



CITY OF WOODINVILLE, WA  
**REPORT TO THE PLANNING COMMISSION**  
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**To:** Planning Commission **Date:** March 25, 2015  
**From:** Dave Kuhl, Development Services Director   
**By:** Jenny Ngo, AICP, Senior Planner  
**Subject:** Continued, Amended Public Hearing – Critical Areas Ordinance No. 605

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**ISSUE:** Shall the Planning Commission hold a continued, amended public hearing to receive public testimony regarding a proposed amendment to modify the critical areas ordinance?

**STAFF RECOMMENDATION:** Hold the continued, amended public hearing and recommend the City Council adopt the amendments as proposed or as revised by the Planning Commission.

**POLICY DECISION:** Woodinville Municipal Code (WMC) 17.07.050 establishes that zoning code amendments, development regulations/amendments, area-wide zoning map amendments, Comprehensive Plan adoption/amendments, and annexations be reviewed by the Planning Commission at a public hearing and then forwarded to the City Council with a recommendation.

**BACKGROUND:** As part of the comprehensive plan update and the Growth Management Act, the City is required to update policies and regulations to designate and protect critical areas. The critical areas ordinance, in combination with the zoning code, balances environmental protection and restoration with individual rights to develop property.

The City's current critical areas regulations are located in Chapter 21.24 WMC. The code was originally developed under Ordinance No. 175 in 1997, with subsequent updates to portions of the regulations in 2004, 2005, and 2008. Critical areas ordinances must be updated on a regular basis in line with most currently adopted practices and research available, commonly referred to as best available science (BAS). Changes in policies and regulations must be in line with science-based recommendations to protect the functions and values of the critical area (WAC 365-195-915).

During this cycle of the Comprehensive Plan update, the Planning Commission received presentations on critical areas and best available science by the City's consultants on June 4, 2014 and July 16, 2014.

**ANALYSIS:** In order to follow current practices and best available science, substantial revisions to the code are proposed by staff. Due to the complexity of the ordinance, review of the critical areas ordinance will be split across two meetings held on March 25, 2015 and April 1, 2015. This first review will cover several sections: administration (WMC 21.24.010 through 140), critical aquifer recharge areas (WMC 21.24.200 through 240) and frequently flooded areas (WMC 21.24.350 through 380).

Staff revised the current critical areas ordinance based on several resources, including: best available science as summarized in a report prepared by the Watershed Company, the Gap Analysis prepared by the Watershed Company, Wetlands and CAO Update guidance from the Department of Ecology, Critical Areas Assistance Handbook from the Department of Commerce, and from staff experience implementing current regulations.

Major document-wide changes are summarized below. Please refer to staff notes included in each specific section to provide rationale and clarifications to the revisions.

1. Document organization. Changes include consolidation of code sections, standardization of format between different types of critical areas, and reorganizing to place closely related sections together.
2. Simplifying language, requirements and overall volume. A major goal of this update was to simplify language to make the regulations more readable. Where possible, staff removed unapplicable requirements and condensed sections if possible.
3. Exemption updates. Exemptions were updated within the general section and each individual critical area to reflect current practices.
4. Terminology updates. Language is updated to reflect correct organization names, document names, and currently accepted terminology. For instance, "sensitive areas" and "flood hazard areas" are currently identified as "critical areas" and "frequently flooded areas". Some city-specific terminology has also changed to reduce confusion ("critical area review" and "critical area special study" have been changed to "critical area determination" and "critical area report").
5. Addition of report requirements for each critical area. All proposals requiring a critical areas report will be required to follow the general report requirements in WMC 21.24.110 and any specific report requirements for each type of critical area. In the current code, there is no separate report requirements despite significant differences in the types of information, mitigation measures or fieldwork required for different critical areas.

#### **ALTERNATIVES:**

1. Continue the public hearing, accept testimony, close the hearing, and recommend adoption the critical areas ordinance as presented or as amended.
2. Continue the public hearing, accept testimony, and continue the public hearing to a future date.

#### **RECOMMENDED MOTIONS:**

**I MOVE TO CONTINUE THE AMENDED PUBLIC HEARING REGARDING THE CRITICAL AREAS ORDINANCE TO APRIL 1, 2015**

#### **EXHIBITS**

Exhibit 66 - Staff Report to Planning Commission dated March 25, 2015

Revised Exhibit 53 – 03/18/15 Draft Critical Areas Regulations with mark ups

Exhibit 54 – 03/18/15 Draft Critical Areas Regulations without mark ups

Exhibit 55 - Ordinance No. 605

Exhibit 59 – Email sent March 18, 2015 from Kathy Heywood to Sandy Guinn; Dave Kuhl