



Planning Commission

Critical Areas Ordinance Update - Briefing

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Title

Critical Areas Ordinance update - Briefing

Recommended Action

Information only; no action requested.

Report

Issue:

The Washington State Growth Management Act (GMA) requires that the City of Olympia review its Critical Areas Ordinance (CAO) and update as needed by June 30, 2016. An extension of this deadline is available if the city demonstrates substantial progress.

Staff Contact:

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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 through management of land it owns, educational programs, and regulations on building and development. With each update, these programs and 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 CAO, found in Olympia Municipal Code (OMC), Chapter 18.32, is the primary set of development regulations that protects critical areas. It addresses five types of environmentally sensitive areas:

- drinking water (wellhead) protection areas
- important habitats and species
- streams and important riparian areas
- wetlands and small lakes
- landslide hazard areas
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Other protections for critical areas include: Frequently flooded areas in OMC 16.70, marine and

freshwater shorelines as defined by the Shoreline Management Act in OMC 14.08, and Storm and Surface Water Utilities in OMC 13.16.

Timing and Deadlines

PHASE 1: REQUIRED CAO UPDATE

The GMA requires that cities review their CAO every eight years to remain consistent with the Act's guidelines. The review and update deadline for Olympia was June 30, 2016, but under RCW 36.70A.130(7) all cities and counties get an additional year to complete their CAO updates as long as they are showing substantial progress. "Substantial progress" is defined in statute as being no more than one year late on the periodic review of the CAO, provided the periodic review of the comprehensive plan and other development regulations is complete, which is true for Olympia.

There are two substantive statutory requirements to address as part of Phase 1:

- Critical Areas Review for Best Available Science
The city hired ESA Associates to do a Best Available Science (BAS) review to ensure that our policies and development regulations are based on the most current science and best management practices for designating and protecting critical areas.
- Anadromous Fish
Cities are required to give special consideration in their development regulations to preserve or enhance anadromous fish population and habitat. Anadromous fish are those that spawn and rear in fresh water and mature in marine waters, such as salmon.

Other Related Updates

Phase 1 may also include changes to clarify existing language, meet revised state and federal guidelines or add new environmentally sensitive areas to protect as follows:

- Adopt updated Washington State Wetland Rating System for Western WA
- Clarify maintenance responsibilities for groundwater monitoring wells for Drinking Water (Wellhead) Protection Areas
- Adopt seismic hazard regulations

PHASE 2: SHORELINES AND LOCALLY IMPORTANT SPECIES AND HABITAT

Under provisions of the Washington State Shoreline Management Act, all amendments to the City's CAO must also be adopted into the City's Shoreline Master Plan (SMP) and approved by the Department of Ecology before the amended CAO is effective within designated shoreline areas (generally the land area within 200 feet of the water). Once we complete all required updates to the CAO, we will amend the SMP.

In addition to the statutory update requirements, the Land Use and Environment Committee directed that the CAO Update include a review of potential additional protections for locally important species and their habitats. Our consultant, ESA, will provide optional approaches to this task later this spring.

Staff will present these approaches to the Committee at a future meeting.

Current Status

The consultant, ESA, has finished its initial review of our current code to identify where BAS suggests revisions or updates, such as updated critical areas buffer minimums and buffer averaging, particularly for wetlands, steep slopes and ravines; and updated references to state and federal critical area protections laws.

The consultant also noted areas where the code could be clarified, made more internally consistent, or where better enforcement and penalty sections should be added.

Timeline Phase 1

Jan 2016..... Hire consultant team (Complete)
Feb-Mar 2016..... Consultant BAS review (Complete)
Apr-May 2016..... Code amendment recommendations and drafting
Jun 2016..... Planning Commission Public Hearing
City Council Resolution to Adopt

Timeline Phase 2

May-Dec 2016..... Locally important species and habitats
Amended Shoreline Master Plan adoption by Ecology (if possible)

Neighborhood/Community Interests (if known):

Staff, community members, and Council have expressed interest in the protection of locally important species and their associated habitat, such as the Great Blue Heron and Oregon white oak.

Financial Impact:

Updating the CAO and SMP to meet the statutory requirements is already a budgeted work item for Community Planning and Development in 2016. Initial review of locally important species and habitats is also included; however, some approaches to this task may require additional resources.

Attachments

Draft Public Participation Plan