



# CITY OF LAKE FOREST PARK PLANNING COMMISSION MEETING

**Tuesday, June 09, 2026 at 7:00 PM**

**Meeting Location: In Person and Virtual / Zoom**

**17425 Ballinger Way NE Lake Forest Park, WA 98155**

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## **INSTRUCTIONS FOR ATTENDING THIS MEETING VIRTUALLY:**

**Join Zoom Webinar:** <https://us06web.zoom.us/j/88590680456>  
**Call into Webinar:** 253-215-8782 | **Webinar ID:** 885 9068 0456

The Planning Commission is providing opportunities for public comment by submitting a written comment or by attending the meeting in person to provide oral public comment.

### **HOW TO PARTICIPATE WITH ORAL COMMENTS:**

If you are attending the meeting in person, there is a sign-in sheet located near the entrance to the room. Fill out the form and the presiding officer will call your name at the appropriate time. Oral comments are limited to 3:00 minutes per speaker. Oral comments are not being accepted via Zoom.

The meeting is being recorded.

### **HOW TO SUBMIT WRITTEN COMMENTS:**

Written comments for public hearings will be submitted to Planning Commission if received by 5:00 p.m. on the date of the meeting; otherwise, they will be provided to the Planning Commission the next day. Because the City has implemented oral comments, written comments are no longer being read under Public Comments.

For up-to-date information on agendas, please visit the City's website at [www.cityofflp.gov](http://www.cityofflp.gov).

# AGENDA

**1. CALL TO ORDER: 7:00 P.M. (confirm recording start)**

**2. PLANNING COMMISSION'S LAND ACKNOWLEDGEMENT**

*We'd like to acknowledge we are on the traditional land of a rich and diverse group of Native Peoples who have called this area home for more than 10,000 years. We honor, with gratitude, the land itself and the descendants of these Native Peoples who are still here today.*

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF MEETING MINUTES**

A. Approval of Meeting Minutes of May 12, 2026, Regular Meeting

**5. MEETING DATES**

**6. PUBLIC HEARINGS**

**7. PUBLIC COMMENTS**

***The Commission will not be accepting online public comments. Comments are limited to a three (3) minute time limit.***

*This is an opportunity for the public to address the Commission on agenda items.*

*- Oral public comments are only accepted in person to ensure the orderly conduct of the meeting.*

*- Speakers are limited to three (3) minutes.*

*- Commissioners may not respond during public comments, but may ask staff to follow up, if appropriate.*

*- Public comments may not be used to promote or oppose candidates for public office or ballot measures.*

*- The Chair or presiding officer may interrupt comments that violate these instructions, are unrelated to the agenda items, or otherwise hinder the orderly conduct of the meeting.*

**8. REPORT FROM CITY COUNCIL LIAISON**

**A.** Josh Rosenau, City Councilmember, Planning Commission Liaison

**9. OLD BUSINESS**

A. Critical Areas Ordinance Update- Discussion: Tribal Outreach, Checklist, Questions

**B.** Affordable Housing Next Steps and Direction Discussion

**10. NEW BUSINESS**

**11. REPORTS AND ANNOUNCEMENTS**

**12. ADDITIONAL PUBLIC COMMENTS**

**13. AGENDA FOR NEXT MEETING**

- A. Next regular meeting scheduled for Tuesday, July 14, 2026

**14. ADJOURN**

*Any person requiring a disability accommodation should contact city hall at 206-368-5440 by 4:00 p.m. on the day of the meeting for more information.*

1 City of Lake Forest Park – Planning Commission  
2 Regular Meeting Minutes: May 12, 2026; 7:00-9:00pm  
3 Hybrid Meeting Held in the Emergency Operations Center  
4 at City Hall and Virtually via Zoom  
5

6 **Planning Commissioners present:** Chair David Kleweno, Vice Chair Janne Kaje (via Zoom),  
7 John Drew, Marty Ross, Hina Shahid, Sam Castic  
8

9 **Staff and others present:** Mark Hofman, Community Development Director; David Greetham;  
10 Senior Planner (via Zoom); Josh Rosenau, City Council Liaison (via Zoom)  
11

12 **Members of the Public present:** Maddy Larson (via Zoom); Ryan Makinster (via Zoom)  
13

14 **Planning Commissioners absent:** Meredith LaBonte, Cherie Finazzo  
15

16 **Call to order:** Chair Kleweno called the meeting to order at 7:00 PM  
17

18 **Land Acknowledgement:** Cmr. Shahid read the land acknowledgement.  
19

20 **Approval of Agenda:** Vice Chair Kaje proposed an amendment to the agenda to add a  
21 conversation about tribal relations under new business. Cmr. Shahid moved to approve the agenda  
22 as amended. Cmr. Castic seconded, and the motion to approve the agenda was carried unanimously.  
23

24 **Approval of Meeting Minutes:**  
25 **Second Review and Approval of Meeting Minutes of February 10, 2026, Regular Meeting**  
26 No amendments for February minutes.  
27

28 **Approval of Meeting Minutes of April 14, 2026, Regular Meeting**  
29 Vice Chair Kaje provided edits to the minutes. Cmr. Drew made a motion to approve the April 14,  
30 2026, Meeting Minutes as amended. Cmr. Castic seconded and the motion to approve the minutes  
31 was carried unanimously.  
32

33 **Public Hearing:** No public hearing.  
34

35 **Next meeting:** The next meeting occurs on Tuesday, June 09, 2026  
36

37 **Public Comment:** No public comments.  
38

39 **City Council Liaison Report:** Council member Rosenau announced that the city council met with  
40 the city councils of the cities of Shoreline and Kenmore for a collaborative meeting. The councils  
41 discussed legislative issues as well as Public Works issues. Council member Rosenau also announced  
42 that the PD Chief is retiring, and commander Zanella will be the interim chief while the search is  
43 ongoing for a permanent replacement. He also stated that city hall will be closed to the public on  
44 Fridays but staff will still be working.  
45  
46  
47  
48

1 **Old Business:**

2 **Critical Areas Ordinance Update- Overview Presentation of LFPMC Chapter 16.16**

3 Mr. Greetham gave a presentation on a high-level overview of Critical Areas. Mr. Greetham shared a  
4 list of resources for critical areas and critical area mapping including local and state websites. Mr.  
5 Greetham also gave an overview of the 5 main categories of the critical areas including definitional  
6 and development standards. Mr. Greetham and Mr. Hofman also answered questions from the  
7 planning commissioners in regard to the presentation.  
8

9 **Affordable Housing Purpose Statement and Objectives**

10 Chair Kleweno presented the subcommittee’s proposed goals, guiding questions, and evaluation  
11 criteria for affordable housing. He also outlined three potential options for how the Planning  
12 Commission could structure its work going forward.  
13

14 Commissioners discussed edits to the proposed options and then voted on which direction should  
15 guide the Commission’s efforts. The purpose of this discussion was to determine whether the  
16 Commission wished to focus primarily on identifying and reducing code-based barriers to  
17 middle-housing development, or whether it also wanted to proactively encourage middle housing by  
18 pursuing Option 1, and exploring strategies to support and incentivize middle-housing development.  
19

20 After deliberation, the Commission voted 4–2 in favor of Option 1.  
21

22 Option 1: Given the Comprehensive plan has been updated to reflect middle housing requirements,  
23 we focus on identifying and evaluating barriers to middle housing development in Lake Forest Park  
24 city code.  
25

26 **New Business:**

27 **Tribal Relations**

28 Vice Chair Kaje posed the question on how the city engages with tribes with issues such as code  
29 updates. Vice Chair Kaje also volunteered to work with staff on suggestions on how to engage with  
30 tribes on development and code issues.  
31

32 **Reports and Announcements:** No reports and announcements.  
33

34 **Agenda for Next Meeting:** Discussion on tribal relations and affordable housing.  
35

36 **Adjournment:** Cmr. Drew made a motion to adjourn the meeting, Vice Chair Kaje seconded, and  
37 the motion was carried unanimously. Chair Kleweno adjourned at 9:08 PM.  
38

39 APPROVED:

40  
41 \_\_\_\_\_  
42 David Kleweno, Planning Commission Chair

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## Tribal Planning

Growth Management



This page contains information for local governments and tribes relating to Chapter 252, Laws of 2022 (HB 1717), which provides for tribal participation in comprehensive planning processes under the Growth Management Act.

## Local Governments and Tribes

Tribal Engagement is an overarching term that encompasses all levels of tribal communication and partnership, from informal coordination to formal government-to-government consultation. Federally recognized tribes retain their rights as sovereign nations to a direct government-to-government relationship with the federal government, independent of the state or local jurisdictions.

For local governments, tribal engagement can be conducted at a level of tribal coordination – informal engagement with tribal communities through conversations focused on information sharing with tribal staff. Tribal coordination also includes working with Indigenous groups that are not tribal governments, such as urban Native American organizations and/or tribal populations not located in their Indian Country. This might include non-federally recognized tribes, Native American non-profits and Indigenous community-based organizations. It is important to understand the distinction between working with federally recognized tribes who are self-governing sovereign nations and other Native American groups.

Jurisdictions should reach out to tribes that have reservation lands, ancestral lands and waters, and/or “usual and accustomed areas” neighboring their jurisdictions. Local governments have a legal responsibility to uphold sovereignty and treaty rights by consulting with tribal governments to reach consensus. Jurisdictions should consider how to approach tribal engagement in a culturally appropriate manner by learning about neighboring tribes through research, talking to mutual contacts and visits to cultural heritage centers.

Key information about Washington’s tribal governments and their reservations can be found online at the Governor’s Office of Indian Affairs: [www.goia.wa.gov](http://www.goia.wa.gov).

## Requirements under HB 1717 (2022)

- **RCW 36.70A.040** – Allows tribes to voluntarily participate in the local governments’ comprehensive planning process.

- **RCW 36.70A.085** – Cities with a Port element must collaborate development with the city, port, and tribe(s).
- **RCW 36.70A.106** – Requires Commerce to share submittals with tribes. Tribes will indicate to Commerce which jurisdiction's submissions will be transmitted.
- **RCW 36.70A.110** – Requires local jurisdictions to work with tribes to coordinate urban growth. Tribes must opt-in to coordinate with the jurisdiction.
- **RCW 36.70A.190** – Requires Commerce to provide facilitation services. Federally recognized tribes may request assistance from Commerce to resolve issues related to proposed changes to local comprehensive plans and development regulations.
- **RCW 36.70A.210** – Requires counties to invite tribes to participate in developing countywide planning policies. Counties must develop policies for the protection of tribal cultural resources in collaboration with tribes if they choose to participate.

### Resources for tribal planning

- [Washington State Department of Commerce PlanView](#)
- [Governor's Office of Indian Affairs](#)
- [Washington State Treaties](#)
- [Federally Recognized Tribes](#)
- [Puget Sound Regional Council Coordination with Tribes in Comprehensive Planning \(PDF\)](#)
- [Washington State Department of Archaeology and Historic Preservation](#)
- [Washington State Department of Fish & Wildlife](#)
- [Washington State Department of Transportation Tribal Contacts](#)
- [Washington State Department of Ecology's Map of Tribal lands in Washington \(PDF\)](#)
- [Washington State Department of Ecology's Map of Tribes and Reservations within Washington \(PDF\)](#)

Page last updated: August 25, 2025

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Bridget Ray, Tribal Coordination Manager

[Bridget.Ray@commerce.wa.gov](mailto:Bridget.Ray@commerce.wa.gov)

Cell: 564-201-0294

Section 9, Item A.

Commerce Tribal Liasons

[Tribal.Relations@Commerce.wa.gov](mailto:Tribal.Relations@Commerce.wa.gov)

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# Critical Areas Checklist

A Technical Assistance Tool from Growth Management Services – updated May 2024

<b>Name of city or county:</b>	
<b>Staff contact, phone, and e-mail address:</b>	
<p><b>INSTRUCTIONS</b></p> <p>This checklist is intended to help local governments update their development regulations, pursuant to the schedule in <b>RCW 36.70A.130(5)</b>. We strongly encourage but do not require jurisdictions to complete the checklist and return it to Growth Management Services (GMS), along with their updates. <b>However, If the jurisdiction is using a portion of their Periodic Update Grant (PUG) to update the Critical Areas Ordinance, this checklist is required.</b></p> <p>This checklist may be used by all jurisdictions, including those local governments planning for resource lands and critical areas only. For general information on update requirements, refer to <a href="#">A Guide to the Periodic Update Process Under the Growth Management Act – Fully Planning Counties &amp; Cities, 2022</a> and <a href="#">WAC 365-196-610</a> .</p> <p>For additional information, resources, and general checklists pertaining to comprehensive plan and development regulation periodic updates please visit Commerce’s <a href="#">Growth Management Act Periodic Update webpage</a>.</p> <p><b>Bold items are a GMA requirement or may be related requirements of other state or federal laws. Underlined items are links to Internet sites and may include best practices or other ideas to consider.</b></p> <p><b>Commerce WAC provisions are advisory</b> under Commerce’s statutory mandate to provide technical assistance, <b>RCW 43.330.120</b> which states that the Department of Commerce “...<i>shall help local officials interpret and implement the different requirements of the act through workshops, model ordinances, and information materials.</i>” If you have questions, call GMS at (360) 725-3066.</p> <p><b>How to fill out the checklist</b></p> <p>Using the current version of your critical areas regulations, fill out each item in the checklist. Select the check box or type in text fields, answering the following question:</p> <p><b>Is this item addressed in your current Critical Areas Ordinance (CAO)?</b> If YES, fill in the form with citation(s) to where in the plan or code the item is addressed. We recommend using citations rather than page numbers because they stay the same regardless of how the document is printed. If you have questions about the requirement, follow the hyperlinks to the relevant statutory provision or rules. If you still have questions, visit the <a href="#">Commerce Growth Management Services Web page</a> or contact one of the <a href="#">Commerce planners</a> assigned to your region.</p>	<p><b>CONTENTS</b></p> <p><b>Instructions..... 1</b></p> <p><b>Overall Requirements.....2</b></p> <p><b>Wetlands.....3</b></p> <p><b>Critical Aquifer Recharge Areas.....5</b></p> <p><b>Frequently Flooded Areas.... 6</b></p> <p><b>Geologically Hazardous Areas..... 7</b></p> <p><b>Fish and Wildlife Habitat Conservation Areas.....8</b></p> <p><b>Designating and Protecting Waters of the State.....9</b></p> <p><b>Anadromous Fisheries.....10</b></p> <p><b>Reasonable Use Exceptions..... 10</b></p> <p><b>Agricultural Activities.....11</b></p> <p><b>Forest Practices Regulations.....11</b></p> <p><b>Good Ideas.....12</b></p>



**4. Inclusion of Best Available Science**

**RCW 36.70A.172(1)** requires inclusion of the best available science (BAS).

[WAC 365-195-900 through 925](#) outlines recommended criteria for determining which information is the BAS, for obtaining the BAS, for including BAS in policies and regulations, for addressing inadequate scientific information, and for demonstrating “special consideration” to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

[WAC 365-195-915](#) provides criteria for including BAS in the record.

**5. No net loss** of critical area functions and values is a requirement for development regulations in [WAC 365-196-830\(4\)](#). If development regulations allow harm to critical areas, they must require compensatory mitigation of the harm.

**WETLANDS DEFINITION**

**The definition of wetlands is consistent with [RCW 36.70A.030\(48\)](#).**

Is the wetland definition consistent with RCW 36.70A.030(48)?

- Yes
- No
- N/A

Location in Text:

**WETLANDS DELINEATION**

**Wetlands are delineated using the approved federal wetland delineation manual and applicable regional supplements** in accordance with [WAC 173-22-035](#).

See Ecology’s [Wetland Delineation](#) page and [WAC 365-190-090](#) for additional assistance.

Are wetlands delineated using the approved Federal Wetland Delineation Manual and Regional Supplements?

- Yes
- No
- N/A

Location in Text:

**WETLANDS PROTECTION**

**Policies and regulations protect the functions and values of wetlands. RCW 36.70A.172(1).**

Counties and cities are encouraged to make their actions consistent with the intent and goals of “protection of wetlands”, [Executive Order 89-10](#) as it existed on September 1, 1990.

[WAC 365-190-090\(3\)](#) recommends using a wetlands rating system that evaluates the existing wetland functions and values to determine what functions must be protected. Ecology updated its recommended wetlands rating systems effective January 2015. For information on the rating system, including the July 2018 adjustments to ranges for habitat scores, see:

- [2014 Updates to the Washington State Wetland Rating Systems](#)
- [Washington State Wetland Rating System for Western Washington](#)
- [Washington State Wetland Rating System for Eastern Washington](#)

For other resources and guidance on protecting wetlands, go to Ecology’s [Local Wetland Regulations: Growth Management Act technical assistance](#) and see:

- [Wetland Guidance for Critical Areas Ordinance \(CAO\) Updates: Western and Eastern Washington \(2022\)](#)

Do the regulations use a rating system to determine wetlands protection?

- Yes
- No
- N/A

Location in Text:

**CRITICAL AQUIFER RECHARGE AREAS**

**Policies and regulations protect the functions and values of critical aquifer recharge areas. RCW 36.70A.172(1).**

**Policies and regulations protect the quality and quantity of groundwater used for public water supplies. RCW 36.70A.070(1) and WAC 365-196-485(1)(d).**

The following references also relate to protection of groundwater resources:

- **RCW 90.44** – Regulation of Public Groundwaters
- **RCW 90.48** – Water Pollution Control
- **RCW 90.54** – Water Resources Act of 1971
- **RCW 36.36.020** - Creation of aquifer protection area (1985)
- WAC 365-190-100 Critical Aquifer Recharge Areas 2023
- WAC 173-100 Groundwater Management Areas and Programs (1988)
- WAC 173-200 Water Quality Standards for Groundwaters of the State of Washington (1990)
- WAC 365-196-735 Consideration of state and regional planning provisions (list) (2010)

The Critical Aquifer Recharge Areas Guidance Document (2021) provides information on protecting functions and values of critical aquifer recharge areas, best available science, how to work with state and local regulations and adaptive management.

Also, consider the following:

- Prohibiting or strictly regulating hazardous uses in critical aquifer recharge areas (CARAs) and designating and protecting wellhead areas. See Ecology’s guidance on Critical Aquifer Recharge Areas.
- Limiting impervious surfaces to reduce stormwater runoff, as required under Phase I and II municipal stormwater permits. Ecology’s Stormwater Manual for Western Washington (2012) includes low impact development (LID) related definitions, requirements, and an LID performance standard. See Stormwater Management and Design Manuals on Ecology’s web page.
- For additional guidance on LID resources, see Commerce’s Incentivizing low-impact development guidebook.

If groundwater is used for potable water, do regulations protect the quality and quantity of ground water?

- Yes
- No
- N/A

Location in text:

Are the critical aquifer recharge regulations consistent with current mapping of these critical areas?

- Yes
- No
- N/A

Location in text:

**FREQUENTLY FLOODED AREAS**

**Regulations protect the functions and values of frequently flooded areas and safeguard the public from hazards to health and safety. [RCW 36.70A.172\(1\)](#).**

[WAC 365-196-830](#) provides: "Protection' in this context means preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety."

[WAC 365-190-110](#) directs counties and cities to consider the following when designating and classifying frequently flooded areas:

- (a) Effects of flooding on human health and safety, and to public facilities and services;
- (b) Available documentation including federal, state, and local laws, regulations, and programs, local studies and maps, and federal flood insurance programs, including the provisions for urban growth areas in [RCW 36.70A.110](#);
- (c) The future flow flood plain, defined as the channel of the stream and that portion of the adjoining flood plain that is necessary to contain and discharge the base flood flow at build out;
- (d) The potential effects of tsunamis, high tides with strong winds, sea level rise, and extreme weather events, including those potentially resulting from global climate change;
- (e) Greater surface runoff caused by increasing impervious surfaces.

Classification of and regulations for frequently flooded areas should not conflict with the FEMA requirements for the [National Flood Insurance Program \(NFIP\)](#). See [Ecology's Frequently Flooded areas: Critical Areas Ordinance](#) webpage and [44 CFR 60](#).

Communities that are located on Puget Sound or the Strait of Juan de Fuca, or have lakes, rivers or streams that directly or indirectly drain to those water bodies, are subject to the NFIP Biological Opinion (BiOp) for Puget Sound. The biological opinion required changes to the implementation of the NFIP in order to meet the requirements of the Endangered Species Act (ESA) in the Puget Sound watershed. FEMA Region X has developed an implementation plan that allows communities to apply the performance standards contained in the Biological Opinion by implementing:

- 1) [a model ordinance](#);
- 2) [a programmatic Checklist](#); or
- 3) on a permit by permit basis as long as it can be demonstrated that there is no adverse effect to listed species. Communities have the option of utilizing their CAOs as part of a programmatic response to address the requirements of the biological opinion. FEMA must approve a community's biological opinion compliance strategy.

Additional resources:

**[RCW 86.12](#)** Flood Control by Counties

**[RCW 86.16](#)** Floodplain Management

**[RCW 86.26](#)** State Participation in Flood Control Maintenance

**[RCW 86.16.041](#)** Floodplain Management Ordinance and Amendments

[WAC 173-158-070](#) Requirements for construction in Special Flood Hazard Areas

Are frequently flooded areas designated and regulated using FEMA and Ecology guidance?

- Yes
- No
- N/A

Location in Text:

Are you utilizing your CAO as part of a programmatic response to the BiOp?

- Yes
- No
- N/A

Location in Text:

<p><b>DEFINITION OF GEOLOGICALLY HAZARDOUS AREAS</b></p> <p><b>The definition of geologically hazardous areas is consistent with RCW 36.70A.030(20) and WAC 365-190-120(1).</b></p> <p>“Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.</p>	<p>Is the geologically hazardous areas definition consistent with RCW 36.70A.030(20)?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p> <p>Location in Text:</p>
<p><b>PROTECTION OF GEOLOGICALLY HAZARDOUS AREAS</b></p> <p><b>Regulations protect the functions and values of geologically hazardous areas and safeguard the public from hazards to health and safety. RCW 36.70A.172(1).</b></p> <p><a href="#">WAC 365-196-830</a> provides: “Protection” in this context means preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety.”</p> <p><b>Geologically hazardous areas are designated, and their use is regulated or limited consistent with public health and safety concerns. RCW 36.70A.030(20)</b></p> <p><a href="#">WAC 365-190-120</a> describes the different types of hazardous areas:</p> <ul style="list-style-type: none"> <li>• Geologically hazardous areas include: <ul style="list-style-type: none"> <li>• Erosion hazards</li> <li>• <a href="#">Landslide hazards</a></li> <li>• <a href="#">seismic hazards</a></li> <li>• <a href="#">tsunami hazards</a></li> <li>• <a href="#">volcanic hazards</a></li> <li>• <a href="#">channel migration zones</a></li> <li>• areas subject to other geological events such as coal mine hazards including: mass wasting, debris flows, rock falls, and differential settlement.</li> </ul> </li> </ul> <p>The Department of Natural Resource’s Washington Geological Survey <a href="#">Geologic Hazards and the Environment</a> website includes information on earthquakes and faults, landslides, volcanoes and lahars, tsunamis, hazardous minerals, emergency preparedness, historic mines and includes geologic hazard maps that can be accessed from the <a href="#">Geologic Information Portal</a>.</p>	<p>Are uses in geologically hazardous areas designated and regulated or limited consistent with public health and safety?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p> <p>Location in Text:</p>

**DEFINITION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS**  
**The definition of fish and wildlife habitat conservation areas is consistent with [WAC 365-190-030\(6\)](#).** The definition of fish and wildlife habitat conservation areas was amended to state that they do not include: ***“such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company”***.

Is the FWHCA definition consistent with WAC 365-190-030(6)?

- Yes
- No
- N/A

Location in Text:

**PROTECTION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS**  
**Policies and regulations protect the functions and values of fish and wildlife habitat conservation areas. [RCW 36.70A.172\(1\)](#) and [WAC 365-190-030\(6\)](#).**  
[WAC 365-190-130\(4\)](#) says local jurisdictions must consult current information on priority habitats and species identified by [WDFW](#). Additional information that must be consulted is available from DNR’s [natural heritage program](#) and [aquatic resources program](#). BAS regarding biodiversity areas and corridors has advanced significantly. Recent updates and resources include:

- [Aquatic Habitat Guidelines](#)
- [Priority Habitat and Species maps](#)
- [Priority Habitats and Species List](#) (updated June 2023)
- [Priority Habitats and Species: Management recommendations:](#)
  - [Landscape Planning for Washington’s Wildlife](#) (2009)
  - [Land Use Planning for Salmon, Steelhead and Trout](#) (2009)
  - [Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications](#) (2020)
  - [Riparian Ecosystems, Volume 2: Management Recommendations](#) (2020)
  - [Riparian Management Zone Checklist for CAOs](#) (2023)
  - [Shrub-Steppe Management Recommendations](#) (2020)
  - [Oregon White Oak Woodlands Ecosystems Management Recommendations](#) (1998)
  - [Management recommendations for Washington's Priority Species](#) (by taxa)

Have you reviewed your regulations regarding any applicable changes in management recommendations for priority habitats and species?

- Yes
- No
- N/A

Location in Text

- [Puget Sound Kelp Conservation and Recovery Plan](#) (2020)
- [Stream Habitat Restoration Guidelines](#) (2012)
- [Water Crossing Design Guidelines](#) (2013)

“Areas where endangered, threatened, and sensitive species have a primary association” must be considered per [WAC 365-190-130\(2\)\(a\)](#). Consult WDFW’s [Threatened and Endangered Species list](#) and U.S. Fish and Wildlife Service’s [Information for Planning and Consultation](#) resources for up to date information on all state and federal listed species.

Also see the [Puget Sound Partnership’s Salmon Recovery website](#) for Water Resource Inventory Area (WRIA) Plans in Puget Sound.

Have you made any changes to your regulations regarding any changes in species listings?

- Yes
- No
- N/A

Location in Text

**DESIGNATING AND PROTECTING WATERS OF THE STATE**

**RCW 90.48.020** defines waters of the state, which include all surface waters, salt waters, groundwater and all other water courses in Washington. [WAC 365-190-130\(2\)\(f\)](#) recommends designating all waters of the state as fish and wildlife habitat conservation areas (FWHCAs).

Stream types are classified in [WAC 222-16-030](#) with field verification, or an alternate system that considers factors listed in [WAC 365-190-130\(4\)\(f\)\(iii\)](#). See <http://www.dnr.wa.gov/forest-practices-water-typing> to use Washington State Department of Natural Resources (DNR)’s stream typing system.

Establish riparian management zones to maintain no net loss of riparian ecosystem functions and values.

Designate areas that risk contaminating or harming shoreline resources including tidelands and bedland suitable for shellfish harvest, kelp and eelgrass beds and forage fish spawning areas.

Do you designate waters of the state as FWHCAs?

- Yes
- No
- N/A

Location in Text:

Do your regulations protect waters of the state?

- Yes
- No
- N/A

Location in Text:

**ANADROMOUS FISHERIES**

**Policies and regulations for protecting critical areas give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.** RCW 36.70A.172(1) is the requirement and WAC 365-195-925 lists criteria involved. This requirement applies to all five types of critical areas.

WAC 365-190-130(4)(i) recommends sources and methods for protecting fish and wildlife habitat conservation areas, including salmonid habitat. Counties and cities may use information prepared by the United States Department of the Interior Fish and Wildlife Service, National Marine Fisheries Service, the Washington State Department of Fish and Wildlife, the State Recreation and Conservation Office, and the Puget Sound Partnership to designate, protect and restore salmonid habitat. Counties and cities should consider recommendations found in the regional and watershed specific salmon recovery plans (see the Governor's Salmon Recovery Office webpage and the Puget Sound Partnership's Salmon Recovery webpage).

Land Use Planning for Salmon, Steelhead and Trout: A land use planner's guide to salmonid habitat protection and recovery (October 2009) is an excellent resource.

Do your regulations give special consideration to anadromous fisheries?

- Yes
- No
- N/A

Location in Text:

**REASONABLE USE EXCEPTIONS**

**The Critical Areas Ordinance (CAO) allows for "reasonable use" if the CAO would otherwise deny all reasonable use of property.** Reasonable use provisions should limit intrusions into critical areas to the greatest extent possible and apply the mitigation sequence as needed for no net loss of ecosystem functions and values RCW 36.70A.370. Common exemptions include emergencies, remodels that do not further extend into critical areas, surveying, walking, and development that has already been completed with critical areas review under a previous permit. See Critical Areas Handbook, Chapter 3: Structuring Critical Areas Regulations, p.10 (Updated 2022).

Do you have reasonable use provisions?

- Yes
- No

Location in Text:

<p><b>AGRICULTURAL ACTIVITIES (COUNTIES ONLY)</b></p> <p><b>Non-VSP Counties</b></p> <p>Critical areas regulations as they specifically apply to agricultural activities in counties or watersheds not participating in the <a href="#">Voluntary Stewardship Program (VSP)</a> have been reviewed, and if needed, revised pursuant to <b><u>RCW 36.70A.130</u></b>. <b><u>RCW 36.70A.710(6)</u></b></p> <p>"Agricultural activities" means all agricultural uses and practices as defined in <b><u>RCW 90.58.065</u></b>.</p>  <p><b>VSP Counties</b></p> <p>After watershed work plan approval, <a href="#">VSP counties</a> are encouraged to reference and describe their participation in the program within their critical areas development regulations (<a href="#">WAC 365-196-832</a>). See <a href="#">Critical Areas Handbook</a>, Chapter 5: Protecting Critical Areas in Natural Resource Lands (2022).</p>	<p>Did you review your regulations as they apply to agricultural activities?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text:</p>
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<p><b>FOREST PRACTICES APPLICATION REGULATIONS</b></p> <p><b><i>If applicable, regulations for forest practices have been adopted: <u>RCW 36.70A.570</u></i></b></p> <p><b><u>RCW 76.09.240</u></b>, requires many counties over 100,000 in population, and the cities and towns within those counties to adopt regulations for forest practices. These are often included in clearing and grading ordinances.</p>	<p>Have you adopted forest practices regulations?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text:</p>
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**GOOD IDEAS**

**Non-regulatory measures** to protect or enhance functions and values of critical areas may be used to complement regulatory methods. These may include:

- public education
- stewardship programs
- pursuing grant opportunities
- water conservation
- joint planning with other jurisdictions and non-profit organizations
- stream and wetland restoration activities
- transfer of development rights

**Monitoring and adaptive management** is encouraged in [WAC 365-195-905\(6\)](#) to improve implementation of your regulations. See Commerce’s Monitoring and Adaptive Management chapter in the [Critical Areas Handbook](#), Chapter 7: Monitoring and Adaptive Management of Critical Areas (2022).

Are you using regulatory measures to protect critical areas?

- Yes
- No

Location in Text:

Do you have a monitoring and adaptive management program for your CAO?

- Yes
- No

Location in Text: