CRITICAL AREAS ORDINANCE EVALUATION FORM



PURPOSE AND INSTRUCTIONS

This tool is designed to provide a standard means of assessing jurisdictions' CAOs to (1) help WDFW regional staff prioritize topics of interest in CAO updates (2) inform WDFW regional decisions about staff time allocation and (3) to assess jurisdictions' use of PHS resources. This need can be fulfilled without answering *every* question on this form—if you don't know an answer and cannot find it in a timely manner skip the question. If an answer to that question is needed for the evaluation to accomplish its purpose the issue can be brought up again, perhaps with the assistance of a local government staff or another agency expert. We encourage you to fill out this evaluation in collaboration with others (county staff, other WDFW Habitat Biologists, etc.).

The WDFW Habitat Biologist assigned to the jurisdiction should complete this assessment *before* an update to identify WDFW's priority topics for the update and *after* an update to document the impact of the update and set the groundwork for the next update. Referring to the place in the County Code where the item is located ("Code ref.")—with a hyperlink if you wish—will make updating this form easier in the future.

you wish—will make updating this form easier in the future.	
Copies of this form are in the folder \searrow , see filename in footer.	
When you have filled out this form save it as <cao_county_mmmyy> (date is when the form is filled out, e.g,. CAO_Kitsap_Jun19) in</cao_county_mmmyy>	
Studying the CAO and filling out this form is expected to take 5-6 hours. There is space for feedback at the bottom of to form. If you have questions about this form contact your Regional Habitat Program Manager or the Land Use Conserved Policy Section Manager ().	
Thank you for your efforts to conserve Washington's fish and wildlife.	

Jurisdiction being evaluated:	Click here to enter text.				
Name of evaluator:	Click here to enter text.				
Date of evaluation:	Click here to enter a date.				
Date CAO most recently amended:	Click here to enter a date.				
Paste link to CAO here:	Click here	to enter text.			
Names & affiliation of others from WDFW, local jurisdiction, tribes or other agencies who assisted in completing this evaluation:		Click here to enter text.			

Revised: 2/4/2021

1 GENERAL PROVISIONS

	1.1	Basics								
Ref: RCW 36.70A.170 and 172, and WAC 365-190-020 and 040.									□No	
1.1.	2 Do	es the CAO apply t	o all	development near critic	al areas, i	nclud	ling adjacent	property?	□Yes: Code ref.	□No
	1.2	Fish and Wil	dlif	e Habitat Conserv	ation A	reas	5			
1.2.	1 Do	oes CAO require pro	otect	ion of Fish and Wildlife	Habitat Co	onser	vation Areas	? □Yes:	Code ref.	□No
1.2.	2 Do	oes CAO require "sp	ecial	l consideration" be give	n to anadr	omou	us species?	□Yes:	Code ref.	□No
1.2.	3 Do	oes CAO require use	e of "	best available science" v	when safe	guard	ling FWHCAs	i? □Yes:	Code ref.	□No
1.2.	4 Do	oes CAO list charact	erist	ics of best available scie	ence/scier	ntific	process?	□Yes:	Code ref.	□No
1.2.		oes CAO have a goal		ted to cumulative impa	cts/no net	loss	of FWHCA	□Yes:	Code ref.	□No
1.2.		oes CAO specify mit inimize impacts?	igati	on sequencing (1. avoid	, 2, minim	ize, 3	. mitigate) to	O □Yes:	Code ref.	□No
1.2.	re	strictions, covenan	ts, et	tiple protections (from c.) apply the most restri	ict standa	rd sha	all be applied	l? □ Yes:	Code ref.	□No
1.2.	8 Do	es CAO clarify that	area	s adjacent to critical are	eas are su	bject	to regulation	ı? □Yes:	Code ref.	□No
	1.3	Exemptions								
1.3.	1 Do	es CAO clarify that	its p	rovisions apply whethe	r or not a	perm	it is required	d? □Yes:	Code ref.	□No
1.3.		oes CAO state that b	eing	exempted does not give	e permissi	on to	degrade	□Yes:	Code ref.	□No
1.3.	3 W	hich of the followin	ıg DC	NOT automatically trig	ger a Crit	ical A	reas review?	Code ref.		•
		g permit		Shoreline substantial deve	elopment		Planned unit	development		
		g & grading permit		Shoreline exemption			Binding site p			
		practices permit		Shoreline variance			Zoning varian			
		ional use permit		Short subdivision			Zoning code a			
1.2		ne conditional use		Subdivision			Notes: Click			
1.3.		·		npt ongoing agriculture				□Yes: Cod	e ref.	□No
1.3.	wi	thin critical areas (e.g.,	npt new/future/intensit from grazing to irrigate	d vineyard	ds)?		□Yes: Cod	e ref.	□No
1.3.				npt any clearing and gra	ding with	in cri	tical areas?	□Yes: Cod	e ref.	□No
1.3.7 List activities/uses that are exempted (i.e., not subject to critical area regs or review) other than • Emergencies • Operation, maintenance, repair/remodel that doesn't expand further into critical areas • Passive outdoor activities • Forest practices regulated by the state										
Allo	1.4 wing "re			Exceptions (RUE) ossibility of regulations be		out a	s a "taking"—	a violation of	the U.S. Constitution	s Fifth
Ame	endmen	t (due process) and/o	or Fou	ırteenth Amendment (just	compensa	tion).				,
1.4.	"re	easonable" use of a	prop	but only to the extent to perty is maintained to aver to "no feasible alternat	void a taki		□Yes: Cod	e ref.		□No

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1.	5 Variances									
1.5.1	For a variance to be granted, does the CAO require:									
	ere must be special conditions that do not generally apply to other lantrict?	ids in the	□Yes: Code	ref.	□No					
• The	e special conditions must not be the results of the applicant's action?	□Yes: Code	ref.	□No						
• The	e variance decision considers BAS and gives special consideration to s	almonids?	□Yes: Code	ref.	□No					
• The	e variance may be conditioned to provide adequate protection?		□Yes: Code	e ref.	□No					
1.	1.6 Enforcement									
1.6.1	Can a Stop Work order be issued for CAO violations?		□Yes: Code	ref.	□No					
1.6.2	Can a Restoration Plan be required for CAO violations?		□Yes: Code	ref.	□No					
1.6.3	Are criteria provided to ensure Restoration Plans are adequate (e.g., professional, certainty)	,	□Yes: Code	ref.	□No					
1.6.4	Are CAO violations considered a misdemeanor?		□Yes: Code	ref.	□No					
1.6.5	What daily civil monetary penalty can be assessed to CAO violators? (\$1,000 is typical):	\$Dollar an	nount	□Yes: Code	ref.					
1.	7 Allowed Uses/Activities									
review, b	d uses" are activities that due to other regulations or previous reviews are unlikely to re out do not require a separate critical areas review or report. These activities are not "ex orlying permit may be conditioned to ensure that the activity complies with critical area	empt"—the criti								
1.7.1	 than Habitat restoration projects. Projects already reviewed for critical area impacts. Modification of existing structures. Activities within improved rights-of-way. Minor utility projects, trails, site investigation. 									
1.7.2	 Minor veg removal; removal of hazard trees. Are appropriate Best Management Practices required for Allowed us 	ses/activities	? □Yes: Co	ode ref.	□No					
1.		,								
1.8.1	Does CAO require a pre-application consultation if critical areas may	v be affected?	Yes: Co	ode ref.	□No					
1.8.2	Does CAO require adequate information to accurately assess the pre		□Yes: Co		□No					
	critical areas?									
1.8.3	Does the CAO require stream type maps be verified by a qualified pr		□Yes: Co		□No					
1.8.4	Is a critical area report required to be prepared by a qualified profes		□Yes: Co		□No					
1.8.5	Is a critical area report required to be consistent with best available		□Yes: Co	ode ref.	□No					
1.8.6	Does CAO require that notice to title be provided for development p in/near critical areas?		□Yes: Co	ode ref.	□No					
1.8.7	Does CAO require subdivisions map buffers/Native Growth Protecti give notice to title?		□Yes: Co	ode ref.	□No					
1.8.8	Does CAO require reasonable access for WDFW review staff for site	inspection?	□Yes: Co	ode ref.	□No					
1.	9 Habitat Management Plans/Mitigation Plans									
1.9.1	Do HMPs require assessing cumulative impacts to functions and value	ues?	□Yes: Co	ode ref.	□No					
1.9.2	Do HMPs require assessing various site development alternatives?		□Yes: Co	ode ref.	□No					
1.9.3	Do HMPs require a mitigation plan for unavoidable impacts?		□Yes: Co	ode ref.	□No					
1.9.4	Do HMPs require stating goals, objectives, and performance standar	ds?	□Yes: Co	ode ref.	□No					
1.9.5	Do HMPs require adequate financial guarantees to ensure compliant (Typical bond requirement is 125% of the cost of the restoration project).	ce?	□Yes: Co	ode ref.	□No					

1.10 Section Summary

Main points regarding FWHCAs, Exemptions, RUEs, Allowed Uses.

Click here to enter text.

2 Protection Measures

2.1 Standard Buffers

Notes: Provide standard/default number from regulation; evaluate wetlands for residential use (medium intensity). Write major assumptions in Notes. "Recommended" are from PHS Riparian and Ecology wetland guidelines.

	CAO's	Recommended	% Recommended	Notes			
All Stream types	Check box if CAO uses SPTH ₂₀₀	Forested ecoregion: Site-potential Tree Height (200-yr old tree) Non-forested ecoregion: Water quality (100' minimum)	Enter percent	Stream buffer Code ref.			
Type S (1)	Enter feet	77 . 11 747.1.1	Enter percent %	Stream buffer Code ref.			
Type F (2, 3)	Enter feet	Variable Width	Enter percent %	Optional			
Type Np (4)	Enter feet	(SPTH $_{200}$; min. $100'$ for WQ)	Enter percent %	Optional			
Type Ns (5, 9)	Enter feet	100 101 11 4)	Enter percent %	Optional			
Wetland Type I	Enter feet	250'	Enter percent %	Wetland buffer Code ref.			
Wetland Type II	Enter feet	225'	Enter percent %	Optional			
Wetland Type III	Enter feet	110'	Enter percent %	Optional			
Wetland Type IV	Enter feet	40'	Enter percent %	Optional			
Building setback	Enter feet	15'	Enter percent %	Setback Code ref.			
Channel Migration Zone	Yes/No	Include as Critical Area	Bullets: Treatment of CMZ in CAO & Code ref.				
Floodplain	Yes/No	Include as Critical Area	Bullets: Treatment of Floodplains in CAO & Code Ref.				

2.2 Standard Buffer Assessment									
	Acceptable Marginal Inadequate Notes (<50%)								
Riparian				Click here to enter text.					
Wetland				Click here to enter text.					
	tages are for guidand tured elsewhere.	ce; variations sho	uld be explained in I	Notes. Do not mark down for buffer a	applicability (exclusions, variances)—t	hose			
2.3 Wetlands									
2.3.1 D	oes CAO adopt E	cology's most	recent wetland	rating methodology?	□Yes: Code ref.	□No			
2.3.2 D	oes CAO require	a qualified pr	ofessional condu	act the wetland delineation?	□Yes: Code ref.	□No			
2.3.3 Is	wetland replace	ment mitigati	on required?		□Yes: Code ref.	□No			
	so, are mitigatio ecommended: 6:1			1.5:1 (Cat IV)	□Yes: Code ref.	□No			
2.3.5 Is	wetland mitigat	ion banking a	llowed?		□Yes: Code ref.	□No			
2.4	2.4 Frequently Flooded Areas								
	4.1 Does CAO seek compliance with National Flood Insurance Program (in addition to GMA)?								

		on Department of MILDLIFE			Revised: 2	2/4/2021			
2	2.4.2	Are CAO's riparian buffers on salmon-bearing streams c FEMA model ordinance? (all FEMA floodways, all CMZs + 50			□Yes: Code ref.	□No			
2	2.4.3	B Does CAO require special consideration of salmonids wl flood hazard protection?	onsidering	□Yes: Code ref.	□No				
		2.5 Geologically Hazardous Areas							
2	2.5.1	Are geohazard buffers consistent with recommendation Recommended: Buffer = Slope height + 10' (min. 50').	ıs?		□Yes: Code ref.	□No			
2	2.5.2	2 Does CAO prohibit general vegetation removal from geo	haza	rd areas?	□Yes: Code ref.	□No			
	2.6 Fish and Wildlife Habitat Conservation Areas								
2	2.6.1	Which of the following are considered a Critical Area? A	reas	associated with	. Cod	e ref.			
		State Threatened, Endangered, Sensitive species		State Priority Habitats and Species					
		Federal Threatened, Endangered, Sensitive species		Habitats and Species of Local Importance					
		Commercial and Recreational Shellfish areas		Kelp and Eelgrass Beds					
		Herring and Smelt Spawning Areas		Naturally Occurrin	Naturally Occurring Ponds Under Twenty Acres				
		Waters of the State		Lakes, Ponds, Stre a Governmental o	ams, and Rivers Planted with Game r Tribal Entity	Fish by			
		State Natural Area Preserves, Natural Resource Conservation Areas		Areas of Rare Plan	t Species and High Quality Ecosyste	ems			
		Land Useful or Essential for Preserving Connections Between Habitat	Block	s and Open Spaces					
	□ Other: Click here to enter text.								
	2.7 Section Summary								
- 1		n points regarding tection Standards. • Click here to enter text.							

3 USE OF PHS

3.	1 PHS List									
3.1.1	PHS Categories covered:	□CAO adopts all PHS	□CA0 covered		□CAO to E/T	limited /S spp.		fish (Guideline: ch buffer is <i>Inadequ</i> a		
3.1.2	Per WDFW's PHS Each line (e.g., Cavity								? Enter number	
3.1.3	3.1.3 How many PHS habitats/species are considered Critical Areas, triggering CAO protections? If jurisdiction adopts PHS list this is same as above. Fill out PHS Species Covered by Counties CAOs.xlsx. Enter number									
3.1.4	.1.4 What percentage of PHS habitats and species are considered <i>Critical Areas</i> ? Enter percent%									
3.1.5	Is there a proces spp. of local sign		□ □ ′es No	Code	e ref.	3.1.6		any spp. of loo have been ID'		
3.	3.2 PHS Maps/Geodata									
3.2.1	Does the CAO ref	ference currer	nt PHS M	aps?	□Yes	□No	Code ref.	Notes: Opt	tional	
3.2.2	Does the CAO ad	opt current Pl	HS Maps	,	□Yes	□No	Code ref.	Notes: Opt	tional	
3.	.3 PHS Mana	agement R	ecomn	1enda	tions					
3.3.1	Does the CAO <i>ref</i> Management Red			□Yes	□No	Cod	le ref.	Notes: Optio	nal	
3.3.2	Does the CAO ad Management Red	□Yes	□No	Cod	le ref.	Notes: Optio	nal			
3.	3.4 PHS/HMP Technical Advice									
3.4.1	What is WDFW's Habitat Managen		□Prepare	□R	eview/app	orove	□Review/commen	it □None	Code ref.	
3.4.2	Are HMPs to be p	orepared by q	ualified l	iologist	:? □Y	es 🗆 🗀 N	Io □Other: C	ptional	Code ref.	
3.4.3	Are reviews requ	ıired sufficien	tly early	in the d	evelopn	nent rev	view process?	□Yes □	No Code ref.	
3.	.5 Effectiven	ess Monito	ring							
3.5.1	Does the CAO cor systematic comp effectiveness mo of critical areas'	liance and/or nitoring of no	net loss	□Yes	□No	Coc	le ref.	Notes: Optio	nal	
3.5.2	Puget Sound juris the CAO reference Resolution Chang way to monitor e	ce WDFW's Hi ge Detection o	gh	□Yes	□No	Cod	le ref.	Notes: Optio	nal	
3.	.6 Section Su	mmary								
list, m	Main points regarding use of PHS list, maps, management recommendations, technical advice and effectiveness monitoring • Click here to enter text.									

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3.7 PHS Ass	essment									
Use of PHS	Acceptable	Good Start	Inadequate	Notes						
List				Explain variations from guidelines.						
Guidelines (variations should be justified in Notes). Use of PHS List is Acceptable if >90% of PHS habitats and species are considered critical areas. Good Start if 50-90% of PHS habitats and species are considered critical areas. Inadequate if <50% of PHS habitats and species are considered critical areas.										
Maps				Explain variations from guidelines						
Acceptable if curre Good Start if PHS M	Guidelines (variations should be justified in Notes). Use of PHS Maps is Acceptable if current PHS Maps are relied upon (adopted) by the jurisdiction (or they rely upon Regional Biologist for location info). Good Start if PHS Maps are referred to by the jurisdiction as one source of information for a subset of PHS listed species and habitats. Inadequate if PHS Maps are not referred to by the jurisdiction.									
Management										
Good Start if PHS M	nt PHS Managemen Ianagement Recom	t Recommendation mendations are ap	is are relied upon by plied only to a subse	r the jurisdiction or they rely upon Regional Biologist's input. et of the jurisdiction's Critical Areas.						
PHS OVERALL ASSESSMENT NOTE: This score will be reported in WDFW's Strategic Measures Inadequate if PHS Management Recommendations are not referred to by the jurisdiction. Explain variations from guidelines										
<u>Guidelines</u> (variations Acceptable if List is Good Start if List is Good Start even if I	Strategic Measures. Guidelines (variations should be justified in Notes). The PHS Overall Assessment is Acceptable if List is Acceptable and Management Recommendations is Acceptable. Good Start if List is Acceptable even if Management Recommendations is Inadequate. Good Start even if List is Inadequate if Management Recommendations is Good Start or Acceptable. Inadequate if List is Good Start or Inadequate if Management Recommendations is Inadequate.									

4 Consistency with other Development Regulations

4.	1 Clearing and Gra	ading	;									
4.1.1	Does the jurisdiction allo	ow clea	aring a	ınd gradiı	ng wi	ithin	critical area bu	ıffers?	□Yes	□No	Code re	f.
4.1.2	Does the jurisdiction require clearing and grading activities in critical areas be approved?								□Yes	□No	Code re	f.
4.1.3	Does the jurisdiction ref	er to lir	mits t	o the perc	cent (of a s	ite that can be o	cleared?	□Yes	□No	Code re	f.
4.1.4	Notes on CAO interactio Clearing and Grading re		Cli	ck here t	to en	ter t	ext.					
4.	4.2 Stormwater Management											
4.2.1	Does CAO trigger higher	storm	water	standard	ls wit	thin c	ritical areas?	□Y	es	□No	Code re	f.
4.2.2	Does CAO address water	rshed-s	cale c	umulativ	e sto	rmwa	ater impacts?	□Y	es	□No	Code re	f.
4.2.3	Notes on CAO interactio with stormwater regs.	n C	lick h	iere to er	nter	text.		•				
4.	3 Shoreline Maste	r Pro	grai	n								
4.3.1	Are SMP development st	tandard	ds equ	ıally, mor	e, or	less į	protective than	the CAO?		Equal	□More	□Less
4.3.2	Notes on CAO interactio	n with	SMP, i	incl Code	ref.	Cli	ick here to ent	ter text.			<u> </u>	
4.	4.4 State Environmental Policy Act											
4.4.1	4.4.1 Do locally adopted SEPA categorical exemptions apply within critical areas?											
4.4.2	Is a critical area review	require	ed <i>pric</i>	or to maki	ing S	EPA t	threshold deter	mination?	Yes	□No	Code	ref.
4.4.3												
4.	4.5 Development Review: Notice of Applications (NOAs)											
4.5.1	If a critical area is being	impact	ted wł	nich type	deve	lopm	ent triggers a N	NOA?	Coc	le ref.		
	earing & grading permit			velopment			Shoreline subst	antial devel	opment			
	1.6.0			developm	ent		Other:		0			
4.5.2	Who is the jurisdiction of	Ť		tify?			I		Coc	le ref.		
	eighbors [] Click here to enter text		DFW				Tribes					
4.			zious	: Weed	s							
4.6.1	Does CAO require treatm				_		(DN			Cadana	. С	
						<u>ا ا</u>			L	Code re	er.	
4.6.2	If so, is it adequately enf			□Yes		_	Click here to	enter tex	τ.			
4.												
4.7.1	Is the jurisdiction enroll							□Yes	□No		Code ref	
4.7.2	If so, where does VSP ap			k here to								
4.7.3	Which watersheds are n	ominat	ted as	"prioritie	es"?	Cli	ick here to ent	ter text.				
4.	8 Section Summar	у										
_	ooints regarding tency with other regs.	• (Click	here to e	enter	· text	- v1					

5 Conclusions

5.1 Overall Summary					
Based on the analysis above, what are the major strengths and weaknesses of this CAO?	Click here to e	nter text			
From WDFW's perspective what are the	1. Click here to enter text.				
top 5 (or so) improvements to this CAO					
that could be implemented in the next					
update?					
Has this evaluation, summary, and prioric reviewed by your Regional Habitat Progr		□Yes	□No	Notes: Optional	

Feedback on the form:								
How long did it take you to fill out this form?			text.		How many sittings?	Enter text.		
What parts were most useful?	Click here to	Click here to enter text.						
What parts were least useful?	Click here to	enter te	ext.					
Was the time spent working on to prepare to engage in the CAC	□Yes	□No	Notes: Optional					
General Comments:	mments: Click here to enter text.							

THANK YOU for your efforts to improve land use practices in critical areas!