

Critical Areas Code Update

Scope of Work

(ZTR18-002)

The Washington State Growth Management Act (GMA)¹ requires that the City periodically update its environmentally critical areas (Critical Areas) code to address any changes in Best Available Science (BAS). In addition, to ensure that the City has a consistent set of critical area regulations citywide, the City will update the Mercer Island Shoreline Master Program to incorporate any eventual amendments to the regulations.

Scope of Work

In developing the draft scope of work for Planning Commission and City Council review, the staff has divided the scope of work into tasks: A) “Mandated” by the GMA; B) “Recommended” by the staff to improve implementation; and intended to ensure C) “Community Engagement and Coordination”.

A. Mandated:

1. Identify and designate critical areas based on terms and definitions in state statute (RCW) and regulations (WAC) and local code.
 - a. Provide special consideration to protection / conservation of anadromous fish
2. Adopt amendments resulting from updated Best Available Science (BAS), changes in statute or case law, and the Mercer Island Comprehensive Plan, including:
 - a. Avoidance sequencing (avoid, minimize, mitigate);
 - b. Buffers, setbacks, mitigation / enhancement requirements;
 - c. Clarify and “clean up” of existing standards;
 - d. Review applicable case law and statutory laws including amendments since 2005.
3. Update Shoreline Master Program (SMP) to incorporate any proposed changes to critical area regulations into the SMP.

B. Recommended:

4. Clarify / simplify procedural requirements.
5. Re-evaluate balance of protection of critical areas and allowances for impacts:
 - a. Flexibility for small home additions;
 - b. Flexibility for new development (e.g. new house, buildings, etc);
 - c. Public projects
6. Review regulations around piped streams (watercourses) vs. stormwater conveyance and control facilities.
7. Update mapping of critical areas.
8. Review for consistency with the Sustainability Plan, Luther Burbank Park, Pioneer Park, or other Master Plan documents.

¹ Pursuant to the Revised Code of Washington (RCW) 36.70A.130.

C. [Community Engagement and Coordination:](#)

9. Community outreach (Mercer Island at large, impacted properties, multiple media approach)
10. Engage in panel meetings with the Community (expert and Planning Commission panels)
11. Relationship to urban forestry management plan, hazard mitigation plan(s)
12. GIS / mapping (and updates to GIS / mapping)
13. Coordination with other organizations:
 - a. Citizen groups;
 - b. Tribes; and,
 - c. Regional, State, and Federal Agencies.