

# CRITICAL AREAS ORDINANCE ORDINANCE NO. 605

PLANNING COMMISSION  
CONTINUED PUBLIC HEARING

APRIL 1, 2015

## HEARING - PART 2 OF 2

### PREVIOUS HEARING

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

### TONIGHT'S 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 72 – draft ordinance, clean copy
- ▶ Exhibit 73 – draft ordinance with edits and staff comments

## CRITICAL AQUIFER RECHARGE (200-240)

- ▶ Removed Category I CARA – City does not have a sole source aquifer
- ▶ Minor impacts to the list of prohibited uses
  - ▶ Hazardous liquid transmission pipelines, sand/gravel/hard rock mining, golf courses, and cemeteries are prohibited in Category I and were removed

# QUESTIONS

## GEOLOGICALLY HAZARDOUS AREAS (250-270)

- ▶ Standards grouped by type of area
  - ▶ 21.24.250 - Designation/definition for all areas
  - ▶ 21.24.260 - Erosion and landslide hazard
  - ▶ 21.24.270 - Seismic and other geologic hazard
- ▶ Each type of area has standard requirements
  - ▶ Development standards
  - ▶ Buffers
  - ▶ Design standards
  - ▶ Report requirements
- ▶ 250 - Designation and definition
  - ▶ Seismic definition elaborates ground shaking and soil liquefaction
  - ▶ Other geologic hazard elaborates example

## EROSION AND LANDSLIDE HAZARD (260)

### ▶ (1) Development standards

- ▶ Includes criteria related to overall function or performance of a project
- ▶ Examples: Will not increase threat of hazard to adjacent properties, will impact other critical areas, certified as safe by a licensed engineer or geologist

### ▶ (2) Buffers

- ▶ 50 foot standard, reduced to 10 feet if determined to be safe for the intended use and nearby development

## EROSION AND LANDSLIDE HAZARD (260)

- ▶ (3) Design standards
  - ▶ Includes criteria related to project engineering or design
  - ▶ Examples include: Location of buildings, no decrease in factor of safety, maintaining natural slopes
  - ▶ CORRECTION: “The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis shall be based on demonstrated geotechnical back analysis by a qualified professional. ~~of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code.~~”
- ▶ (4) Alteration criteria
  - ▶ List of permitted alterations
  - ▶ Language was added for allowances on artificially created slopes
  - ▶ Subdivision language was moved to 21.24.080
- ▶ (5) Report requirements

## SEISMIC AND OTHER HAZARDS (270)

- ▶ (1) Development standards
  - ▶ Same as erosion and landslide hazards
- ▶ No standard buffers established– recommendation is per report
- ▶ No permitted alterations list
- ▶ (2) Report requirements

# WETLANDS (300-340)

- ▶ Two components to wetland classification:
  - ▶ Delineation – boundaries of a wetland. *Federal Wetland Delineation Manual*
  - ▶ Category – based of a rating system evaluating sensitivity to disturbance, rarity, functions provided, replacement. *Department of Ecology Wetland Rating System*

Category	Designation Descriptions
Category I	<ul style="list-style-type: none"> <li>• Wetlands that meet one of the following criteria:</li> <li>• High level of functions (score of 23 or more);</li> <li>• Represent a unique or rare high-functioning wetland types;</li> <li>• More sensitive to disturbance than most wetlands; or</li> <li>• Relatively undisturbed and contain ecological attributes that are impossible to replace in a human lifetime.</li> </ul>
Category II	<ul style="list-style-type: none"> <li>• High level of some functions (score of 20-22).</li> <li>• Difficult, though not impossible, to replace.</li> </ul>
Category III	<ul style="list-style-type: none"> <li>• Moderate level of functions (score of 16-19).</li> <li>• Can often be adequately replaced with a well-planned mitigation project.</li> <li>• Experienced some disturbance.</li> <li>• Often less diverse and more isolated from other natural resources than Category II wetlands.</li> </ul>
Category IV	<ul style="list-style-type: none"> <li>• Lowest level of functions (score of 15 or less).</li> <li>• Can often be adequately replaced with a well-planned mitigation project.</li> <li>• Often characterized by a high level of disturbance</li> </ul>

# WETLANDS (300-340)

► Buffers are based on category and habitat score

Category	Designation Descriptions	Wetland Category	Buffer width based on habitat points			
			3-4 habitat points	5 habitat points	6-7 habitat points	8-9 habitat points
Category I	<ul style="list-style-type: none"> <li>Wetlands that meet one of the following criteria:</li> <li>High level of functions (score of 23 or more);</li> <li>Represent a unique or rare high-functioning wetland types;</li> <li>More sensitive to disturbance than most wetlands; or</li> <li>Relatively undisturbed and contain ecological attributes that are impossible to replace in a human lifetime.</li> </ul>	Category I	75 feet	105 feet	165 feet	225 feet
Category II	<ul style="list-style-type: none"> <li>High level of some functions (score of 20-22).</li> <li>Difficult, though not impossible, to replace.</li> </ul>	Category II	75 feet	105 feet	165 feet	225 feet
Category III	<ul style="list-style-type: none"> <li>Moderate level of functions (score of 16-19).</li> <li>Can often be adequately replaced with a well-planned mitigation project.</li> <li>Experienced some disturbance.</li> <li>Often less diverse and more isolated from other natural resources than Category II wetlands.</li> </ul>	Category III	60 feet	105 feet	165 feet	225 feet
Category IV	<ul style="list-style-type: none"> <li>Lowest level of functions (score of 15 or less).</li> <li>Can often be adequately replaced with a well-planned mitigation project.</li> <li>Often characterized by a high level of disturbance</li> </ul>	Category IV	45 feet			

# WETLANDS (300-340)

Wetland name or number \_\_\_\_\_

## RATING SUMMARY – Western Washington

Name of wetland (or ID #): \_\_\_\_\_ Date of site visit: \_\_\_\_\_  
 Rated by \_\_\_\_\_ Trained by Ecology? Yes \_\_\_ No \_\_\_ Date of training \_\_\_\_\_  
 HGM Class used for rating \_\_\_\_\_ Wetland has multiple HGM classes? Y \_\_\_ N \_\_\_

NOTE: Form is not complete without the figures requested (figures can be combined).  
 Source of base aerial photo/map \_\_\_\_\_

OVERALL WETLAND CATEGORY \_\_\_\_\_ (based on functions \_\_\_ or special characteristics \_\_\_)

### 1. Category of wetland based on FUNCTIONS

- \_\_\_\_\_ Category I – Total score = 23 - 27
- \_\_\_\_\_ Category II – Total score = 20 - 22
- \_\_\_\_\_ Category III – Total score = 16 - 19
- \_\_\_\_\_ Category IV – Total score = 9 - 15

Score for each function based on three ratings (order of ratings is not important)

FUNCTION	Improving Water Quality			Hydrologic			Habitat			
	<i>Circle the appropriate ratings</i>									
Site Potential	H	M	L	H	M	L	H	M	L	
Landscape Potential	H	M	L	H	M	L	H	M	L	
Value	H	M	L	H	M	L	H	M	L	TOTAL
Score Based on Ratings										

- 9 = H,H,H
- 8 = H,H,M
- 7 = H,H,L
- 7 = H,M,M
- 6 = H,M,L
- 6 = M,M,M
- 5 = M,L,L
- 5 = M,M,L
- 4 = M,L,L
- 3 = L,L,L

### 2. Category based on SPECIAL CHARACTERISTICS of wetland

CHARACTERISTIC	CATEGORY
Estuarine	I II
Wetland of High Conservation Value	I
Bog	I
Mature Forest	I
Old Growth Forest	I
Coastal Lagoon	I II
Interdunal	I II III IV
None of the above	

OVERALL WETLAND CATEGORY \_\_\_\_\_ (based on functions \_\_\_ or special characteristics \_\_\_)

### 1. Category of wetland based on FUNCTIONS

- \_\_\_\_\_ Category I – Total score = 23 - 27
- \_\_\_\_\_ Category II – Total score = 20 - 22
- \_\_\_\_\_ Category III – Total score = 16 - 19
- \_\_\_\_\_ Category IV – Total score = 9 - 15

Score for each function based on three ratings (order of ratings is not important)

FUNCTION	Improving Water Quality			Hydrologic			Habitat			
	<i>Circle the appropriate ratings</i>									
Site Potential	H	M	L	H	M	L	H	M	L	
Landscape Potential	H	M	L	H	M	L	H	M	L	
Value	H	M	L	H	M	L	H	M	L	TOTAL
Score Based on Ratings										

- 9 = H,H,H
- 8 = H,H,M
- 7 = H,H,L
- 7 = H,M,M
- 6 = H,M,L
- 6 = M,M,M
- 5 = H,L,L
- 5 = M,M,L
- 4 = M,L,L
- 3 = L,L,L

### 2. Category based on SPECIAL CHARACTERISTICS of wetland

CATEGORY is based on function score

BUFFER WIDTH is based on habitat score and category

# WETLANDS (300-340)

► Buffers are based on category and habitat score

Category	Designation Descriptions
Category I	<ul style="list-style-type: none"> <li>Wetlands that meet one of the following criteria:</li> <li>High level of functions (score of 23 or more);</li> <li>Represent a unique or rare high-functioning wetland types;</li> <li>More sensitive to disturbance than most wetlands; or</li> <li>Relatively undisturbed and contain ecological attributes that are impossible to replace in a human lifetime.</li> </ul>
Category II	<ul style="list-style-type: none"> <li>High level of some functions (score of 20-22).</li> <li>Difficult, though not impossible, to replace.</li> </ul>
Category III	<ul style="list-style-type: none"> <li>Moderate level of functions (score of 16-19).</li> <li>Can often be adequately replaced with a well-planned mitigation project.</li> <li>Experienced some disturbance.</li> <li>Often less diverse and more isolated from other natural resources than Category II wetlands.</li> </ul>
Category IV	<ul style="list-style-type: none"> <li>Lowest level of functions (score of 15 or less).</li> <li>Can often be adequately replaced with a well-planned mitigation project.</li> <li>Often characterized by a high level of disturbance</li> </ul>

Wetland Category	Buffer width based on habitat points			
	3-4 habitat points	5 habitat points	6-7 habitat points	8-9 habitat points
Category I	75 feet	105 feet	165 feet	225 feet
Category II	75 feet	105 feet	165 feet	225 feet
Category III	60 feet	105 feet	165 feet	225 feet
Category IV	45 feet			

Wetland name or number \_\_\_\_\_

<b>DEPRESSIONAL AND FLATS WETLANDS</b>	
<b>Hydrologic Functions - Indicators that the site functions to reduce flooding and stream degradation</b>	
<b>D 4.0. Does the site have the potential to reduce flooding and erosion?</b>	
<b>D 4.1. Characteristics of surface water outflows from the wetland:</b>	
Wetland is a depression or flat depression with no surface water leaving it (no outlet)	points = 4
Wetland has an intermittently flowing stream or ditch, OR highly constricted permanently flowing outlet	points = 2
Wetland is a flat depression (QUESTION 7 on key), whose outlet is a permanently flowing ditch	points = 1
Wetland has an unconstricted, or slightly constricted, surface outlet that is permanently flowing	points = 0
<b>D 4.2. Depth of storage during wet periods: Estimate the height of ponding above the bottom of the outlet. For wetlands with no outlet, measure from the surface of permanent water or if dry, the deepest part.</b>	
Marks of ponding are 3 ft or more above the surface or bottom of outlet	points = 7
Marks of ponding between 2 ft to < 3 ft from surface or bottom of outlet	points = 5
Marks are at least 0.5 ft to < 2 ft from surface or bottom of outlet	points = 3
The wetland is a "headwater" wetland	points = 3
Wetland is flat but has small depressions on the surface that trap water	points = 1
Marks of ponding less than 0.5 ft (6 in)	points = 0
<b>D 4.3. Contribution of the wetland to storage in the watershed: Estimate the ratio of the area of upstream basin contributing surface water to the wetland to the area of the wetland unit itself.</b>	
The area of the basin is less than 10 times the area of the unit	points = 5
The area of the basin is 10 to 100 times the area of the unit	points = 3
The area of the basin is more than 100 times the area of the unit	points = 0
Entire wetland is in the Flats class	points = 5
<b>Total for D 4</b> Add the points in the boxes above	
Rating of Site Potential If score is: <u>  </u> 12-16 = H <u>  </u> 6-11 = M <u>  </u> 0-5 = L Record the rating on the first page	
<b>D 5.0. Does the landscape have the potential to support hydrologic functions of the site?</b>	
D 5.1. Does the wetland receive stormwater discharges?	Yes = 1 No = 0
D 5.2. Is >10% of the area within 150 ft of the wetland in land uses that generate excess runoff?	Yes = 1 No = 0
D 5.3. Is more than 25% of the contributing basin of the wetland covered with intensive human land uses (residential at >1 residence/ac, urban, commercial, agriculture, etc.)?	Yes = 1 No = 0
<b>Total for D 5</b> Add the points in the boxes above	
Rating of Landscape Potential If score is: <u>  </u> 3 = H <u>  </u> 1 or 2 = M <u>  </u> 0 = L Record the rating on the first page	
<b>D 6.0. Are the hydrologic functions provided by the site valuable to society?</b>	
<b>D 6.1. The unit is in a landscape that has flooding problems. Choose the description that best matches conditions around the wetland unit being rated. Do not add points. Choose the highest score if more than one condition is met.</b>	
The wetland captures surface water that would otherwise flow down-gradient into areas where flooding has damaged human or natural resources (e.g., houses or salmon redds):	
• Flooding occurs in a sub-basin that is immediately down-gradient of unit.	points = 2
• Surface flooding problems are in a sub-basin farther down-gradient.	points = 1
Flooding from groundwater is an issue in the sub-basin.	points = 1
The existing or potential outflow from the wetland is so constrained by human or natural conditions that the water stored by the wetland cannot reach areas that flood. Explain why _____	points = 0
There are no problems with flooding downstream of the wetland.	points = 0
<b>D 6.2. Has the site been identified as important for flood storage or flood conveyance in a regional flood control plan?</b>	
	Yes = 2 No = 0
<b>Total for D 6</b> Add the points in the boxes above	
Rating of Value if score is: <u>  </u> 2-4 = H <u>  </u> 1 = M <u>  </u> 0 = L Record the rating on the first page	

## WETLANDS (300-340)

- ▶ **Other development standards**
  - ▶ Includes provisions for increased buffers where appropriate
  - ▶ Flexibility where road or structures divide a wetland buffer
  - ▶ Buffer averaging limited to 25 percent
- ▶ **Permitted activities**
  - ▶ Allowances for utilities in buffers/wetlands updated to only allow facilities on outer 25 percent of buffer
  - ▶ Road crossings updated to only allow facilities on outer 25 percent
- ▶ **Report requirements**
- ▶ **Mitigation**
  - ▶ Ratios increased for replacement ratios (Category I is 6:1, Class I is 4:1)
- ▶ **Limited exemption for filling a wetland has been removed**

# QUESTIONS

## FREQUENTLY FLOODED AREAS (350-380)

- ▶ Updates to the habitat impact assessment under report requirements to meet Biological Opinion requirements.

# QUESTIONS

## FISH AND WILDLIFE HABITAT (400-440)

- ▶ Document organization- current sections 21.24.370-400, relating to streams, were incorporated into the proposed Fish and Wildlife Habitat Conservation Areas sections
- ▶ This section is organized as follows:
  - ▶ 400 - Designation
  - ▶ 410 - Development standards
  - ▶ 420 - Permitted activities
  - ▶ 430 - Critical areas report additional requirements
  - ▶ 440 - Mitigation

## FISH AND WILDLIFE HABITAT (400-440)

### ▶ Designation (21.24.400)

#### ▶ Definition updated to be consistent with GMA

#### ▶ Provided a list of species of local importance

- List based on Gap Analysis. Includes species in a state and federal status and priority species (inclusion of Sockeye Salmon).
- Assists staff in identifying likely species for this area as well as specific considerations for preservation and habitat management for those species.
- Allows for additional species to be nominated/added to the list.

#### ▶ Includes stream classifications using the Permanent Water Typing System (eliminated 21.24.370 *Streams-Designation and rating*)

- Provides for more standardized stream classification method that is used across the State.

Type S – Shorelines of the State

Type F – Fish bearing streams (perennial or seasonal)

Type Np – Non-fish bearing perennial streams

Type Ns – Non-fish bearing seasonal streams

## FISH AND WILDLIFE HABITAT (400-440)

- ▶ Development Standards (21.24.410)
  - ▶ Previous section 21.24.380 containing stream buffers and development standards specific to streams has been moved to this section.
  - ▶ Elimination of “urban stream” designation in current code.
    - Criteria for determining urban streams is unclear
    - Goes against best available science

## FISH AND WILDLIFE HABITAT (400-440)

- ▶ Updates to stream buffer widths
- ▶ Larger standard buffers for Type 1 and 2, similar reductions

Existing			Proposed		
Type	Width	Reduction	Type	Width	Reduction
1	150 ft	115-100 ft	S	175 ft*	33% (115)
2	115 ft	100 ft	F	150 ft	33% (99)
3	75 ft	50 ft	Np	75 ft	33% (50)
4	50 ft	35 ft	Ns	50 ft	33% (33)



# FISH AND WILDLIFE HABITAT (400-440)

## OPTION 1

Type	Width	Reduction
S	175 ft*	33% (115)
F	150 ft	33% (99)
Np	75 ft	33% (50)
Ns	50 ft	33% (33)

### TYPE S STREAMS - OPTION 1

- ▶ Maintain the 175 foot buffer with a 33% reduction
- ▶ Benefit of standardized buffer mitigation
- ▶ Keep existing code presented

## OPTION 2

Type	Width	Reduction
S	Refer to SMP	
F	150 ft	33% (99)
Np	75 ft	33% (50)
Ns	50 ft	33% (33)

### TYPE S STREAMS - OPTION 2

- ▶ Type S streams must refer to the SMP for regulations
- ▶ Consistency with Shoreline Management Act
- ▶ Changes:
  - ▶ “Refer to SMP” in buffer table
  - ▶ 21.24.400(1)(d) revised to state “Streams meeting the designation criteria below and all associated riparian habitat area, except Type S streams, are subject to the provisions of this chapter. Type S Streams shall regulated under the adopted Woodinville Shoreline Master Program pursuant to RCW 36.70A.480
  - ▶ Table 21.24.400(1)(d): language added “Type S streams shall be regulated under the adopted Woodinville Shoreline Master Program.”

# FISH AND WILDLIFE HABITAT (400-440)

## ► Standard Buffer Width Reduction Options.

- The proposed 33% reduction allow the proposed buffers to be reduced close the current reductions.
- Table 21.24.410 (1)(b)(iii) provides a variety of options and an associated value of reduction. Provides staff a way to measure the impact and a way to mitigate using alternatives other than just restoration (only option in current code).

## ► Buffer averaging, not in our current code.

## ► Terminology: stream buffer vs. riparian habitat area

Incentive Option	Reduction Allowed
(a) Removal of impervious surfaces	(i) Up to 5 percent reduction in standard buffer width if impervious surfaces within the to-be-remaining buffer area are reduced by at least 50 percent; or (ii) Up to 10 percent reduction in standard buffer width if the to-be-remaining buffer area is presently more than 50 percent impervious and all of it is to be removed.
(b) Installation of biofiltration/infiltration mechanisms	(i) Up to 10 percent reduction in standard buffer width for the installation of bioswales, created and/or enhanced wetlands, or ponds supplemental to existing storm drainage and water quality requirements.
(c) Removal of invasive, nonnative vegetation	(i) Up to 5 percent reduction in standard buffer width for the removal and extended monitoring and continued-removal maintenance of relatively dense stands of invasive, nonnative vegetation from significant portions of the remaining buffer area.
(d) In-stream habitat enhancement	(i) Up to 5 percent reduction in standard buffer width for placement of large woody debris, bioengineered bank stabilization, or culvert removal; or (ii) Up to 15 percent reduction in standard buffer width for improving fish passage and/or creation of side channel or backwater areas
(e) Use of pervious material for driveway/road construction:	(i) Up to 5 percent reduction in standard buffer width
(f) Restoration of on-site buffer and habitat areas, or restoration of off-site buffer and habitat areas within the same sub-basin of the impacted stream if no on-site restoration is possible	(i) Up to 10 percent reduction in standard buffer width if restoration area is at a 2:1 ratio or greater; or (ii) Up to 20 percent reduction in standard buffer width if restoration area is at a 4:1 ratio or greater.
(g) Removal of significant refuse or sources of toxic material	(i) Up to 5 percent reduction in standard buffer width.
(h) Providing a ten year monitoring and maintenance plan	(i) Up to 5 percent reduction in standard buffer width.

## FISH AND WILDLIFE HABITAT (400-440)

- ▶ Permitted Activities (21.24.420)
  - ▶ Incorporated permitted alterations from current stream section (21.24.390) for all fish and wildlife habitat conservation areas.
  - ▶ Permitted activities based on specific habitat or wildlife; including Bald eagle habitat, Blue heron rookeries, and fish (current code section 21.24.440).
  - ▶ Proposed section includes permitted activities specific for streams (from current code).

## FISH AND WILDLIFE HABITAT (400-440)

- ▶ **Critical Area Report Additional Requirements (21.24.430)**
  - ▶ Additional requirements for fish and habitat conservation areas including a habitat assessment.
    - Habitat assessment is an assessment to determine the presence or absence of potential critical fish or wildlife habitat.
  - ▶ Revised requirements for a habitat management plan to reflect best available science.
  
- ▶ **Mitigation (21.24.440)**
  - ▶ Addition of general requirements and siting requirements.
  - ▶ Specific requirements in current stream section (21.24.400) moved to apply to all fish and wildlife habitat conservation areas. This section also includes stream specific requirements.

# QUESTIONS

# PLANNING COMMISSION ACTION

- ▶ Discuss and propose changes
- ▶ MOTION OPTIONS:
  - A. I move to continue the public hearing to April 15, 2015.
  - B. I move that the Planning Commission recommend that the City Council adopt ordinance No. 605 as amended, regarding critical areas regulations, including:
    - 1. Options 1 AND 2 regarding Type S streams, provided that the option best meeting GMA/SMA requirements shall be forwarded to City Council
    - 2. The geologically hazardous area language revision regarding static and dynamic conditions
    - 3. ?? Other amendments discussed

# FISH AND WILDLIFE HABITAT (400-440)

## OPTION 1

Type	Width	Reduction
S	175 ft*	33% (115)
F	150 ft	33% (99)
Np	75 ft	33% (50)
Ns	50 ft	33% (33)

### TYPE S STREAMS - OPTION 1

- ▶ Maintain the 175 foot buffer with a 33% reduction
- ▶ Benefit of standardized buffer mitigation
- ▶ Keep existing code presented

## OPTION 2

Type	Width	Reduction
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F	150 ft	33% (99)
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### TYPE S STREAMS - OPTION 2

- ▶ Type S streams must refer to the SMP for regulations
- ▶ Consistency with Shoreline Management Act
- ▶ Changes:
  - ▶ “Refer to SMP” in buffer table
  - ▶ 21.24.400(1)(d) revised to state “Streams meeting the designation criteria below and all associated riparian habitat area, except Type S streams, are subject to the provisions of this chapter. Type S Streams shall regulated under the adopted Woodinville Shoreline Master Program pursuant to RCW 36.70A.480
  - ▶ Table 21.24.400(1)(d): language added “Type S streams shall be regulated under the adopted Woodinville Shoreline Master Program.”

# QUESTIONS

# 21.24.010 - Purpose

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

EXHIBIT 53 – PAGES 1-2

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.  
11 21.24.070 Reasonable use exceptions.  
12 21.24.080 Subdivisions and density calculations within critical areas.  
13 21.24.090 Disclosure and notice on title.  
14 21.24.100 Critical area determination.  
15 21.24.110 Critical areas report requirement.  
16 21.24.120 Mitigation requirements.  
17 21.24.140 Critical area markers and signs.  
18 21.24.150 Native growth protection areas and designations on site plans.  
19 21.24.200 Critical aquifer recharge areas – Designation.  
20 21.24.210 Critical aquifer recharge areas – Development standards.  
21 21.24.230 Critical aquifer recharge areas – Permitted alterations.  
22 21.24.240 Critical aquifer recharge areas – Critical areas report additional requirements.  
23 21.24.350 Frequently flooded areas - Designation.  
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 area,  
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

# LANDSCAPING



# QUESTIONS