



STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

PREPARED BY: Steve Langdon, Planning Manager

HEARING DATE: June 7, 2017

APPLICATION NO.: PC 2015-2

RELATED CASES: None

APPLICANT: City of Longview

REQUEST: Proposed Critical Areas Ordinance update to LMC Chapters 17.10 and 17.12.

BACKGROUND AND PROPOSAL

The City's Critical Areas Ordinance (CAO) is located in Title 17 of the Longview Municipal Code. Typically, the Planning Commission does not review the municipal codes contained in that title. However, cities and counties are mandated under the State Growth Management Act (GMA) to have Critical Areas Ordinances. Under the GMA, the Planning Commission is responsible for reviewing regulations adopted as part of GMA compliance. Per the GMA, each city and county is required to undertake a review process of their CAO every eight years. Longview's latest update is due June 30, 2017.

In April 2015, the City contracted with Ecological Land Services (ELS) to assist the City in updating the Critical Areas Ordinance (CAO). ELS then subcontracted with Earth Engineers, Inc. to assist in the geological hazards portion of the CAO. ELS conducted another extensive "Best Available Science" (BAS) review for the CAO update process. It is attached as Exhibit B.

A first draft of the CAO update was produced in June 2016. In March 2017, the Draft CAO Update was distributed for agency review. In April 2017, the City received comments from the Department of Ecology. Since then, ELS and City staff have been responding to comments from the review process.

For this latest update, the changes in the critical area regulations involved revising definitions to be consistent with State definitions, updating the wetlands rating system to be consistent with the State rating system and streamlining the code.

This update no longer covers critical areas within shorelines jurisdiction (Cowlitz and Columbia rivers & Lake Sacajawea). In 2015, the City adopted the “Shorelines Master Program for Longview, Washington” that included critical area regulations for shoreline jurisdiction areas.

One aspect of critical area regulations is identifying Critical Aquifer Recharge Areas (CARAs). Regulated aquifer recharge areas are those areas with a critical recharging effect on aquifers used for potable water. These aquifers are vulnerable to contamination that would affect the potability of the water supply. Since the last update of the critical area regulations, the City’s water supply went from the Cowlitz River to a wellfield where water is drawn from a deep artesian aquifer. The Mint Farm Wellfield is recharged by the Columbia River. Groundwater in the deep gravel aquifer is under pressure from the Columbia River recharge and flows or discharges vertically into the overlying sand aquifer where the two aquifers are in direct contact. Because of this, none of the identified recharge areas are within City limits and thus designating a CARA in Longview is not needed for protection of the wellfield.

The proposed amendments to Longview Municipal Code are attached as Exhibit A.

SEPA DETERMINATION

A completed Environmental Checklist was filed with the City of Longview. The Checklist was circulated for agency review and comment on May 15, 2017. The comment period closed on May 29, 2017 [Application No. E 2017-2].

The City received one comment from the Washington State Department of Fish and Wildlife. They suggested that the Long Bell Log Pond be included in critical area regulation. The SEPA documents are attached as Exhibit C.

COMPREHENSIVE PLAN 2006

The Goals, Objectives and Policies from Chapter 5: Natural Environment Element is attached as Exhibit D. Some of the major Goals and Objectives are given below:

Chapter 5: Natural Environment Element

Protection and Mitigation

Goal NE-B

To ensure the proper management of the natural environment to protect critical areas and conserve land, air, water, and energy resources.

Objective NE-B-1

Review and update (as necessary) the City’s Critical Areas Ordinance to promote the City’s quality of life, and, as required by State and federal mandate, to ensure protection of known

critical areas. This review and update shall occur no less than every 7 years consistent with RCW 36.70A.130(4)(b), or as amended.

STAFF DISCUSSION

Basically, the latest iteration of the critical area regulations provides some updates (e.g. definitions, wetland rating system, flood hazard mapping) and helps streamline the code. Staff does not believe there are any changes that will have a major effect on how land is developed in the City. However, the code will be consistent with State law and will be more easily understood.

STAFF FINDINGS

1. An extensive Best Available Science review was conducted prior to the drafting of the Critical Areas Ordinance update.
2. The proposal is consistent with the Goals, Objectives and Policies contained in Chapter 5 Natural Environment Element of the *City of Longview, Comprehensive Plan, 2006*.
3. The proposal is consistent with the State Growth Management Act.

RECOMMENDATION

City staff recommends that the Planning Commission recommend to the City Council that the draft critical areas regulations be adopted.

EXHIBITS

- A. Draft Critical Areas Ordinance Update
- B. Best Available Science review
- C. SEPA Documentation
- D. 2006 Comprehensive Plan, Chapter 5: Natural Environment Element Goals, Objectives and Policies

Staff Report Date: May 31, 2017