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## Land Use & Environment Committee

### Briefing on Critical Areas Ordinance

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**Title**

Briefing on Critical Areas Ordinance

**Recommended Action**

**City Manager Recommendation:**

Receive a briefing on the City's Critical Areas Ordinance.

**Report**

**Issue:**

The Washington State Growth Management Act (GMA) requires that the City of Olympia review and update as needed its Critical Areas Ordinance (CAO) by June 30, 2016. Staff will provide the Land Use and Environment Committee (LUEC) a briefing on the CAO as it exists today, what elements require updating to remain consistent with GMA, and other issues that have been raised by staff, community members, and Council for possible inclusion in the scope of the update.

**Staff Contact:**

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**Presenter(s):**

Stacey Ray, Senior Planner

**Background and Analysis:**

In 1990, with passage of the Washington State Growth Management Act (GMA), comprehensive planning for critical areas became a requirement for cities. However, Olympia has been protecting critical areas for many decades, and with each update, the regulations have continued to evolve in scope and to integrate the most current and best available science regarding how to preserve and protect those areas.

The Olympia Critical Areas Ordinance (CAO) can be found in the Olympia Municipal Code, Chapter 18.32. It addresses through development regulations five types of environmentally sensitive areas: drinking water (wellhead) protection areas, important habitats and species, streams and important riparian areas, wetlands and small lakes, and landslide hazard areas. Frequently flooded areas are addressed in a different section of the code: OMC 16.70, and marine shorelines and freshwater shorelines as defined by the Shoreline Management Act are addressed in OMC 14.08. See Attachment A for brief descriptions of each of the five critical area designations in the CAO, frequently

flooded areas, and shorelines regulated through the Shoreline Management Act.

GMA requires that cities review their CAO every eight years so that it remains consistent with the Act's guidelines. With an extension having been adopted by the state legislature, the next review and update deadline for Olympia is June 30, 2016. There are two requirements that we need to address by the deadline:

- **Critical Areas Review for Best Available Science.** It has been over 10 years since our last CAO review and update in 2005, so we are due to conduct a technical review of the best available science in designating critical areas and evaluate our development regulations for effectiveness in protecting the functions and values of critical areas.
- **Anadromous Fish.** Cities are required to give special consideration in their development regulations to conservation or protection measures necessary to preserve or enhance anadromous fish. Anadromous fish are those that spawn and rear in fresh water and mature in marine waters, including salmon.

In addition to what GMA requires be addressed, there are also several updates that staff will recommend to clarify existing language or meet revised state and federal guidelines. For example, in 2014, the Washington State Department of Ecology revised the Washington State Wetland Rating System for Western Washington. We currently have interim language in place to implement this change.

Lastly, there are additional topics and issues for possible inclusion in the scope of this update that have been brought forward by staff, community members, and Council. Each of these topics will require some level of review and analysis prior to determining a course of action:

- Protection of locally important species and their associated habitat, such as the Great Blue Heron and Oregon white oak.
- Identifying landslide hazard areas (in response to the Oso, WA, landslide in 2014).

The purpose of the June 18 meeting is for staff to provide LUEC with an introductory overview of the current CAO, required updates to remain consistent GMA, and other issues for possible inclusion in the scope of the update. A proposed work plan and timeline will then be brought forward for LUEC's consideration in July.

#### **Neighborhood/Community Interests (if known):**

Critical areas are found throughout the City; how they are regulated could have an impact citywide.

#### **Options:**

None; briefing only.

#### **Financial Impact:**

Reviewing and updating as needed the Critical Areas Ordinance to meet the June 2016 deadline established by the Growth Management Action is already a budgeted work item for Community Planning and Development. Additional review or updates beyond the minimal requirements may require additional resources in 2015 and 2016, which could be achieved by delaying or removing other Community Planning and Development work items.

