

# MEMORANDUM

Date: May 14, 2024

To: Planning Commission

From: Alex Baruch, Senior Planner, and Brad Medrud, Planning Manager



## 2025 Comprehensive Plan Update – Conservation Element

On a ten-year cycle, the City is required to conduct a Growth Management Act periodic update of its Comprehensive Plan and related development regulations. For the current cycle, the City is required to complete work on the periodic update by December 31, 2025. Work on the periodic update started last fall.

The updated Comprehensive Plan will address diversity, equity, and inclusion throughout the Plan and incorporate many State-required changes addressing housing, climate change, and other topics.

The intent of the Planning Commission meeting on Tuesday, May 14, 2024, is to start the discussion of the Conservation Element goals, policies, and implementation actions.

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## **1 – Growth Management Act – Conservation Goals**

The state Growth Management Act (Chapter 36.70A Revised Code of Washington (RCW)) requires that the City demonstrate that each Element in its Comprehensive Plan meets the relevant fifteen planning goals contained within the Act. The fifteen goals guide the development and adoption of the City's Comprehensive Plan and development regulations.

The following is a summary of how the updated Conservation Element will need to meet the two goals related to conservation. The Environment goal (Goal #10) was updated by the state legislature in 2023.

8. ***Natural resource industries.*** *Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.*

The Conservation Element has specific guidelines and policies that ensure the viability of natural resource industries and activities. Additionally, the Conservation Element will need to ensure the viability of natural resource industries in the City through the identification of such lands in the Conservation Element text and maps.

While the City has limited natural resource lands as defined by the Growth Management Act, it does have mineral resources and forestry lands. In addition, the City does not have Growth Management Act designated agricultural lands, it does have urban agricultural lands that will be discussed in the Conservation Element with supporting goals, policies, and implementation actions.

10. ***Environment.*** *Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water. [Updated in 2023]*

The state legislature updated this goal in 2023 to add the requirement to enhance the environment. The Conservation Element contains specific policies relating to air and water quality, water availability, and protection and preservation of critical areas and will now need to address how to enhance the environment. Additionally, each land use designation in the Conservation Element will need to be of an appropriate intensity for where it is applied. Areas of environmental sensitivity will need to be designated as open space or a lower intensity designation than other areas of the City.

## **2 – Current Conservation Element**

### **A – Background**

While not required by the Growth Management Act, the City's Comprehensive Plan includes a Conservation Element that addresses both natural resource lands, such as forestry and mineral resource lands, and critical areas, such as wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas in the City. Under the Growth Management Act, natural resources lands, such as agricultural,

forestry and mineral resource lands, are typically designated outside of cities and urban growth areas as those types of uses are more rural in nature.

The 2016 Conservation Element of the Tumwater Comprehensive Plan (Attachment C1) was prepared in accordance with the requirements of the Growth Management Act, adopted Thurston County-Wide Planning Policies, and Sustainable Thurston Policies and Actions and covered the 20-year planning period from 2015 to 2035. The Conservation Element of the Comprehensive Plan was last fully updated in 2016 and amended in 2021. Areas that are within Tumwater's Urban Growth Area are addressed through the Tumwater and Thurston County Joint Plan in accordance with adopted County-Wide Planning Policies.

The goals, policies, and actions of the current Conservation Element are found in Appendix B of the staff report.

The 2016 Conservation Element Maps (Attachments C2 to C8) show where resource lands are designated and the general extent of critical areas in the City. The actual boundaries of critical areas are determined on a project level using the methods found in TMC Title 16 *Environment*.

## B – Structure

The current Conservation Element consists of the following chapters:

1. Introduction
2. Agricultural Lands
3. Forest Lands
4. Mineral Resource Lands
5. Wetland Areas
6. Critical Aquifer Recharge Areas
7. Frequently Flooded Areas
8. Geologically Hazardous Areas
9. Fish and Wildlife Habitat Conservation Areas
10. Conservation Goals, Policies, and Actions

### Conservation Maps

- A. Critical Aquifer Recharge Areas Map
  - B. Forestry Lands Designation Map
  - C. Frequently Flooded Areas Map
  - D. Geologically Hazardous Areas Map
  - E. Mineral Resource Lands Map
-

F. Shorelines of the State Map

G. Wetlands Map

### **3 – Specific Topics Addressed as Part of the Element Update**

- Incorporate consideration of Diversity, Equity, and Inclusion throughout.
  - 1. Environmental Justice
    - Special consideration for environmental justice in goals and policies (E2SHB 1181)
- Comprehensive Plan Update
  - 1. General
    - Create a new format for the Comprehensive Plan that will be shorter, leaner, and more user friendly. The updated Comprehensive Plan will consist of shorter individual Elements and Plans with appendices that contain the required technical information.
    - Create a new Comprehensive Plan Goal and Policy Guide for use by staff and policymakers.
    - Create a new User Guide to the Comprehensive Plan for the community.
    - Create a new Glossary for the Comprehensive Plan.
    - Revise planning period to 2025 – 2045.
    - Ensure that the updated Comprehensive Plan is internally consistent.
    - Ensure that all the Elements and Plans are consistent with County-Wide Planning policies, the Growth Management Act, coordinated with the Plans of adjacent jurisdictions, individual Elements and Plans, and the future land use map.
    - The County-Wide Planning Policies (2015) will not be revised for the 2025 periodic update.
    - Update City strategic priorities.
    - Update list of all adopted Plans.
    - Update all maps that are a part of the Comprehensive Plan.
    - Update discussion of Growth Management Act goals.
    - Add references to the updated Shoreline Master Program (2019), Thurston Climate Mitigation Plan (2021), and Urban Forestry Management Plan (2021).
    - Provide for a mutually agreeable Memorandum of Agreement between the City and tribes about collaboration and participation in the planning process unless otherwise agreed at the end of a mediation period.

- Provide for consideration for preserving property rights. The City must evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property.
- Simplify, reduce, and update goals, policies, and actions.

## 2. Conservation Element

- Simplify the language of the goals and policies of the Conservation Element and focus on developing implementation actions that include identifying resources to implement the action and a timeline.
- Use the City of SeaTac Environmental Element as an example of how to format the Element (Attachment D).
- Discuss how habitat conservation plans are used for the effective management of affected listed species and prairie eco-systems across private and public lands in the City.
- Update policies to designate and protect critical areas including wetlands, fish and wildlife habitat protection areas, frequently flooded areas, critical aquifer recharge areas, and geologically hazardous areas. In developing these policies, include best available science to protect the functions and values of critical areas and give “special consideration” to conservation or protection measures necessary to preserve or enhance anadromous fisheries.
- Update policies on urban agriculture and mineral resource lands.
- If forest lands of long-term commercial significance are designated inside the City, update policies and implementation actions related to authorizing transfer or purchase of development rights in coordination with the County.
- Move the policies related to climate mitigation and greenhouse gas emission targets to the new Climate Element to address HB 2311 as part of Planning Commission’s 2022 Comprehensive Plan amendment cycle recommendations.
- Address the Urban Forestry Management Plan.
- Update Maps.

## 3. Critical Areas Regulations

- As part of the 2025 Development Code Update, TMC Title 16 *Environment* will be updated as required in the State Department of Ecology’s Critical Areas Checklist.

## 4 – Goals, Policies, and Implementation Actions Review

### A – Introduction

Goals and policies describe how the City proposes to address identified needs. Goals are statements of desired outcomes or intended achievements. Policies are specific statements that guide actions and provide a framework for future decision-making. Actions are specific implementations of goals and policies.

Example from the current Conservation Element:

**GOAL C-3:**            **In accordance with the Growth Management Act, designate and protect natural resource lands including agricultural, forest, and mineral lands that have long-term significance to conserve and protect these areas.**

<u>Policy</u>	<u>Action</u>
C-3.4	Work with community groups to support the continued viability of agriculture and encourage community support for it.
	C-3.4.1    Support the efforts of the Thurston Food System Council to develop a vibrant food system through access to healthy, local, affordable, culturally appropriate, sustainably produced food to assist the community in having reliable access to sufficient quantity of affordable nutritious food.


How key terms are used in goals, policies, and actions:

- “Shall” means implementation of the policy is mandatory and imparts a higher degree of substantive direction than “should”.
- “Should” means implementation of the policy is expected but its completion is not mandatory.
- “May” means the actions described in the policy are either advisable or are allowed.
- “Ensure” means actions described in the policy are guaranteed.
- “Must” means implementation of the policy is an obligation.
- “Require” means implementation of the policy is compulsory.
- “Support” means to advocate for implementation of the policy.
- “Promote” means to help bring about implementation of the policy.
- “Encourage” means to foster or help implementation of the policy.
- “Consider” means to take into account.
- “Coordinate” means to bring into a common action, movement, or condition.
- “Implement” means to carry out or accomplish.

- “Integrate” means to form, coordinate, or blend into a functioning or unified whole.
- “Make” means to enact or establish.
- “Engage” means to do or take part in something.

## B – Policy Strength Continuum

When developing goals and policies, it is important to understand the policy strength continuum. The Puget Sound Regional Council developed the following example.

Passive	Policy Strength	Active 
<b>Statements of Inclination</b>  Conveys intent, but establishes no target or definition of success	<b>Statements of Principle</b>  Describes clear targets or conditions of success	<b>Statements of Impact</b>  Go further, describing specific situations where protecting critical areas is a priority
<b>Example</b>  The City shall encourage protection of prairie lands.	<b>Example</b>  The City shall endeavor to support the maintenance of 100-acres of conservation land.	<b>Example</b>  Work with nonprofits to support active maintenance of prairie conservation lands to protected habitat standards.

For an example of how policies can be written to be more active and how implementation strategies can be established for policies, include identifying who will be responsible for implementing the policy and the timeframes to do so, see Attachment D – City of SeaTac Environment Element.

## C – Initial Review

Attachment B is the initial staff review of the Conservation Element goals, policies and actions.

Additional work needs to be completed with City staff on the scope and content of the proposed new goals, policies, and actions, but Attachment B is included to allow the Planning Commission to review and provide comment on the proposed format staff will be using to present all amendments to goals, policies, and actions in the updated Comprehensive Plan.

There will be a follow up discussion on the Conservation Element goals, policies and actions with the Planning Commission on June 11, 2024.

## **Appendix A – Guidance**

The State Department of Commerce has provided guidance specific to the periodic update on their Periodic Update webpage.

<https://www.commerce.wa.gov/serving-communities/growth-management/periodic-update/>

[www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics](http://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics)

In addition, the Puget Sound Regional Council is conducting a series of workshops on a variety of topics related to the periodic update.

[www.psrc.org/our-work/passport-2044-comprehensive-plan-workshop-series](http://www.psrc.org/our-work/passport-2044-comprehensive-plan-workshop-series)

The Municipal Research Services Center has a Comprehensive Planning webpage.

<https://mrsc.org/getdoc/d7964de5-4821-4c4d-8284-488ec30f8605/Comprehensive-Planning.aspx>



## **Appendix B – Current Conservation Element Goals, Policies, and Actions**

### **10.1 Introduction**

This Chapter of the Conservation Element specifies goals, policies, and actions meant to set forth a direction to identify, protect, and conserve critical environmental areas and valuable natural resources in Tumwater. The goals, policies, and actions also serve to ensure coordination with separate Comprehensive Plan Elements, regional plans, Sustainable Thurston Policies, and County-Wide Planning Policies. Additionally, they serve as an action plan for implementing certain recommendations within the Conservation Element.

### **10.2 Conservation Goals, Policies, and Actions**

**Goal C-1: Recognize the significant role played by natural features and systems in determining the overall environmental quality and livability of Tumwater.**

<b><u>Policy</u></b>	<b><u>Action</u></b>
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- |       |                                                                                                                                                                                                                                              |
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| C-1.1 | Protect the ecological integrity of the natural environment while allowing for compatible growth and development.                                                                                                                            |
| C-1.2 | Promote conservation of natural resources and the environment in cooperation with residents, business owners, schools, affected jurisdictions, and tribes.                                                                                   |
| C-1.3 | Encourage and support active measures to protect and enhance Tumwater's natural environment.                                                                                                                                                 |
| C-1.4 | Implement the mitigation goals, objectives, and initiatives contained in the most recent version of the adopted <i>Natural Hazards Mitigation Plan for Thurston County</i> .                                                                 |
| C-1.5 | Maximize retention of a healthy tree cover and native vegetation and encourage restoration, replacement, and enhancement of unhealthy trees and disturbed vegetation.                                                                        |
| C-1.6 | Reduce communitywide greenhouse gas emissions 45 percent below 2015 levels by 2030 and 85 percent below 2015 levels by 2050 to ensure that local communities do their part to keep the global average temperature from rising more than 2°C. |
| C-1.7 | Implement the strategies contained in the most recent version of the accepted <i>Thurston Climate Mitigation Plan</i> .                                                                                                                      |

**Goal C-2: Designate and protect critical areas including wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas in accordance with the Growth Management Act to protect the functions and values of these areas as well as to protect against threats to health, safety, and property.**

<b><u>Policy</u></b>	<b><u>Action</u></b>
C-2.1	Include best available science in developing policies and development regulations to protect the functions and values of critical areas and consider conservation or protection measures necessary to preserve or enhance anadromous fisheries, consistent with the Growth Management Act.
C-2.2	Use incentive programs, acquisition, appropriate regulations, and other techniques to preserve critical areas as permanent open space where development may pose hazards to health, property, or important ecological functions.
C-2.3	Require that prior to any development, critical areas are identified and protected.
C-2.4	Ensure the effectiveness of critical area mitigation by requiring adequate critical area studies and mitigation plans, the application of mitigation sequencing, financial assurances from developers to ensure mitigation success, and by improving City oversight of maintenance and monitoring of mitigation sites.
C-2.5	Require and enforce mitigation to ensure no net loss of critical area functions.
C-2.6	Support restoration of river and stream channels and associated wetland and riparian areas to enhance water quality, improve fish and wildlife habitat, and mitigate flooding and erosion.
C-2.7	Allow public access to wetlands, streams, and lakes for scientific, educational, and recreational use, provided the public access is carefully sited, sensitive habitats and species are protected, and hydrologic continuity is maintained.
C-2.8	Protect wetlands not as isolated units, but as ecosystems, and essential elements of watersheds.
C-2.9	Protect the quality and quantity of groundwater used for public water supplies.
C-2.10	Prevent land alterations that would increase potential flooding and minimize the alteration of natural surface water features that retain or carry floodwaters, such as wetlands, floodplains, rivers, streams, and lakes.
C-2.11	Require mitigation for adverse environmental impacts from engineered flood control measures.
C-2.12	Work cooperatively to meet regulatory standards for floodplain development as these standards are updated for consistency with relevant federal requirements including those related to the Endangered Species Act.
C-2.13	Regulate development intensity, site coverage, and vegetation removal in geologically hazardous areas in order to minimize drainage problems, soil erosion, siltation, and landslides.
C-2.14	Minimize soil disturbance and maximize retention and replacement of native vegetative cover for any land uses permitted in erosion and landslide hazard areas.

- C-2.15 Encourage special building design and construction measures in areas with severe seismic hazards to minimize the risk of structural damage, fire, and injury to occupants during a seismic event and to prevent post-seismic collapse.
- C-2.16 Protect and preserve habitats for species, which have been identified as endangered, threatened, or sensitive by the state or federal government, giving special consideration: to conservation or protection measures necessary to preserve or enhance anadromous fisheries.
- C-2.17 Maintain habitats that support the greatest diversity of fish and wildlife through conservation and enhancement of critical areas.
- C-2.18 Implement salmon habitat protection and restoration priorities in approved Water Resource Inventory Area 13 and 23 plans.
- C-2.19 Coordinate with adjacent jurisdictions and tribes to identify, protect, and develop enhancement plans and actions for habitat networks and wetlands that cross-jurisdictional lines.
- C-2.20 Promote the enhancement or restoration of streams, rivers, lakes, and wetlands as adjacent development activities occur.
- C-2.21 Protect wildlife corridors to minimize habitat fragmentation, especially along existing linkages and in patches of native habitat by enhancing vegetation composition and structure, and incorporating indigenous plant species compatible with the site.

**Goal C-3: In accordance with the Growth Management Act, designate and protect natural resource lands including agricultural, forest, and mineral lands that have long-term significance to conserve and protect these areas.**

<b><u>Policy</u></b>	<b><u>Action</u></b>
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|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C-3.1   | Recognize the importance of farmland conservation and local food production in maintaining the quality of life and long-term sustainability of Tumwater.                                                                                                                                         |
| C-3.2   | Zone designated agricultural lands at very low densities to ensure the conservation of the resource for continued agricultural use.                                                                                                                                                              |
| C-3.3   | Limit non-agricultural development within designated agricultural areas to non-prime farmland soils where possible.                                                                                                                                                                              |
| C-3.4   | Work with community groups to support the continued viability of agriculture and encourage community support for it.                                                                                                                                                                             |
| C-3.4.1 | Support the efforts of the Thurston Food System Council to develop a vibrant food system through access to healthy, local, affordable, culturally appropriate, sustainably produced food to assist the community in having reliable access to sufficient quantity of affordable nutritious food. |

- C-3.5      Ensure that harvesting for conversion to other uses occurs in a manner compatible with land uses of the surrounding area and maintenance of water quality and environmentally critical areas.
- C-3.6      Allow mineral extraction industries to locate where prime natural resource deposits exist.
- C-3-7      Conserve designated mineral resource lands of long-term commercial significance for mineral extraction, and the use of adjacent lands should not interfere with the continued use of the designated mining sites that are being operated in accordance with applicable best management practices and other laws and regulations.
- C-3.8      Restore mineral extraction sites as the site is being mined. The site should be restored for appropriate future use and it should blend with the adjacent landscape and contours.