

Klickitat County

Critical Areas Ordinance Update

Executive Summary

Overview

The Growth Management Act (GMA) requires all cities and counties in Washington to adopt regulations protecting “critical areas” in order to preserve the natural environment, wildlife habitats, and sources of fresh drinking water. Critical areas regulation also encourage public safety by limiting development in areas prone to natural hazards like floods and landslides.

Counties and cities are required to develop policies and development regulations to protect the functions and values of critical areas using the best available science (RCW 36.70A.172). All jurisdictions are required to review, evaluate, and, if necessary, revise their critical areas ordinances according to an update schedule. Klickitat County’s current Critical Areas Ordinance (CAO) was last updated in 2013 (Ordinance #0080613) and is required to undergo a periodic review.

What are “critical areas”?

RCW 36.70A.030(5) defines five types of critical areas:

- Wetlands
- Fish and wildlife habitat conservation areas (includes streams)
- Geologically hazardous areas
- Areas with a critical recharging effect on aquifers used for potable water, otherwise known as Critical Aquifer Recharge Areas (CARAs)
- Frequently flooded areas.

Why do we protect critical areas?

The purpose of this CAO is to establish regulations pertaining to development which protect designated critical areas and various land uses. The regulations are intended to:

- Prevent critical area degradation;
- Conserve, protect, and; where feasible, restore critical areas and their functions and values;
- Protect unique, fragile and/or valuable elements of the environment;
- Protect the public health, safety, and general welfare from critical area hazards;
- Further the goals and objectives of Klickitat County;
- Comply with State laws;

- Allow for reasonable use of all properties in Klickitat County

Best Available Science

GMA requires local governments to use the best available science (BAS) when reviewing and revising their critical areas policies and regulations (RCW 36.70A.172). Jurisdictions must demonstrate that the best available science has been considered when creating their critical areas ordinance by documenting scientific sources that support their approach to regulating critical areas and explaining when policies depart from science-based recommendations. The County has reviewed applicable BAS and incorporated necessary revisions to the CAO to meet State requirements.

Summary of proposed key changes to the CAO

The focus of this CAO update is two-fold. First, to ensure consistency with State laws and best available science. Second, to enhance the overall usability of the CAO by providing clarity and improved layout so the document is easier to comprehend by applicants and County staff. The following is a listing of key proposed changes to the CAO, ordered by section.

I. General Provisions

- Redefined the purpose statement to be consistent with GMA requirements
- Added clarity by listing the types of development and alterations that are regulated by the CAO, unless exempted
- Updated the Exemptions section for additional clarity
- Exceptions. Added a public agency and utility exception and combined with the reasonable use exception
- Added clarity regarding nonconforming lots, structures, and uses
- For additional clarity and understanding of County process and review requirements, the following details were added:
 - i. A clear critical areas review process;
 - ii. Critical areas report requirements; and
 - iii. A specific section on mitigation requirement, including mitigation sequencing, mitigation planning, and financial assurances.

II. Definitions

- Numerous definitions were added to provide clarity in reviewing the associated regulations

III. Wetlands

- Updated wetland rating system to be consistent with State requirements to use the 2014 rating system for Eastern Washington

- Updated the wetland buffer table to be consistent with best available science, including a variable system based on land use intensity to provide flexibility. This includes recognition of interrupted buffers (i.e. when bisected by roads) and the use of buffer averaging.

IV. Fish and wildlife habitat conservation areas (includes streams)

- Provided clear stream typing definitions and updated buffers to be consistent with current best available science
- Included a specific mechanism for identifying habitats and species of local importance
- Similar to wetlands, included recognition of interrupted buffers. Adjusted buffer reduction allowances to be consistent with best available science.
- For added clarity throughout this section, included specific references to the protection of waterbodies with anadromous fish. This also includes providing specificity on allowed activities within Type F streams and best management practices to minimize the impacts during development or other land management activities.

V. Geologically hazardous areas

- Channel migration zones are included in the list of Erosion Hazard Areas
- The description of potential landslide hazard areas was updated to be consistent with current best available science and understanding of risk factors

VI. Areas with a critical recharging effect on aquifers used for potable water, otherwise known as Critical Aquifer Recharge Areas (CARAs)

- No significant changes proposed

VII. Frequently flooded areas

- Added cross reference to the County’s current Flood Damage Prevention Ordinance

Guide to Acronyms, Initialisms, and other Abbreviations

Term	Expansion
BAS	best available science
BMP	best management practice
CMZ	channel migration zone
Director	Klickitat County Planning Department Director
Ecology	Washington State Department of Ecology
GMA	Growth Management Act
HPA	Hydraulic Project Approval
LWD	large woody debris

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NRCS	National Resource Conservation Service
OHWM	ordinary high water mark
RCW	Revised Code of Washington
KCC	Klickitat County Code
SEPA	State Environmental Policy Act
State	State of Washington
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife