

Memorandum

To: City of Vancouver Planning Commission & City Council

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Subject: Vancouver CAO Update: Focus Groups Summary

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Overview and Approach

The City of Vancouver (City) is updating its Critical Areas Ordinance (CAO) concurrent with the update of its comprehensive plan, [OUR VANCOUVER](#). The CAO updates are expected to be completed in 2024 and prior to the comprehensive plan update. The CAO update primarily focuses on technical updates needed to comply with best available science (BAS) and state guidance and is required by the State of Washington. Critical areas include five types of environmentally sensitive areas, which are important fish and wildlife habitat, wetlands, frequently flooded areas, geologically hazardous areas, and areas that are critical to replenishing drinking water aquifers.

To identify and communicate ways the project team would engage and communicate with key participants and the community, the project team developed a Public Involvement and Communications Plan (PICP) in fall 2022. This PICP had an overarching goal of ensuring the project's key participants and communities were informed and engaged and was a living document that was evaluated periodically to ensure efforts remained on track.

The Public Involvement (PI) scope included:

- Four focus group discussions.
- Five webpage updates to the City's website [Be Heard Vancouver](#).
- A fact sheet mailer with FAQs.

Additional details regarding the PI scope and approach, including a summary of potential communication risks identified, can be found in the PICP, dated October 2022.

Focus Groups

In support of the project's public engagement effort, the project team conducted a series of focus groups in early September 2023 to gather input on four of the five types of critical areas: critical aquifer recharge areas (CARAs), geologically hazardous areas, fish and

wildlife habitat conservation areas (FWHCAs), and wetlands. Frequently flooded areas were not included in a focus group discussion as these critical area regulations are being updated separately as part of National Flood Insurance Program requirements. During the development of the PICP and the organization of the focus group meetings, the project team developed a list of key participants to engage for each focus group topic. The project team contacted approximately 52 agencies and organizations to gauge their interest in participating in one (or in some instances two) of the focus groups.

Focus groups were conducted as candid and informal conversations among participants and followed a discussion guide to unpack individual and organizational perspectives on proposed CAO updates and related topics. The project team shared preliminary code update concepts with participants in advance of developing draft code language. The purpose of all focus groups was to seek primarily non-technical feedback on the CAO update, but technical feedback was also accepted.

At the beginning of each session, the project team provided participants with a brief introduction and icebreaker followed by an explanation of the purpose of the CAO and its proposed updates. This was followed by a robust discussion between the project team and the participants using a discussion guide. The focus groups concluded with next steps and how to contact the project team. The following is a summary of the input received organized around each critical area topic and prompts for input. Table 1 includes key takeaways from the focus group meetings across all types of critical areas. Candid responses were encouraged, and comments are not attributed to specific individuals to provide a level of anonymity. A list of focus group invitees are included in the focus group meeting agendas in Attachment A.

Table 1: Focus Group Key Takeaways

<ul style="list-style-type: none"> • Participants desire clear, concise, and consistent code language, and consistency and flexibility with federal and State requirements.
<ul style="list-style-type: none"> • There needs to be improved informational materials (i.e., worksheets, checklists) and early awareness of the CAO and critical areas in general, especially for small developers and individual property owners.
<ul style="list-style-type: none"> • Participants desire improved predictability and reliability of the permitting process for developers, especially early in the process, such as at the City-required pre-application meeting.
<ul style="list-style-type: none"> • Critical areas on properties are expensive to accommodate for permitting and impact mitigation and have disproportionate impacts to small property owners.
<ul style="list-style-type: none"> • City should consider more direct engagement with underrepresented groups to better consider equity and environmental justice issues related to the CAO update.

Table 1: Focus Group Key Takeaways

Fish and Wildlife Habitat Conservation Areas

Important outcomes from the CAO update

Participants discussed that people and developers want to be good stewards with the natural environment, but there is a lot of gray area when using the critical areas code. It needs to be made easier to navigate for developers. One participant stated they would like to see flexibility built into the CAO to accommodate evolving BAS, which will help streamline the update process. Participants also stated that the City should consider riparian buffers as a tool to combat climate change at the local and regional levels.

Experience with the City's CAO permitting process

Several participants either directly or indirectly have had experience with the City's CAO permitting process. Participants noted that many developers or applicants going through the process are unaware of certain requirements, such as mitigation, which is expensive and can delay the permitting and timeline of the project. One participant expressed that the mitigation sequencing process should be made clearer to developers as they typically become aware too late in the process and may end up impacting critical areas more than warranted or applicants experience delays in permitting when they are unaware of critical area requirements. One participant expressed frustration with Clark County's Vacant Buildable Lands Model, which shows lands that are developable, but the development community knows these lands have large amounts of critical areas and are, therefore, unsuitable for development.

City's adequacy of protecting FWHCAs

One participant noted that there is an increased frequency of Oregon white oaks under pressure from development. This same participant mentioned additional measures should be adopted when considering new FWHCA regulations to protect and improve aquatic habitat for anadromous fish. A couple of participants stated there are opportunities on City-owned properties to restore degraded critical areas and that City-owned properties are the best areas to preserve high-functioning habitat, such as the Burnt Bridge Creek wetlands and riparian areas.

Equity issues and equitable access to recreational opportunities

One participant noted that critical areas are a public benefit, and, in the larger picture, these protections improve equity by holding those accountable that are impacting these areas. However, outdoor recreation access is always harder for those living in urban settings, so

creating more of these opportunities in urban areas will increase access. Participants added that off-site mitigation may not be the best form of mitigation because the impacts are not being mitigated on site, therefore impacting those groups who historically have less access to outdoor recreation areas.

Wetlands

Important outcomes from the CAO update

One participant said clarity in code language is important, but simpler regulations should not be the sole objective as these regulations are necessary to adequately protect wetlands and wetland buffers or sufficiently mitigate any impacts to these. Most of the participants also noted that they want further emphasis on the protection and conservation of wetlands. One participant noted that the CAO update should be used as an educational opportunity to the public to communicate the intrinsic and socioeconomic values of protecting wetlands.

Experience with the City's CAO permitting process

This topic had varied feedback from participants. One participant questioned if the current permitting process is reactive to evolving new science and if there is built-in flexibility into the code. Another participant said they would like to review the existing code language to provide more pointed feedback on this matter.

City's adequacy of protecting wetlands

Several participants noted that the City needs to balance the public interest to accommodate housing and basic needs for humans but also adequately protect wetlands and other critical areas. A couple of participants noted that public access and development is a double-edged sword because access or development in proximity to wetlands and other critical areas may result in impacts that are unaccounted for, becoming a maintenance and wetland quality issue. One participant noted that development and related infrastructure, such as stormwater facilities, can negatively impact wetlands, so they need to be designed thoughtfully with wetland impacts in mind.

Reducing burden on property owners and developers

A participant noted that one way of reducing wetland mitigation costs is with local, on-site mitigations. One participant noted that there are resource organizations beyond the City, such as Clark Conservation District, which can help developers or property owners through the complex permitting process and the City should provide these resources early in the permitting process.

Equity issues

One participant noted that disadvantaged neighborhoods are often historically near poor quality wetlands that do not have “quality access” and noted the Fruit Valley neighborhood as an example. Another participant discussed that ordinances and code are hard to explain, especially to groups who speak languages other than English, lower economic status, different educational background, etc. These groups struggle to understand these policies and the City should simplify materials and consider making them available in multiple languages. Participants noted that real estate groups and the consultant community should be further engaged in the CAO update.

Critical Aquifer Recharge Areas

Important outcomes from the CAO update

Most participants noted that there can be additional regulations and referenced resources that can be included as part of the CARAs CAO update. One participant noted that they run into very few activities that are of concern when reviewing projects under CARAs and that a more comprehensive list of prohibited or unsuitable uses or activities should be included for reviews. Noticing and educating property owners was a concern of one participant and noted that this should be improved as part of the update, with a specific suggestion to notice all property owners within a wellhead protection area for a proposed development.

City’s adequacy of protecting CARAs and drinking water

A consensus amongst the participants was made that more could be done to better protect CARAs and drinking water sources with positive reception that the City is exploring this. A few participants noted that the City’s current regulations do not consider many sources of pollution, especially beyond heavy industrial or commercial uses. There is new data and research showing there are other chemicals and sources, such as vehicle tires and chemicals, from residential wastes that are not considered. Also, the City should consider runoff from developed sites as potential impacts for CARAs. Two participants discussed the current designation of special protection areas as any property within 1,900 feet of a municipal wellhead and that this severely limits adequate review of potential impacts of activities and uses beyond this radius and that the City should consider revising the code. One participant noted that the hydrogeological assessment requirements are insufficient but is glad to hear the City is working on improving this. The same participant also noted the City should consider climate change and water scarcity in the CAO update as there are communities in the state where aquifer levels are declining and will continue to do so.

Experience with the City's CAO permitting process

Several participants noted that there is confusion or a misunderstanding when there is redevelopment of a site or a change of user and the applicability of the CARAs regulations that causes inadequate assessments and enforcement of these uses. One participant expanded on this saying that many uses that are excluded from CARAs review should be assessed for impacts as there is more sources and research showing that there are many unaccounted contaminants/pollutants to drinking water resources. A participant followed up saying they agree with this as not many activities are regulated under CARAs review that should be. One participant noted that many developers are not the end users of development, and the end users are unaware of the permitting process and the regulatory requirements with the active use. This makes it hard to go back to these uses and enforce regulations when the end user is unaware.

Equity issues

Two participants noted that historically, at national and local levels, areas populated with disadvantaged groups have had issues with access or reliable clean drinking water. One participant noted that there is a lot of risk generally in the City due to well-draining soils; therefore, there is a lot of vulnerability, especially to disadvantaged groups.

Geologically Hazardous Areas

Important outcomes from the CAO update

One participant noted that it should prioritize protecting people from geologic hazards and consider earthquake resiliency. Another participant said the mapping should include escarpment areas as it is a high-hazard area. The same participant noted that there are neighborhoods along the Columbia River that will subside when “the big one” occurs and new development should be designed to minimize impacts from this large seismic event.

Most important geological hazard area

Two participants responded saying that all three geologically hazardous areas (erosion, landslide, and seismic) are important to consider. One participant noted that there should be extra protection for areas developed on fill and that trees and vegetation in these areas are important to reduce risk and ground movement. One participant noted that two of the three geologically hazardous areas are recognized and regulated in land use code (erosion and landslide) whereas seismic hazards are generally regulated through building code. This participant noted that it is difficult to implement seismic hazards for land use but would like to see this explored more as is done in California. This participant also noted that landslide hazards are a high concern in Washington and the Washington Geologic Survey has updated information for landslide hazards and other geologically hazardous areas.

Experience with the City's CAO permitting process

One participant stated that they help review critical area permits and is shocked that there are site-specific geotechnical assessments that conclude it's feasible to develop on some geologically hazardous areas. Participants noted that it would be helpful for the City to have a geotechnical engineer in-house or access to a consultant to better review geotechnical reports provided by applicants.

Equity issues

One participant noted that underrepresented groups are generally more hesitant to participate or are actively excluded in planning processes because of eroded trust in government authorities. A participant was curious to know if there are any populations that are disproportionately living in geologically hazardous areas. One participant noted that people with greater incomes generally build on properties with geological hazards because of premium views and can pay for expensive permitting and geotechnical reports. This was followed up with a discussion if there are marginalized groups living downslope of these homes in landslide areas and that this should be considered.

Next Steps

In support of the project's public engagement, the Project team will take all input received under consideration in the development of draft code language for the CAO update. The updated and draft CAO will be provided to the City's Planning Commission and City Council in a series of workshops and public hearings for review and adoption in spring 2024.