



CITY OF WOODINVILLE, WA
REPORT TO THE PLANNING COMMISSION
 17301 133rd Avenue NE, Woodinville, WA 98072
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To: Planning Commission **Date:** April 1, 2015
From: Dave Kuhl, Development Services Director *DK*
By: Jenny Ngo, AICP, Senior Planner *JN*
Subject: Public Hearing – Critical Areas Ordinance

ISSUE: Shall the Planning Commission continue a public hearing to receive public testimony regarding a proposed amendment to modify the critical areas ordinance?

STAFF RECOMMENDATION: Continue the 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 has been split across two meetings, the first of which was held on March 25, 2015. Part 1 covered 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).

Part 2 covers geologically hazardous areas, wetlands, fish and wildlife habitat conservation areas, and revisions to Part 1. The following is a summary of the major changes in Part 2. Please refer to staff notes included in each specific section for an explanation and summary of revisions.

1. Geologically hazardous areas: Description of seismic hazard areas; split sections into erosion/landslide hazard areas and seismic/other geologic hazard areas; added

- requirements to meet predevelopment conditions; and provided flexibility for manmade slopes, added specific report/assessment requirements.
2. Wetlands: Updated to current methodology and new categories for wetlands; updated wetland buffer widths, updated permitted alterations; added specific report/assessment requirements; and added mitigation requirements.
 3. Fish and wildlife habitat conservation areas: Eliminated separate Streams section and consolidated it under fish and wildlife; added federal and state species categories; included species of local importance; updated stream classification system; updated standard buffer; added an incentive reduction option; added buffer averaging; updated permitted alterations; added report/assessment requirements; and added mitigation requirements.
 4. Part 1: Added reporting requirements consistent with FEMA's Biological Opinion; removed CARA category; added appeal language; and minor grammatical changes to be consistent across all sections.

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:

1. I MOVE TO OPEN THE CONTINUED AMENDED PUBLIC HEARING AND ACCEPT TESTIMONY FOR ORDINANCE NO. 605 REGARDING CRITICAL AREAS REGULATIONS.
2. I MOVE TO CLOSE THE PUBLIC HEARING.
3. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 605 AS PRESENTED [OR AS AMENDED], REGARDING CRITICAL AREAS REGULATIONS.

EXHIBITS

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| Exhibit 71 | Staff Report |
| Exhibit 72 | Critical Areas Ordinance without mark ups |
| Exhibit 73 | Critical Areas Ordinance with mark ups |