

# Critical Area Ordinance Update

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## [Adopted CAO Ordinance No.1400](#)

### **What is the Critical Areas Ordinance Update?**

Do you enjoy fishing, viewing wildlife, or simply the presence of natural open spaces? If so, you'll be interested to know that the City of Des Moines is updating the City's Environmentally Critical Areas regulations. The Critical Areas Ordinance (CAO), Chapter 18.86 of the Des Moines Municipal Code, establishes the regulatory framework for managing the City's critical areas. The CAO is being updated to meet current state requirements and guidelines.

### **State Requirements**

The Washington State Growth Management Act (GMA) RCW 36.70A requires every county and city in Washington to adopt policies and development regulations that designate and protect critical areas. Critical areas include:

- Wetlands
- Areas with a critical recharging effect on aquifers used for potable water
- Fish and wildlife habitat conservation areas
- Frequently flooded areas
- Geologically hazardous areas

In 1995 the Legislature added a new section to the GMA that raised the standard for designating and protecting critical areas and protecting anadromous fisheries. The Revised Code of Washington (RCW 36.70A.172) clarifies the state's goals and policies for protecting critical areas' functions and values by requiring that local governments include the "best available science" (BAS) when designating and protecting them.

### **Best Available Science**

The BAS or valid science is often represented as research conducted by qualified individuals using documented methodologies that lead to verifiable results and conclusions. The responsibility for including the best available science into GMA policies and development regulations rests with the legislative authority of the county or city. Appropriate sources of scientific information as defined in the Washington Administrative Code (WAC 365-195-905) include:

- Research
- Monitoring
- Inventory
- Survey
- Modeling
- Assessment
- Synthesis
- Expert opinion

### **Where are we in the process?**

Spring/Summer 2005 – A BAS review of Des Moines' critical areas regulations was completed by a qualified scientific expert. The BAS review concluded that Des Moines' critical area regulations reflect the City's effort to protect critical areas and avoid conflict between environmental protection and pragmatic economic and political activities. The BAS review included recommendations for the City to consider for meeting current state requirements and guidelines. A key recommendation was for the City to complete an inventory of its critical areas to provide a scientific basis for updating the CAO.

Spring of 2006 – Planning Agency and City Council meetings were held to discuss proposed updates to the CAO. In May 2006, the City adopted minor updates to the CAO to bring the City into compliance with State law and GMA requirements (Ordinance No. 1378). A work program for more

substantive updates to the CAO was prepared as part of this process.

[CAO Update Schedule](#)

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**Where are we going from here?**

Summer/Fall 2006 – Work will focus on completing a critical areas inventory. Based on the findings of the critical areas inventory, the City will consider modifications to critical area buffers and protection measures. This effort will include a series of meetings with the Planning Agency and City Council. The public is invited to comment through these forums (see schedule). Public notification of these meetings will be provided.

**Additional information:**

December 14, 2006

[Staff Presentation to Council](#)

[Discussion Topics - CAO Updates](#)

[October 2006 City Currents Article](#)

[October 02, 2006 MEETING](#)

Critical Aquifer Recharge Areas (continued) and Fish and Wildlife Habitat Conservation Areas

[October 02, 2006](#)

Presentation to Planning Agency

[SEPTEMBER 11, 2006 MEETING](#)

PLANNING AGENCY DISCUSSION TOPICS

Wetland Mitigation Ratios, Critical Aquifer Recharge Areas and Development Standards for Geologically Hazardous Areas

[AUGUST 7, 2006 MEETING](#)

PLANNING AGENCY DISCUSSION TOPICS

Wetland and Stream Buffers

[Wetland Examples](#)

[JULY 27, 2006 MEETING](#)

CITY COUNCIL DISCUSSION TOPICS

Wetland Classification and Rating System and Stream Typing System

[July 27, 2006](#)

[Staff Presentation to Council](#)

[JULY 17, 2006 MEETING](#)

PLANNING AGENCY DISCUSSION TOPICS

Wetland and Stream Classification, Rating System and Associated Buffers

[Presentation to Planning Agency](#)

[September 11, 2006](#)

[Presentation to Planning Agency](#)

[July 17, 2006](#)

[Presentation to Planning Agency](#)

[June 26, 2006](#)

[Des Moines Open House Presentation](#)

[June 26, 2006](#)

[Washington Depart. of Ecology Presentation](#)

[Washington Dept. of Fish & Wildlife Presentation](#)

Offer your feedback by calling or sending comments to the City of Des Moines Community Development Department.  
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