



# Key Things to Know About the CAO

## A Critical Areas Ordinance Fact Sheet

Updated June 21, 2012

### Introduction

*Thurston County is in the process of updating its existing Critical Areas Ordinance, which took effect in 1994. The ordinance governs how development and redevelopment can occur on or near environmentally sensitive lands and lands that affect our community's public health and safety (such as steep slopes and floodplains). This document highlights some of the major amendments under consideration.*

*Please be aware that the Board of County Commissioners is currently reviewing the draft Critical Areas Ordinance. The Board will consider all public testimony receive at its public hearing.*

*To see draft chapters and fact sheets, visit [www.ThurstonPlanning.org](http://www.ThurstonPlanning.org) and click on the "Critical Areas Update" photo box.*



### Highlights

The following bullets highlight proposed changes to the Thurston County Critical Areas Ordinance.

#### Buffers May Be Updated

Potential amendments to the Critical Areas Ordinance may update buffers for wetlands, ponds, streams, landslide hazard areas and marine bluffs.

> Note: Be sure to see our companion fact sheet, "Buffers," which includes illustrations of buffer widths. Fact sheets are available on [www.ThurstonPlanning.org](http://www.ThurstonPlanning.org). Click the "Critical Areas Update" photobox.

- **Wetland buffers:** Under proposed amendments, the range of wetland buffers would remain the same as the existing ordinance that is now in effect (50 feet to 300 feet); however, the method of determining buffer widths would change. Some buffers may be narrower than they are now, and some may be larger, depending on the wetlands' functions. The potential amendments would increase pond buffers from about 50 feet to 100 feet to protect water quality.
- **Stream buffers:** Stream riparian habitat areas (buffers) would be set at 100 to 250 feet, depending on how they are classified by the state Department of Natural Resources. Stream riparian areas are now between 25 and 100 feet. A 50-foot riparian habitat management zone would be located alongside the buffer. In areas prone to channel migration, which can threaten structures, this management zone may be 100 feet. Development could occur in this area, however, standards would be set for uses or activities that would generate excessive nutrients, sediments or pollutants that could reach the stream or buffer.

For salt water shorelines, the riparian habitat area would be 50-250 feet and the riparian habitat management zone would also be 50 feet. Marine shoreline buffers are currently 50-100 feet.



## Important Things to Know...cont.

- **Wildlife Habitat Areas:** Under the existing critical areas ordinance, a property owner who wishes to develop land that contains an important habitat may be required to provide a habitat management plan during the land-use review/permitting process. The proposed amendments would continue this provision. Set-asides are established on a case-by-case basis according to the plan and in consultation with other agencies.
- **Marine Bluff Hazard Areas:** The buffer at the top of a marine bluff hazard area would remain the same, 50-foot minimum using a 2:1 slope calculation. The bottom buffer would increase from 25 to 50 feet.
- **Landslide Hazard Areas:** The existing Critical Areas Ordinance sets a fixed, 50-foot buffer at the top of a landslide hazard area. Potential amendments would set the width based on a 2:1 slope calculation (already used for marine bluff hazard areas), with a 50-foot minimum. The bottom buffer would increase from 25 feet to 50 feet.
- Under the potential amendments, new homes or structures would have to be located outside of a critical area or its buffer – this is the case even under the existing Critical Areas Ordinance.
- Existing houses or structures that are already located in a critical area or buffer could stay where they are.
- If just a portion of a house or structure were in the critical area or buffer, the potential amendments would allow the footprint to expand in the area outside the critical area or buffer. More flexibility would be provided for riparian areas (stream buffers) – see next column.
- In most cases, the proposed amendments would prohibit grading activities and removal of native vegetation in buffers – this is true in the existing ordinance as well. Property owners could, however, continue to maintain existing lawns, landscaping, gardens, athletic fields, playgrounds and parks, provided the work did not involve further expansion beyond the existing developed area.

## Flexibility Proposed

- If a buffer width established under the new Critical Areas Ordinance were to leave a landowner with less than 5,000 square feet of buildable area, the county could allow the development to extend into the outer portion of the buffer (i.e., the area farthest away from the critical area) to make the total building site add up to 5,000 square feet – roughly the size of a city lot. The county could also authorize use of additional buffer space to accommodate an onsite sewage system if no alternative were available. This encroachment could be permitted in the outer 25% or outer 50% depending on the critical area.
- If a property owner already had a home within a riparian area (streamside buffer), the owner could add up to 500 square feet of impervious surface -- either by expanding the footprint of an existing structure or by building a new structure. If another area of the buffer were already disturbed, the property owner would offset the new impervious area by restoring 500 feet of the disturbed area. (This typically involves replacing invasive plants with native plants.)
- Property owners may apply for a “Reasonable Use Exception” if they believe Critical Areas Ordinance buffers leave them with no reasonable use of their property. This option already exists under the current county code and it would continue in any updates.

## Frequently Flooded Areas

- To protect residents from floods, new buildings would be prohibited in floodways, floodplains and on land that experiences high groundwater flooding – this is true under the existing Critical Areas Ordinance. A proposed amendment would recognize channel migration areas as areas where streams are likely to naturally meander.

## Contact Information

Visit [www.ThurstonPlanning.org](http://www.ThurstonPlanning.org) for more information, or contact Andrew Deffobis, Associate Planner. Phone: (360) 754-3355 ext. 5467. E-mail: [deffoba@co.thurston.wa.us](mailto:deffoba@co.thurston.wa.us). For the latest news, sign up for our web mail service by clicking the “Web Mail” link near the top of the web site.