

## **Subject: Planning Commission Public Hearing: Critical Areas Ordinance**

This document provides an overview of relevant information for the Planning Commission's first public hearing on the Pacific County Critical Areas Ordinance (CAO) on April 7<sup>th</sup>, 2016.

### **Introduction**

The Washington State Growth Management Act mandates that local governments prepare, adopt, and periodically update policies and regulations to designate and protect critical areas, including wetlands, areas with a critical recharging effect on aquifers used for potable water, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas (RCW 36.70A.030(5)). Periodic review must consider best available science (BAS), and any deviations from science-based recommendations should be identified, assessed, and explained (WAC 365-195-915). Prior to the current update process, Pacific County's CAO was most recently updated in April of 1999. The draft now before the Planning Commission represents a comprehensive update to the 1999 Pacific County CAO. It reflects input from County staff, the CAO Technical Advisory Committee, members of the public, State resource agency staff, and current State guidance.

To prepare for its recommendation to the County Board of Commissioners, the Planning Commission will conduct two public hearings. The purpose of this document is to provide a summary of the CAO, including purpose, applicability, and major changes from the 1999 CAO.

### **Purpose and applicability**

- Purpose is to define, identify, and protect the functions and values of critical areas. Critical areas in the County include: wetlands, fish and wildlife habitat conservation areas (including shorelines), frequently flooded areas, critical aquifer recharge areas, and geologically hazardous areas.
- Applies to all land and water areas of the County. Certain sections do not apply within shoreline jurisdiction because they are addressed in the SMP or are inconsistent with the Shoreline Management Act (e.g. Section 3.H, Nonconforming Activities, or Section 3.J, Reasonable Use Exception).
- Activities exempt from the CAO include emergencies, existing agriculture, maintenance and repair, utility activities in existing rights-of-way, certain vegetation management activities, site investigation, and non-development activities (see Section 3.E). Exempted activities must still use reasonable methods to avoid potential impacts to critical areas and compensate for unnecessary impacts.
- Pacific County's CAO also includes provisions for resource lands, including agricultural lands, forest lands, and mineral lands. Aside from minor reorganization, these provisions have not been revised as part of this update.

## **Major changes from Existing Critical Areas Ordinance**

### ***General Requirements (Sections 1, 2, 3)***

- Definitions (Section 2) added or revised based on WAC. Definition of “adjacent” refined for different kinds of critical areas based on widest applicable buffer.
- Language added to clarify relationship with SMP, which adopts CAO by reference.
- Reasonable use exception process clarified, and “umbrella” reasonable use exception option added for plats legally filed with and approved by the County prior to CAO adoption.
- Allowances for certain vegetation management activities (e.g. minor pruning, hazard tree removal) added to exemptions for consistency with SMP.
- Generally-applicable buffer provisions moved to this section, and general provisions added for setbacks, signage, and notice on title.
- General requirements added for contents of critical area reports and mitigation plans.

### ***Wetlands (Section 4)***

- Wetland identification and delineation methodology updated per BAS; draft requires approved federal manual and applicable regional supplements.
- Wetland rating methodology updated per BAS; draft requires Washington State Wetland Rating System for Western Washington (Ecology 2014).
- Provisions added for specific activities allowed in wetlands and wetland buffers.
- Wetland buffer provisions revised per BAS. Updated wetland buffers are wider and are based on wetland type, rating, habitat score, and intensity of impacts from adjacent land use. Existing wetland buffer range: 25-100 feet. Updated wetland buffer range: 25-300 feet. Specific, reduced buffer provisions added for wetlands on Surfside canals.
- Buffer averaging and reduction provisions revised per BAS; limited to 25% standard buffer width.
- Wetland mitigation ratios increased per BAS, and additional provisions included for types, location, and timing of mitigation.

### ***Fish and Wildlife Habitat Conservation Areas (FWHCAs) (Section 5)***

- Applicability: Updated section combines existing Section 5, Fisheries Habitat; Section 6, Shellfish, Kelp, Eelgrass, Herring, and Smelt Spawning Areas; and Section 7, Wildlife Habitat. Section 6 provisions apply in draft Marine and Estuarine Water Quality Protection Zone (same geographic area).
- New provisions define a clear mechanism to designate species and habitats of local importance if warranted in the future.
- Buffers on waters of the state revised per BAS. Existing buffer range: 25-100 feet. Updated buffer range: 50-150 feet, with provisions for averaging or reduction with enhancement. Type 1/Type S buffers defined under the SMP. Specific, zero-buffer provisions added for Surfside canals.

- Provisions added that define an approach for identifying applicable buffers for other FWHCAs.
- Provisions added for specific activities allowed in FWHCAs and their buffers.
- Provisions added for mitigation and critical area report requirements specific to FWHCAs.

***Frequently Flooded Areas (Section 6)***

- Definition of frequently flooded areas updated to reflect new 2015 FEMA mapping. Existing CAO refers to 1985 maps.
- County's "Frequently Flooded Areas" maps within Flood Control Zone District No. 1 on the Long Beach Peninsula included in the updated definition of frequently flooded areas.

***Critical Aquifer Recharge Areas (CARAs) (Section 7)***

- Reference to USDA soil maps updated from 1986 to 2003.
- List of prohibited types of new development in CARAs appended with the following, based on City of Long Beach CAO: mining of any type below the water table; processing, storage, and disposal of radioactive substances; dry cleaning; auto-wrecking facilities; hazardous waste transfer and treatment; and hydrocarbon extraction.
- Requirement added for new development in areas of existing wells to remove any abandoned wells using methods from WAC 173-160.

***Geologically Hazardous Areas (Section 8)***

- Reference to USDA soil maps updated from 1986 to 2003.
- Mapping sources and designation definitions revised for erosion hazard areas, landslide hazard areas, seismic hazard areas, and tsunami hazard areas to reflect BAS.
- "Shoreline erosion hazard areas" designation added as a subset of erosion hazard areas. Encompasses FEMA Coastal High Hazard Area zones as well as North Cove "Wash-Away" Beach area mapped by County.
- General requirements for alterations to geologically hazardous areas added to ensure safety.
- Provisions added for critical area report requirements specific to geologically hazardous areas.