The Critical Areas Report Process

The Critical Areas Report (CAR) process is a mechanism by which certain Critical Area Ordinance (CAO) requirements may be modified for proposals that meet specific conditions (Land Use Code [LUC] 20.25H.230).

The CAO regulates the use, devleopment, disturbance or modification of critical areas, buffers and structure setbacks to protect the functions and values of these areas and public health, safety and welfare. ⇢ See Handout CA-1, *Critical Area Functions*, to learn about why we all benefit when critical areas are protected.

When do I use the CAR process?

Your project must meet two conditions to pursue the CAR process.

1. Critical areas on the site are degraded to the point that they are no longer providing the functions for which they are protected.
2. The proposed project will result in equivalent or better protection of critical area functions than the standard application of the code.

You must document through your CAR how your project meets both of these conditions. Your CAR must be prepared by a qualified professional and submitted as part of an application for a specific development proposal. ⇢ See Handout CA-4, *Hiring an Environmental Professional*.

Based on the analysis provided in your CAR, the city will determine whether critical areas functions will be better protected and/or restored through your proposal or through a standard application of the code.

What do I include? (LUC 20.25H.250.B.1&2)

You must clearly and accurately characterize and map your existing site conditions. This requires that you evaluate the condition and function of each critical area based on scientifically valid methods. This characterization will form the basis for the city's comparative evaluation of functions under your proposal and functions under standard application of the code. ⇢ See Handout CA-2, *Identify Existing Conditions Before You Design*.

Your CAR must include the following elements.

❶ Standards Proposed for Modification (LUC 20.25H.250.B.3)

Clearly identify each standard your proposal seeks to modify. This section of your CAR should include specific code section references. Typical standards that may be modified include buffer widths, structure setbacks, and performance standards for habitats for species of local importance. Not all elements of the code can be modified (LUC 20.25H.240). For example, you cannot modify the determination that a critical area exists or modify its type or category, nor can you propose direct impacts on streams, wetlands, or shorelines below the ordinary high water mark.

❷ Habitat and Cumulative Impacts Assessments (LUC 20.25H.250.B.3&4)

Complete a habitat assessment (LUC 20.25H.165A) to determine if habitats for species of local importance are present. It must address:

- vegetation and habitat conditions;
- whether site conditions meet the needs of any species of local importance;
- Washington Department of Fish and Wildlife (WDFW) management recommendations for any such species;
- a discussion of potential direct and indirect impacts on habitat and water quality from your proposal;
- measures to avoid, minimize, and mitigate such impacts;
- measures to preserve and restore any existing degraded habitat; and
- a discussion of ongoing management and maintenance practices to protect habitat after project construction, including a monitoring program.

Also, complete a cumulative impacts assessment to consider probable cumulative impacts on critical areas from your proposal. Cumulative impacts result from the individually "minor" effects of multiple actions over time.

3 Functional Lift Analysis (LUC 20.25H.250.B.5)

Complete a comparative analysis of the potential functional lift, which should include:

- existing and anticipated functions on the site, assuming no development or disturbance
- functions likely under a standard application of the code; and
- functions anticipated under your proposal.

The analysis must demonstrate equivalent or better protection of critical area functions—functional lift—resulting from your proposal. A functional lift analysis is qualitative, and must be based on a scientifically valid characterization of existing conditions and critical areas functions. The analysis should consider changes to the most important functions that the critical area performs for your local area—its watershed context—over the anticipated life of your project.

Example Functional Lift Analysis

Wetland Buffer Functions	Existing Conditions	Standard Code Application (no impacts)	Proposed Modification (reduced buffer width)	Functional Improvement with Proposed Modification?
Stormwater flows slowed by woody plant stems	50% buffer is sparse grass; few trees and shrubs	No change to buffer conditions; buffer remains sparse grass	Sparse grass cleared; 8 native tree and shrub species densely planted 5 feet on center	Yes; stormwater flows slowed by increase in trees and shrub stem density, sediment drops out, water quality improves
Stormwater intercepted by tree and shrub canopy	Soil eroding during heavy precipitation because of lack of stabilizing vegetation	No change to buffer conditions; buffer remains largely grass	Native tree and shrub species planted densely to create canopy cover in 7 to 10 years	Yes; more rainfall interception, stormwater slowed by tree and shrub density
Net Condition	50% wetland buffer is sparse grass without trees or shrubs	No change to buffer conditions; buffer remains sparse grass	Increase in native tree and shrub stem density and canopy coverage	Stormwater flows slowed; water quality in wetland improved

4 Wildlife Management Plan Standards (LUC 20.25H.250.B.6 and 20.25H.160)

If your proposal will impact habitat for a species of local importance, your CAR must indicate how your project meets the provisions of the WDFW habitat management plan for that particular species. Habitat management plans typically include provisions to protect breeding/nesting areas, foraging areas, or other areas species depend on for cover or migration.

5 Mitigation and Restoration (LUC 20.25H.250.B.7and LUC 20.25H.210–225)

Unavoidable impacts must be mitigated and temporary impacts restored according to the specific requirements contained in the code for each type of critical area.

Your CAR must:

- discuss why the impacts cannot be avoided or further minimized;
- identify the mitigation requirements;
- describe how your mitigation plan will specifically compensate for the critical area functions lost as a result of your proposal; and
- identify all areas expected to be temporarily distrubed and how these areas will be restored to a condition similar to the preexisting condition; and
- explain how the performance of the mitigation will be measured through monitoring.

→ See Handout CA-5, *Mitigation Plan Essentials*.

6 Additional Information Specific to Type of Critical Area (LUC 20.25H.250.B.8)

"Additional provisions" specific to each critical area type must also be addressed in the CAR. These provisions describe protections such as limits on modification, evaluation requirements for adjacent critical areas, and mitigation sequence requirements. Be sure to check the end of the CAO subsection for your critical area type to find these additional provisions. For example, landslide hazards and steep slopes have additional provisions in LUC 20.25H.140.

If you have questions or need additional information, please contact the Land Use Desk in the Development Services Center at 425-452-4188 or landusereview@bellevuewa.gov.

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