. The special use is not in conflict with the standards of the critical areas ~~overlay~~ regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II.

QUESTIONS?



General Provisions (Subchapter 1)

- Reorganized to group related sections.
- Added new sections:
 - preapplication meetings,
 - Voluntary restoration incentive,
 - Best Available Science (BAS),
 - mitigation plans,
 - restoration incentive,
 - financial guarantees,
 - code enforcement.

General Provisions (Subchapter 1)

- Deleted or revised exemptions that allowed for unmitigated impacts.
- Revised alteration standards to incorporate provisions relevant to mitigation in all critical areas.

General Provisions (Subchapter 1)

- Added expanded version of specific minor conservation exemptions for public and private property.
- Clarified hazard tree provisions.
- Expanded critical area report requirements.



General Provisions (Subchapter 1)

- Pesticides on City-owned property
- Revised notice to title provisions for greater applicability and flexibility.
- Added Native Growth Protection Easement Option.

CRITICAL AREA NOTICE
GRANTOR: OWNER NAME(S)
GRANTEE: CITY OF SHORELINE

Tax Parcel ID#: 000000-0000
Address: STREET ADDRESS, SHORELINE, WA
Legal Description: LOT X BLOCK X OF ??? PLAT ETC

This property contains critical areas and/or critical area buffers, as defined in the City of Shoreline Municipal Code (SMC). The provisions of SMC Chapter 20.80 (and/or any successor regulations adopted by the City of Shoreline) apply to this property. Limitations may exist on actions in or affecting the critical areas or their buffers present on this property. For further information regarding such limitations, please contact the City of Shoreline, Department of Planning & Community Development, or its successor agency. This notice shall run with the land and shall not be removed except upon the recorded written authorization by the City of



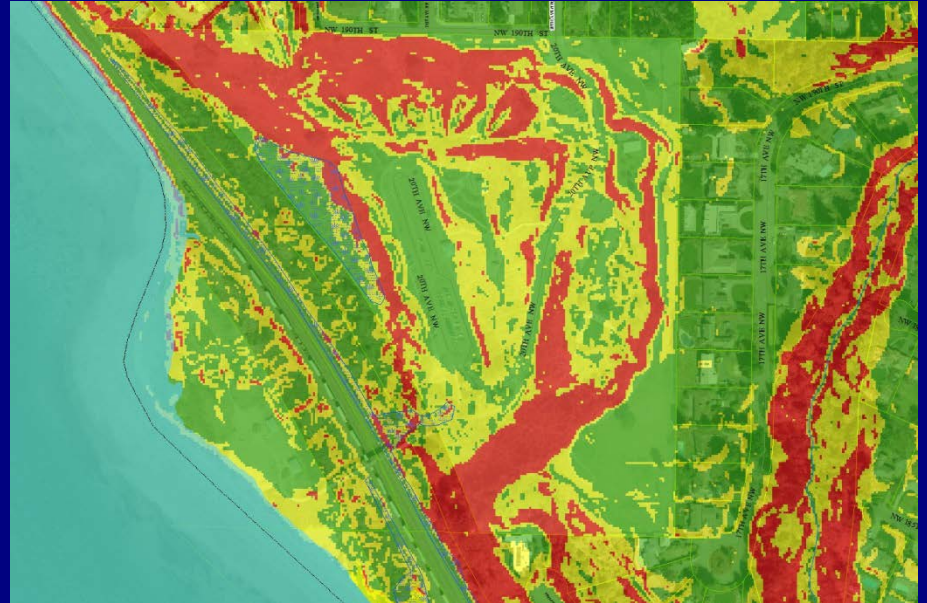
QUESTIONS?



Geologic Hazard Areas (Subchapter 2)

Planning Commission
recommends alteration
be allowed in Very
High Risk Landslide
Hazard Areas

– previously prohibited



Geologic Hazard Areas (Subchapter 2)

Additional Requirements:

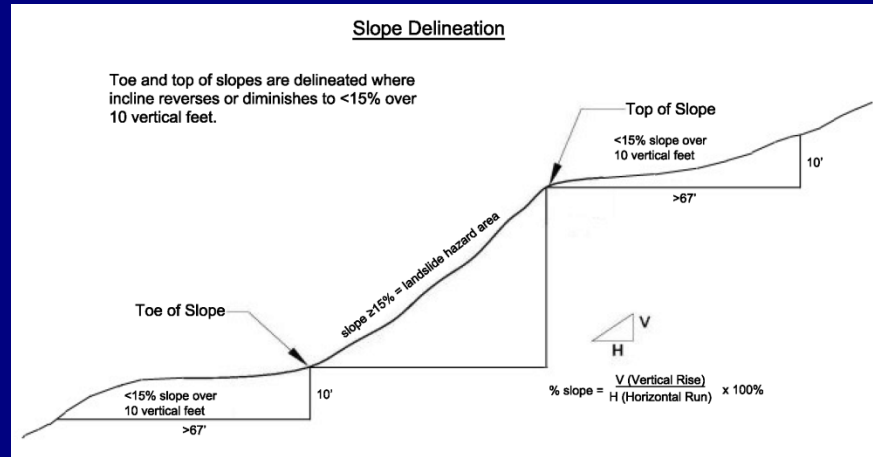
- Third Party Review required (BAS)
- Certification in report that standards design criteria are met – stability analysis

Also: Neighborhood meeting, Liability waiver, Change in conditions process



Geologic Hazard Areas (Subchapter 2)

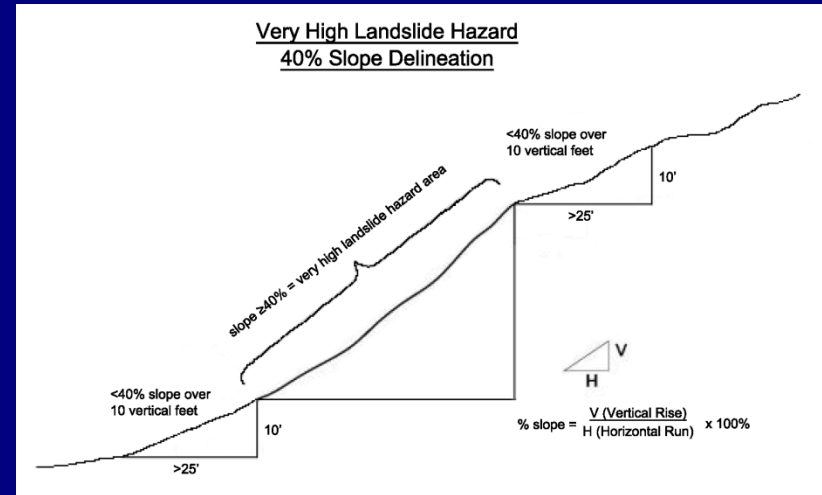
- Revised landslide hazard classes.
- Revised standards for limits of landslide area.



Geologic Hazard Areas (Subchapter 2)

- Revised standards for limits of Very High Risk Landslide Hazard Area.

c. All slopes that are 40 percent or steeper and more than 20 feet in height. Very high risk landslide hazard areas shall include mid-slope benches that do not meet the criteria for a top or toe of slope in SMC 20.80.220(A) when slope is averaged over 10 vertical feet of relief.



Geologic Hazard Areas (Subchapter 2)

Public request to amend
20.80.220(A):

3. The Vertical Elevation Changes of Residential Bulkheads, as defined in RCW 90.58 and WAC 173-27, shall not be included in the Vertical Elevation Calculations of this section.

Staff recommends:

Review this amendment when the SMP limited amendment is considered again next year.



QUESTIONS?

DISCUSSION



Fish & Wildlife (Subchapter 3)

Subchapter 3 – Fish and Wildlife

- Incorporated standards for Streams.
- Explicitly included threatened, endangered, and priority species.
- Updated stream typing to State Water Type System.
- Required buffer widths modified for two categories.
- Replaced buffer reductions with averaging.
- Physically separated, functionally isolated buffer development.

Subchapter 7 – Streams

- Deleted and content combined with FWHCAs



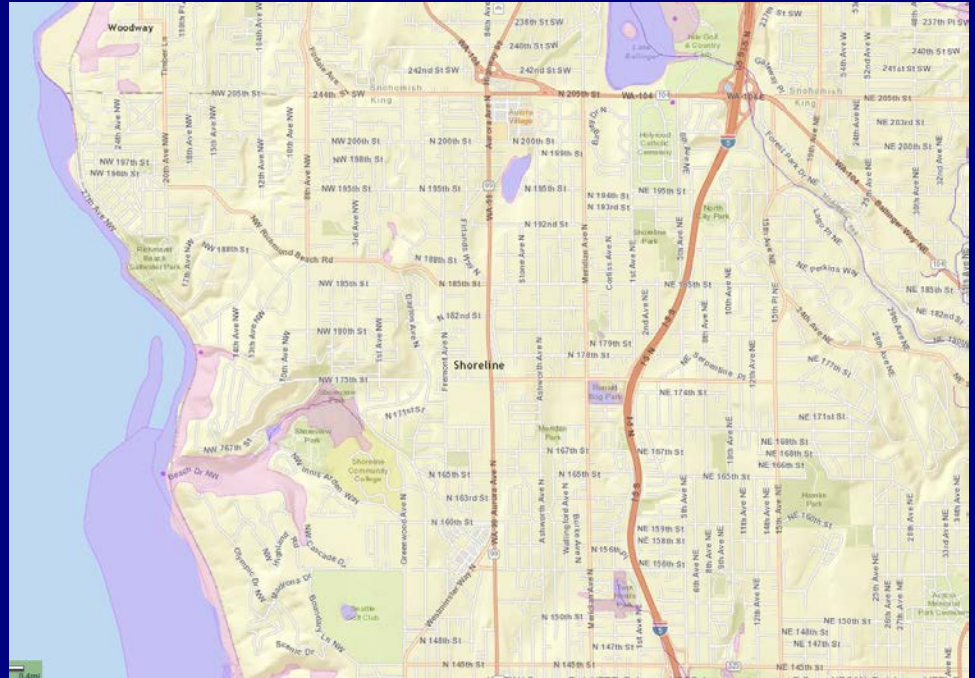
Fish & Wildlife (Subchapter 3)

Priority Species and Habitat List mapping:

- added species and habitats currently identified as present in Shoreline as list in code.

Two species inaccurately included:

- Coho mapped, but population shoreline not listed.
- Osprey is monitored, but not state endangered or threatened.



Fish & Wildlife (Subchapter 3)

Existing Type	Existing Buffer	Proposed Type	Proposed Buffer
Type I (water of state)	150	Type S (water of state)	150
Type II (salmonid habitat)	115	Type F-anadromous	115
		Type F-nonanadromous	75
Type III	65	Np (non-fish, perennial)	65
Type IV	35	Ns (non-fish, seasonal)	45
Piped Stream Segments	10	Piped Stream Segments	10



QUESTIONS?

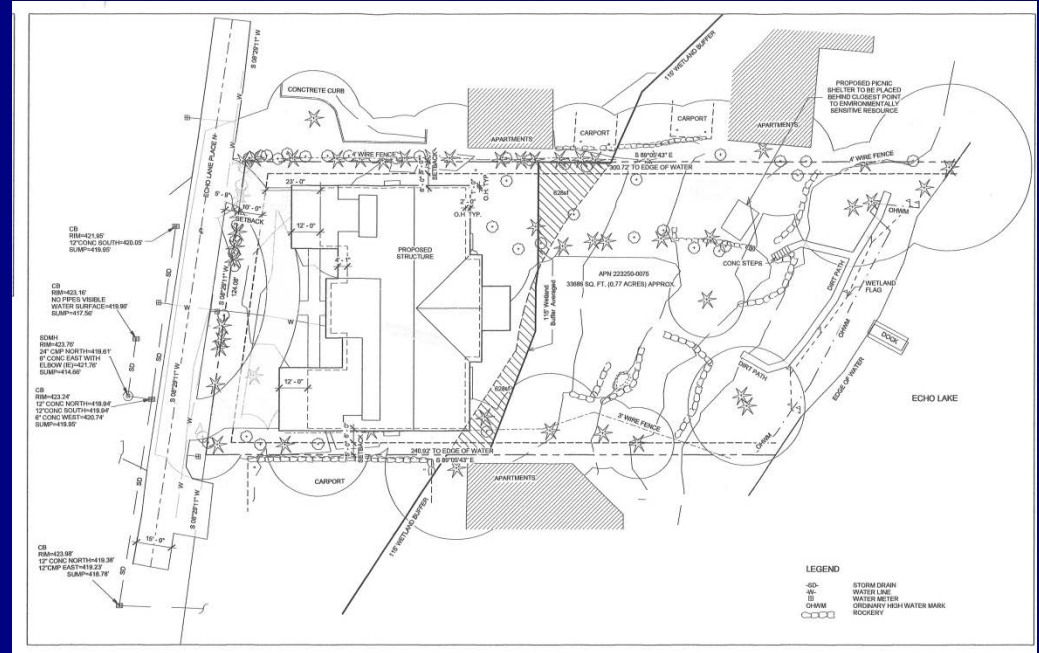


Wetlands (Subchapter 4)

- Revised and combined with wetlands regulations from SMP.
- State Wetland Rating System – 2014 Update.
- Required buffer widths modified based on Ecology buffer guidance based on BAS.

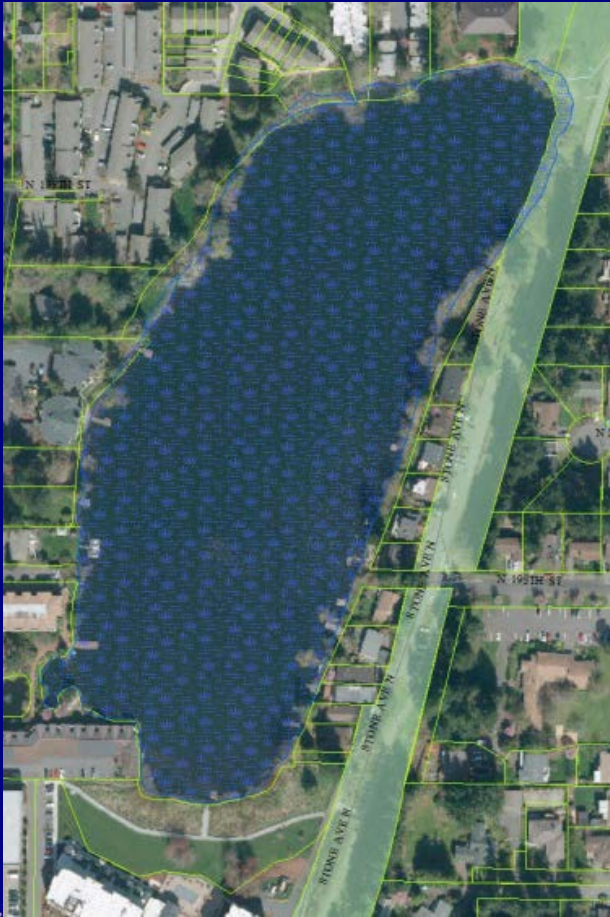
Wetlands (Subchapter 4)

- Full buffer reductions no longer allowed – only Buffer Averaging with enhancement



Wetlands (Subchapter 4)

- Functionally Isolated and Physically separated buffer areas can be developed
- Trail allowances in buffers may be more limiting



QUESTIONS?



Flood Hazards & Aquifer Recharge

Subchapter 5 – Flood Hazard Areas and

Subchapter 6 – Aquifer Recharge Areas

- No additional BAS changes needed.
- Changes for section naming consistency.
- No known Aquifer Recharge Areas.

QUESTIONS?



Staff Recommendations

1. Staff recommends that Council amend if necessary and adopt the proposed ordinances.
2. Recommend two month delayed effective date for Ordinances 723 and 724.

Next Steps?

- 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.

Questions or Comments?

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206-801-2525 or jnammi@shorelinewa.gov

Project Webpage: shorelinewa.gov/critical-areas



QUESTIONS?

DISCUSSION

