



# City of White Salmon Critical Areas Ordinance Update

City Council Introduction  
November 1, 2023





# Goals for this meeting:

Provide background of the Critical Areas Update including project history

Provide an update on upcoming steps and anticipated amendments



# Why update the Critical Areas Ordinance now?

- As required by the Growth Management Act (RCW 36.70A.172) for all counties and cities to evaluate Best Available Science.
- Regular updates are required so City can remain in good standing for state funding.
- Last updated in 2012 and can now follow more closely in-step with recent Shoreline Master Program Update.
- Continues partially started work by a previous consultant in 2018.



Image Source: [https://letstalk.mercergov.org/CAO/news\\_feed/best-available-science](https://letstalk.mercergov.org/CAO/news_feed/best-available-science)



# Critical Areas Defined

## Found within WSMC 18.10

1. Fish & Wildlife Habitat Conservation Areas
  - Streams
  - Heritage Trees
2. Geologically Hazardous Areas
3. Flood Hazard Areas
4. Wetlands
5. Critical Aquifer Recharge Areas



# General Provisions

1. Expand incidental exemptions
  - A. Maintenance of single family homes, vegetation trimming, enhancement
2. Updated allowed uses section (allowed developments within a critical area buffer – so long as requirements are met).
3. Combine variance and reasonable use exception processes
  - A. Final decision by hearing examiner, not Planning Commission (recommendation by City Attorney)



# General Provisions

## 1. Single Family Homes buffer allowance section – 500 SF intrusion.

- i. Structural modifications to or replacement of an existing, **legally constructed**, single-family residential structure or construction of a new residential structure where construction and associated disturbance does not increase the footprint of any existing structure, **the structure is not located closer to the critical area, and the existing impervious surface within the critical area or buffer is not expanded.**
- ii. Existing single-family residences may be expanded or reconstructed in buffers, other than landslide hazard areas except as otherwise allowed provided the following are met and documented in a critical areas report and mitigation plan:
  - i. The applicant must demonstrate why buffer averaging or reduction pursuant to WSMC 18.10.211 will not provide necessary relief;
  - ii. Expansion within a buffer is limited to a one time 500 square foot expansion beyond the existing footprint that existed on the date of passage of the ordinance codified in this chapter;
  - iii. The expansion is not located closer to the critical area than the closest point of the existing residence;



# General Provisions

1. Include a listing of available critical areas maps online.
2. Include more specific enforcement proceedings.
3. Extend reconstruction of a non-conforming structure (if damaged) to two years.
4. Updating mitigation sequencing language to be consistent with best available science.



Image Source: google maps

# Fish & Wildlife Habitat Areas

1. List Priority Habitats in lieu of specific species
2. Establish a new exemptions section for limited development flexibility
3. Move heritage tree regulations outside critical areas ordinance as these are not a state-defined critical areas
4. Utilize Site Potential Tree Height highest average (WDFW Best Available Science)





# Fish & Wildlife Habitat Areas

1. Establish a new exemptions section for limited development flexibility

1. Single-family home construction is limited to areas mapped by the WDFW as mule and black-tailed deer habitat only. If other habitats are mapped, the exemption does not apply. The construction of any fence associated with the single-family residence shall comply with the following:

a. New wire fences in mule and black-tailed deer habitat shall be allowed only when necessary to control livestock or pets or to exclude wildlife from specified areas, such as gardens or orchards. Wood fences are allowed per City standards. Wire-fenced areas shall be the minimum necessary to meet the needs of the applicant and shall comply with the following, unless the applicant demonstrates the need for an alternative design.:

i. The top wire shall not be more than 42 inches high to make it easier for deer to jump over the fence.

ii. The distance between the top two wires shall be at least 10 inches to make it easier for deer to free themselves if they become entangled.

iii. The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. The fence should consist of smooth wire because barbs often injure animals as they crawl under fences.

iv. Stays or braces placed between strands of wire shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows a deer a better chance to wriggle free if the deer catches its hind legs between the top two wires.

b. Woven wire fences may be authorized only when an applicant clearly demonstrates that such a fence is required to meet specific needs, such as controlling livestock.

# Geologically Hazardous Areas

1. Add WDNR map reference
2. Include other geologic events not otherwise defined
3. Allow a no practical alternative provision, so long as evaluated by stamp of a professional engineer or geologist
4. Establishes performance standards for erosion hazard areas
  - A. Drainage

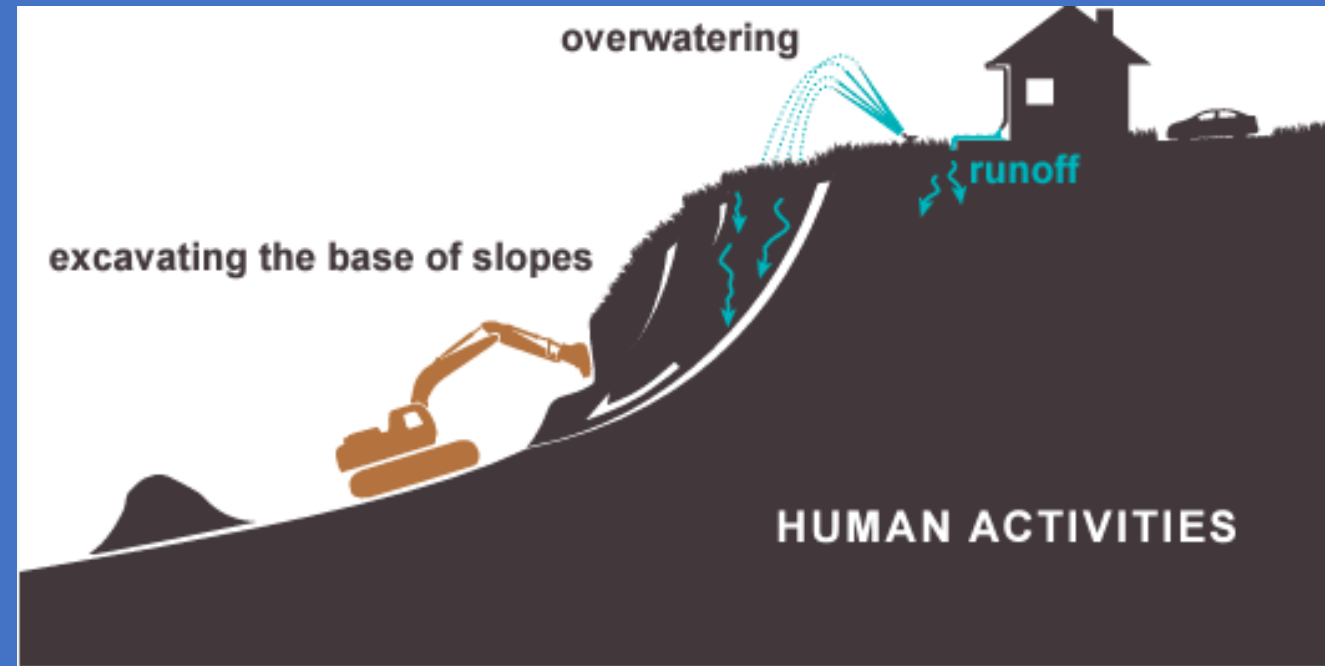


Image Source: wdnr.wa.gov



# Geologically Hazardous Areas

1. Allow a no practical alternative provision, so long as evaluated by stamp of a professional engineer or geologist (critical facilities)

## **18.10.412 -- Prohibited and restricted development and activities.**

- A. Critical facilities prohibited. Critical facilities shall not be sited within geologically hazardous areas unless there is no practical alternative. All reports shall be prepared under the stamp of a professional engineer or geologist licensed in the state of Washington. All engineered site plans, drainage plans, and design related materials shall be prepared under the stamp of a professional engineer licensed in the state of Washington.

# Geologically Hazardous Areas

1. Establishes performance standards for erosion hazard areas

- A. Drainage

C. Drainage plan. A qualified professional shall develop a drainage plan that includes:

1. Surface drainage, including downspouts, shall avoid draining to landslide and erosion hazard areas. Drainage originating above a landslide or erosion hazard area shall be

collected and directed by tightline drain, and provided with an energy dissipative device for discharge to a swale or other acceptable natural drainage areas.



# Frequently Flooded Areas

1. Add Floodplain Habitat Assessment – Endangered Species Act compliance

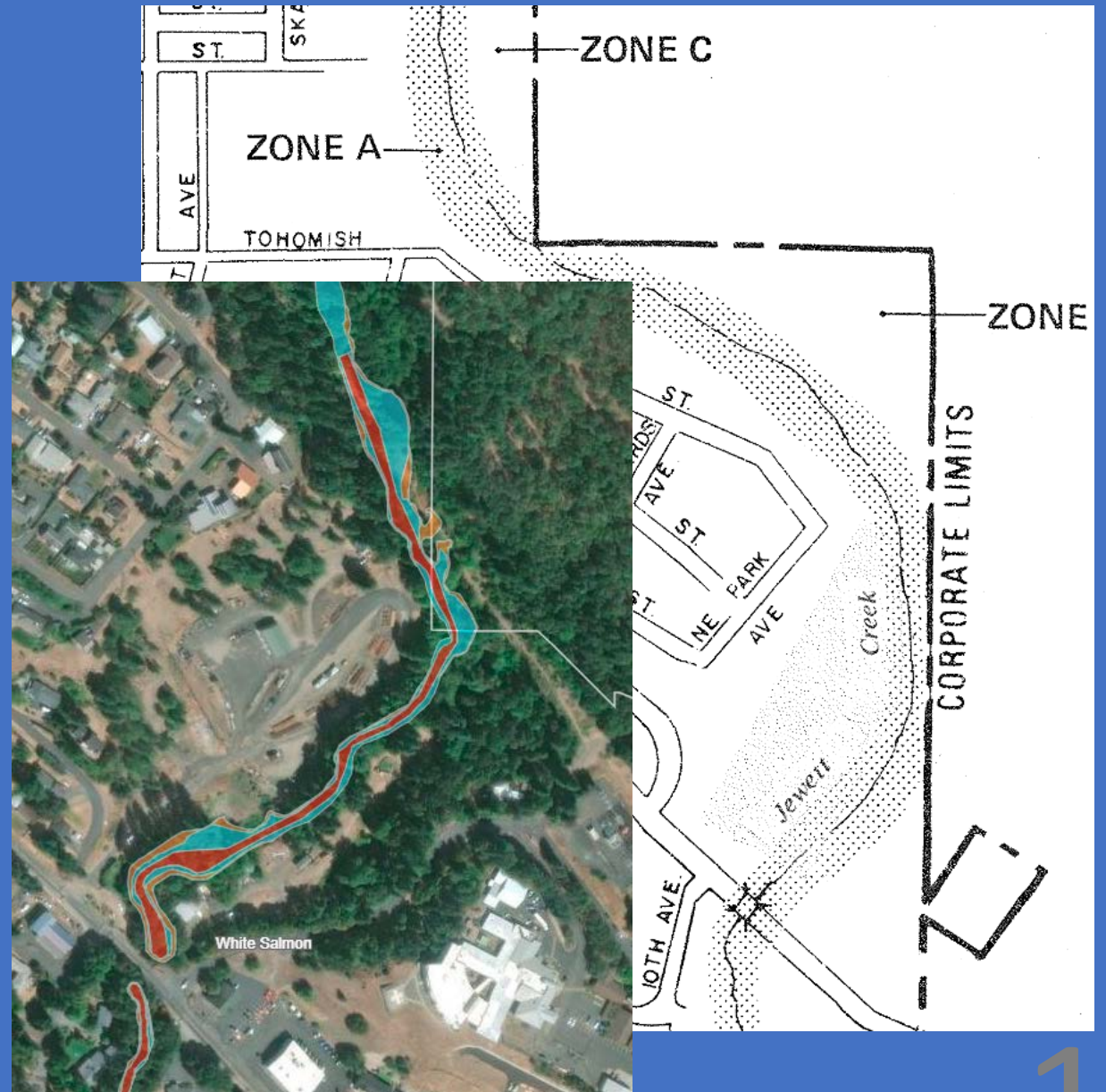


Image Source: FEMA.gov,  
<https://map1.msc.fema.gov/firm?id=5303050005A>

# Wetlands

1. Add isolated buffer provision (buffers separated by public road or rail)
2. Update wetland buffer table shifted away from a land use intensity table
  - A. Add minimization measures
3. Add intrusions in buffer allowances



Image Source:  
<https://www.mariaruthbooks.net/mariaruthbooks/2019/6/14/washington-lakes-lost-and-found>



# Timeline of Key Events

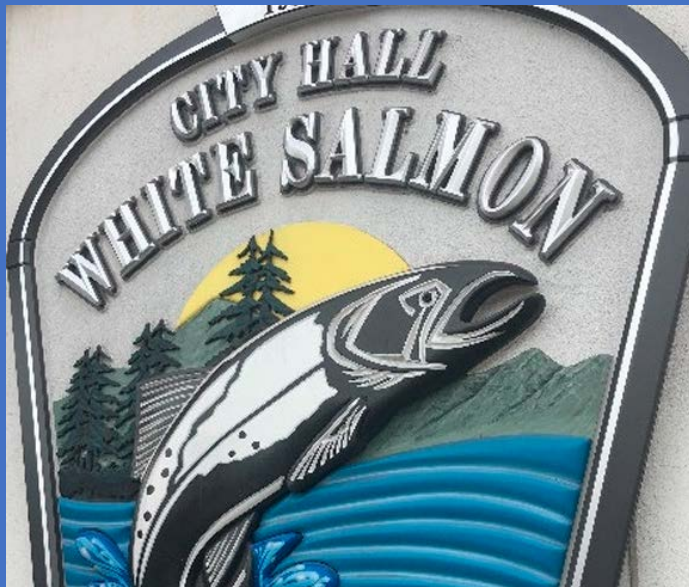
- City Planning Commission Meeting – August 23, 2023
- City public comment period – Late August – Late September, 2023
- City public hearing – September 13, 2023
- Respond to Public Comments – October 2023
- Planning Commission Recommendation – October 25 2023
- **City Council CAO Introduction – November 1<sup>st</sup>, 2023**
- City Council CAO Public Hearing – November 15th 2023
- City Council adoption of the CAO – Tentatively December 20<sup>th</sup>, 2023

# Additional information

City Webpage: <https://tinyurl.com/4upmmxds>

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Questions?