

Critical Areas Ordinance (CAO) Update

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Agenda

- Background / Purpose
- Overview of Key Issues
- Input from Focus Group Conversations
- Timeline and Next Steps
- Discussion

Background



- **GMA requires all Cities and Counties to designate and protect *Critical Areas***
- **“Include” Best Available Science (BAS) (RCW 36.70A.172)**
- **“No Net Loss of ecological functions”**
 - When impacts cannot be avoided, new activities must replace lost function and values through compensatory mitigation
- **Critical areas include:**
 - Wetlands
 - Fish and Wildlife Habitat Conservation Areas (FWHCAs)
 - Critical Aquifer Recharge Areas (CARAs)
 - Frequently Flooded Areas
 - Geologically Hazardous Areas

CAO Goals



- **Protect members of the public and public resources and facilities;**
- **Maintain healthy, functioning ecosystems**
- **Direct activities not dependent on the use of critical area resources to less ecologically sensitive**
- **Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat**
- **Promote the enhancement of ecological processes through conservation and restoration measures**

Purpose and Intent of Update



- **Remain in Legal Compliance**
 - Critical areas regulations must remain up to date on Best Available Science, or provide justification for deviating from it
 - CAO last updated in 2019, new guidance has been issued
- **Evaluate improvements in permitting process, more equitable regulations**
 - Are the regulations clear, accessible and easy to understand?
 - Are small property owners able to comply with regulations?



Timeline / Scope

- Critical Areas Ordinance required to be updated by June 2025.
- Scope of changes proposed under CAO Update are mostly technical in nature – required to maintain compliance with BAS
- Opportunity to provide big picture environmental land use policy as part of the Comprehensive Plan Update
- Critical Aquifer Recharge Areas (CARA's) being updated as part of a separate effort.

Wetlands

Core Functions:

Wetlands store floodwater, recharge groundwater, remove pollutants and excess nutrients, and provide habitat for a large number of plants and animals



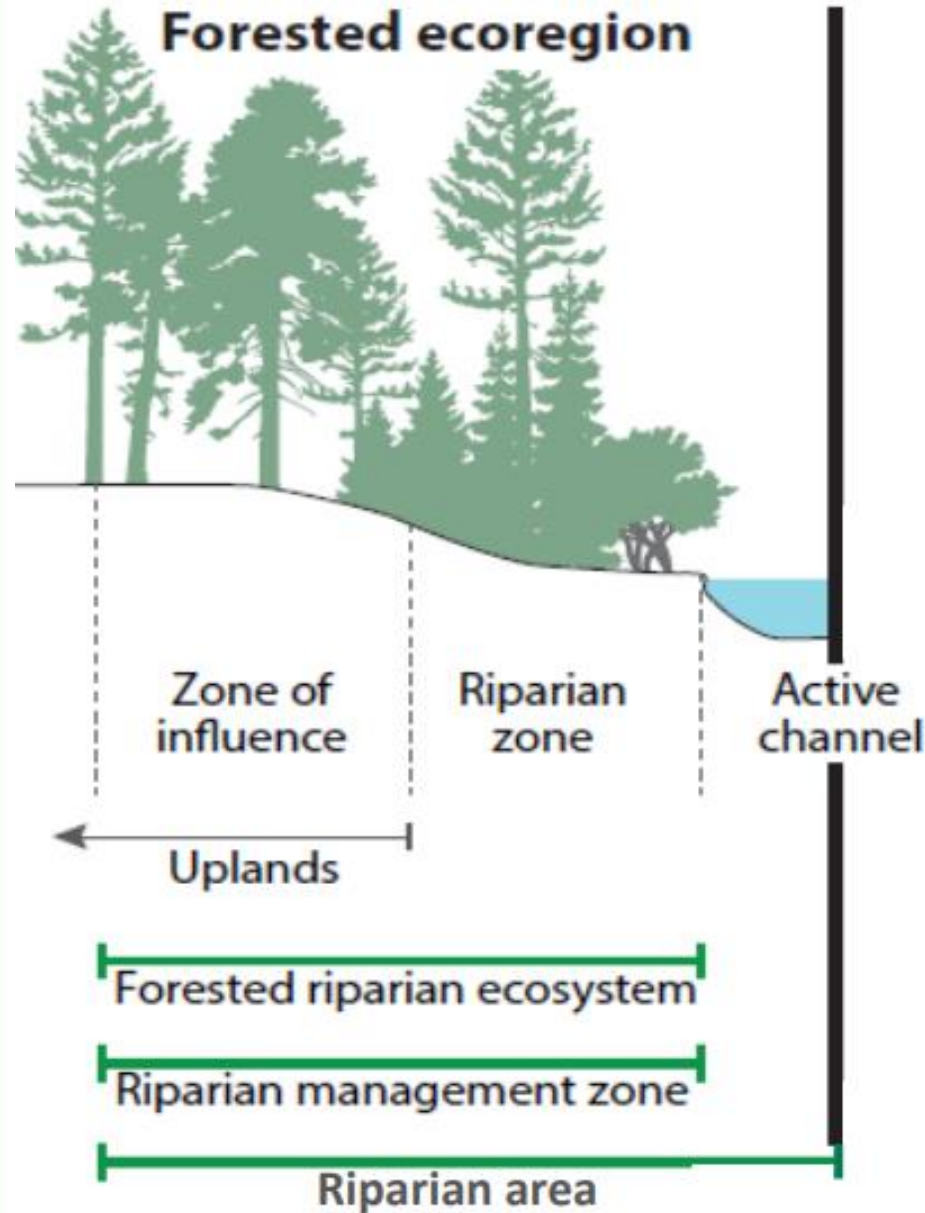
Update wetland buffers based on new Department of Ecology guidance. Four potential options:

- Option 1: use combination of wetland quality category and habitat score (most flexible option).
- Option 2: use combination of wetland quality category and adjacent land use (moderate flexibility).
- Option 3: use wetland quality category only (least flexible)
- Option 4: use a combination of the above options

Fish and Wildlife Habitat Conservation (FWHCA)

Core Functions:

includes riparian management zones, wetlands, and wetland buffers, provides buffered areas that are key to functioning wildlife habitats

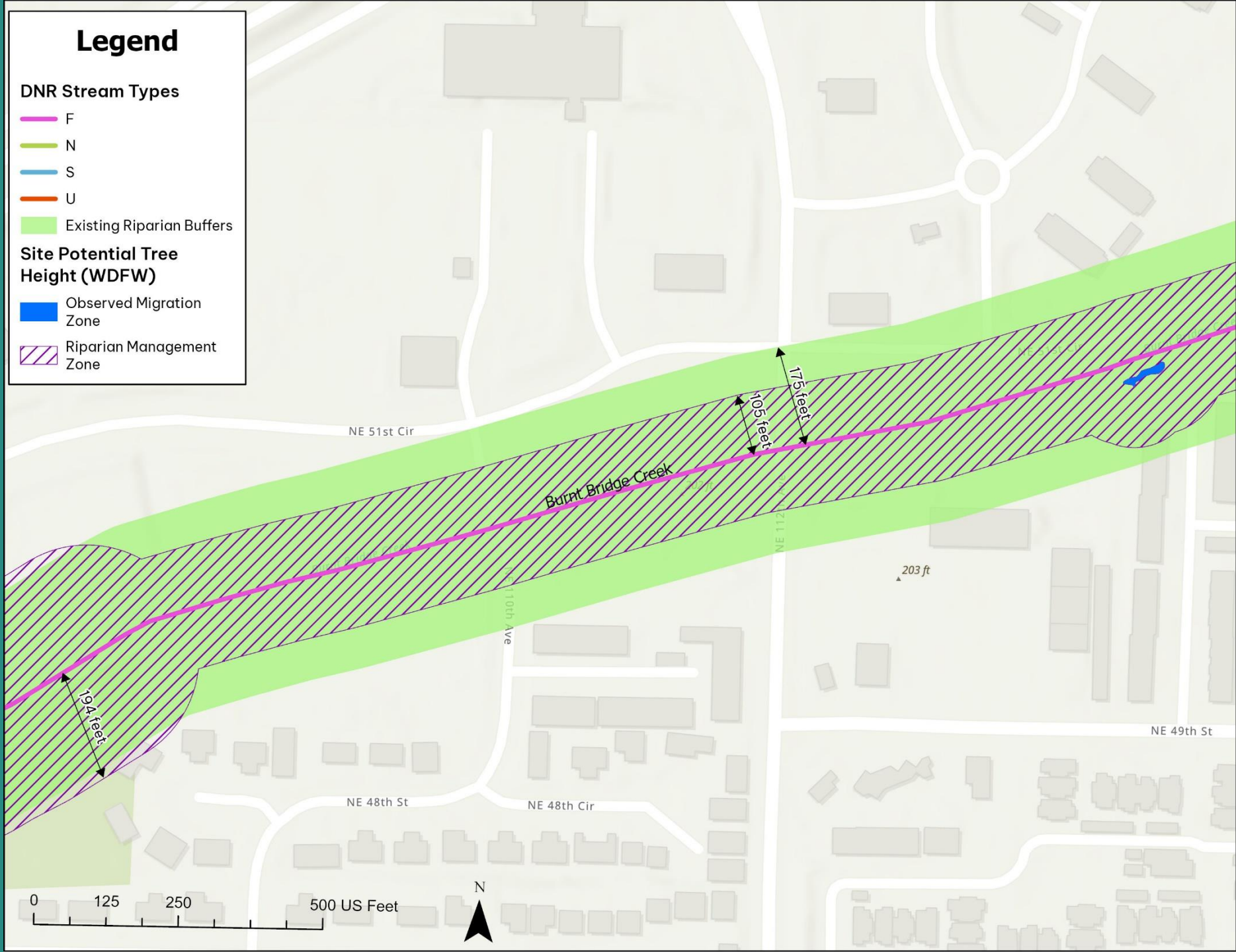


New riparian area (buffers) mapping based on 2020 Department of Fish and Wildlife (WDFW) science

- Three potential riparian area options:
 - Use WDFW science without modification
 - Average WDFW riparian areas along streams for more consistent buffer widths
 - Hybrid riparian areas based on WDFW science and local conditions

FHWCA - Riparian Management Area

Example of
application of new
Riparian
Management Area
Buffers



Geological Hazard Areas

Core Functions: Areas that are susceptible to erosion, sliding, earthquake, or other geological events. Not suitable for development, increased erosion impacts water quality



- Update definitions for Geologic, Landslide, Seismic, and Erosion Areas per Washington Administrative Code – prohibit development on slopes of 15 % (under certain conditions), rather than 25% used now
- Restrict development of critical facilities in hazard zones.
- Offer best management practices for erosion hazard to streamline review



Groups Engaged

- Columbia River Economic Development Council
- Port of Vancouver
- Washington State Departments of Fish & Wildlife, Ecology, Commerce, Natural Resources and Health
- Clark County Public Works
- Watershed Alliance of Southwest Washington
- Fourth Plain Forward
- Columbia River Neighborhood Association
- Loo Wit Group
- Southcliff Neighborhood Association

Focus Group Takeaways

- Clear, concise, and consistent code language, and consistency and flexibility with federal and State requirements.
- Need for improved informational materials (i.e., worksheets, checklists) and early awareness of requirements for small developers and individual property owners.
- Improved predictability and reliability of the permitting process early in the process
- Critical areas on properties are expensive to accommodate for permitting and impact mitigation and have disproportionate impacts to small property owners.
- More direct engagement with underrepresented groups to better consider equity and environmental justice issues related to the CAO update.

Connection to City Core Values

Climate

Ensure no net loss of critical environmental functions, maintain healthy, functioning ecosystems that are adaptive and resilient to changing climate

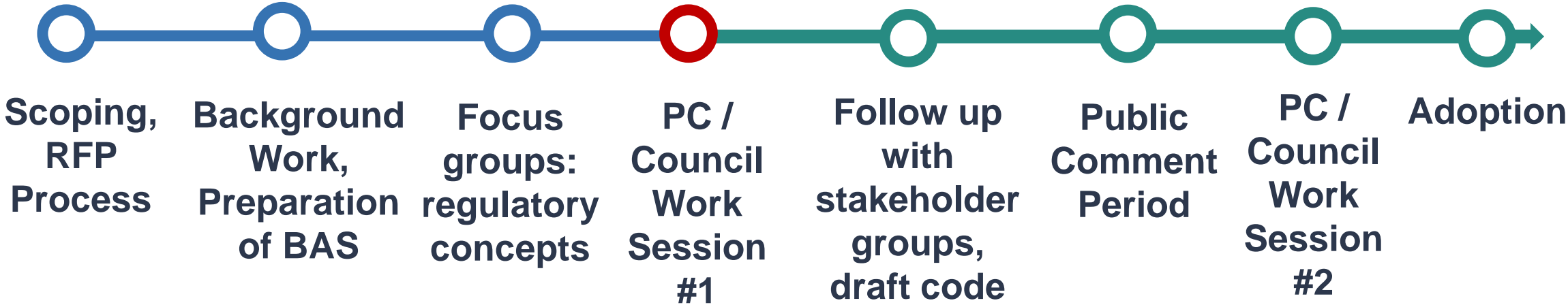
Equity

Centering concerns from equity priority communities, equitable application of regulations

Safety

Protect members of the public from adverse impacts from development activity in the City, by adopting BAS and adequate separation of uses.

Timeline + Next Steps





Discussion

- Do the proposed regulatory concepts adequately advance the stated goals and City Core values?
 - Wetlands
 - Fish and Wildlife Habitat Conservation Areas
 - Geologic Hazard Areas
 - Frequently Flooded Areas
- What other recommendations / questions do you have for protection of Critical Areas within our community?

Thank You

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