

Thurston County Planning Commission's Critical Areas Regulations Draft #1



Summary of First-Draft Revisions

March 2006

Why protect critical areas?



Protecting critical areas helps preserve the natural resources that make Thurston County a healthy and beautiful place to live -- the aquifers that supply drinking water, the streams that support fish populations, the wildlife habitat that balances our ecosystem, and the scenery that feeds our spirits. Critical areas regulations help ensure that our water supplies are free of contamination and that our lakes and rivers are safe places to swim and fish. The regulations also protect people from physical and financial harm caused by natural disasters such as floods, earthquakes, and lahars.

Critical area regulations also shield some of the most environmentally sensitive areas of our county from the pressures of growth. Thurston County is one of the fastest growing counties in the state in large part because of the very beauty and health of our environment.

The Critical Areas Regulations Draft #1 is a product of the Planning Commission and has not been reviewed by the Board of County Commissioners. The Planning Commission is in the process of refining the draft in response to public comments. The Commission will ultimately forward its recommendations to the Board of County Commissioners. Before taking any action on the Planning Commission's recommendations, however, the Board of Commissioners will hold one or more public hearings to consider public testimony and conduct work sessions.

This publication summarizes the first draft of revisions to the critical areas ordinance, which is now before the Thurston County Planning Commission and is subject to further revision. A second draft will be released in 2007. We encourage readers to visit www.co.thurston.wa.us/permitting/critical_areas_home.htm for regular updates.

☞ See companion publication, "Questions and Answers," which is also available on the Web site.

The Role of Critical Areas Regulations

The 1990 Growth Management Act requires our state's fastest growing cities and counties to write comprehensive plans and development regulations to manage growth and prevent urban sprawl. Local governments that write plans under the Growth Management Act must protect five types of critical areas: aquifer recharge areas; frequently flooded areas; geologically hazardous areas; wetlands; and fish and wildlife habitat conservation areas. Thurston County's critical areas regulations are a response to that law – they regulate how development and redevelopment can safely occur on lands that contain critical areas.

The Growth Management Act also requires Thurston County to review regulations periodically to make sure they keep pace with changes in state law. Thurston County must pay particular attention to two state mandates that were adopted after the County first wrote its critical areas regulations more than 10 years ago: the need to use "best available science" when developing and evaluating critical areas regulations, and

the need to protect anadromous (migrating between fresh and salt water) fish species and wildlife habitat areas.

For the past two years, staff members from Thurston County's Development Services Department, technical advisory committees, and the Thurston County Planning Commission have been drafting revisions to critical areas regulations for the public and the county Board of Commissioners to review. We need and welcome feedback from residents. See how you can become involved by reading the back page of this newsletter.

Five Critical Areas Must Be Protected

So what exactly are "Critical Areas?"

The term "critical areas" generally refers to environmentally sensitive areas such as wetlands, wildlife habitat, and places where pollutants could contaminate groundwater, as well as places where homes can be in jeopardy, including flood zones and landslide areas. Thurston County features all five types of critical areas that must be protected under the Growth Management Act.

1. Aquifer recharge areas



Virtually all of our drinking water comes from groundwater aquifers – underground layers of coarse cobbles and gravel that contain space where water collects. Aquifers not only supply our drinking

water, they also feed rivers and streams by flowing underground and joining the water bodies.

"Aquifer recharge areas" are places where water infiltrates into the ground and replenishes the aquifers. As the water seeps into the aquifers, contaminants from aboveground activities can go along for the ride. Toxic substances and fertilizers have already contaminated portions of Thurston County aquifers and water in those areas is no longer suitable for consumption.

2. Frequently flooded areas

Thurston County experiences two types of flooding: river flooding, where a river breaches its banks, and groundwater flooding, where the water table rises so high it fills low-lying pockets of land. Stream channels may also shift over time and direct water to properties that have traditionally remained dry. Some of the streams in the county move around quite a bit

and have the force to destroy houses and other structures in their way. Thurston County experienced severe river and groundwater flooding in 1996-97.

3. Geologic hazardous areas

Areas of Thurston County are vulnerable to naturally occurring geologic events such as landslides, lahar flows (mudflows composed of volcanic debris and water), and earthquakes. In 1999, heavy rainfalls caused the slope at Carlyon Beach to give way, destroying several homes. A Mount Rainier lahar could send mudflows down the Nisqually River Valley and sweep away trees and structures in its path. Also, earthquakes can cause severe damage to structures built on unstable soils, such as fill and river deposits.

4. Wetlands

Wetlands act as natural sponges. They absorb floodwater and send it slowly to rivers, streams and aquifers. Wetlands prevent flooding and erosion, and provide a home for many species of native plants and wildlife. The plants and soils in wetlands also filter out pollution, such as nitrogen and phosphorous, which are found in household fertilizers and herbicides. Wetlands include bogs, marshes and swamps.

5. Important wildlife habitat

Thurston County is one of the fastest growing counties in Washington State, and all that growth puts pressure on important wildlife habitat. Some of our most valuable habitat – "riparian habitat" — is found alongside rivers and streams. Riparian habitat refers to the transitional areas between the upland environment and water bodies, such as rivers, streams, wetlands, lakes, ponds and marine shorelines. Riparian habitats moderate the temperature of rivers and streams, help prevent erosion, and provide a home for many organisms, animals and vegetation. Although riparian areas are located alongside rivers and streams, they

also provide habitat *within* the streams: logs that travel into the water form sheltered pools where fish can lay eggs. The logs and pools also supply insects and organic materials for the aquatic food chain. Other types of habitat include marine habitat – such as

shellfish beds and spawning areas – and upland wildlife areas such as prairies and native oak trees.

Highlights of Draft Critical Areas Regulations

This publication focuses on land uses that have drawn the most comment from the public. The full text of the first draft amendments is available on www.co.thurston.wa.us/permitting/critical_areas/critical_areas_home.htm.

10 key things you should know about the first-draft revisions

1. The draft revisions would change buffers for streams, lakes, wetlands and wildlife habitat areas. See the “Proposed Buffers” section on the following page.

2. If you already own a house or structure that is located in a critical area or buffer, the buildings could stay where they are. In fact, you could expand the footprint of the buildings by up to 500 square feet, provided the expansion would not stretch further into the critical area or buffer than the rest of the structure. This is a marked change from the county’s existing ordinances, which requires any remodeling work in critical areas to stay within the confines of the existing footprint, in effect allowing only vertical expansions.



3. If you already perform agricultural activities in proposed critical areas or buffers, you could continue to do so. If, however, the activities negatively affect the critical areas, you would need to mitigate (alleviate) those impacts. The preference is for landowners to simply modify how they perform activities rather than restricting the activities. For example, if sediment runs off the land and into a stream, a vegetative filter strip could be required to stop the contamination.

4. Agricultural landowners would be expected to fence-off livestock from the critical areas and their buffers, and use Best Management Practices.

5. If you plan to build a new home or structure, you would need to make sure the project does not encroach on a critical area or its buffer. However, if the available lot size outside the buffer is less than 5,000 square feet, the county could allow the development to extend into the buffer to make the total building site add up to 5,000 square feet. Any new structure would have to be designed and built to avoid or minimize damage to critical areas and buffers. The county could authorize use of additional buffer space to accommodate an onsite sewage disposal system if no alternative were available.

6. To protect residents from floods, new buildings would be prohibited in floodplains and on land that experiences high groundwater flooding. Buildings could be placed near high groundwater areas, provided the buildings are constructed so that the lowest floor and all the mechanical systems would be 2 feet higher than the flood level. This could be accomplished by building on land that is at least two feet above the flood elevation, or by elevating the building itself.

7. To protect property owners from earthquakes, lahars, landslides and other geologic hazards, the amendment would require property owners to supply a geologic assessment when applying for a permit to build new structures, wells or septic systems, or to undertake new agricultural activities.

Highlights of Draft Regulations...continued

8. The draft revisions seek to protect critical areas from contamination and erosion by prohibiting *new* agricultural activities from encroaching on critical areas and their buffers. New agricultural activities could take place on properties that *contain* critical areas and buffers, provided the property owner submits a farm management plan, fences off livestock from the critical area and its buffer, and mitigates any negative impacts to the critical area and its buffer.

9. The proposed amendment seeks to protect the quality of drinking water by prohibiting any new agricultural activities from taking place in an area where contamination could reach a public water supply within one year (referred to as a “one year time of travel”). Agricultural landowners who already farm in these areas would have to use Best Management Practices to ensure that fertilizer application, use of pesticides, and manure storage would not jeopardize drinking water supplies.



10. Also to protect drinking water supplies, the county could require property owners to use lower manure-application rates if nitrate levels at nearby monitoring wells were elevated beyond a certain threshold.



Proposed Buffers

Stream buffers would be set at 100 to 250 feet. (Under current critical areas ordinance regulations, stream buffers are between 25 and 100 feet.) The width of the buffer would vary, depending on the degree to which the buffer protects water quality and moderates temperatures, and on the fish and wildlife that rely on the buffer. Where maintaining water quality is the only concern, buffers would typically be 100 feet wide. If fish were present in the stream, or wildlife depended on the adjacent riparian area, the buffers would range from 200 to 250 feet wide.

Lake buffers, and buffers around ponds and marine shores would double from about 50 feet to 100 feet to protect water quality.

Wetland buffers would range from 50 feet to 300 feet. (Under current critical areas ordinance regulations, wetland buffers range from 100 to 300 feet.) Some buffers would be narrower than they are now, and some may be larger, depending on the wetlands' functions. Wetlands that provide the most important wildlife habitat would get the widest buffers.

Important wildlife habitat area buffers are currently 600 feet from nesting sites of priority species and species of local concern. The amendments reduce the buffers, however, are not limited to only the nesting sites. Instead, areas of primary association, such as traditional feeding and mating areas for priority species, are new protected areas.

Draft Calls for Flexibility

Several of the proposed amendments are designed to make the county's critical areas regulations more flexible to enable the reasonable use of land. For example:

- Structures that are already located within most critical area buffers could be expanded vertically, and the structure's ground floor could be expanded up to 500 square feet (provided the expansion did not reach closer to the critical area than the rest of the structure).
- In cases where existing lots are located partially or completely within critical area buffers, allowances are made to enable construction of a house, associated structures, septic systems and wells.
- Wetland and stream buffers could be reconfigured to take site conditions into account to enable appropriate development while safeguarding the most important habitat.
- Landowners could construct buildings *near* high groundwater-flood areas, provided the buildings are placed at least two feet above the known flood elevation levels. The two-foot elevation requirement could be accomplished by placing the buildings on natural topography that is two feet higher than the flood elevation, or by building a "platform"-type structure. Under current critical areas regulations, any building constructed within 300 feet of a mapped groundwater-flooding area must be set back 50 feet from, and two feet above, the flood elevation. (Both the current critical areas regulations and the proposed amendments would prohibit the construction of buildings on property that actually floods, either from high groundwater or from river flooding.)
- Options under consideration would allow buffer widths to be reduced in exchange for the restoration of degraded habitat.

We Want to Hear From You!

The Thurston County Planning Commission has already received more than 800 letters and e-mails, and listened to more than nine hours of testimony pertaining to the draft critical areas amendments. Over the next several months, the Planning Commission will review all of the comments and revise the draft as warranted. The Commission will then forward its recommendations to the Board of County Commissioners. Before taking any action on the Planning Commission's recommendations, however, the Board of Commissioners will hold one or more public hearings, and conduct work sessions to consider public testimony.

At this point, we are between drafts. Public comment is closed for the draft dated July 20, 2005. When the revised draft is released in 2007, we hope you review it and share your comments and ideas for improvements. Please check our Web site for updates: www.co.thurston.wa.us/permitting/critical_areas_home.htm.

Thurston County Development Services
2000 Lakeridge Drive SW
Olympia, WA 98502-6045
(360) 786-5490 TDD line: (360) 754-2933
Email: permit@co.thurston.wa.us

Check out your property

The Thurston County Geodata Web site provides detailed information about specific properties like yours. Although the site does not reflect the draft new regulations, it will show where your property is located in relation to streams and wetlands. You may even be able to see an aerial photograph of your land! Here's how:

- √ Click on www.geodata.org and select parcel search.
- √ Enter your street number (street name is not required). Scroll until you find your address, then click on the parcel number to see details.
- √ Read down the page to see information about your property, or click on "zoom map to parcel" at the top of the same page to see a map. Click the square and the circle next to the feature you want to see on the map, and click "refresh."