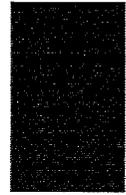




CRITICAL AREAS ORDINANCE ORDINANCE NO. 605

**PLANNING COMMISSION
PUBLIC HEARING**

MARCH 25, 2015



HEARING - PART 1 OF 2

TONIGHT'S HEARING

- ▶ Administration
- ▶ General Requirements
 - ▶ Exemptions
 - ▶ Exceptions
 - ▶ Report requirements
 - ▶ Mitigation requirements
- ▶ Critical Aquifer Recharge Areas
- ▶ Frequently Flooded Areas

APRIL 1, 2015 HEARING

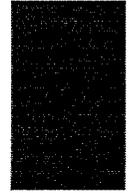
- ▶ Geologically Hazardous Areas
- ▶ Wetlands
- ▶ Streams
- ▶ Fish and Wildlife Habitat Conservation Areas
- ▶ Revisions from previous meeting

CRITICAL AREAS CODE



- ▶ **Most of the existing code was adopted between 1997 and 2005**
- ▶ **Significant changes in best available science since last update**
- ▶ **Update is based on recommendations from:**
 - ▶ **Gap Analysis**
 - ▶ **Best Available Science Review**
 - ▶ **Department of Ecology guidance**
 - ▶ **Department of Commerce guidance**
 - ▶ **City's experience implementing code**

EXHIBITS



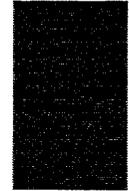
- ▶ **Exhibit 53 – draft ordinance with edits and staff comments**
- ▶ **Exhibit 54 – draft ordinance, clean copy**

SUMMARY OF CHANGES



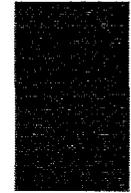
- ▶ **Document organization**
 - ▶ **Administrative/general sections: 010 through 150**
 - ▶ **CARAs: 200 through 240**
 - ▶ **Geologically hazardous areas hazards: 250 through 290**
 - ▶ **Wetlands: 300 through 340**
- ▶ **Clarified language and requirements**
 - ▶ **Developed general requirements for reports and mitigation, with special requirements for each critical area**
 - ▶ **Requirements for signage, tracts, etc. are elaborated**
 - ▶ **Removed requirements not applicable in city limits**

300, 350	-	Designation
310, 360	-	Development standards
320, 370	-	Permitted alterations
330, 380	-	Report requirements
340, 390	-	Mitigation



SUMMARY OF CHANGES

- ▶ Clarified goals and policies
- ▶ Additional requirements for reports for each critical area
 - ▶ Includes specifics on how to delineate different critical areas, how to evaluate, mitigation criteria, or required fieldwork
- ▶ Exemption updates to reflect current practices
 - ▶ Removed exemptions for roads within wetlands (Part 2)
 - ▶ Added language for manmade slopes in geologic hazards (Part 2)
- ▶ Terminology simplification and updates
 - ▶ “Critical areas review” → “critical areas determination”
 - ▶ “critical area tract” → “native growth protection area”
 - ▶ “flood hazard area” → “frequently flooded area”



NEXT STEPS

- ▶ **Part 1 – Changes are anticipated as part of tonight and as staff re-reviews code**
- ▶ **Part 2 – Geologically hazardous areas, wetlands, fish and wildlife habitat conservation area**

- ▶ **April 1 meeting – Complete chapter will be presented**



QUESTIONS

CRITICAL AREAS - PART 1

- 21.24.010 Purpose.**
- 21.24.020 Applicability.**
- 21.24.030 Complete exemptions.**
- 21.24.040 Limited exemptions.**
- 21.24.050 Public agency and utility critical areas exceptions.**
- 21.24.060 Reasonable use exceptions.**
- 21.24.070 Subdivisions and density calculations within critical areas.**
- 21.24.080 Critical area maps and inventories.**
- 21.24.090 Disclosure and notice on title.**
- 21.24.100 Critical area determination.**
- 21.24.110 Critical areas report requirement.**
- 21.24.120 Mitigation requirements.**
- 21.24.140 Critical area markers and signs.**
- 21.24.150 Native growth protection areas and designations on site plans.**
- 21.24.200 Critical aquifer recharge areas - Designation.**
- 21.24.210 Critical aquifer recharge areas - Development standards.**
- 21.24.230 Critical aquifer recharge areas - Permitted activities**
- 21.24.240 Critical aquifer recharge areas - Critical areas report additional requirements.**
- 21.24.350 Frequently flooded areas - Designation.**
- 21.24.360 Frequently flooded areas - Development standards.**
- 21.24.370 Frequently flooded areas - Permitted alterations.**
- 21.24.380 Frequently flooded areas - Critical areas report additional requirements.**



21.24.010 - Purpose

- ▶ Intent of section was redefined to designate and protect critical areas
- ▶ References new Comprehensive Plan goals
- ▶ Consolidates overlapping goals

DRAFT

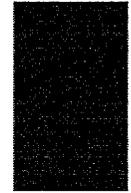
1 Chapter 21.24
 2 DEVELOPMENT STANDARDS – CRITICAL AREAS
 3
 4 Sections:
 5 21.24.010 Purpose.
 6 21.24.020 Applicability.
 7 21.24.030 Critical area maps and inventories.
 8 21.24.040 Complete exemptions.
 9 21.24.050 Limited exemptions.
 10 21.24.060 Public agency and utility critical areas exceptions.
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 24 21.24.360 Frequently flooded areas – Development standards.
 25 21.24.370 Frequently flooded areas – Permitted alterations.
 26 21.24.380 Frequently flooded areas – Critical areas report additional requirements.
 27
 28
 29 **21.24.010 Purpose:**
 30 ~~(1) Introduction. The purpose of this chapter is to implement, designate and classify ecologically~~
 31 ~~critical areas, to protect these areas and their functions and values, and to supplement the~~
 32 ~~development regulations contained within the Woodinville Municipal Code through best~~
 33 ~~available science and additional controls as required by the Growth Management Act.~~
 34 ~~Additionally, this chapter is intended to encourage development that meets the goals and~~
 35 ~~policies of the Washington State Environmental Policy Act, Chapter 43-21C RCW, and the~~
 36 ~~City of Woodinville Comprehensive Plan which call for protection of the natural environment~~
 37 ~~and the public health and safety by:~~ These goals include:
 38 (a) Goal E-1: To preserve and enhance aquatic and wildlife habitat
 39 (b) Goal E-2: To protect the public from natural hazards resulting from disturbance of the
 40 environment.
 41 (c) Goal E-3: To protect and improve water quality.
 42 (d) Goal E-5: To promote the preservation of Woodinville's Northwest woodland
 43 character.
 44 (1) Including the best available science requirements pursuant to the Washington State
 45 Growth Management Act and giving special consideration to anadromous fish when
 46 developing the critical areas regulations;
 47 (2) Establishing development standards to protect defined critical areas;
 48 (3) (2) ~~Scope. Critical areas include critical aquifer recharge areas, geologically hazardous areas,~~
 49 ~~wetlands, streams, frequent flood areas, and fish and wildlife habitat conservation areas.~~
 50 ~~The City of Woodinville recognizes that critical areas provide a variety of valuable and~~
 51 ~~beneficial biological and environmental functions that benefits the city and its residents, but~~

Style Definition: Normal Space After: 0 pt, Line spacing: single

Commented [SC1]: This section was updated based on recommendations from the Gap Analysis. The purpose section is reoriented to provide a, the connection to the City's Comprehensive Plan, and GMA.

Commented [SC2]: Under this intent section, the reader is introduced to types of critical areas regulated in the City and the importance of regulating critical areas. Where possible, language was consolidated to reduce redundancy.

The following deleted items were moved as follows:
- (7) was consolidated with (b)
- (8) was consolidated with (d). The currently used language by state agencies broadly at preventing cumulative adverse impact, which may include mitigation under the umbrella in addition to other measures.
- (9) was consolidated with (d)
- (10) was consolidated with (d). Measuring quality/quantity is not necessarily a goal, but it is an implementation measure required in this CAO
- (11) was consolidated with (g). Staff did not believe it was necessary to include the language related to the public trust as to navigable waters as a separate item. Additionally, the SMP provides additional protections to navigable waters.



21.24.020 - Applicability

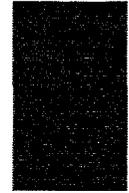
- ▶ Added language defining alterations

(E)21.24.030 - Appeals

- ▶ Deleted – appeals of Title 21 are regulated under Chapter 17.17

(E)21.24.040 – Critical areas rules

- ▶ Deleted – unnecessary to include this language on administrative rules



(E)21.24.050 – Alterations

- ▶ Deleted – alterations were moved to 21.24.020

21.24.030 – Critical areas maps

- ▶ Moved from (E) 21.24.090, closer to administration language
- ▶ New maps added, “reference only” language added



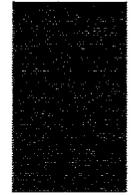
21.24.040 – Critical areas maps

- ▶ Exemptions were reworded if necessary
- ▶ Emergency actions are exempt, but require restoration to existing condition
- ▶ Exemption changed for fish-bearing ditches in section (2)
- ▶ Utilities were consolidated in section (3)
- ▶ Public roadways and recreation areas were consolidated in section (4)
- ▶ Added passive recreation and invasive species removal



21.24.040 – Complete exemptions

- ▶ **Emergency actions require restoration to existing conditions**
- ▶ **Agricultural activities are not exempted if ditch is fish-bearing or drains into salmon-bearing waterbody**
- ▶ **Utilities were consolidated in section (3)**
- ▶ **Publicly improved roadways and recreation areas are consolidated in section (4)**
- ▶ **Exemptions for invasive species removal and passive recreation**



21.24.050 – Limited exemptions

- ▶ Exemptions for expansion of existing buildings were put into list format
- ▶ Livestock grazing was removed, as it is not applicable in the city
- ▶ Previous permit/approval exemption was removed. Proposals can adopt previously reviewed reports if applicable.



21.24.060 – Public agency exceptions

- ▶ (E) 21.24.080 was broken out by public agency exceptions and private exceptions (reasonable use permits)
- ▶ Added criteria to demonstrate need, consistency with best available science, and mitigation of impacts

21.24.070 – Reasonable use exceptions

- ▶ Added criteria to demonstrate need, consistency with best available science, and mitigation of impacts



21.24.080 – Subdivision and density

- ▶ Added language for subdivisions in critical areas (language is existing in the geo hazards section)

(E)21.24.090 – Critical areas map

- ▶ Moved up to 21.24.030

21.24.090 – Disclosure by applicant

- ▶ Moved notice on title from (E)21.24.170
- ▶ Cleaned up language regarding notice on title



21.24.100 – Critical areas determination

- ▶ “Critical areas review” was changed to “determination” for clarity

21.24.110 – Critical areas report

- ▶ Critical area special study was changed to “report” for clarity
- ▶ Minor organization changes
- ▶ Format outlined, report requirements were added



21.24.120 – Mitigation requirements

- ▶ Mitigation requirements outlined
- ▶ Mitigation sequencing (order of preference) created

21.24.130 – Maintenance and monitoring

- ▶ Split from mitigation requirements
- ▶ Created performance standards for success
- ▶ Added information on performance and maintenance guarantees



21.24.140 – Critical area markers and signs

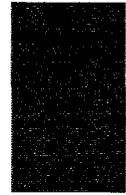
- ▶ Added specifications for signage and fencing

(E) 21.24.150 – Notice on title

- ▶ Moved to 21.24.090

21.24.150 – Native growth protection areas

- ▶ Clarified language between “easement” and “area”
- ▶ Requirements for placement into tracts



21.24.200 – Critical aquifer recharge areas

- ▶ Added definition and how they are designated

21.24.210 – Development standards

- ▶ Removed sand/gravel operation language

21.24.230 – Permitted alterations

- ▶ Updated documents were applicable

21.24.240 – Report requirements

- ▶ New report requirements added



21.24.350 – Frequent flooded area

- ▶ Updated designation areas

21.24.360 – Development standards

- ▶ Removed livestock requirement
- ▶ Moved (E)21.24.260 to this section



21.24.370 – Permitted alterations

- ▶ Removed and cleaned up repetitive language
- ▶ Cleaned up language related to manufactured homes
- ▶ Changed critical facilities to essential public facilities
- ▶ Consolidated zero-rise and FEMA floodway language together

(E) 21.24.240, 250, 260

- ▶ Deleted section and moved language to more relevant sections

21.24.380 – Report requirements

- ▶ New report requirements added