

City of Poulsbo

Planning & Economic Development



2017 CRITICAL AREAS ORDINANCE UPDATE STAFF REPORT AND RECOMMENDATION

To: Mayor Erickson and City Council
From: Karla Boughton, Planning and Economic Development Director
Subject: **May 2017 Draft Critical Areas Ordinance – Planning Commission Modified
City Council Public Hearing June 7, 2017**
Date: June 1, 2017

The Poulsbo Planning Commission and planning staff respectfully recommends approval of the May 2017 Draft Critical Areas Ordinance, including modifications as identified by the Poulsbo Planning Commission and City Council as set forth in Exhibits A and B to this staff report.

PROPOSED MOTION:

MOVE to approve the May 2017 Draft Critical Areas Ordinance Update as identified as Exhibit A to the City Council Public Hearing Staff Report, with modifications as identified in Exhibit B of the staff report entitled the May 2017 Draft Critical Areas Ordinance Modification Document, as well as modifications identified during the City Council deliberations; and prepare an adopting ordinance in support of this decision.

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1.0 Introduction

The Growth Management Act of Washington (GMA) requires counties and cities to review and evaluate comprehensive plans and development regulations, and update them if necessary, according to a schedule established by RCW 36.70A.130. The City of Poulsbo adopted an updated comprehensive plan in December 2016, which provides a framework of goals and policies.

The City's review of development regulations includes the City's Critical Areas Ordinance (CAO), found in Poulsbo Municipal Code 16.20. The CAO are regulations for the protection of critical areas in accordance with state requirements. Critical Areas include:

- Wetlands
- Fish and Wildlife Habitat Conservation Areas
- Geologically Hazardous Areas
- Critical Aquifer Recharge Areas
- Frequently Flooded Areas

The City's CAO was last comprehensively updated in 2007. The intent of this current update is to revise the CAO as necessary to incorporate recent Best Available Science or new information since the last update (WAC 365-195-915), correction of code conflicts or internal inconsistencies, amendments to assist with ease of administration, or recommendations offered by the City's consultant critical areas biologists Grette Associates.

2.0 Summary of Modifications of April 2017 Draft CAO Update (initial release draft)

Amendments to the City of Poulsbo Critical Areas Ordinance have been made throughout the document. Most amendments are updating based upon 1) new Best Available Science provided by resource agencies; 2) recommendations by the City's consultant critical areas biologists; 3) amending corrections or conflicts; and 4) assist with ease of administration.

The April 2017 Draft Critical Areas Ordinance Update amendments are represented as **bold underline** for proposed additions and ~~strikeouts~~ for deletions. The following summarizes the amendments to each section of the Poulsbo Critical Areas Ordinance. This list is intended to provide a brief summary of the more substantive changes proposed for the CAO Update:

Section 100: General Provisions and Administration

- 16.20.115 Applicability:
 - B. New subsection to identify specific activities that are subject to the provisions of the critical areas ordinance.
 - F. Updates to mapping data sources.
- 16.20.120 General Exemptions. New subsection 16.20.120(L)(M)(N)(O)(P) to exemptions, identifying specific circumstances where non-native vegetation can be removed from a critical area buffer, as well as other enhancement activities – such as watershed restoration projects, fish enhancement projects – are exempt for obtaining a critical area permit.

- 16.20.155 Definitions – “mitigation” (adding sequencing), “wetland report” (adding proper wetland delineation manual reference) “wetland specialist” (clarifying qualifications); and removing definition of “Resource Management Area (RMA)” and “wetland, isolated.”

Section 200: Wetlands

- 16.20.210 Wetland Categories: Changes to how wetlands are to be delineated and categorized per requirement in WAC 193-22-035, which requires that wetlands be delineated in accordance with approved federal wetland delineation manual and applicable regional supplements, adopted by the U.S. Army Corp of Engineers.
- 16.20.215 Regulated and Non-regulated wetland classification: The Washington State Wetland Rating System for Western Washington was revised in 2014. Changes reflect the date, as well as a change to the scoring system used to categorize wetlands.
- 16.20.220 Application requirements: This section amended to add new type of wetland report – wetland assessment.
- 16.20.225 Determination of wetland boundaries: Clarifying that wetland are to be delineated using the current approved federal manual and supplements.
- 16.20.230 Wetland and Buffer Development standards:
 - A. Buffers. This section clarified to identify vegetated buffers, and enhancement may be required.
 - B. Impact of Land Use. New section incorporating hierarchy of uses that may occur adjacent to wetlands and buffers. This table is from Appendix 8-C, Table 8C-3 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008)*.
 - C. Buffer Widths. Buffer widths have been revised per Appendix 8-C, Section 8C.2.3 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008)*.
 - E. Buffer Width Averaging: This section has been revised per Appendix 8-C, Section 8C.2.6 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008)*.
 - F. Decreasing Buffer Widths. This section has been revised per Appendix 8-C, Section 8C.2.4.1 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008)*.
 - New subsection .4 Buffer Enhancement Plan – is required as part of a buffer reduction request. Inclusion is recommended by Grette Associates (City’s consulting biologist).
 - B. Increasing Buffer Widths. Revisions made per Appendix 8-C, Section 8C.2.5 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008)*.
- 16.20.235 Additional development standards: E. Surface Water Management – addition requiring a wetland hydrology monitoring plan in this section, recommended by Grette Associates.
- 16.20.240 Wetland Alterations:
 - A. Mitigation Sequencing: This section is revised to be consistent with WAC 197-11-768 sequencing requirements.
 - B. Mitigation for Regulated Activities in Wetland Buffers. Administrative clarification added.

- C. Mitigation for Regulated Activities in Wetlands. Administrative clarification added.
- D. Wetland Replacement Ratios. Revisions added consistent with *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (Ecology Publication #06-06-011a) per Appendix 8-C, Table 8C-11 *Wetlands in Washington State – Volume 2* (Ecology Publication #05-06-008).
 - 3.e New section added addressing atypical wetlands per Appendix 8-C p. 19 *Wetlands in Washington State – Volume 2* (Ecology Publication #05-06-008).
- E. Compensatory Mitigation. This section revised per Department of Ecology guidance on offsite mitigation, “Critical Areas Ordinance Code Example of Offsite Mitigation Language,” March 2009.
- F. Advance Mitigation. New section per *Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation*, Ecology Publication #12-06-015.
- G. Monitoring Requirements. Addition of ‘performance standards’ as a requirement of a monitoring report.

Section 300: Fish and Wildlife Habitat Conservation Areas

- 16.20.310 Fish and Wildlife Habitat Conservation Area – Designations:
 - A. Revision to stream typing based on DNR Water Typing Alpha, per WAC 222-16-030.
 - D. Deletion of “Class 1 and Class 2 Wildlife Habitat Conservation Areas” and use of all habitats identified by federal, state or local agencies. New Subsections E, F and G, in addition to revisions in subsection D are per WAC 365-190-130 and Washington Department of Fish and Wildlife Priority Habitat and Species List August 2008 and Updated 4/2014.
- 16.20.315 Development Standards:
 - A. Buffers and Setbacks. Removal of “Resource Management Areas (RMA)” which was a term unique to Poulsbo’s CAO. The term buffer and building setback (from buffer) will be applied consistently to all streams.
 - A.2 revisions require that when impacts or reduction to standard buffer width is proposed, the remaining buffer shall be enhanced.
 - A.6.b is revised to clarify what types of intrusions are allowed within the 25’ building setback from buffer. The types are consistent with what is allowed in the wetland building setback. The revision also clarifies that a habitat management plan is required for proposed intrusions.
 - Table 16.20.215 is revised to 1) identify Alpha water typing system; 2) add subcategories to F type streams and Ns type streams; and 3) remove Class 1 and Class 2 and consolidate into other fish and wildlife habitat conservation areas.
 - B. Removal of RMA reduction provisions. Any proposed buffer reduction must prepare a Habitat Management Plan.
 - E. New section on Habitat Assessment Report and Habitat Management Plan, clarifying that a Habitat Assessment Report is required when a fish and wildlife habitat conservation area is on or within 300’ of a proposed development site, and a Habitat Management Plan is required if modification, impact or reduction to the required buffer or building setback is proposed.
- 16.20.320 Project Specific development standards:

- A. Stream Crossings. Adding revisions to be consistent with WDFW Hydraulic Project Approval requirements.
- B. Stream Relocation. Adding new provision requiring downstream impacts be evaluated as part of a stream relocation proposal.
- G. Trails and Trail-Related Facilities. Adding new provisions requiring mitigation through replanting or enhancement of affected or degraded buffers.
- H. Utilities. Adding new provision that refueling or maintenance activities for utilities shall not be conducted within the buffer of a fish and wildlife habitat conservation area.

Section 400: Geologically Hazardous Areas

- 16.20.415 Allowed uses.
 - A and B. This section revised to identify critical facilities may be restricted from being sited in geological hazardous areas. This is recommended by Washington State Department of Commerce.
- 16.20.420 Development Standards.
 - G. Trees and Vegetation. This section revised to address issues of tree cutting on critical slopes.

Section 500: Critical Aquifer Recharge Areas

- 16.20.510 Critical aquifer recharge area categories: Definitions revised per WAC 365-190-030.
- 16.20.515 Development standards: Revisions based on Department of Ecology's Critical Aquifer Recharge Area Guidance Document, recommending listing uses that are to be prohibited within CARAs.
- Table 16.20.515 Activities: Table revisions based upon the prohibition of uses identified in 16.20.515.A.1.

Section 600: Frequently Flooded Areas

- No revisions proposed.

Section 700: Special Reports

- 16.20.721 Time Limitations. Extending the time validity to five years from the date of issuance of a special report unless a longer or shorter period is specified.
- 16.20.725 Wetland Reports.
 - A. New Wetland Assessment Report is required if a wetland is on or within 300 feet of a proposed use or activity.
 - B. Wetland Delineation Report requirements reflecting new federal and state delineation and category identification standards.
 - C. Wetland Mitigation Plan adding sequencing.
 - D. New Buffer Enhancement Plan added.
 - E. New Monitoring Report added.
- 16.20.728 New Habitat Assessment contents.
- 16.20.730 Habitat Management Plan. Revisions to the content requirements for a habitat management plan, including identifying impacts, management recommendations,

mitigations, assessment of proposed mitigation measures, and affect of impacts on water quality and proposed mitigations.

Maps

- Update Figure CAO-1 Wetlands to map hydric soils maps from the U.S. Department of Agriculture and site-specific delineated wetlands.
- Update Figure CAO-2 Aquifer Recharge Areas with data from the 2014/2015 U.S. Geological Survey Scientific Investigation Report.
- Update Figure CAO-4 DNR Hydrology Water Type Map to the alpha system of stream identified as set forth in WAC 222-16-030 and -031.
- New Figure CAO-5 Fish and Wildlife Habitat Conservation Areas, consistent with map of same title from Comprehensive Plan. Includes SF Dogfish Creek Reaches as identified in Table 16.20.315.
- New Figure CAO-6 South Fork Dogfish Creek Reach Map, providing magnified of reaches on parcel basis, and as identified in Table 16.20.315.

3.0 Planning Commission Modified May 2017 Draft Critical Areas Ordinance

The Planning Commission, in its role as the City's primary land use advisory committee, reviewed the initial release April 2017 Draft Critical Areas Ordinance. The Planning Commission held three workshops on the Draft CAO Update (4/11/17, 4/18/17, and 4/25/17), and identified several additional modifications. On May 1, 2017, the May 2017 Planning Commission Modified Critical Areas Ordinance was released, distributed and available on the City's webpage. The Planning Commission modifications are show in blue underline or ~~strikeout~~, and is included as Exhibit A to this staff report.

4.0 Review Process to Date

The Draft April 2017 Critical Areas Ordinance Update was publicly released on March 31, 2017. This release and all associated documents were posted on the City's website, distributed to Washington State Department of Commerce and local, regional and state agencies, and emailed to the City's Development Regulations Update interested parties e-notice list.

On April 7, 2017, the Notice of Application (NOA) with Optional DNS on the Draft April 2017 Critical Areas Ordinance Update was published in the North Kitsap Herald, emailed to the NOA, SEPA and Development Regulations e-notice list, and posted at the Poulsbo Library, Poulsbo Post Office, City Hall and the City's website. No comments were received during the comment period.

On April 26, 2017, the SEPA Threshold Determination was issued.

On April 28, 2017, a public notice announcing the Poulsbo Planning Commission Public Hearing was published in the North Kitsap Herald; on May 1, 2017, the public hearing notice was emailed to the public hearing and Development Regulations e-notice list, posted at the Poulsbo Library, Poulsbo Post Office, City Hall and the City's website.

On May 16, 2017, the Planning Commission held a duly noticed public hearing on the May 2017 Draft Critical Areas Ordinance Update. After considering the testimony received at the public hearing, the Planning Commission voted to recommend approval with modifications of the May 2017 Draft Critical Areas Ordinance to the Poulsbo City Council, and adopted findings of fact in support of their decision.

On May 19, 2017, a public hearing notice announcing the Poulsbo City Council Public Hearing was published in the North Kitsap Herald; on May 22, 2017, the Poulsbo City Council Public Hearing notice was emailed to the public hearing and Development Regulations e-notice list, posted at the Poulsbo Library, Poulsbo Post Office, City Hall and the City's website.

On May 24, 2017, the City Council held a workshop in order to consider the May 2017 Draft Critical Areas Ordinance, the Planning Commission's recommendations, and public comments received at the public hearing and workshop.

5.0 Public and Agency Comments Received

Public comments have been received at the Planning Commission public hearing on May 16, 2017, the City Council workshop on May 24, 2017, and written comments have been submitted. Exhibit C – Public Comment Received Matrix and Exhibits include comments received verbally at the public hearing and workshop, as well as written comments. This document is up to date as of June 1, 2017. Additional written comments received after the issuance of this staff report will be entered into the record at the June 7, 2017 City Council public hearing.

6.0 City Council Review and Modifications

The Council Economic Development Committee reviewed the April 2017 draft at its April 19 and 26, 2017 meetings. The May 2017 Draft Critical Areas Ordinance including the Planning Commission modifications were distributed to the City Council on May 17, 2017 (after the Planning Commission's May 16th public hearing). Planning staff prepared a May 2017 Draft Critical Areas Ordinance Modification Document, which identified additional modifications identified by the Planning Commission after their public hearing and deliberations, modifications identified by staff based upon public comment or other identified minor changes. The Modification Document was presented to City Council at their May 24, 2017 workshop (v.1). The additional modifications are identified in **orange bold**.

At the May 24th workshop, the primary topics the City Council discussed were trails in buffers, specifically stream buffers; rights for existing homeowners under the non-conforming section of the CAO; the granting of a 25% buffer reduction for wetlands and streams; and the stream buffers for SF Dogfish Creek.

Additionally, a couple of questions were asked that staff needed to research or request input from the City's biologists, Grette Associates.

1. 16.20.120.I – General Exemptions for trails in buffers – proposed additional language found in #2 of Modification Document, which set forth a maximum of 2,000 square feet of disturbance. The Council questioned whether the 2,000 square feet of disturbance is the right number, or if a percentage was more appropriate? *Staff presented this question to Grette Associates, who explained that the intent of the threshold was to limit trail construction that could be considered minimal, not require mitigation, and therefore could be considered under this exemption. Grette recommends removing the threshold based on Council's concern, and use the parameters of permeable, no more than 5 feet in width, nature path, and located in the outer 25% of the buffer, as the primary standards. Any proposed trail that exceeds these standards would then be*

triggered to a land use permit, which would require review under the standards found in 16.20.235.G (wetlands) and 16.20.320.G (streams) and mitigation.

2. 16.20.120.L – General Exemptions for removal within buffers (*page 8 of draft*). Council asked if there were opportunities to remove vegetation such as blackberries, with other equipment other than hand-held? *Staff presented this question to Grette Associates, who explained that the intent of this section is to limit the potential for disturbances that could impact buffer or critical area functions. For instance, if a large area of blackberry along a stream is mechanically cleared, the probability of soil disturbance that could result in impacts to the stream is very high. Whereas, if only hand removal is allowed under an exemption, the size of the area to be removed is likely much smaller and less risk of soil disturbance. If other equipment other than hand-held is necessary, it would require a critical area permit and could be allowed with proper best practices and mitigation. Grette Associates recommends keeping the language as proposed for the exemption.*
3. 16.20.125.D.1 – Standards for existing development (*page 9 of draft*). Council asked who and how the footprint of the reconstruction of the non-conforming structure, would be required to be moved. *Based upon the Council’s question, modification to this section is proposed and is found as #9 of the Modification Document (v.2) as Exhibit B to this staff report.*
4. Table 16.20.230.B (*page 32 of draft*). Mayor questioned what are Category I forested wetlands, and why no set buffer size was identified? *Staff reviewed Washington State Department of Ecology’s Wetlands in Washington State – Volume 2. In Appendix 8-E, the following addresses Category I forested wetlands:*

Section 8E.3.3.1 Width of Buffers: “In both eastern and western Washington: buffer for mature or old-growth forested wetlands that are Category I, or for Category II riparian forest in eastern Washington, are based on the score for habitat functions or water quality functions described in Section 8E.2.

Forested wetlands are given special consideration because they are hard to replace through compensatory mitigation. This is especially true for mature or old-growth forests which can not be replaced in a human life-time. The protection they need should be based on the functions they provide. Therefore, buffers and other measures to protect their functions should be based on how well the wetland scores for habitat or water quality functions.”

Section 8E.2 describes the rationale for protection based on the scores for functions. Habitat and water quality functions and appropriate buffers for Category I wetlands are discussed in detail in this section.

5. Council requested a brief summary of the best available science for the SF Dogfish Creek buffers. *The City commissioned a study entitled “The City of Poulsbo, Washington Report on Best Available Science and Recommended Protection Measures for Fish and Wildlife Habitat” (Fishman and Buell, 2003). In the 2007 adoption of the City’s Critical Areas Ordinance, the City adopted the best available science including the specific reach*

designation, protection measures and buffers from this report for the South Fork of Dogfish Creek. Based upon analysis of each reach's specific critical functions, reach-specific buffer and actions were identified in Table 1 of the document, and incorporated into the CAO as Table 16.20.315. The 2017 CAO Update does not propose any changes to the buffers and specific actions for each of the SF Dogfish Creek reaches, and continues to rely on the BAS document prepared by Fishman and Buell for the SF Dogfish Creek only.

The Modification Document (v.2, as of June 1, 2017), is included as Exhibit B to this staff report. The Modification Document identifies changes to the May 2017 Draft Critical Areas Ordinance, and include recommendations from the Planning Commission, public, staff, City Council (from the 5/24/17 workshop), and The Suquamish Tribe. Any additional modification recommendations that are identified after the issuance of this June 1, 2017 staff report will be entered into the record at the June 7, 2017 public hearing.

7.0 Attorney General's Unconstitutional Takings Memo

Pursuant to Comprehensive Plan Policy PI-2.4, City staff members are familiar with Washington State Attorney General's "warning signals" for unconstitutional takings of private property. Staff has reviewed the Attorney General's Advisory Memorandum: Avoiding Unconstitutional Takings in the context of the 2014 Comprehensive Plan Amendments and has consulted with the City Attorney regarding the warning signals. Staff and the City Attorney are comfortable that the amendments do not result in any unconstitutional taking.

8.0 Conclusion and Recommendation

The May 2017 Draft Critical Areas Ordinance Update is a result of the City's periodic review and update of its development regulations as required by the Washington State Growth Management Act, RCW 36.70A.130. The GMA sets forth that Kitsap County and its cities should review and revise, if needed, their comprehensive plans and development regulations to ensure the plan and regulations comply with GMA requirements.

The Planning Commission in its role as the City's land use advisory committee, has reviewed the initial draft CAO Update and have offered several additional modifications which are outlined [blue](#). The May 2017 Draft Critical Areas Ordinance is included as Exhibit A to this report.

Additional modifications to the May 2017 Draft CAO have been identified by the Planning Commission, after their public hearing and deliberations. Modifications were also identified by staff and the City Council at the conclusion of the Council's May 24, 2017 workshop. Together, these modifications are included as Exhibit B to this report – May 2017 Draft Critical Areas Ordinance Modification Document – and are identified in **orange bold**. Public comment received to date is identified in Exhibit C to this staff report, "Public Comment Received Matrix and Exhibits.

The Poulsbo Planning Commission and planning staff respectfully recommends approval of the May 2017 Critical Areas Ordinance and maps (Exhibit A) and as modified in Exhibit B (or as updated and presented at the June 7, 2017 public hearing).

9.0 City Council Public Hearing June 7, 2017

A public hearing has been scheduled for 7:15 on June 7, 2017 for the City Council to receive public comments on the May 2017 Draft Critical Areas Ordinance.

PROPOSED MOTION:

MOVE to approve the May 2017 Draft Critical Areas Ordinance Update as identified as Exhibit A to the City Council Public Hearing Staff Report, with modifications as identified in Exhibit B of the staff report entitled the May 2017 Draft Critical Areas Ordinance Modification Document, as well as modifications identified during the City Council deliberations; and prepare an adopting ordinance in support of this decision.

10.0 Exhibits

- A. May 2017 Draft Critical Areas Ordinance
- B. May 2017 Draft Critical Areas Ordinance Update Modification Document
- C. May 2017 Draft Critical Areas Ordinance Public Comments Received Matrix and Exhibits
- D. Planning Commission Findings of Fact
- E. Planning Commission Minutes 4/11/17, 4/18/17, 4/25/17
- F. Required Noticing Documents
 1. Notice from Washington Department of Commerce
 2. Initial Release Public Notice
 3. Notice of Application with Optional DNS
 4. SEPA Threshold Determination DNS with commented checklist
 5. Notice of Planning Commission Public Hearing
 6. Notice of City Council Public Hearing

EXHIBIT A
May 2017 Draft Critical Areas Ordinance
Planning Commission Modified and Recommended



City of Poulsbo 2017 Critical Areas Ordinance Update

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Poulsbo Municipal Code 16.20 CRITICAL AREAS

Section 100. General Provisions and Administration

16.20.105	Purpose.
16.20.110	Identification of critical areas.
16.20.115	Applicability.
16.20.120	General exemptions.
16.20.125	Standards for existing development.
16.20.130	Reasonable use exception.
16.20.133	Public agency and utility exception.
16.20.135	Notice to title.
16.20.140	Appeals.
16.20.145	Application requirements.
16.20.150	Enforcement.
16.20.155	Definitions.

Section 200. Wetlands

16.20.200	Applicability.
16.20.205	Purpose.
16.20.210	Wetland categories.
16.20.215	Regulated and non-regulated wetlands classification.
16.20.220	Application requirements.
16.20.225	Determination of wetland boundaries.
16.20.230	Development standards.
16.20.235	Additional development standards.
16.20.240	Wetland mitigation requirements.

Section 300. Fish and Wildlife Habitat Conservation Critical Areas

16.20.305	Purpose.
16.20.310	Fish and wildlife habitat conservation area—Designations.

16.20.315 Development standards.

16.20.320 Additional development standards.

Section 400. Geologically Hazardous Areas

16.20.405 Purpose.

16.20.410 Geologically hazardous area categories.

16.20.415 Development standards.

Section 500. Critical Aquifer Recharge Areas

16.20.505 Purpose.

16.20.510 Critical aquifer recharge area categories.

16.20.515 Development standards.

Section 600. Frequently Flooded Areas

16.20.605 Purpose.

Section 700. Special Reports

16.20.705 Purpose.

16.20.710 When required.

16.20.715 Responsibility for completion.

16.20.720 Qualifications of professionals.

16.20.721 Time limitations.

16.20.725 Wetland ~~Assessment Report reports.~~

[16.20.730 Wetland Delineation Report](#)

[16.20.735 Wetland Mitigation Plan](#)

[16.20.740 Wetland Buffer Enhancement Plan](#)

[16.20.745 Wetland Monitoring Report](#)

[16.20.750 Habitat Assessment Report](#)

16.20.~~755 730~~ Habitat management plan.

16.20.~~760 735~~ Geotechnical report and geological report.

16.20.~~765 740~~ Hydrogeological report.

SECTION 100: GENERAL PROVISIONS AND ADMINISTRATION

16.20.105 Purpose.

It is the intent of the city of Poulsbo that the beneficial structure, value and functions (RCW 36.70A.172(1) and WAC 365-195-825(2)(b)) of critical areas be preserved, and potential damage or public costs associated with the inappropriate use of such areas be minimized by reasonable regulation of uses within, adjacent to or directly affecting such areas. Further, the purpose of this chapter is to identify and protect critical areas as required by the Growth Management Act of 1990 (Title 36, Laws of 1990, as amended), which are wetlands, fish and wildlife habitat conservation areas, areas subject to frequent flooding, geologically hazardous areas, and critical aquifer recharge areas.

16.20.110 Identification of critical areas.

The critical areas in the city of Poulsbo are hereby further divided into the following types:

- A. Wetland critical areas;
- B. Fish and wildlife habitat conservation critical areas;
- C. Geologically hazardous areas;
- D. Critical aquifer recharge areas;
- E. Frequently flooded areas.

16.20.115 Applicability.

A. The city of Poulsbo shall not grant any permit, license or other development approval to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement, nor shall any person alter the condition of any land, water or vegetation, or construct or alter any structure or improvement, for any development proposal regulated by this chapter, except in compliance with the provisions of this chapter. Failure to comply with the provisions of this chapter shall be considered a violation and subject to enforcement procedures as provided for in this chapter.

B. This Title applies to all uses and activities within areas or adjacent to areas designated as regulated critical areas unless identified as exempt in Section 16.20.120. Such activities include, but are not limited to:

- 1. Removing, excavating, disturbing, or dredging soil, sand, gravel, minerals, organic matter, or materials of any kind;**
- 2. Dumping, discharging, or filling with any material;**
- 3. Draining, flooding, or disturbing the water level or water table;**
- 4. Driving pilings or placing obstructions;**
- 5. Constructing, ~~reconstructing~~, demolishing, or altering the size of any structure or infrastructure that results in disturbance of a critical area or the addition of any impervious surface coverage to a site [that results in disturbance of a critical area](#);**

6. Destroying or altering vegetation through clearing, grading, harvesting, shading, or planting vegetation that would alter the character of a critical area;
7. Activities that result in significant changes in water temperature and physical or chemical characteristics of water sources, including quantity and pollutants; and
8. Any other activity that has a potential to significantly adversely impacts or alters a critical area or established buffer not otherwise exempt from the provisions of this chapter.¹

~~C.~~ Requirements for critical areas are in addition to, or to be combined with, requirements of other development regulations, including, but not limited to, the Poulsbo zoning ordinance, clearing and grading ordinance, subdivision ordinance and the shoreline master program. In case of conflict with other development regulations or other critical area requirements, the more restrictive provision or combinations of provisions shall apply. Further, any parts of wetland or non-wetland fish and wildlife critical areas also included in the ~~one-hundred-100-~~100-year floodplain by the City of Poulsbo **Chapter 15.24 Floodplain Management Ordinance 87-20, Flood Prevention Damage Program**, shall also be subject to the provisions of that ~~Chapter.~~ ordinance.

~~D. C.~~ Uses and activities in critical areas or their buffers and building setbacks from the critical area buffer, for which no other land use or development permit or approval is required by ~~any~~ other city ordinance, remain subject to the development standards and other requirements of this article, and a critical area permit shall be required unless specifically identified as exempt. ~~While this article does not require a review or approval process for such uses and activities, they remain subject to this chapter.~~

~~E. D.~~—Any development proposal that includes a critical area or its buffer, or is within 300 ~~three hundred~~ feet of a critical area, is subject to review under the provisions of this chapter.

~~F. E.~~ The location and extent of all mapped critical areas shown on the city of Poulsbo critical area maps are approximate and shall be used as a general guide only for the assistance of property owners and city administrators. The type, extent and boundaries shall be determined in the field by a qualified specialist or specialists according to the requirements of this chapter. The critical area maps are adopted as part of this chapter and are incorporated herein by this reference.

1. The city of Poulsbo critical area maps are titled:
 - a. Wetlands Critical Areas Map.
 - b. Non-wetland Fish and Wildlife Habitat Map.
 - i. Hydrology Water Type Map.
 - ii. Riparian Management Area—South Fork Dogfish Creek.
 - c. Aquifer Critical Areas Map.
 - d. Geological Hazard Areas Map.

¹ Addition recommended to clearly identify which uses are subject to review under the critical areas ordinance requirements.

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2. Critical areas in the city of Poulsbo ~~were~~ **are to be** located, classified and mapped based on one or more of the following information sources:
- a. National Wetlands Inventory, U.S. Fish and Wildlife Services, ~~2016 1987—2003~~.
 - b. Soil Survey of Kitsap County Area, Washington, U.S.D.A. Soil Conservation Services, in cooperation with Washington State Department of Natural Resources and WSU Agricultural Research Center, 1977.
 - c. Coastal Zone Atlas, Volume Ten, Kitsap County, State of Washington Department of Ecology, 1979.
 - d. The Department of Ecology’s Washington State Wetland Rating System for Western Washington, ~~Revised Second Edition, 2014 1993~~.
 - e. Corps of Engineers Wetlands Delineation Manual, 1987 **and the supplement to this manual: Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Region (version 2.0), 2010.**
 - f. U.S. Department of Agriculture Soil Conservation Service, Erosion Hazard Soil Units, Kitsap County.
 - g. Map: “Quaternary Geology and On-Site Sewage Feasibility, Kitsap County, Washington, in Quaternary Geology and Stratigraphy of Kitsap County, Washington,” Jerald D. Deeter, 1979.
 - h. Kitsap County Critical Area Maps developed pursuant to their Growth Management Act planning process.
 - i. ~~Draft~~ Kitsap County Ground Water Management Plan, April 1991.
 - j. Project-specific wetland delineations as filed at the city of Poulsbo planning department.
 - k. Washington State Department of Natural Resources **Forest Practices Division, Hydrology Water Types Maps, July 2003.**
 - l. Poulsbo GIS map as Figure 1 in the Fishman Environmental Services Report “City of Poulsbo Report on Best Available Science and Recommended Protection Measures for Fish and Wildlife Habitat,” April 2003.
 - m. Washington State Department of Fish and Wildlife.
 - n. Priority Habitats and Species List, Washington Department of Fish and Wildlife, **2008 updated 6/2016 4/2014.**
 - o. U.S. Geological Survey Scientific Investigation Report prepared in cooperation with Kitsap Public Utility District, 2014/15.**
 - p. Hydric soils, U.S. Department of Agriculture, Soil Conservation Service in cooperation with the Washington State Department of Natural Resources and Washington State University Agricultural Research Center, 1977.**

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3. In the event of a conflict between the mapped areas and the criteria or standards of this chapter, this chapter shall apply. In the event that a boundary determination made by a qualified specialist finds that a critical area is not present on the property, the critical area designation shall be considered for removal from the map. In the event that a critical area which meets the criteria or standards for a critical area is found on a property not mapped as a critical area, the property shall be deemed to contain a critical area and shall be treated as if it had been included on the appropriate critical area map.
4. The planning director shall have the authority to issue revised critical area maps when new or revised information becomes available regarding the presence or absence of critical areas within the city or urban growth boundary.

16.20.120 General exemptions.

The following activities are exempt from the requirements of this chapter. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from this chapter does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity (DOE) ~~shall be restored, rehabilitated, or replaced at the responsible party's expense~~ **may be considered a violation of this chapter and subject to enforcement and restoration under section 16.20.150.**

The following developments, activities, and associated uses shall be exempt from the provisions of this chapter; provided, that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:

- A. Emergency activities necessary to prevent an immediate threat to public health, safety, or welfare, or that poses an immediate risk of damage to private property and that requires remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter.

Emergency actions that create an impact to a critical area or its buffer shall use reasonable methods to address the emergency; in addition, they must have the least possible impact to the critical area or its buffer. The person or agency undertaking such action shall notify the city of Poulsbo within one working day following commencement of the emergency activity. Within ~~thirty~~ **30** days, the director shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the director determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then the enforcement provisions of Section 16.20.150 shall apply. Upon cessation of the emergency, restoration of the critical areas and buffers impacted by the emergency action shall be required in a timely manner. Upon abatement of the emergency situation, any permit that would have been required to be obtained under the Poulsbo Municipal Code shall be required.

- B. Existing and ongoing agricultural activities on lands containing critical areas. For the purpose of this chapter, "existing and ongoing" means that the activity has been conducted within the past ~~five~~ **5** years. Any expansion of agricultural activities shall conform to the provisions of this chapter.

- C. Normal and routine maintenance and operation of existing retention/detention facilities, biofilters and other stormwater management facilities, irrigation and drainage ditches, farm ponds, ~~fish ponds~~, manure lagoons and livestock water ponds; provided, that such activities shall not involve expansions or

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alterations that would increase the impact on or expand such uses further into critical areas not currently being used for such activity.

D. Structural alterations to buildings, permitted under the underlying zoning district, that do not alter the structural footprint or introduce new adverse impacts to a critical area.

E. Normal and routine maintenance or repair of existing utility structures within a right-of-way or existing utility corridor or easements, including cutting, removal and/or mowing of vegetation above the ground that utilizes best management practices and does not expand the use or activity further into the critical area.

F. Installation, construction, replacement, operation or alteration in improved public road right-of-way of all electric facilities, lines, equipment or appurtenances; this does not include substations, water and sewer lines, all natural gas, cable communications and telephone facilities, lines, pipes, mains, equipment or appurtenances.

G. Forest practices conducted pursuant to Chapter 76.09 RCW, except Class IV (general conversions) and conversion option harvest plans (COHP).

H. Where a threat to human life or property is demonstrated, the director may allow removal of danger or hazard trees within a critical area or its buffer, subject to the following criteria:

1. Tree removal is the minimum necessary to balance protection of the critical area and its buffer with the protection of life and property;

2. The critical area or its buffer shall be replanted as determined by the director. The director shall coordinate review with the Washington State Department of Fish and Wildlife as determined necessary to assure habitat protection. The director may require the applicant to consult with a professional forester or a certified arborist prior to tree removal. Danger tree abatement may be achieved by felling or topping the tree. Habitat needs may require leaving the fallen tree in the riparian corridor or maintaining a high stump.

I. The construction of permeable pedestrian trails which shall be unpaved when located in the buffer or critical area; should be generally parallel to the perimeter of the critical area and located only in the outer 25 percent of the buffer area as feasible,² ~~and elevated when located in wetlands, which~~ are not intended for motorized use, and which are no wider than five feet, unless additional width is necessary for safety along a precipice, steep hillside, or other hazardous area. All trail construction should avoid damaging significant trees and other habitat elements to the greatest degree possible. Trails proposed to be located in a landslide hazard area or its setback shall be constructed in a manner that does not increase the risk of landslide or erosion.

J. Normal and routine maintenance of existing structures, landscaping and gardens, provided they comply with all other regulations in this chapter. Expansions, alterations, or repair in excess of fifty 50 percent of the market value of the improvement shall be reviewed under the provisions of Section 16.20.125, Standards for existing development.

² Recommendation from Department of Ecology draft comments on April 2017 Draft CAO.

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K. Interrupted Wetland and Fish and Wildlife Habitat Conservation Area Buffers.

1. Where a legally established, pre-existing use of the buffer exists (such as a road or structure that extends into the **current** regulated **wetland** buffer), those proposed activities that are within the wetland or stream buffer, but are separated from the critical area by an existing permanent substantial improvement, which serves to eliminate or greatly reduce the impact of the proposed activity upon the critical area, are exempt **from establishing full width of the buffer**³; provided, that **the detrimental** impacts to the critical area does not increase.

However, if a development or improvement is proposed that may result in increased impacts to the existing critical area buffer, even if separated by an existing permanent improvement (such as a road or structure), shall be evaluated and if the impacts do increase, the planning director shall determine if additional buffer may be required along the impact area of the interruption. ~~A substantial improvement may include, but is not limited to, a paved area, dike, levee, or other permanent structure.~~ **To determine if additional buffer is required, a functional analysis may be required. An exemption request for an interrupted buffer may require a functional analysis report.** In determining whether a functional analysis is necessary, the planning director shall consider the hydrologic and habitat connection potential and the extent and permanence of the interruption.

2. Where a legally established, pre-existing structure or use is located within a regulated buffer area and where the regulated buffer is fully paved and does not conform to the interrupted buffer provision above, the buffer will end at the edge of pavement, adjacent to the critical area.

L. The following can be removed by hand or hand-held light equipment provided that appropriate methods are used to protect native vegetation and water quality.⁴

1. English Ivy may be removed from plants on which it is adhered or rolled up off the ground provided ground disturbance is minimal and does not cause erosion.

2. Regulated noxious weeds as listed on the Kitsap County noxious weed list that are required to be eradicated (Class A and Class B) as specified by the Kitsap County Noxious Weed Board.

3. Invasive species removal in a critical area buffer when the total area is 1,000 square feet or less and slopes are less than 15%.

4. Refuse and debris, provided materials are on the soil surface and provided ground and/or vegetation disturbance is minimal and does not cause erosion.

5. Additional invasive species removal can occur through a Critical Area Permit and buffer enhancement plan.

M. Watershed restoration projects that conform to the provisions of RCW 89.08.460 shall be reviewed without fee and approved within 45 days per RCW 89.08.490.⁵

³ Per Appendix 8-C, Section 8C.2.4.2 of *Wetlands in Washington State – Volume 2. (Ecology Publication #05-06-008)*.

⁴ Addition recommended to identify specific conditions when removal of nonnative vegetation can occur without the need for a critical areas permit.

⁵ New sections, M, N and O for clarification on actions in which a critical areas permit is not required.

N. Fish enhancement projects that conform to the provisions of RCW 77.55.181 shall be reviewed without fee and comments provided as specified in RCW 77.55.181.

O. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests, and other related activities. Critical area impacts shall be minimized and disturbed areas shall be immediately restored.

16.20.125 Standards for existing development.

Existing development containing a critical area which was lawfully constructed, approved or established prior to the effective date of the ordinance codified in this chapter, but which does not conform to present regulations or standards, may continue as follows:

A. A legally established, existing structure that does not meet the dimensional standards of this chapter may not be enlarged or altered in any manner unless such enlargement or alteration is in conformance with the following provisions. A critical area permit, a Type II review, shall be required for any proposal which includes reconstruction or remodeling in excess of ~~fifty~~ **50** percent of the market value.

B. Routine maintenance and repair of pre-existing legally established structures as authorized in Section 16.20.120(J). Repair in excess of ~~fifty~~ **50** percent of the market value of the structure shall be considered reconstruction. Normal repair and maintenance does not require a critical area permit.

C. A legally established structure that has been made nonconforming due to the adoption of this code may be remodeled up to ~~fifty~~ **50** percent of the market value so long as all of the following provisions are met:

1. The remodel shall not introduce any new, or expand existing, impacts to a critical area unless such impacts are fully mitigated as required for reconstruction in subsection (E)(1) of this section; and
2. All other standards and requirements contained in the Poulsbo Municipal Code are met.

D. Residential structures, including multifamily, in a residential zoning district, destroyed by a catastrophe or fire, may be reconstructed up to the original size, placement and density. Structural repair must be initiated within ~~two~~ **2** years of the catastrophe and all of the following provisions apply:

1. The structure does not necessarily need to be rebuilt on the original footprint if it is determined that an alternative location on the lot will provide greater protection to the critical area; and
2. Best management practices shall be employed to assure reconstruction does not negatively impact the critical area.

E. Pre-existing legally established structures that have been made nonconforming due to the adoption of this code and that are located outside a flood hazard area and active landslide hazard area may be remodeled beyond ~~fifty~~ **50** percent of the market value or reconstructed; provided, that such reconstruction and/or remodeling does not increase the footprint area nor extend beyond the existing ground coverage toward a critical area and:

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1. The reconstruction shall be appropriately mitigated to ensure the existing value and function of the critical area is not degraded; further, historic impacts of the existing site development shall be mitigated as per subsection F of this section; and
2. The reconstruction and/or enlargement meets all other standards and requirement contained in the Poulsbo Municipal Code.

F. Where mitigation is required in subsection (E)(1) of this section, the applicant shall provide mitigations measures to reduce historic impacts on the critical area which may include requirements to enhance vegetative areas adjacent to the critical area stream and retrofit existing impervious areas for minimum stormwater quality treatment. Where mitigation opportunities on-site are limited or improvements off-site can be shown to better enhance the critical area at a watershed scale, off-site mitigations measures may be required.

G. Additional provisions affecting expansions of existing development along Poulsbo Creek are located in Section 16.20.315(F).

16.20.130 Reasonable use exception.

If the application of this chapter would deny all reasonable use of the property, the applicant may apply for a reasonable use exception pursuant to this section.

- A. A request for a critical area reasonable use exception shall be filed with the director and shall be combined with the underlying development permit. The reasonable use exception request shall be considered a Type III application.
- B. The review authority, in granting a reasonable use exception, must determine that all of the following criteria are met:
 1. Application of this chapter would deny all reasonable use of the property;
 2. There is no other reasonable use with less impact on the critical area;
 3. The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site;
 4. Any alterations permitted to these critical areas shall be the minimum necessary to allow for reasonable use of the property;
 5. The inability to derive reasonable use of the property is not the result of actions by the applicant after the effective date of the ordinance codified in this chapter;
 6. Diminished value shall not be considered denial of all reasonable use; and
 7. The proposal will result in no net loss of critical area functions and values consistent with best available science.
- C. Any authorized alteration of a critical area, resource management area, or buffer under this section shall be subject to conditions established by the city and shall require mitigation under an approved special report pursuant to Section 700 Article VII of this chapter.

16.20.133 Public agency and utility exception.

- A. A request for a critical area public agency and utility exception may be made if the application of this chapter would prohibit a development proposal by a public agency or public utility. The public agency and utility exception shall be considered a Type III application.
- B. The review authority, in granting a public agency and utility exception, must determine that all of the following criteria are met:
 - 1. There is no other practical alternative to the proposed development with less impact on the critical areas;
 - 2. The application of this chapter would unreasonably restrict the ability to provide services to the public;
 - 3. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
 - 4. The proposal will result in no net loss of critical area functions and values consistent with the best available science; and
 - 5. The proposal is consistent with other applicable regulations and standards.
- C. Any authorized alteration of a critical area under this section may be subject to conditions established by the city and shall require mitigation under an approved special report pursuant to [Section 700 Article VII](#) of this chapter.

16.20.135 Notice to title.

Project proponent(s) may be required to file a notice to title with the Kitsap County auditor on all development proposals subject to this chapter, and containing any critical area or its buffer. After review of the development proposal, the director will establish critical area development conditions in accordance with this chapter. These standards will be identified on the approved notice to title. The proponent shall submit proof that the required notice has been filed before the director will issue the underlying permit's notice of decision.

16.20.140 Appeals.

Appeals shall be as set forth in Title 19. Appeals shall be of the underlying development permit, in which the aspects of the appeal may apply to the provisions or requirements of this chapter.

16.20.145 Application requirements.

Application requirements and process shall be as set forth in Title 19. The type of permit process shall be that of the underlying development permit.

16.20.150 Enforcement.

- A. Authorization. The director is authorized to enforce this chapter, and to designate city employees as authorized representatives of the city to investigate suspected violations of this chapter, and to issue notices of infractions. In the event of a violation of this chapter, the director shall be authorized to

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require complete or partial restoration of the critical area including compensatory mitigation to rectify any net loss to the structure and function of the critical area.

B. Right of Entry. When it is necessary to make an inspection to enforce the provisions of this chapter, or when the director or his/her designee has reasonable cause to believe that a condition exists on property which is contrary to, or in violation of, this chapter, the director or his/her designee may enter the property to inspect, **pursuant to the provisions of Section 1.16.050.**

C. Stop Work Orders. Whenever any work or activity is being done contrary to the provisions of this chapter or conditions of an approved permit, the director or his/her designee may order the work stopped by notice in writing, served on any persons engaged in doing or causing such work to be done, or by posting the property, and any such persons shall forthwith stop such work or activity until authorized by the director or his/her designee to proceed. A failure to comply with a stop work order shall constitute a gross misdemeanor.

D. Penalties. The violation of any provision of this chapter or permit condition, where such violation constitutes a first offense, shall constitute a civil infraction. The director may issue a notice of infraction in accordance with Chapter 1.16. Any person who violates or fails to comply with any of the provisions of this chapter or permit conditions, where such person has been adjudged by the Poulsbo municipal court to have committed a previous violation of such provision, shall be guilty of a misdemeanor. Each violation shall constitute a separate offense for each and every day or portion thereof during which the violation is committed, continued or permitted.

E. Imminent and Substantial Dangers. Notwithstanding any provisions of these regulations, the director or his/her designee may take immediate action to prevent an imminent and substantial danger to the public health, welfare, safety or the environment by the violation of any provision of this chapter.

16.20.155 Definitions.

The definitions in this section shall be used when administering the regulations in this chapter. The definition of any word or phrase not listed in this section which is in question when administering the regulations shall be defined from one of the following sources:

- A. **Chapter 36.70A RCW**
- B. **Chapter 365-190 WAC**
- C. **Legal definitions from case law**
- D. **The common dictionary**

“Adjacent” means any development that includes a critical area or its buffer or any development proposal within three hundred feet of a critical area.

“Agricultural practices” means activities related to vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization as well as animal husbandry. Agricultural practices shall not include removing trees, diverting or impounding water, excavation, ditching, draining, culverting, filling, grading, and similar activities that introduce new adverse impacts to wetlands.

“Alteration” means a human-induced action, which changes the existing condition of a critical area. Alterations include but are not limited to grading; grubbing; dredging; channelizing; cutting, clearing,

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relocating or removing vegetation, except noxious weeds identified by the Washington [State Noxious Weed Control Board](#) Department of Ecology or the Kitsap County Cooperative Extension; applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants; grazing domestic animals; modifying for surface water management purposes; or any other human activity that changes the existing vegetation, hydrology, wildlife or wildlife habitat.

“Anadromous fish” means fish whose life cycle includes time spent in both fresh and salt water.

“Applicant” means the person, party, firm, corporation or legal entity, or agent thereof, that proposes a development of property in the city of Poulsbo.

“Aquaculture practices” means the harvest, culture or farming of food fish, shellfish, or other aquatic plants and animals including fisheries enhancement and the mechanical harvesting of shellfish and hatchery culture.

“Aquifer” means a saturated body of rock, sand, gravel or other geologic material that is capable of storing, transmitting and yielding water to a well.

“Aquifer recharge” means the process by which water is added to an aquifer. It may occur naturally by the percolation (infiltration) of surface water, precipitation, or snowmelt from the ground surface to a depth where the earth materials are saturated with water. The aquifer recharge can be augmented by “artificial” means through the addition of surface water or by the injection of water into the underground environment.

“Aquifer recharge area” means those areas overlying aquifer(s) where natural or artificial sources of water can move downward to an aquifer(s).

“Aquifer vulnerability” means the combined effect of hydrogeological susceptibility to contamination and the contamination loading potential as indicated by the type of activities occurring on a project area.

“Bank stabilization” means lake, stream and open water shoreline modification, including vegetation enhancement, used for the purpose of retarding erosion, protecting channels or shorelines, and retaining uplands.

“Bench (geologic)” means a relatively flat and wide landform along a valley wall.

“Best available science” means scientifically valid information in accordance with WAC 365-195-905, now or as amended hereafter, that is used to develop and implement critical areas policies or regulations.

“Best management practices” means conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by nutrients, pathogens, bacteria, toxic substances, pesticides, oil and grease, and sediment; and
2. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas.

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“Bog” means a [low-nutrient, acidic wetland with organic soils and characteristic bog plants, as described in Washington State Wetland Rating System for Western Washington: 2014 Update.](#)⁶ type of wetland typically composed of acidic, low-nutrient soils and waters, high organic matter and that support plants specifically adapted to such conditions that are not commonly found elsewhere. Bogs may have an overstory of spruce and may be associated with open water.

“Buffer” means a non-clearing native vegetation area which is intended to protect the functions and values of critical areas.

“Candidate species (state-listed)” means species under review by the Department of Fish and Wildlife for possible listing as endangered, threatened or sensitive. A species will be considered for state candidate designation if sufficient scientific evidence suggests that its status may meet criteria defined for endangered, threatened, or sensitive in WAC 232-12-297. Currently listed state threatened or state sensitive species may also be designated as a state candidate species if their status is in question. State candidate species will be managed by the Department of Fish and Wildlife, as needed, to ensure the long-term survival of populations in Washington. They are listed in WDFW Policy 4802.

“Channel migration zone (CMZ),” as defined by WAC 173-26-020(6), as now or hereafter amended, means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

“Clearing” means the destruction, disturbance or removal of vegetation by physical, mechanical, chemical or other means.

“Compensation” means replacement of project-induced critical area (e.g., wetland) losses of acreage or functions, and includes, but is not limited to, restoration, creation, or enhancement.

“Conversion option harvest plan (COHP)” means a plan for landowners who want to harvest their land but wish to maintain the option for conversion pursuant to WAC 222-20-050. Conversion to a use other than commercial timber operation shall mean a bona fide conversion to an active use which is incompatible with timber growing.

“Corp of Engineers” means U.S. Army Corp of Engineers.

“Creation” means actions performed to intentionally attempt to establish a critical area at a site where it did not formerly exist.

“Critical aquifer recharge areas” means those land areas which contain hydrogeologic conditions which facilitate aquifer recharge and/or transmitting contaminants to an underlying aquifer.

“Critical area buffer” means an area of protection around a critical area.

“Critical area permit” means a Type II permit that is associated with uses and activities proposed in critical areas, buffers or building setbacks, for which no other land use development permit or approval is required by other City ordinances or requirements.

⁶ Recommendation from Department of Ecology draft comments on April 2017 Draft CAO.

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Critical Area Protection Easement. See “Easement.”

“Critical areas” include the following areas and ecosystems: (1) wetlands; (2) areas with a critical recharging effect on aquifers used for potable water; (3) fish and wildlife habitat conservation areas; (4) geologically hazardous areas; and (5) frequently flooded areas.

“Danger tree” means any tree of any height, dead or alive, that presents a hazard to the public because of rot, root stem or limb damage, lean or any other observable condition created by natural process or manmade activity consistent with Chapter 296-54 WAC.

“Detention facilities” means stormwater facilities including all appurtenances associated with their designed functions, maintenance and security that are designed to store runoff while gradually releasing it at a pre-determined controlled rate.

“Development proposal site” means, for purposes of this chapter, the legal boundaries of the parcel or parcels of land on which an applicant has applied for authority from the city of Poulsbo to carry out a development proposal.

“Director” shall mean the director of the city of Poulsbo planning department or a duly authorized designee.

“Draining (related to wetland)” means any human activity that diverts or reduces wetland groundwater and/or surface water sources so that functions and values are lost or the area no longer meets the definition of a wetland.

“Easement” or “critical area protection easement” means an agreement conveyed through a deed, or shown on the face of a plat or site plan, for the purpose of perpetual or long-term conservation.

“Endangered species (state-listed)” means a species native to the state of Washington that is seriously threatened with extirpation throughout all or a significant portion of its range within the state. Endangered species are legally designated in WAC 232-12-014.

“Enhancement” means actions performed to improve the condition of existing degraded critical areas (e.g., wetlands or streams) so that the functions they provide are of a higher quality; provided, that this activity does not significantly degrade another existing function or value.

“Erosion” means the process whereby the land surface is worn away by the action of water, wind, ice or other geologic agents and by processes such as gravitational creep or events such as landslides. Natural or geologic erosion occurs as an ongoing process that acts on all land surfaces to some degree. Human activities such as removing vegetation, increasing stormwater runoff or decreasing slope stability often accelerate or aggravate natural erosion processes.

“Excavation” means removal of earth material.

“Existing and ongoing agriculture” includes those activities conducted on lands defined in RCW 84.34.020(2) or defined as agricultural practices in this chapter, for example, the operation and maintenance of existing farm and stock ponds or drainage ditches, operation and maintenance of ditches, irrigation systems including irrigation laterals, canals, or irrigation drainage ditches, changes between agricultural activities, such as rotating crops or grasses used for grazing, and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas;

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provided, that alteration of the contour of wetlands or streams by leveling or filling, other than that which results from normal cultivation, or draining of wetlands shall not be considered normal or necessary farming or ranching activities.

“Existing use or structure” means a use of land or structure which was lawfully established or built and which has been lawfully continued but which does not conform to the regulations of the zone in which it is located as established by Title 18 of this code, this chapter, or amendments thereto.

“Exotic” means any species of plant or animal that is not indigenous (native) to an area.

“Extraordinary hardship” means that strict application of this chapter and/or programs adopted to implement this chapter by the regulatory authority would prevent all reasonable use of the parcel.

“Farm pond” means an open-water habitat of less than five acres and not contiguous with a stream, river, pond, lake or marine water created from a non-wetland site in connection with agricultural activities.

“Feeder bluff” means an eroding and/or retreating shore bluff that is part of natural coastal processes yielding sediment to area beaches.

“Fen” means wetlands which have the following characteristics: peat soils sixteen inches or more in depth, or any depth of organic soil over bedrock, and vegetation such as certain sedges, hardstem bulrush and cattails. Fens may have an overstory of spruce and may be associated with open water.

“Filling” or “fill” means a deposit of earth or other natural or manmade material placed by artificial means, including, but not limited to, soil materials, debris, or dredged sediments.

“Fish and wildlife habitat” means those areas identified as being of critical importance to the maintenance of fish, wildlife, and plant species, including: areas within which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; commercial and recreational shellfish areas; kelp and eelgrass beds; forage fish spawning areas; naturally occurring ponds and their submerged aquatic beds that provide fish or wildlife habitat; waters of the state; lakes, ponds, streams or rivers planted with game fish by a government or tribal entity, or private organization; state natural area preserves and natural resources conservation areas.

[“Fish and Wildlife Habitat Conservation Areas” means areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species. Fish and wildlife habitat conservation areas does 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 \(WAC 365-190-030\).](#)

“Fisheries biologist” means a person with experience and formal training in the principles of fisheries management and with practical knowledge in fish population surveys, stream surveys and other related data analyses of fisheries resources. Qualifications of a fisheries biologist include but are not limited to:

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1. Certification by the American Fisheries Society;
2. A Bachelor of Science degree in fisheries or the biological sciences from an accredited institution and two years of professional fisheries experience; or
3. Five or more years of professional experience as a practicing fisheries biologist with a minimum three years of professional field experience.

“Floodplain” means the floodway and the special flood hazard areas having the potential to flood once every one hundred years, or having a one percent chance of being equaled or exceeded in any given year.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Forage fish” includes anchovy, herring, sand lance and smelt.

“Forest practices,” as defined in WAC 222-16-010(21), as amended, means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

1. Road and trail construction;
2. Harvesting, final and intermediate;
3. Pre-commercial thinning;
4. Reforestation;
5. Fertilization;
6. Prevention and suppression of diseases and insects;
7. Salvage of trees; and
8. Brush control.

Forest practices shall not include preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

“Frequently flooded areas” means [lands in the flood plain subject to at least a 1 percent or greater chance of flooding in any given year, or within areas subject to flooding due to high ground water. These areas include, but not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high ground water forms ponds on the ground surface. \(WAC 365-190-030\).all lands, shorelands and waters which are identified as being within the one-hundred-year floodplain \(floodway\) as designated by the Federal Emergency Management Agency in Flood Insurance Rate and Boundary Maps.](#)

“Functions,” “beneficial functions,” or “valuable functions” means the beneficial roles served by critical areas including, but not limited to, the following which are normally associated with wetlands: water

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quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, historical and archaeological value protection, aesthetic value, and recreation. These beneficial functions are not listed in order of priority.

“Geologic hazard areas” means areas, as defined in WAC 365-190-030~~(8)~~ and 365-190-120 ~~080(4)~~, that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns. Development in geologic hazard areas may be permitted when an approved geotechnical or geological report indicates that the development can be engineered to pose no significant threat to public health or safety.

Geological Report. See “Geotechnical report.”

“Geologist” means a person who is licensed by Washington State and has a Bachelor of Science degree in geologic sciences or a related field from an accredited college or university and/or has a minimum of five years of experience under the direction of a professional geologist.

“Geotechnical engineer” means a practicing geotechnical/civil engineer licensed and bonded as a professional civil engineer with the state of Washington, with professional training and experience in geotechnical engineering, including at least four years of professional experience in evaluating geologically hazardous areas.

“Geotechnical report” and “geological report” mean a study of potential site development impacts related to retention of natural vegetation, soil characteristics, geology, drainage, groundwater discharge, and engineering recommendations relating to slope and structural stability. The geotechnical report shall be prepared by or in conjunction with a licensed geotechnical engineer meeting the minimum qualifications of this chapter. Geological reports may contain the above information with the exception of engineering recommendations, and may be prepared by a geologist (see **Section 700** ~~Article VII~~ of this chapter, Special Reports).

“Grading (construction)” means any excavating, filling or removing of the surface layer or any combination thereof.

~~“Grazed wet meadows” are wetlands whose vegetative cover has been greatly modified as a result of grazing, seeding, or cutting for hay. They are typically dominated by a pasture species (such as blue grass, orchard grass, fescue, clovers, reed canary grass, etc.) as well as non-native wetland species such as soft rush and buttercup. They are saturated or have standing water during the wet season and part of the growing season but are dry during the summer months. Grazed wet meadows have been (within the last five years) or are being used for livestock grazing, seeding, or cutting for hay.⁷~~

“Groundwater” means water in a saturated zone or stratum beneath the surface of land or water.

“Grubbing” means the removal of vegetative matter from underground, such as sod, stumps, roots, buried logs, or other debris, and shall include the incidental removal of topsoil to a depth not exceeding twelve inches.

⁷ Recommendation from Department of Ecology draft comments on April 2017 Draft CAO.

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“Habitat” means the specific area or environment in which a particular type of plant or animal lives. An organism’s habitat provides all the basic requirements for life.

“Habitat management plan” means a report prepared by a professional **wetland biologist**, wildlife biologist or fisheries biologist which discusses and evaluates critical fish and wildlife habitat functions and evaluates the measures necessary to maintain, enhance and improve habitat conservation on a proposed development site.

“Habitat of local importance” means a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or areas of high vulnerability to alteration, such as cliffs, talus, and wetlands.

“Hazardous substance(s)” means any liquid, solid, gas or sludge, including any materials, substance, product, commodity or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste; and including waste oil and petroleum products.

“Hydric soils” means **a soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part**⁸. ~~soils which are wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants.~~

“Hydrologist” or “hydrogeologist” means a person who has a Bachelor of Science degree in geologic sciences with an emphasis in hydrogeology from an accredited college or university and has a minimum of three years of experience in groundwater investigations, modeling and remediation **and appropriate state licensing.**

“Infiltration rate” means a general description of how quickly or slowly water travels through a particular soil type.

“Interdunal wetland” means a wetland that forms in the deflation plains and swales that are geomorphic features in areas of coastal dunes, as described in *Washington State Wetland Rating System for Western Washington: 2014 Update.*⁹

“Interrupted buffer” means a critical area buffer width established by this Chapter, where a legally established, non-conforming use of the buffer exists (e.g. a road or structures that lies within the width of the buffer required for the critical area.)¹⁰

“Investigation” means work necessary for land use application submittals such as surveys, soil logs, percolation tests or other related activities.

“Landslide hazard area” means an area potentially subject to risk of mass movement due to a combination of geologic, topographic and hydrologic factors.

⁸ Recommendation from Department of Ecology draft comments on April 2017 Draft CAO.

⁹ *Wetlands Guidance for CAO Updates, Western Washington version*, June 2016, Department of Ecology publication 16-06-001.

¹⁰ Per Appendix 8-C, Section 8C.2.4.2 of *Wetlands in Washington State – Volume 2. (Ecology Publication #05-06-008)*.

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“Liquefaction” means a process in which a water-saturated soil, upon shaking, suddenly loses strength and behaves as a fluid.

“Lot” means a single parcel of land, legally severed from a larger parcel, which is described and delineated in a long or short plat or which is described in a real estate conveyance.

“Low impact development” is a stormwater management and land development strategy applied at the parcel and/or subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

“Mitigation” means **an action or set of actions undertaken to** ~~avoiding, minimizing or compensating~~ for adverse critical area impacts. **Mitigation includes the following steps, in sequential order (WAC 197-11-768).**¹¹ ~~Mitigation includes the following specific categories:~~

1. **Avoiding the impact altogether by not taking a specific action or part of an action.** ~~Mitigation, Compensatory. Replacing project-induced critical area losses or impacts, including, but not limited to, restoration, creation or enhancement.~~
2. **Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.** ~~Mitigation, Creation. Mitigation performed to intentionally establish a critical area (e.g., wetland) at a site where it does not currently exist.~~
3. **Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.** ~~Mitigation, Enhancement. Mitigation performed to improve the condition of existing degraded critical areas (e.g., wetland) so that the functions they provide are of a higher quality.~~
4. **Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.** ~~Mitigation, Restoration. Mitigation performed to reestablish a critical area (e.g., wetland), or its functional characteristics and processes, which have been lost by alterations, activities or catastrophic events within an area which no longer meets the definition of a critical area.~~
5. **Compensating for the impact by replacing, enhancing or providing substitute resources or environments.**
6. **Monitoring the impact and taking the appropriate corrective measures.**

“Native vegetation” means vegetation indigenous to the Puget Sound coastal lowlands.

“Natural environment” is an area having a unique asset or feature considered valuable for its natural or original condition which is relatively intolerant of intensive human use.

“Natural systems” means physical features or phenomena of nature sensitive, in varying degrees, to man’s disruptive activity.

¹¹ Mitigation sequencing as required by WAC 197-11-768.

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“Normal maintenance” includes those usual acts to prevent a decline, lapse or cessation from a lawfully established condition. Normal maintenance includes removing debris from, and cutting or manual removal of vegetation in, crossing and bridge areas. Normal maintenance does not include the use of fertilizer or pesticide application in wetlands, fish and wildlife habitat conservation areas, or their buffer areas or resource management areas. Maintenance does not include re-digging existing drainage ditches in order to drain land in or adjacent to a regulated wetland or its buffer.

“Normal repair” means to restore a development to a state comparable to its original conditions within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the critical area.

“Open space” means any land area the preservation of which land would: (1) conserve and enhance natural or scenic resources; (2) protect streams or water supply; (3) promote the conservation of regulated critical areas.

“Ordinary high water mark” means that mark that is found by examining the bed and banks of water bodies and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in respect to vegetation. ¹² ~~will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by local government or the department; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining freshwater shall be the line of mean high water.~~

“Out-of-kind compensation” means to replace a critical area (e.g., wetland) with a substitute critical area (e.g., wetland) whose characteristics do not closely approximate those destroyed or degraded by a regulated activity. It does not refer to replacement “out-of-category,” such as replacement of wetland loss with new stream segments.

“Permeability” means the capacity of an aquifer or confining bed to transmit water.

“Permit” means any substantial development, variance, conditional use permit, or revision authorized under Chapter 90.58 RCW or Poulsbo Municipal Code requirements.

“Pond” is a naturally existing or artificially created body of standing water less than twenty acres in size and not defined as “shorelines of the state” by Chapter 90.58 RCW (Shoreline Management Act).

“Practicable alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impact to critical areas. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

¹² *Wetlands Guidance for CAO Updates, Western Washington version*, June 2016, Department of Ecology publication #16-06-001.

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“Priority habitat” means habitat type or elements with unique or significant value to one or more species as classified by the State Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element.

“Priority species” include species requiring protective measures for their survival due to their population status, sensitivity to habitat alteration, and/or recreational, commercial or tribal importance.¹³ ~~and/or management to ensure their persistence at genetically viable population levels. Priority species include state listed or state proposed endangered, threatened, or sensitive species and candidate species.~~

“Public access” means physical or visual admittance of the critical area environment.

“Public facilities” means facilities which are owned, operated and maintained by a public agency.

“Public project of significant importance” means a project funded by a public agency, department or jurisdiction which is found to be in the best interests of the citizens of the city of Poulsbo and is so declared by the city of Poulsbo city council in a resolution.

“Public right-of-way” means any road, alley, street, avenue, arterial, bridge, highway, or other publicly owned ground or place used or reserved for the free passage of vehicular and/or pedestrian traffic or other services, including utilities.

“Public utility” means a business or service, either governmental or having appropriate approval from the state, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, sewer and/or wastewater, water, transportation or communications.

“Ravine” means a V-shaped landform generally having little to no floodplain and normally containing steep slopes and is deeper than ten vertical feet as measured from the centerline of the ravine to the top of the slope. Ravines are created by the wearing action of streams.

“Reasonable alternative” means an activity that could feasibly attain or approximate a proposal’s objectives, but at a lower environmental cost or decreased level of environmental degradation.

“Reasonable Use”. A property is deprived of all reasonable use when the owner can realize no reasonable return on the property or make any productive use of the property. “Reasonable return” does not mean a reduction in value of the land, or a lack of a profit on the purchase and sale of the property, but rather, where there can be no beneficial use of the property; and which is attributable to the implementation of this chapter.

“Reasonable use exception” means the process by which the city determines allowable use of a property which cannot conform to the requirements of this chapter.

“Refuse” means material placed in a critical area or its buffer without permission from any legal authority. Refuse includes, but is not limited to, stumps, wood and other organic debris, as well as tires,

¹³ Recommendation from Department of Ecology draft comments on April 2017 Draft CAO.

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automobiles, construction and household refuse. This does not include large woody debris used with an approved enhancement plan.

“Regulated use or activity” means any development proposal which includes or directly affects a critical area or its buffer or is occurring within two hundred feet of a critical area.

“Residential development” means the construction or exterior alteration of one or more buildings, structures or portions thereof which are designed for or used to provide a place of abode for human beings. Residential development includes one- and two-family detached structures, multifamily structures, condominiums, townhouses, mobile home parks, and other similar group housing, together with accessory uses and structures common to residential uses. Residential development does not include hotels, motels, bed and breakfasts, or any other type of overnight or transient housing or camping facilities.

~~“Resource management area (RMA)” means an area that contains a natural resource (fish and wildlife habitat) and the contiguous area that most directly influences the functions and values of the natural resource. RMAs are designated by city of Poulsbo map or description in this chapter; descriptions in this chapter take precedence over map boundaries.¹⁴~~

“Restoration” means the return of a critical area to a state in which its functions and values approach its unaltered state as closely as possible.

“Retention facilities” means drainage facilities designed to store runoff for gradual release by evaporation, plant transpiration, or infiltration into the soil. Retention facilities shall include all such drainage facilities designed so that none or only a portion of the runoff entering the facility will be eventually discharged as surface water. Retention facilities shall include all appurtenances associated with their designed function, maintenance and security.

“Riparian area” means an area that includes the land which supports riparian vegetation and may include some upland, depending on site conditions. These generally occur adjacent to water bodies where specific measures are needed to protect fish and wildlife habitat.

“Road” or “street” means any vehicular right-of-way which: (1) is an existing state, county or municipal roadway; or (2) is a publicly owned easement; or (3) is shown upon a plat or short plat approved pursuant to the Poulsbo Municipal Code; or (4) is a private access greater than fifty feet in length serving more than one property through right of use or easement. The road or street shall include all land within the boundaries of the road right-of-way which is improved.

“Salmonid” means a member of the fish family salmonidae. This family includes chinook, coho, chum, sockeye and pink salmon; rainbow, steelhead and cutthroat trout; brown trout; brook and Dolly Varden char, kokanee, and whitefish.

“Sensitive species (state-listed)” means a species, native to the state of Washington, that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or the removal of threats. Sensitive species are legally designated in WAC 232-12-011.

¹⁴ Deletion of definition necessary as reference to RMA is proposed for deletion in Section 16.20.400.

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“Shorelines” means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (1) shorelines of state-wide significance, (2) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments, and (3) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

“Shorelines of state-wide significance” means those areas designated under RCW 90.58.030(2)(e) (see city of Poulsbo shoreline management master program).

“Single-family dwelling” means a building or structure which is intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes by one family and including accessory structures and improvements.

Slope—Measurement. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ~~ten~~ [10](#) feet of vertical relief.

“Special flood hazard area” means the area adjoining the floodway which is subject to a one percent or greater chance of flooding in any year, as determined by engineering studies acceptable to the city of Poulsbo. The coastal high hazard areas are included within special flood hazard areas.

“Species of concern” are species classified as endangered, threatened, sensitive, candidate, or monitored by the Washington Department of Fish and Wildlife.

“Streams” means those areas in the city of Poulsbo where the surface water flow is sufficient to produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other artificial watercourses unless they are used by salmon or used to convey streams naturally occurring prior to construction.

“Stream Types” means the water typing system established by the Washington State Department of Natural Resources as established in WAC 222-16-030 and -031.

Street. See “Road.”

“Susceptibility (groundwater)” means the potential an aquifer has for groundwater contamination, based on factors which include but are not limited to depth of aquifer, soil permeability, topography, hydraulic gradient and conductivity, and precipitation.

“Swale” means a shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot.

“Threatened species (state-listed)” means a species, native to the state of Washington, that is likely to become endangered in the foreseeable future throughout a significant portion of its range within the state without cooperative management or the removal of threats. Threatened species are legally designated in WAC 232-12-011.

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“Toe of slope” means a distinct topographic break in slope. Where no distinct break exists, this point shall be the lowermost limit of the landslide hazard area as defined and classified in [Section 400 Article IV](#) of this chapter.

“Top of slope” means a distinct topographic break in slope. Where no distinct break in slope exists, this point shall be the uppermost limit of the landslide hazard area as defined and classified in [Section 400 Article IV](#) of this chapter.

“Unavoidable and necessary impacts” are those impacts to critical areas that remain after an applicant proposing to alter such an area has demonstrated that no practicable alternative exists for the proposed project.

“Utilities” means services which produce or carry electric power, gas, sewage, water, communications, oil, etc.

“Utility corridor or easement” means public right-of-way or other dedicated utility easements on which one or more utility lines are located. Utilities include electric, gas, sewer, and water lines.

“Vegetation” means any and all living plant species growing at, below, or above the soil surface.

[“WAC” means the administrative rules implementing state laws.](#)

“Water-dependent use” means a use or portion of a use which requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.

“Water-related use” means a use or a portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a waterfront location. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

“Wetland mosaic” means groups of isolated wetlands, any of which may be smaller than any of the regulated categories, but which in aggregate may be as valuable as any of the regulated categories.

“Wetlands” are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to, wetlands, marshes, bogs, and ponds, including their submerged aquatic beds and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, stormwater facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

“Wetland of High Conservation Value” means a wetland that has been identified by scientists from the Washington Natural Heritage Program (WHNHP) as an important ecosystem for maintaining plant diversity in Washington State.¹⁵

~~“Wetlands, isolated” means wetlands which: (1) are outside of, and not contiguous to, any one-hundred year floodplain of a lake, river, or stream; and (2) have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water or other wetland.~~¹⁶

~~“Wetlands of regional significance” means those regulated wetlands determined by the director, or otherwise determined, to have characteristics of exceptional resource value which should be afforded the highest levels of protection.~~

~~“Wetlands of state wide significance” means those regulated wetlands recommended by the Washington State Department of Ecology and determined by the department to have characteristics of exceptional resource value which should be afforded the highest levels of protection.~~

“Wetlands report” means a wetland delineation characterization and analysis of potential impacts to wetlands utilizing the **current approved Corps of Engineers Wetland Delineation manual (1987 or as amended) and associated supplements,**¹⁷ most recent edition of the Department of Ecology’s Washington State Wetland Rating System for Western Washington consistent with applicable provisions of this chapter.

“Wetlands specialist” means a person with experience and formal training in wetland issues and with practical knowledge in wetland delineations, classifications, functional assessments and mitigation plans. Qualifications of a wetlands specialist include but are not limited to:

1. Certification as a professional wetland scientist (PWS) or wetland professional in training (WPIT) through the Society of Wetland Scientists;
2. Bachelor of Science **or Arts or equivalent** degree in **biology, botany, environmental studies, fisheries, soil science, wildlife or related field**¹⁸ the biological sciences from an accredited institution and two years of professional field experience; or
3. Five or more years of professional experience as a practicing wetlands biologist with a minimum three years of professional experience delineating wetlands.

“Wildlife biologist” means a person with experience and formal training in the principles of wildlife management and with practical knowledge in the habits, distribution and environmental management of wildlife. Qualifications of a wildlife biologist include but are not limited to:

1. Certification as a professional wildlife biologist through the Wildlife Society;

¹⁵ *Wetlands Guidance for CAO Updates, Western Washington version*, June 2016, Department of Ecology publication 16-06-001.

¹⁶ ~~Isolated wetlands are now regulated solely by Army Corp of Engineers.~~

¹⁷ In accordance with WAC 173-22-035, wetlands in Washington are to be delineated using the current approved federal manual and supplements.

¹⁸ Recommended by Grette Associates.

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2. Bachelor of Science or Bachelor of Arts degree in wildlife management, wildlife biology, ecology, zoology, or a related field, from an accredited institution and two years of field experience; or
3. Five or more years of experience as a practicing wildlife biologist with a minimum of three years of practical field experience.

SECTION 200: WETLANDS

16.20.200 Applicability.

Wetlands located outside of the city's shoreline jurisdiction are regulated by the provisions of this chapter. Wetlands located within the city's shoreline jurisdiction are regulated by the city's shoreline master program.

16.20.205 Purpose.

This ~~section~~ ~~article~~ applies to all regulated uses within, or adjacent to, areas designated as wetlands, as categorized in Section 16.20.215. Under the conditions of this article, the city may deny development purposes that would ~~irreparable~~ **irreparably** impact regulated wetlands. The intent of this article is to:

- A. Achieve no net loss of wetland acreage, functions and values. Mitigation measures, as conditions of permits, must have a reasonable expectation of success;
- B. Plan wetland uses and activities in a manner that allows property holders to benefit from wetland property ownership wherever allowable under the conditions of this article and chapter; and
- C. Preserve natural flood control, stormwater storage and drainage or stream flow patterns.

16.20.210 Wetland categories.

Per RCW 36.70A.030(21), wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturation soil conditions. Wetlands generally include swamps, estuaries, marshes, bogs and similar areas. **Per WAC 173-22-035, for regulatory purposes, wetlands shall be delineated in accordance with the approved federal wetland delineation manual and applicable regional supplements, adopted by the U.S. Army Corp of Engineers.**¹⁹ ~~Identification of wetlands and delineation of their boundaries pursuant to this chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the city meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this chapter.~~

The city of Poulsbo uses the Department of Ecology's *Washington State Wetland Rating System for Western Washington, **2014 Update (Ecology Publication #14-06-029)*** 2004 or as amended hereafter, to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement rations for wetlands. This system consists of four wetland categories generally designated as in Section 16.20.~~215.~~ **115.**

16.20.215 Regulated and Non-regulated wetland classification.²⁰

- A. Regulated Wetlands.

¹⁹ In accordance with WAC 173-22-035, wetlands in Washington are to be delineated using the current approved federal manual and supplements.

²⁰ *Per Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology Publication#14-06-29.)

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1. Category I Wetlands. Category I wetlands are those that: (a) represent a unique or rare wetland types; or (b) are more sensitive to disturbance than most wetlands; or (c) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (d) provide a high level of function. Category I wetlands include relatively undisturbed estuarine wetlands larger than one acre, wetlands with a high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR, bogs, mature and old-growth forested wetlands ~~over~~ larger than one acre, wetlands in coastal lagoons, interdunal wetland that score 8 or 9 habitat points and are larger than one acre, and wetlands that perform many functions very well as demonstrated by a score of 23-27 total points. ~~over seventy points using the DOE rating system.~~

2. Category II Wetlands. Category II wetlands are difficult, though not impossible, to replace, and provide a moderately high level of functions. Category II wetlands include estuarine wetlands smaller than one acre or disturbed and larger than one acre, interdunal wetlands greater than one acre or is a mosaic of interdunal wetland that is one acre or larger, and wetlands that perform functions well as demonstrated by a score of 20-22. ~~fifty one to sixty nine points using the DOE rating system.~~

3. Category III Wetlands. Category III wetlands are wetlands with a moderate level of function as demonstrated by a score of 16-19 points, and interdunal wetlands between 0.1 and 1 acre. ~~thirty to fifty points using the DOE rating system.~~

4. Category IV Wetlands. Category IV wetlands have the lowest levels of functions as demonstrated by a score of 9-15 points and are often heavily disturbed. ~~less than thirty points on the DOE rating system and are often heavily disturbed.~~

5. Wetlands intentionally created from non-wetland areas to mitigate conversion of other wetlands.

B. Non-regulated Wetlands (RCW 36.70A.030(21)).²¹

1. Created Wetlands. Wetlands created intentionally from a non-wetland site that were not required to be constructed as mitigation for adverse wetland impacts. These may include, but are not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities ~~ponds~~, farm ponds ~~not contiguous~~ as defined in this chapter, and landscape amenities.

2. Recent Road Construction-Related Wetlands. Wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. The applicant shall bear the burden of proving that the wetland meets these criteria.

16.20.220 Application requirements.

A. Application Procedures for New Development. Any new development on a parcel or parcels containing a regulated wetland or its buffer, or within 300 feet of a wetland or its buffer,

²¹ Clarifying that non-regulated wetlands are as defined by RCW, and not a local definition.

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proposed within the largest potential wetland buffer width, shall provide the special reports listed below, as required by the department, prior to any development authorization by the department:

1. **Wetland assessment report (Section 16.20.725), if wetlands or buffers are within 300 feet but outside of the parcel or parcels and no buffer impacts, reductions, or setback intrusions are proposed;**²²
2. Wetland delineation report (Section [16.20.725](#)) **if wetland or buffers occur within the parcel or parcels;**
3. Wetland mitigation report (Section [16.20.725](#)), **if wetland or buffer impacts are anticipated or if the director requires buffer enhancement;** and,
4. Erosion and sedimentation control measures as required by Poulsbo Municipal Code construction and development standards contained in Chapter [12.02](#).

The director may require additional reports or information to further identify potential impacts to any part of the environment.

16.20.225 Determination of wetland boundaries.

A. **Wetland delineation shall be conducted and results reviewed according to the requirements of the U.S. Army Corps of Engineers federal wetland delineation manual and applicable regional supplements**²³. The applicant shall be responsible for hiring a **certified qualified** wetlands specialist to determine the wetland boundary through a field survey. This specialist shall stake or flag the wetland boundary. For all new development, and as required by the director, this line shall be surveyed by a professional land surveyor licensed in the state of Washington or recorded using a differential global positioning system. In the event that a global positioning system is used, wetland boundary information, **including position accuracies,**²⁴ shall be provided to the city in an electronic data format acceptable to the city. The regulated wetland boundary and regulated buffer shall be identified on all grading, landscaping, site, utility or other development plans submitted in support of the project.

B. Where the applicant has provided a delineation of a wetland boundary, the director **shall**²⁵ may require **peer-reviewed verification of the wetland boundary by a qualified wetlands specialist**²⁶ verify the wetland boundary at the cost of the applicant, and may require that adjustments to the boundary be made by a wetlands specialist. **If a consensus cannot be reached between the applicant and the City of Poulsbo with respect to the location of the wetland boundary, the City may request assistance from the Department of Ecology.**²⁷

²² New type of wetland report, determining if wetlands are near but outside of the subject site, and no impacts are proposed.

²³ In accordance with WAC 173-22-035, wetlands in Washington are to be delineated using the current approved federal manual and supplements.

²⁴ Important for verifying the accuracy of dGPS points. Some dGPS units are not very accurate under or near a tree canopy for example, and can result in points that are only accurate to within 10-12 feet or more. This is not adequate in most cases.

²⁵ Section 16.20.710 requires all special reports submitted be peer reviewed.

²⁶ Clarification; see also 16.20.725.

²⁷ Identifying ability to request technical assistance from DOE.

16.20.230 Wetland and Buffer Development standards.

For the purpose of this chapter, a regulated wetland and its buffer is a critical area.

A. Buffers. Buffers shall ~~be remain as~~ undisturbed ~~native species~~ natural vegetation areas appropriate to the ecoregion, for the purpose of protecting the integrity, function, and value of wetland resources. except where the buffer can be enhanced to improve its functional values. If the existing buffer does not consist of vegetation adequate to provide the necessary protection, then either the buffer area should be planted or the buffer width should be increased. ²⁸ Any buffer enhancement proposed shall be through an approved Buffer Enhancement Plan. and/or limited view clearing activity must be reviewed and approved by the director. No uses or activities shall be allowed within the buffer unless as otherwise allowed or permitted by this section. If the buffer has previously been disturbed, the director may require the disturbed buffer area be revegetated pursuant to an approved Buffer Enhancement Plan (see also Section 16.20.725 ~~725~~.D). ²⁹ No refuse, including but not limited to household trash, yard waste and commercial/industrial refuse, shall be placed in the buffer.

B. Impact of Land Use.³⁰ Different land use intensities can result in high, moderate, or low levels of impact to adjacent wetlands and buffers. Types of land uses are categorized into impact levels as shown on the following table.

Table 16.20.230.A Types of Land Uses

<u>Level of Impact from Land Use</u>	<u>Types of Land Uses Based on Common Use Categories</u>
<u>High</u>	<u>Residential uses (greater than one unit per acre); schools; churches; public facilities, public/private services and government administrative uses (excluding parks, rights-of-way and utilities); lodging uses; personal, professional, product and automotive services; health care services; commercial and sales uses; animal clinics and kennels; marine-related uses; industrial uses; restaurant uses; museum, club and recreation hall uses; high-intensity parks, outdoor and indoor recreation (golf courses, ballfields, tennis clubs, swimming pools, etc.); conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.); hobby farms.</u>
<u>Moderate</u>	<u>Residential uses (less than one unit per acre); moderate-intensity parks and outdoor recreation (parks with biking, jogging, etc.); conversion to moderate-intensity agriculture (orchards, hay fields, etc.) and paved trails; building of logging roads; utility corridor or right-of-way shared by several utilities and including access/maintenance road.</u>
<u>Low</u>	<u>Forestry (cutting of trees only); low-intensity parks and open space (hiking, bird-watching, preservation of natural resources, etc.) and unpaved trails; utility corridor without a maintenance road and little or no vegetation management.</u>

²⁸ Page 13, *Wetlands Guidance for CAO Updates, Western Washington version, June 2016, Ecology Publication #16-06-001.*)

²⁹ Clarification/recommended by Grette Associates

³⁰ Per Appendix 8-C, Table 8C-3 of *Wetlands in Washington State – Volume 2. (Ecology Publication #05-06-008).*

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C. Buffer Widths. All regulated wetlands shall be surrounded by a buffer as follows, based upon Appendix 8-C, Section 8C.2.3 of Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008).

Table 16.20.230.B— Wetland Buffer Width Standards³¹ Wetland Development Standards

Wetland Category and Characteristics	Buffer Width Standards	Other Measures Recommended for Protection	Other Development Standards
Category I			See subsections E, F, G and H of this section relating to buffer reduction, averaging, decreased buffer provisions and increased buffer provisions.
Wetlands with a High Conservation Value Natural heritage wetlands		No additional surface discharges to wetland or its tributaries No septic systems within 300 feet of wetland Restore degraded parts of buffer	
Low Impact Use	125 feet		
Moderate Impact Use	190 feet		
High Impact Use	250 feet		
Bog		No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer	
Low Impact Use	125 feet		
Moderate Impact Use	190 feet		
High Impact Use	250 feet		
Forested	Buffer to be based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connections to other habitat area Restore degraded parts of buffer	
Estuarine		No recommendations at this time	
Low Impact Use	100 feet		
Moderate Impact Use	150 feet		
High Impact Use	200 feet		
Coastal lagoon		No recommendations at this time	
Low Impact Use	100 feet		
Moderate Impact Use	150 feet		
High Impact Use	200 feet		
Habitat score from 8-9 to 29 to 36 points		Maintain connections to other habitat areas Restore degraded parts of buffer	
Low Impact Use	150 feet		
Moderate Impact Use	225 feet		
High Impact Use	300 feet		

³¹ Per Appendix 8-C, Section 8C.2.3 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands* (Ecology Publication #05-06-008).

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Wetland Category and Characteristics	Buffer Width Standards	<u>Other Measures Recommended for Protection</u>	<u>Other Development Standards</u>
<u>Interdunal with habitat score 8-9 points</u> <u>Low Impact Use</u> <u>Moderate Impact Use</u> <u>High Impact Use</u>	<u>150 feet</u> <u>225 feet</u> <u>300 feet</u>	<u>Maintain connections to other habitat areas</u> <u>Restore degraded parts of buffer</u>	
Habitat score from <u>5-7</u> 20 to <u>28</u> points <u>Low Impact Use</u> <u>Moderate Impact Use</u> <u>High Impact Use</u>	<u>75 feet</u> <u>110 feet</u> 150 feet	<u>No recommendations at this time</u>	
<u>Score for water quality 8-9 points and habitat score of 5 or less points</u> <u>Low Impact Use</u> <u>Moderate Impact Use</u> <u>High Impact Use</u>	<u>50 feet</u> <u>75 feet</u> <u>100 feet</u>	<u>No additional surface discharges of untreated runoff</u>	
Category I wetlands not meeting any of the criteria above with a habitat score less than 20 points <u>Low Impact Use</u> <u>Moderate Impact Use</u> <u>High Impact Use</u>	<u>50 feet</u> <u>75 feet</u> 100 feet	<u>No recommendations at this time</u>	
Category II			
Estuarine <u>Low Impact Use</u> <u>Moderate Impact Use</u> <u>High Impact Use</u>	<u>75 feet</u> <u>110 feet</u> 150 feet	<u>Maintain connections to other habitat areas</u>	
<u>Interdunal</u> <u>Low Impact Use</u> <u>Moderate Impact Use</u> <u>High Impact Use</u>	<u>75 feet</u> <u>110 feet</u> <u>150 feet</u>	<u>No recommendations at this time</u>	
Habitat score from <u>8-9</u> 29 to <u>36</u> points <u>Low Impact Use</u> <u>Moderate Impact Use</u> <u>High Impact Use</u>	<u>150 feet</u> <u>225 feet</u> 300 feet	<u>Maintain connections to other habitat areas</u>	
Habitat score from <u>5-7</u> 20 to <u>28</u> points <u>Low Impact Use</u>	<u>75 feet</u> <u>110 feet</u>	<u>No recommendations at this time</u>	

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Wetland Category and Characteristics	Buffer Width Standards	<u>Other Measures Recommended for Protection</u>	<u>Other Development Standards</u>
<u>Moderate Impact Use</u> <u>High Impact Use</u>	150 feet		
<u>Score for water quality 8-9 points; habitat score less than 5 points</u> <u>Low Impact Use</u> <u>Moderate Impact Use</u> <u>High Impact Use</u>	<u>50 feet</u> <u>75 feet</u> <u>100 feet</u>	<u>No additional surface discharges of untreated runoff</u>	
Category II wetlands not meeting any of the criteria above with a habitat score less than 20 points <u>Low Impact Use</u> <u>Moderate Impact Use</u> <u>High Impact Use</u>	<u>50 feet</u> <u>75 feet</u> 100 feet	<u>No recommendations at this time</u>	
Category III			
<u>Habitat score from 8-9 20 to 28 points, use Category II buffers with habitat score 8-9 points</u>			
Category III wetlands not meeting any of the criteria above with a Habitat <u>score 5-7 points</u> less than 20 points <u>Low Impact Use</u> <u>Moderate Impact Use</u> <u>High Impact Use</u>	<u>75 80 feet</u> <u>110 feet</u> 150 feet	<u>No recommendations at this time</u>	
<u>Habitat score 3-4 points</u> <u>Low Impact Use</u> <u>Moderate Impact Use</u> <u>High Impact Use</u>	<u>40 feet</u> <u>60 feet</u> 80 feet	<u>No recommendations at this time</u>	
Category IV			
<u>Habitat score for all 3 functions is less than 16 points.</u> <u>Low Impact Use</u> <u>Moderate Impact Use</u> <u>High Impact Use</u>	<u>25 feet</u> <u>40 feet</u> 50 feet	<u>No recommendations at this time</u>	

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Wetland Category and Characteristics	Buffer Width Standards	<u>Other Measures Recommended for Protection</u>	<u>Other Development Standards</u>
Small Isolated Wetlands ³²			-
Wetlands less than or equal to 1,000 square feet; provided, that the wetland is not associated with a riparian corridor or is not part of a wetland mosaic, or does not contain habitat identified as essential for local populations of priority species identified by the Washington State Department of Fish and Wildlife.			No required buffer, except as needed to protect wetland functions. Wetland may be impacted; provided, that mitigation is provided to assure no net loss of critical area function. Wetland delineation and mitigation reports required. Mitigation may be provided on- or off-site, provided mitigation must occur within the same watershed.

D. Buffer Measurement. All buffers shall be measured on a horizontal plane from the regulated wetland edge as marked in the field by the wetlands specialist.

D. ³³ Special Conditions for Reduction in Buffer Width. Buffers for Category IV wetlands and Category I, II, or III wetlands that score less than twenty points for habitat may be reduced by twenty-five percent if all of the determined mitigation measures or alternate mitigation measures, as applicable and as approved by the director, are applied to address the types of disturbances listed in Table 16.20.230B.

Table 16.20.230B—Examples of Measures to Minimize Impacts to Wetlands from Different Types of Activities

Examples of Disturbances	Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts
Lights	Parking lots, warehouses, commercial, manufacturing, residential areas	Direct lights away from wetland.

³² Isolated wetlands are to be determine by the Army Corp of Engineers.

³³ Buffer reductions provisions are in Section 16.20.230.G.

Table 16.20.230B—Examples of Measures to Minimize Impacts to Wetlands from Different Types of Activities

Examples of Disturbances	Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts
Noise	Manufacturing, commercial, residential areas	Locate activity that generates noise away from wetland.
Toxic runoff*	Parking lots, roads, manufacturing, commercial, residential areas, landscaping	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.
Stormwater runoff	Parking lots, roads, manufacturing, residential areas, commercial, landscaping	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enter the buffer.
Change in water regime	Impermeable surfaces, lawns, clearing and grading	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.
Pets and human disturbance	Residential areas	Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract.
Dust	Clearing and grading	Use best management practices to control dust.
*These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present.		

E. Buffer Width Averaging.³⁴ **The widths of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for reasonable use of a parcel. Averaging may not be used in conjunction with any of the other provisions for reductions of buffers in Section 16.20.230.F.**

- 1. Averaging to improve wetland protection may be permitted when all of the following conditions are met:**
 - a. The wetland has significant differences in characteristics that affect its habitat functions, such as wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower-rated area.**
 - b. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion.**

³⁴ Per Appendix 8-C, Section 8C.2.6 of *Wetlands in Washington State – Volume 2. (Ecology Publication #05-06-008).*

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- c. The total area of buffer after averaging is equal to the area required without averaging.
 - d. The buffer at its narrowest point is never less than ¾ of the required width.
- 2. Averaging to allow reasonable use of a parcel may be permitted when all of the following are met:**
- a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.
 - b. The averaged buffer will not result in degradation of the wetland’s functions and values as demonstrated by a report from a qualified wetland professional.
 - c. The total buffer area after averaging is equal to the area required without averaging.
 - d. The buffer at its narrowest point is never less than ¾ of the required width.

Buffer widths for Category I, II and III wetlands may be modified by the director for a development proposal by averaging buffer widths. The director may allow wetland buffer averaging where all of the following can be demonstrated through a wetland report:

- 1. That the wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
- 2. All of the mitigation measures included in Table 16.20.230B are applied. Alternate mitigation measures, as approved by the director, may be applied to address the types of disturbances described in Table 16.20.230B;
- 3. That the total area contained within the buffer after averaging is not less than that contained within the buffer prior to averaging;
- 4. The buffer width has not been reduced by more than twenty-five percent of the required buffer width at any point; and
- 5. Width averaging will not reduce the functions and values of the wetland.

F. Decreasing Buffer Widths.³⁵ **Per Section 8C.2.4.1 of Appendix 8-C, Wetlands in Washington State – Volume 2, wetland buffer widths required for “high” intensity land uses can be reduced to those required for “moderate” intensity land uses, and those required for “moderate” intensity land uses (See Table 16.20.230.A and .B) can be reduced to those required for “low” intensity land,**³⁶**under the following conditions:**

- 1. **For wetlands that score moderate or high for habitat (5-9 points for the habitat score), the width of the buffer can be reduced by no more than 25 percent if both of the following criteria are met:**
 - a. **A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. “Relatively undisturbed” and “vegetated corridor” are defined in the Western Washington Wetland Rating System. Priority Habitats within the City may include:**

³⁵ Per Appendix 8-C, Section 8C.2.4.1 of *Wetlands in Washington State – Volume 2. (Ecology Publication #05-06-008).*

³⁶ Per Appendix 8-C, Section 8C.2.4.1 of *Wetlands in Washington State – Volume 2. (Ecology Publication #05-06-008).* Also recommended by Department of Ecology draft comments on April 2017 Draft CAO.

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- i. Wetlands;
- ii. Riparian zones;
- iii. Cliffs;
- iv. Estuary/estuary-like;
- v. Marine/estuarine shorelines;
- vi. Urban natural open space, Biodiversity and Corridors.³⁷

The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection, such as a conservation easement.

- b. Measures to minimize the impacts of different land uses on wetlands, such as the examples in Table 16.20.230.C are applied.
2. For wetlands that score less than 5 points for habitat, the buffer width can be reduced by no more than 25 percent applying measures to minimize the impacts of the proposed land uses, such as the examples in Table 16.20.230.C.

Table 16.20.230.C—Examples of Measures to Minimize Impacts to Wetlands from Different Types of Activities³⁸

<u>Examples of Disturbances</u>	<u>Activities and Uses that Cause Disturbances</u>	<u>Examples of Measures to Minimize Impacts</u>
<u>Lights</u>	<u>Parking lots, warehouses, commercial, manufacturing, residential areas</u>	<u>Direct lights away from wetland.</u>
<u>Noise</u>	<u>Manufacturing, commercial, residential areas</u>	<u>Locate activity that generates noise away from wetland.</u>
<u>Toxic runoff*</u>	<u>Parking lots, roads, manufacturing, commercial, residential areas, landscaping</u>	<u>Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.</u>
<u>Stormwater runoff</u>	<u>Parking lots, roads, manufacturing, residential areas, commercial, landscaping</u>	<u>Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enter the buffer.</u>
<u>Change in water regime</u>	<u>Impermeable surfaces, lawns, clearing and grading</u>	<u>Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.</u>
<u>Pets and human disturbance</u>	<u>Residential areas</u>	<u>Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract.</u>
<u>Dust</u>	<u>Clearing and grading</u>	<u>Use best management practices to control dust.</u>

³⁷ Recommendation from Department of Ecology’s draft comments on April 2017 Draft CAO.

³⁸ Per Appendix 8-C, Table 8C-8 of *Wetlands in Washington State – Volume 2. (Ecology Publication #05-06-008).*

Table 16.20.230.C—Examples of Measures to Minimize Impacts to Wetlands from Different Types of Activities ³⁸

<u>Examples of Disturbances</u>	<u>Activities and Uses that Cause Disturbances</u>	<u>Examples of Measures to Minimize Impacts</u>
<p><i>*These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present.</i></p>		

3. Decision Criteria. Prior to approval, a buffer reduction proposal shall meet all of the decisional criteria listed below.
 - a. It will provide an overall improvement in water quality protection for the wetland; and
 - b. It will not adversely affect fish or wildlife species and will provide an overall enhancement to fish and wildlife habitat; and
 - c. It will provide a net improvement in drainage and/or storm water detention capabilities; and
 - d. All exposed areas are stabilized with native vegetation, as appropriate; and
 - e. It will not lead to unstable earth conditions or create an erosion hazard; and
 - f. It will not be materially detrimental to any other property or the city as a whole.

4. ~~Buffer Enhancement Plan³⁹. As part of the buffer reduction request, the applicant shall submit a buffer enhancement plan prepared by a wetland specialist. The report shall assess the habitat, water quality, storm water detention, ground water recharge, shoreline protection, and erosion protection functions of the buffer; assess the effects of the proposed modification on those functions; and address the six criteria in subsection 16.20.230.F.3. The buffer enhancement plan shall also provide the following.~~
 - ~~a. A map detailing the specific area of enhancement that shows the elevation contours of the site;~~
 - ~~b. A planting plan that uses native plant species indigenous to this region including groundcover, shrubs and trees;~~
 - ~~c. Provisions for monitoring and maintenance over the monitoring period as required under PMC 16.20.725. Moved to new subsection J below.~~

The director may decrease the buffer widths for Category I, II and III wetlands where all of the following can be demonstrated through a wetland report:

1. Wetland buffer width averaging as set forth in this chapter is unfeasible. Decreasing wetland buffer widths cannot be used in conjunction with wetland buffer averaging;
2. All of the mitigation measures included in Table 16.20.230B are applied. Alternate mitigation measures, as approved by the director, may be applied to address the types of disturbances described in Table 16.20.230B;
3. The project application includes, as applicable, a wetland report or habitat management plan using native vegetation and other mitigations as appropriate for the proposed project which substantiates that an enhanced buffer will improve the functional attributes of the buffer to

³⁹ Recommended by Grette Associates. Moved to Subsection J.

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~~provide additional protection for functions and values. The following actions shall be considered in combination with a buffer reduction:~~

- ~~a. Infiltration of stormwater where soils permit;~~
- ~~b. Retention of existing native or equivalent vegetation or revegetation on other portions of the site in order to offset habitat loss from buffer reduction; and~~
- ~~c. Fencing and signage of the buffer edge.~~

~~4. Under no circumstances shall required buffer widths be reduced by more than twenty five percent.~~

G. Increasing Buffer Widths.⁴⁰ The director may increase buffer zone widths for a development project on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values, **per Section 8C.2.5 of Appendix 8-C, Wetlands in Washington State, Volume 2**. This determination shall be made only when the director demonstrates any one of the following through appropriate documentation:

1. The wetland site has known locations of endangered or threatened species, **the width of the buffer should be increased to provide adequate protection for the species based on the requirements in Section 8C.2.5.3, as revised, of the Wetlands in Washington State, Volume 2;** for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species;
2. The adjacent land is susceptible to severe erosion and erosion control measures alone will not effectively prevent adverse wetland impacts; and
3. The adjacent land on the development proposal site has minimal vegetative cover or slopes greater than **thirty 30** percent.

H. Building or Impervious Surface Setbacks ~~Lines~~. A building or impervious surface setback ~~line~~ of **fifteen 15** feet is required from the edge of any wetland buffer. Minor structural or impervious surface intrusions into the areas of the setback, such as **but not limited to** fire escapes, open/uncovered porches, landing places, outside walkways, outside stairways, **retaining walls, fences** and patios, may be permitted if the department determines **upon review of an analysis of buffer functions submitted by the applicant,** that such intrusions will not adversely impact the wetland. The setback shall be identified on a site plan.

I. Signs and Fencing of Wetlands. This subsection applies to those wetlands and their buffers that are within **300 three hundred** feet of regulated development activities:

1. Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required by the director, between the area where the construction activity occurs and the buffer. Fences shall be made of a durable protective barrier and shall be highly visible. Silt fences and plastic construction fences may be used to prevent encroachment on wetlands or their buffers by construction. Temporary fencing shall be removed after the site work has been completed and the site is fully stabilized per city approval.
2. The director may require that permanent signs and/or fencing be placed on the common boundary between a wetland buffer and the adjacent land. Such signs will identify the wetland

⁴⁰ Per Appendix 8-C, Section 8C.2.5 of *Wetlands in Washington State – Volume 2*. (Ecology Publication #05-06-008).

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buffer **and may be required to contain other information related to wetland protection**. The director may approve an alternative method of wetland and buffer identification if it provides adequate protection to the wetland and buffer.

J. **Buffer Enhancement Plan⁴¹. When a buffer is proposed to be averaged, reduced or increased, the applicant shall submit a buffer enhancement plan prepared by a qualified wetland specialist, and in conjunction with a mitigation plan, if required. The report shall assess the habitat, water quality, storm water detention, ground water recharge, shoreline protection, and erosion protection functions of the buffer; and assess the effects of the proposed modification on those functions. The buffer enhancement plan shall also provide the following.**

1. **A map detailing the specific area of enhancement that shows the elevation contours of the site;**
2. **A planting plan that uses native plant species indigenous to this region including groundcover, shrubs and trees;**

Provisions for monitoring and maintenance over the monitoring period as required under PMC 16.20.740.

16.20.235 Additional development standards.

In addition to meeting the development standards in Section [16.20.230](#), the regulated uses identified below shall also comply with the standards of this section and other applicable state, federal and local ordinances.

- A. Docks. Construction of a dock, pier, moorage, float or launch facility may be permitted subject to criteria in the city's shoreline master program.
- B. Forest Practice, Class IV General, and Conversion Option Harvest Plans (COHPs). All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this chapter, including the maintenance of buffers around regulated wetlands.
- C. Agricultural Restrictions. In all development proposals which would permit introduction or expansion of agricultural uses, damage to ~~Category I, II and III~~ regulated wetlands shall be avoided, **and will be regulated as a development activity subject to the provisions of the Section.** ~~These restrictions shall not apply to those regulated wetlands defined as grazed wet meadows, regardless of their classification, only where grazing has occurred within the last five years. Wetlands shall be protected by installation of fencing located not closer than the outer buffer edge.~~
- D. Road/Street Repair and Construction. Public road or street repair, maintenance, expansion or construction may be allowed in wetlands or wetland buffers subject to the following development standards:
 1. No other reasonable or practicable alternative exists and the road or street crossing serves multiple properties wherever possible;
 2. Publicly owned or maintained road or street crossings provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

⁴¹ Recommended by Grette Associates.

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3. The road or street repair and construction are the minimum necessary to provide safe roads and streets; ~~and~~
4. Mitigation shall be performed in accordance with this Chapter and specific project mitigation plan requirements; and
5. Before beginning work in-water or within wetlands, it shall be the responsibility of the agency to ensure that all other required state and federal approvals have been obtained.

E. Surface Water Management Low Impact Development (LID).⁴²

~~Surface water discharges from stormwater facilities or structures may be allowed in wetland buffers when they are in accordance with the city's stormwater management ordinance. The discharge shall not significantly increase or decrease the rate of flow and/or hydro-period, nor decrease the water quality of the wetland. Pre-treatment of surface water discharge through biofiltration or other best management practices (BMPs) shall be required.~~

A wetland or its buffer can be physically or hydrologically altered to meet the requirements of a storm water management runoff treatment, LID or flow control best management practices (BMP), if the following criteria is met:

~~F. Low Impact Development (LID). LID activities may be allowed within the buffer of Category III or IV wetlands only; provided, that:~~

1. The Category III or IV wetland has a habitat score of 3-4 points; and no other location is feasible; and
2. There will be “no net loss” of functions and values of the wetland, and the location of such facilities will not degrade the functions or values of the wetland; and
3. The wetland does not contain a breeding population of any native amphibian species; and
4. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the “Guide for Selecting Mitigation Sites Using a Watershed Approach (<http://www.ecy.wa.gov/biblio/0906032.html>); or the wetland is part of a priority restoration plan that achieves restoration goals identified in a Shoreline Master Program or other local or regional watershed plan; and
5. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing; and
6. All regulations regarding storm water and wetland management are followed, including but not limited to local and state wetland and storm water codes, manuals and permits; and

⁴² Consolidation of Surface Water Management and Low Impact Development recommended by Department of Ecology's draft comments on April 2017 Draft CAO. Standards from *Wetland Guidance for CAO Updates, Western Washington version, June 2016, (Ecology Publication #16-06-001.)*

7. Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost would have to be compensated/replaced.

A site-specific characterization through a ~~special~~ wetland report is required to determine if an LID Best Management Practices (BMP) is feasible for a project site and all of the criteria above are met. The special wetland report shall be prepared consistent with Section 16.20.7205 and will be verified through peer-review.

~~The applicant shall submit~~ **A wetland hydrology monitoring plan prepared by a qualified wetland specialist shall be required. The plan shall provide an analysis to demonstrate the baseline hydrologic conditions within the wetland, provide monitoring methods, provide a monitoring program to evaluate the hydrologic conditions post construction, and provide a reporting schedule for submitting monitoring reports to the City. The wetland hydrology monitoring plan shall be verified through peer-review.**⁴³

G. Trails and Trail-Related Facilities. Construction of public trails and trail-related facilities, such as benches and viewing platforms, may be allowed in wetlands or wetland buffers pursuant to the following guidelines:

1. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas.
2. Trails and related facilities shall be planned to minimize removal of trees, soil disturbance and existing hydrological characteristics, shrubs, snags and important wildlife habitat.
3. Viewing platforms and benches, and access to them, shall be designed and located to minimize disturbances of wildlife habitat and/or critical characteristics of the affected wetland.
4. Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers, they should be located on the outer portion of the buffer and as far as possible from the wetland edge, except where wetland crossings or viewing areas have been approved.
5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails, have been specifically allowed and mitigation has been provided. Trail width shall not exceed ~~five~~ **5** feet unless there is a demonstrated need, subject to review and approval by the director. Trails shall be constructed with pervious materials unless otherwise approved by the director **and located in the outer 25 percent of the wetland buffer area as much as feasible.**⁴⁴

6. Mitigation may be required to replace native vegetation removed for trail construction or enhance remaining areas of degraded buffer.

H. Utilities in Wetlands or Wetland Buffers.

⁴³ Monitoring report requirement recommended by Grette Associates.

⁴⁴ Recommendation from Department of Ecology's draft comments on April 2017 Draft CAO.

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1. The utility development authorized in Section [16.20.120](#) shall be allowed, subject to best management practices in wetlands and wetland buffers.
2. Construction of new utilities outside the road right-of-way or existing utility corridors or easements may be permitted in wetlands or wetland buffers, only when no reasonable alternative location is available and the utility corridor or easement meets the requirements for installation, replacement or vegetation and maintenance outlined below, and as required in the filing and approval of applicable permits and special reports (**Section 700 Article VII** of this chapter) required by this chapter.
3. Sanitary Sewer or On-Site Sewage Utility. Construction of sanitary sewer lines or on-site sewage systems may be permitted in regulated wetland buffers only when: (a) the applicant demonstrates it is necessary to meet state and/or local health code minimum design standards (not requiring a variance for either horizontal setback or vertical separation), and/or (b) there are no other practicable or reasonable alternatives available and construction meets the requirements of this section. Joint use of the sanitary sewer utility easement by other utilities may be allowed.
4. New utility corridors or easements shall not be allowed when the regulated wetland or buffer has known locations of federal- or state-listed endangered, threatened or sensitive species, heron rookeries or nesting sites of raptors which are listed as state candidate or state monitor, except in those circumstances where an approved habitat management plan indicates that the utility corridor or easement will not significantly impact the wetland or wetland buffer.
5. New utility corridor or easement construction and maintenance shall protect the regulated wetland and buffer environment by utilizing the following methods:
 - a. New utility corridors or easements shall be aligned when possible to avoid cutting trees greater than twelve inches in diameter at breast height (four and one-half feet), measured on the uphill side.
 - b. New utility corridors or easements shall be revegetated with appropriate native vegetation at pre-construction densities or greater, immediately upon completion of construction, or as soon thereafter as possible, if due to seasonal growing constraints. The utility shall ensure that such vegetation survives.
 - c. Any additional utility corridor or easement access for maintenance shall be provided as much as possible at specific points, rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width but no greater than fifteen feet; and shall be contiguous to the location of the utility corridor on the side away from the wetland. Mitigation will be required for any additional access through restoration of vegetation in disturbed areas.
 - d. The director may require other additional mitigation measures.
6. Utility corridor maintenance shall include the following measures to protect the regulated wetland and buffer environment:
 - a. Where feasible, painting of utility equipment such as power towers shall not be sprayed or sandblasted, nor should lead-based paints be used.
 - b. No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers except those approved by the EPA and the Department of Ecology. Where approved,

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herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.

7. Before beginning work in-water or within wetlands, it shall be the responsibility of the utility to ensure that all other required state and federal approvals have been obtained.⁴⁵

16.20.240 Wetland Alterations⁴⁶ mitigation requirements.

A. Mitigation **Sequencing**. All regulated development activities proposed to impact wetlands or buffers shall be mitigated according to this title subject to the following **sequential** order (**WAC 197-11-768**). **The applicant shall demonstrate to the satisfaction of the review authority that each step of this sequence has been adequately addressed prior to approving or permitting impacts to wetlands under this chapter.**

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 3. ~~Using one of the following mitigation types, listed in order of preference:~~ a. Rectifying the impact by **repairing** ~~reestablishing~~, rehabilitating, or restoring the affected environment;
 4. **Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;**
 5. ~~b.~~ Compensating for the impact by replacing, **enhancing** or providing substitute resources or environments;
 6. ~~c.~~ Compensating for the impact by improving the environmental processes that support wetland systems and functions;
 6. Monitoring the impact and compensation and taking appropriate corrective measures; or
 7. **Mitigating for individual actions may include a combination of the above measures.**
- ~~Combining any of the above measures to mitigate for individual actions.~~

B. Mitigation for Regulated Activities in Wetland Buffers. A specific mitigation plan is required and the requirements are provided in Section **16.20.725**. **Appropriate implementation and timing of the mitigation plan shall be included as conditions of approval of the underlying land use permit.**⁴⁷ ~~Approval signified by a notarized memorandum of agreement signed by the applicant and department director or designee, and recorded with the Kitsap County auditor. The agreement shall refer to all requirements for the mitigation project.~~

C. Mitigation for Regulated Activities in Wetlands. Compensatory mitigation shall be required for regulated activities that result in the loss of wetland acreage **or in the reduction of wetland functions or habitat values**. A specific mitigation plan is required and the requirements are provided in Section **16.20.725**.

1. A compensatory mitigation plan shall be completed. The applicant shall submit a detailed mitigation plan for compensatory mitigation to the department.
2. The detailed mitigation plan shall be prepared, signed, and dated by the wetlands specialist to indicate that the plan is in accordance with specifications as determined by the wetlands specialist. A signed original mitigation plan shall be submitted to the department.

⁴⁵ Recommendation from Department of Ecology's draft comments on April 2017 Draft CAO.

⁴⁶ Amendments to be consistent with sequencing requirements in WAC 197-11-768.

⁴⁷ Amendment to provide administrative clarification.

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3. Approval of the detailed mitigation plan shall be signified through **conditions of approval of the underlying land use permit and requiring appropriate implementation and timing of the mitigation plan.**⁴⁸ ~~by a notarized memorandum of agreement signed by the applicant and department director or designee, and recorded with the Kitsap County auditor. The agreement shall refer to all requirements for the mitigation project.~~
4. The mitigation project shall be completed according to a schedule agreed upon between the department and the applicant as included in the wetland mitigation plan **and conditions of approval.**⁴⁹
5. Wetland mitigation shall occur according to the approved wetland mitigation plan and shall be consistent with provisions of this chapter and title.
6. A wetlands specialist shall be on site during construction and plant installation phases of all mitigation projects.
7. On completion of construction for the wetland mitigation project, the wetlands specialist shall submit an as-built report to the department for review and approval.

D. Wetland Replacement Ratios.

1. The ratios presented here are based on the type of compensatory mitigation proposed (restoration, **creation**/establishment, or enhancement). These types of compensatory mitigation **listed in order of preference,**⁵⁰ are defined as follows:
 - a. Restoration. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:
 - i. Reestablishment. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Reestablishment results in a gain in wetland acres **and functions.**
 - ii. Rehabilitation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.
 - b. **Creation**/Establishment (~~Creation~~). The manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Establishment results in a gain in wetland acres.
 - c. Enhancement. The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, floodwater retention or wildlife habitat. Activities typically consist of planting vegetation, controlling non-native or invasive

⁴⁸ Amendment to provide administrative clarification.

⁴⁹ Amendment to provide administrative clarification.

⁵⁰ Per *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (Ecology Publication #06-06-011a

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species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres.

3. Preservation.⁵¹ The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes the purchase of land or easements, repairing water control structures or fences, or structural protection. Preservation does not result in a gain of wetland acres (but may result in a gain in functions over the long term). Replacement ratios for preservation will be determined on a case-by-case basis, depending on the quality of the wetlands being lost or degraded and the quality of the wetlands being preserved.

2. The following ratios appearing below in Table 16.20.240, Wetland Mitigation Replacement Ratios, as found in *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Ecology Publication #06-06-011a)*, as well as consideration of the factors listed in this section, **These ratios** shall be used to determine the appropriate amounts of restored, established, or enhanced wetland that will be required to replace impacted wetlands. The first number specifies the amount of wetland area requiring restoration, establishment, or enhancement and the second number specifies the amount of wetland area altered.

Table 16.20.240—Wetland Mitigation Replacement Ratios⁵²

Wetland Category	Reestablishment or Creation	Rehabilitation Only	Reestablishment	1:1	Enhancement Only
			or Creation (R/C) and Rehabilitation (RH)	Reestablishment or Creation (R/C) and Enhancement (E)	
All Category IV	1.5:1	3:1	<u>1:1 R/C and 1:1 RH</u>	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	<u>1:1 R/C and 2:1 RH</u>	1:1 R/C and 4 2:1 E	8:1
Category II estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	<u>Case-by-case</u>	Case-by-case	Case-by-case

⁵¹ Per *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (Ecology Publication #06-06-011a).

⁵² Per *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (Ecology Publication #06-06-011a) and per Appendix 8-C, Table 8C-11 of *Wetlands in Washington State – Volume 2*. (Ecology Publication #05-06-008).

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Table 16.20.240—Wetland Mitigation Replacement Ratios⁵²

Wetland Category	Reestablishment or Creation	Rehabilitation Only	Reestablishment	1:1	Enhancement Only
			or Creation (R/C) and Rehabilitation (RH)	Reestablishment or Creation (R/C) and Enhancement (E)	
<u>Category II Interdunal</u>	<u>2:1 Compensation has to be interdunal wetland</u>	<u>4:1 Compensation has to be interdunal wetland</u>	<u>1:1 R/C and 2:1 RH Compensation has to be interdunal wetland</u>	<u>Not considered an option*</u>	<u>Not considered an option*</u>
All other Category II	3:1	<u>6-8:1</u>	<u>1:1 R/C and 4:1 RH</u>	1:1 R/C and <u>8</u> 4:1 E	12:1
Category I forested	6:1	12:1	<u>1:1 R/C and 10:1 RH</u>	1:1 R/C and <u>20</u> 10 :1 E	24:1
Category I <u>based on score for functions</u> other	4:1	8:1	<u>1:1 R/C and 6:1 RH</u>	1:1 R/C and <u>12</u> 6 :1 E	16:1
Category I natural heritage site	<u>Not considered possible**</u> Prohibited	6:1 rehabilitation of a natural heritage site	<u>Not considered possible**</u>	<u>R/C</u> Not considered possible**	Case-by-case
<u>Category I Coastal Lagoon</u>	<u>Not considered possible**</u>	<u>6:1 rehabilitation of a coastal lagoon</u>	<u>Not considered**</u>	<u>Not considered possible**</u>	<u>Case-by-case</u>
Category I bog	<u>Not considered possible***</u> Prohibited	6:1 rehabilitation of a bog	<u>Not considered possible***</u>	Not considered possible	Case-by-case
Category I estuarine	Case-by-case Prohibited	6:1 rehabilitation of an estuarine wetland	<u>Case-by-case</u>	Case-by-case	Case-by-case

*** Due to the dynamic nature of interdunal systems, enhancement is not considered an ecologically appropriate action.**

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**** Natural Heritage sites, coastal lagoons, and bogs are considered irreplaceable wetlands because they perform some special functions than cannot be replaced through compensatory mitigation. Impacts to such wetland would therefore result in a net loss of some functions no matter what kind of compensation is proposed.**

3. The director may increase or decrease the ratios based on one or more of the following:
 - a. Replacement ratios may be increased under the following circumstances:
 - i. Uncertainty exists as to the probable success of the proposed restoration or creation;
 - ii. A significant period of time will elapse between impact and establishment of wetland functions at the mitigation site;
 - iii. Proposed compensation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
 - iv. The impact was an unauthorized impact.
 - b. Replacement ratios may be decreased under the following circumstances:
 - i. Documentation by **a wetland specialist demonstrates** ~~the applicant provides more certainty~~ that the proposed compensation actions **have a very high likelihood of success based on prior experience.** ~~will be successful.~~ For example, demonstrated prior success with similar compensation actions as those proposed, and/or extensive hydrologic data to support the proposed water regime;
 - ii. Documentation by **a qualified wetland specialist** ~~the applicant~~ demonstrates that the proposed compensation actions will provide functions and values that are significantly greater than the wetland being impacted; or
 - iii. The proposed mitigation actions are conducted in advance of the impact and are shown to be successful.
 - c. **Compensatory mitigation should not result in the creation, restoration or enhancement of an atypical wetland. An atypical wetland is defined as a wetland whose design does not match the type of wetland that would be found in the geomorphic setting of the proposed site (i.e. the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). Any designs that provide exaggerated morphology (such as excavating a permanently inundated pond in a seasonally saturated or inundated wetland) or require a berm or engineered structures to hold back water would be considered atypical.**⁵³

E. Off-Site Compensatory Mitigation⁵⁴. **Unless it is demonstrated that a higher level or ecological functioning would result from an alternative approach, compensatory mitigation for ecological functions shall be in-kind and either on-site, or within the same stream reach, sub-basin, or drift cell (if estuarine wetlands are impacted). Compensatory mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of the following apply:**

1. **There are no reasonable on-site or in sub-drainage basin opportunities (e.g. onsite options would require elimination of high-functioning upland habitat), or onsite and in sub-drainage**

⁵³ Amendment per DOE *Wetlands in Washington State – Volume 2*, Appendix 8-C.

⁵⁴ Amendment from DOE Guidance on Offsite Mitigation, “Critical Areas Ordinance Code Example of Offsite Mitigation Language” March 2009.

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basin opportunities do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts; and

2. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and
3. Off-site locations shall be in the same sub-drainage basin unless;
 - a. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the City or Kitsap County and strongly justify location of mitigation at another site; or
 - b. Credits from a state-certified wetland mitigation bank are used as compensation and the use of credits is consistent with the terms of the bank's certification.
 - c. Fees are paid to an approved in-lieu-fee program to compensate for the impacts.

~~1. Consideration for determining whether off site mitigation is preferable includes, but is not limited to:~~

- ~~a. On-site conditions do not favor successful establishment of the required vegetation type, or lack the proper soil conditions, or hydrology;~~
- ~~b. On-site compensation would result in an aquatic habitat that is isolated from other natural habitats or severely impaired by the effects of the adjacent development;~~
- ~~c. Off-site location is crucial to one or more species that are threatened, endangered, or otherwise of concern, and the on-site location is not;~~
- ~~d. Off-site location is crucial to larger ecosystem functions, such as providing corridors between habitats, and the on-site location is not; and~~
- ~~e. Off-site compensation has a greater likelihood of success or will provide greater functional benefits.~~

~~2. When determining whether off-site mitigation is preferable, the value of the site-specific wetland functions at the project site, such as flood control, nutrient retention, sediment filtering, and rare or unique habitats or species, should be fully considered.~~

~~3. When conditions do not favor on-site compensation, off-site compensatory mitigation should be located as close to the impact site as possible, at least within the same watershed, while still replacing lost functions.~~

F. **Advance Mitigation⁵⁵. Compensatory mitigation in advance of proposed impacts may be allowed on a case-by-case basis where the applicant demonstrates consistency with approved state and/or federal advance mitigation programs and policies. Approval of an advance mitigation plan is not a guarantee of future project approval or authorization.**

G. Monitoring Requirements. The City of Poulsbo shall require monitoring reports on an annual basis for a minimum of ~~5 five~~ years and up to ~~10 ten~~ years, or until the director determines that the mitigation project has met the performance standards⁵⁶ specified in the wetland mitigation plan. ~~achieved success.~~ The wetland mitigation plan shall provide specific ~~criteria~~ **performance standards** for monitoring the mitigation project. ~~Criteria-~~**The performance standards** shall be project-specific and use best available science to aid the director in evaluating whether or not the project has achieved success.

⁵⁵ Per *Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation*, Ecology Publication #12-06-015.

⁵⁶ Use of performance standards is required by updated Best Available Science, and this term is used in all current wetland mitigation and monitoring guidance.

SECTION 300: FISH AND WILDLIFE HABITAT CONSERVATION AREAS

16.20.305 Purpose.

This [section article](#) applies to all uses and activities regulated under this chapter within or adjacent to areas designated as fish and wildlife habitat conservation areas ~~or resource management areas~~, as categorized in Section [16.20.310](#). The purpose of this chapter is to:

- A. Preserve existing ecological functions of fish and wildlife habitat conservation areas normally associated with streams, riparian areas (freshwater areas and estuarine areas not regulated by the city's shoreline master program), wetland and upland wildlife habitat;
- B. Preserve natural flood control, storm water storage and drainage or stream flow patterns;
- C. Control siltation, protect nutrient reserves and main stream flows and stream quality; and
- D. Prevent turbidity and pollution of streams.

16.20.310 Fish and Wildlife Habitat Conservation Area—Designations.

The following designations shall be used in classifying fish and wildlife habitat conservation areas:

A. South Fork of Dogfish Creek Stream/Riparian Corridor Conservation Areas. The following reaches of stream channel and riparian area of the South Fork of Dogfish Creek:

- 1. Headwater. Between the northernmost extent of the drainage north of NE Lincoln Road and Wilderness Park;
- 2. Canyon. Between the east end of Wilderness Park and SR 305;
- 3. Urban/Commercial. Between SR 305 (culvert south of NE Lincoln Road) and culvert north of NE Liberty Road;
- 4. Lower Forested. Between SR 305 (culvert north of NE Liberty Road) and the confluence with Dogfish Creek main stem, north of Bond Road; and
- 5. Main Stem. Dogfish Creek between the junction of South Fork and Liberty Bay, to the boundary of the city's shoreline jurisdiction.

B. Streams. All streams which meet the criteria for Types **F, Np and Ns** ~~1, 2, 3, 4 and 5~~ waters as set forth in WAC [222-16-030](#) of the DNR Water Typing System, **as now or hereafter amended.**⁵⁷ **Type S waters are regulated through Chapter 16.08 Shoreline Master Program.**

C. Lakes Less Than Twenty Acres in Surface Area. Those lakes which meet the criteria for Types **F, Np and Ns** ~~2, 3, 4 and 5~~ waters as set forth in WAC [222-16-030](#), as now or hereafter amended. This includes lakes and **naturally occurring** ponds less than twenty acres in surface area and their submerged aquatic beds, and lakes and ponds planted with game fish by a governmental or tribal authority.

⁵⁷ Amendment is changing the stream criteria to the 'alpha' typing used by resource agencies per WAC 222-16-030.

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D. Habitats recognized by federal or state agencies for federal- and/or state-listed endangered, threatened, sensitive and candidate/monitored species which presence is documented in maps or databases available to City of Poulsbo.⁵⁸ ~~Wildlife Habitat Conservation Areas.~~

1. ~~Class 1 Wildlife Habitat Conservation Areas.~~

~~a. Habitats recognized by federal or state agencies for federal and/or state-listed endangered, threatened and sensitive species which presence is documented in maps or databases available to city of Poulsbo;~~

~~b. Areas targeted for preservation by the federal, state and/or local government which provide fish and wildlife habitat benefits, such as important waterfowl areas identified by the U.S. Fish and Wildlife Service; and~~

~~c. Areas that contain habitats and species of local importance.~~

2. ~~Class 2 Wildlife Habitat Conservation Areas.~~

~~a. Habitats for state-listed candidate and monitored species which presence is documented in maps or databases available to the city of Poulsbo; and~~

~~b. Habitats which include attributes such as comparatively high wildlife density; high wildlife species richness; significant wildlife breeding habitat, seasonal ranges or movement corridors of limited availability and/or high vulnerability. These habitats may include caves, cliffs, islands, meadows, old-growth/mature forest, snag-rich areas, talus slopes, and urban natural open space.~~

E. Areas targeted for preservation by federal, state and/or local government which provide fish and wildlife habitat benefits, such as important waterfowl areas identified by the U.S. Fish and Wildlife Service or Washington Department of Fish and Wildlife.

F. Areas that contain habitats and species of local importance.

G. Habitats which include attributes such as comparatively high wildlife density, high wildlife species richness, significant wildlife breeding habitat, seasonal ranges or movement corridors or limited availability and/or high vulnerability. These habitats may include caves, cliffs, islands, meadows, old-growth/mature forest, snag-rich areas, talus slopes, urban natural open space, Category I wetlands, and other wetlands that score high for habitat (8-9 points).

H. Areas of Rare Plant Species and High Quality Ecosystems. Areas of rare plant species and high quality ecosystems as identified by the Washington State Department of Natural Resources through the Natural Heritage Program.

16.20.315 Development standards.

The following development standards shall apply to fish and wildlife habitat conservation areas:

⁵⁸ New sections D, E, F and G per WAC 365-190-130 and WDFW Priority Habitat and Species List August 2008 and Updated [6/2016](#) [4/2014](#).

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A. Buffers Resource Management Areas (RMA) and Setbacks. **Buffers and building setbacks shall be maintained along all identified fish and wildlife habitat conservation areas, as indicated in this Section.**⁵⁹

1. Buffers ~~or resource management areas~~, and **building** setbacks shall be maintained along all identified **fish and wildlife** habitat conservation areas. Distances shall be measured **horizontally** from the ordinary high water mark (OHWM) or from the top of the bank where the OHWM cannot be identified. **Building setbacks shall be measured horizontally from the edge of the buffer.** ~~Two systems of riparian buffers or RMA dimensions are specified below, standard riparian buffers and stream reach specific RMA, based on characteristics and ecological functions of specific stream reaches.~~

a. For streams in ravines with ravine sides 10 feet or greater in height, the minimum buffer width shall be the minimum required or a width which extends 25 feet beyond the top of the slope, whichever is greater.⁶⁰

~~a. Standard riparian buffers shall be utilized for all streams for which there are no reach-specific riparian RMA.~~

~~b. The use of the stream reach specific RMA is subject to reach specific protection measures. The letters listed after the RMA width correspond to the required protections listed at the end of Table 16.20.315.~~

2. Buffers ~~and RMA~~ shall be retained in at least the quality of their existing condition. ~~or they may be enhanced by planting indigenous vegetation as approved by the director.~~ **Where impacts or reductions of the standard buffer width are proposed, the director may require the remaining buffer be enhanced to protect the quality and function of the fish and wildlife habitat conservation area through a Buffer Enhancement Plan.**⁶¹ ~~Refuse, including but not limited to household trash, yard waste, and commercial/industrial refuse, shall not be placed in the buffer or RMA.~~

3. ~~Alteration of buffers or RMA may be allowed for water dependent and water related activities subject to subsection (B)(3) of this section, and for development authorized by Article I of this chapter.~~

3. **Stream** ~~The buffers or RMA~~ shall include streamside wetlands and/or functional floodplains which provide overflow storage for storm waters, provide groundwater recharge or discharge functions, or provide seasonal shelter and food for fish. In braided channels, the OHWM or top of bank shall be defined so as to include the entire stream feature.

4. **Where wetlands and geologically hazardous areas** ~~such features occur on the a site that contains a fish and wildlife habitat conservation area, refer to Section 200 Article II of this chapter, Wetlands, and Section 400 Article IV of this chapter, Geologically Hazardous Areas, for~~

⁵⁹ Amendment is deleting the resource management areas (RMA) term from this section and replacing with the commonly understood “buffer” and “building setback” terms. The RMA term has caused confusion over what it means, when it really means buffer.

⁶⁰ Moved from 16.20.315.C.

⁶¹ Recommendation from Grette Associates.

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additional development standards. In cases of differing standards, the more restrictive buffer or setback shall apply.

6. Building Setbacks: An additional building setback of 25 feet is required from the edge of all fish and wildlife habitat conservation area buffers.

a. ~~6.~~ If applicable, the required **building setbacks** ~~buffers or RMA~~ may meet **or contribute to** specific yard setback requirements of Title 18 of this code.

b. ~~7.~~ Minor structural or impervious surface intrusions **such as but not limited to fire escapes, open/uncovered porches, landing places, outside walkways, outside stairways, retaining walls fences, and patios may be permitted within the required building setback if the director determines, upon submittal of a habitat management plan, that such intrusions will not adversely impact the fish and wildlife habitat conservation area or its buffer. The setback shall be identified on the site plan or appropriate drawing.**⁶² ~~into the areas of the setback may be permitted if the director determines that such intrusions will not adversely impact the stream or riparian corridor. The director may require submittal of a special report that provides evidence that a proposed intrusion will not adversely impact the stream or riparian corridor.~~

8. New Development or Redevelopment. Standard buffers and ~~resource management areas and~~ **building setbacks** for fish and wildlife habitat conservation areas shall be required as per the following Table 16.20.315, and text:

Table 16.20.315 Fish and Wildlife Habitat Conservation Area Development Standards		
Standard Buffers and Setback Requirements		
Freshwater Streams		
Stream Water Type ⁶³	Buffer Width (feet, each side of stream)	Building Setback (feet, each side of buffer) from RMA
F1 (salmonids) 2	200	25
F2 (non-salmonids) 3	150	25
Np 4	100	25

⁶² Amendment uses the specific intrusions as also identified in wetland section, and requires habitat management plan in order to adequately evaluate potential impacts.

⁶³ Grette Associates recommends identifying subcategories for F and Ns streams, based upon guidance found in WAC 222-16-030(4) and other jurisdiction's utilizing this approach. Habitat Assessment Reports will identify the type of stream and its prescribed buffer.

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Ns 1 (connected to S,F, Np) 5	75	25
Ns 2 (not connected to S,F Np)	<u>50</u>	<u>25</u>
<p>South Fork Dogfish Creek Stream-Reach-Specific Buffer Resource Management Area and Building Setback Requirements</p> <p>Stream reaches are mapped on Figures CAO-5 and CAO-6.</p> <p>Additional protections are required for development subject to the following RMA requirements. Letters listed after the RMA width in parentheses indicate which protections are applicable to the particular stream reach. Protections are listed below.</p>		
Stream Reach	Buffer Resource Management Area (feet, from each OHWM)	Building Setback from RMA
South Fork of Dogfish Creek RMA determined by stream reach as follows:		
<u>Tidewater/Estuarine*</u> Main stem	100 (a, b)	25
Lower forested	75, or top of adjacent slope, whichever is greater (a, b, c, d)	25
Urban/commercial	50 for new development and redevelopment; extent of existing constraints for existing development (b, e)	25
Canyon	Park boundary or top of slope, whichever is closest to stream, otherwise 100 or top of steep slope, whichever is greater (a, b, f, g)	25
Headwater	50 (b, h, i)	25
<p>Additional Protections Required for Properties within 300 Feet of the South Fork of Dogfish Creek</p>		
<p>(a) Maintain a 50-foot no-cut area on both sides of stream, measured from outer edge of the buffer- riparian area. Edge of riparian area shall be determined in the field by a qualified biologist where there is existing forest.</p> <p>(b) Maximum stormwater treatment required for new construction; retrofit existing impervious areas with minimum stormwater treatment when expansions or alterations trigger a major site plan amendment.</p> <p>(c) Maintain vegetation on hill slopes adjacent to stream.</p> <p>(d) Retain curb along SR 305 to direct stormwater runoff, and provide stormwater treatment facilities prior to runoff entering creek.</p>		

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- (e) Pruning of riparian vegetation is prohibited. Removal of invasive species and replanting of existing buffer areas with native riparian vegetation may be required at the time of major site plan amendments or redevelopment.
 - (f) No tree cutting (except for removal of danger trees in accordance with Section [16.20.120\(H\)](#)) on canyon side slopes and bottoms in Wilderness Park.
 - (g) No tree cutting (except for removal of danger trees in accordance with Section [16.20.120\(H\)](#)) or land clearing along both sides of stream between Wilderness Park and SR 305.
 - (h) Retain forested wetland at downstream side of Lincoln Road.
 - (i) Require on-site infiltration of stormwater, where soils are appropriate, for new construction; establish downspout disconnection program for existing development.
- *Main stem segment also subject to shoreline regulations in PMC 16.08 as appropriate.**

Other Fish and Wildlife Habitat Conservation Areas

Class 1

Buffer widths and building setbacks ~~RMA widths and setbacks~~ **for other regulated fish and wildlife habitat conservation areas not listed above** will be determined **on a case-by-case basis** through a mandatory habitat **management** plan, **which shall be based upon the most recent WDFW Priority Habitat and Species Management Recommendations.**

Class 2

Site-specific conditions will determine the need for preparation of a habitat plan for RMA widths and setbacks.

Areas of Rare Plant Species and High Quality Ecosystems

RMA ~~Buffer widths and building setbacks~~ will be determined through a mandatory habitat plan.

B. Changes to Standard Buffers.

1. Provisions for Decreasing the Standard Buffers ~~to an RMA~~ Recommended through a Habitat Management Plan.

a. The director may decrease the standard buffer or **building** setback ~~to an RMA~~ as recommended by a habitat management plan after consultation with the Washington State Department of Fish and Wildlife and the Suquamish Tribe, and determine that conditions are sufficient to protect the affected habitat. A habitat management plan shall be required. The director may reduce the **buffer or building setback** RMA width by up to ~~25~~ **twenty-five** percent, but the **buffer** RMA width shall not be less than ~~fifty~~ **50** feet.

~~b. RMA reductions may be made following adoption of a detailed stream report that documents the existing functions and values of the stream including stream reaches downstream from the subject property. Detailed stream reports shall be reviewed as a Type IV permit and shall require a public hearing before council. Such reports shall incorporate best available science for the particular stream. Accepted reports shall be adopted by resolution. Projects proposing to utilize a RMA authorized under this provision shall comply with all of the following standards:~~

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- ~~i. The reduction from the standard buffer to the recommended RMA contained in an adopted detailed stream report shall be supported by a habitat management plan and shall be consistent with the recommended protections in the adopted report; and~~
- ~~ii. Reductions under this provision shall not reduce the buffer below fifty feet or below the recommended RMA in the detailed stream study accepted by the city.⁶⁴~~

2. Provisions for Increasing Standard Buffers ~~or RMAs~~. The director may increase the buffer ~~or RMA~~ width whenever a specific development proposal has known locations of endangered or threatened species for which a habitat management plan indicates a larger **buffer** ~~RMA~~ is necessary to protect habitat values for such species, ~~or is located within a landslide or erosion hazard area.~~

3. Conditional Alterations. The director may alter the standard buffer, ~~RMA~~ and **building** setback for water-dependent structures and utilities within a stream or its buffer when no other reasonable or practical alternative exists. Any alteration of a buffer or **building setback** ~~RMA~~ shall be the least necessary and shall require a habitat management plan which identifies and adequately protects any affected fish and wildlife conservation area.

C. Fish and wildlife habitat conservation areas and required buffers shall be located within specified open space tracts. The specified open space tracts shall be identified on the underlying land use permit drawings and conditions of approval shall include provisions for preservation, maintenance and other requirements deemed necessary by the Director and/or Review Authority.⁶⁵

~~Streams in Ravines. For streams in ravines with ravine sides ten feet or greater in height, the minimum RMA width shall be the minimum required or a width which extends twenty-five feet beyond the top of the slope, whichever is greater.~~

D. Wildlife Habitat Conservation Areas.⁶⁶

~~1. Class 1 Wildlife Habitat Conservation Areas. All development permits on sites with known locations of Class 1 **fish and** wildlife habitat conservation areas, or sites within ~~300~~ ~~three~~⁶⁷ ~~two hundred~~ feet to known locations of Class 1 **fish and** wildlife habitat conservation areas, shall submit a habitat **assessment or** management plan as specified in **Section 700** Article VII of this chapter, ~~Special Reports~~, for approval. In the case of bald eagles, an approved bald eagle management plan by the Washington State Department of Fish and Wildlife, meeting the requirements and guidelines of the bald eagle protection rules (WAC ~~220-610-100~~ ~~232-12-292~~), as now or hereafter amended, shall satisfy the requirements for a habitat management plan. ~~The habitat management plan shall consider measures to retain and protect the wildlife habitat and~~~~

⁶⁴ Deletion proposed to eliminate confusion. If a stream buffer reduction from those adopted in Table 16.20.315 is proposed to be reduced, it must be through preparation of stream specific scientific study (BAS) and amendment of Critical Areas Ordinance.

⁶⁵ Enhanced language requiring the protected habitat management area and buffer to be placed in an open space tract and moved from Section 16.20.320 up to this Section 16.20.315.

⁶⁶ Grette Associates recommends consolidating Class 1 and Class 2 wildlife habitat conservation areas, and treating both as Fish and Wildlife Habitat Conservation Areas.

⁶⁷ This distance is consistent with 16.20.115.D.

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shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation.⁶⁸

~~2. Class 2 Wildlife Habitat Conservation Areas. All major new development within Class 2 wildlife habitat conservation areas may require the submittal of a habitat management plan. The plan shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation. The requirement for a habitat management plan shall be determined during the development project review.~~

E. Habitat assessment report and management plan. For all regulated activity proposed on a site which contains or is within 300 feet of fish and wildlife habitat conservation area, a habitat assessment shall be prepared by a qualified wildlife biologist. The habitat assessment shall identify the type of stream and its prescribed buffer, an analysis of species or habitats known or suspected, and assessment of project impact or effect on habitat and water quality (see Section 16.20.728). If it is determined that a fish and wildlife habitat conservation area or its buffer does not occur on or within 300 feet of the site, or if it is demonstrated that the project will comply with the standard buffer width and building setback requirements, the development may proceed without any additional requirements under this section. If it is determined that a fish and wildlife habitat conservation area does occur on or within 300 feet of the site, and a modification (i.e. reduction, intrusion or impact) to the standard buffer width and/or building setback is proposed, a habitat management plan shall be prepared. (See Section 16.20.730)⁶⁹

~~F. Signs and Fencing of RMAs. As a project condition of approval, the director or review authority may require the fish and wildlife habitat conservation area **and buffer** RMA be permanently fenced, signed or an acceptable alternative, to further protect the conservation area. Timing, location and type of installation shall be identified in the condition of approval. **Fencing shall be required when reductions of buffer or intrusions into building setback are approved.**~~

G. Provisions for Expansions of Existing Development along Poulsbo Creek. Existing development adjacent to Poulsbo Creek which was lawfully constructed, approved or established prior to the effective date of the ordinance codified in this chapter, but which does not conform to present regulations or standards, may be expanded as follows:

1. A nonconforming single-family residence or mobile home may be enlarged up to **fifty 50** percent of its existing size as long as:
 - a. The new construction extends away from the critical area and related buffer ~~or RMA~~ and **building** setback, is located over an existing impervious area, or is a second/third-story addition located over the existing structure;
 - b. The reconstruction and/or enlargement shall be appropriately mitigated to ensure the existing value and function of the critical area is not degraded;

⁶⁸ The requirements for a habitat management plan are found in PMC 16.20.730.

⁶⁹ Clearly establishes when a habitat management plan is required to be prepared.

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- c. Mitigation and enhancement is required as per subsection (~~G~~F)(2) of this section;
 - d. The structure(s) are located outside of a flood hazard area and active landslide hazard area; and
 - e. The reconstruction and/or enlargement meets all other dimensional standards and requirements contained in the Poulsbo Municipal Code.
2. Requirements for mitigation and enhancement will be determined based on historic site impacts to the critical area, ~~and~~ the scope of proposed alterations **and require the preparation of a habitat management plan**. Possible mitigation and enhancement may include, but shall not be limited to: prohibiting or limiting pruning of riparian vegetation; invasive plant removal and reestablishment of native trees and shrubs within existing buffer areas; instream habitat improvements such as spawning gravel or large woody debris; requiring minimum stormwater treatment for new construction; and retrofitting existing impervious areas with minimum stormwater treatment where feasible. In certain instances, off-site mitigation and/or enhancement may also be required to benefit the watershed.
3. Proposals that proposed to utilize these requirements shall require a critical area permit, a Type II review.

16.20.320 Additional Project specific development standards.

A. Stream Crossings. Any private or public road expansion or construction which is allowed and must cross streams classified within this chapter shall comply with the following minimum development standards:

1. Bridges or bottomless culverts shall be required for all streams which support **fish life salmonids**, unless a habitat management plan is submitted which demonstrates that other alternatives would not result in significant impacts to the fish and wildlife habitat conservation area and as determined appropriate through the **Hydraulic Project Approval**⁷⁰ ~~hydraulics permit approval~~ process administered by the Washington State Department of Fish and Wildlife;
2. Crossings shall not occur in salmonid spawning areas unless no other feasible crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be located as determined necessary through coordination with the **Washington** Department of Fish and Wildlife;
3. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists;
4. Crossings shall not diminish flood-carrying capacity;
5. Crossings shall serve multiple properties whenever possible;

⁷⁰ Grette Associates recommends this change as WDFW will require an HPA for any stream containing fish habitat.

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6. **Publicly owned or maintained road or street crossing shall provide for other purposes, such as utility crossing, pedestrian or bicycle easements, viewing points, whenever possible;**⁷¹

7. Where there is no reasonable alternative to providing a conventional culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity. **If located on a stream containing fish and wildlife habitat per WAC 222-16-030, the culvert shall be designed in accordance with the Washington Department of Fish and Wildlife's 2013 Water Crossing Guidelines (or as amended).**

B. Stream Relocations. Stream relocations for the purpose of flood protection and/or fisheries restoration shall only be permitted when adhering to the following minimum performance standards and when consistent with Washington State Department of Fish and Wildlife's **Hydraulic Project Approval** hydraulic project approval, **and any other local, state or federal permits:**

1. The channel, bank and **buffer** RMA areas should be replanted with native vegetation that replicates a natural, undisturbed riparian condition;
2. For those shorelands and waters prone to flooding, a professional engineer licensed in the state of Washington shall provide information demonstrating that the equivalent base flood storage volume and function will be maintained; ~~and~~
3. Relocated stream channels shall be designed to meet or exceed the functions and values of the stream to be relocated; **and**
4. **Relocation proposal shall include an evaluation report addressing potential downstream impacts to public and private properties, critical areas and listed species; changes to hydroperiod, water quality, flooding frequency or severity; and any necessary downstream storm water facility improvements associated with the relocation.**⁷²

C. Pesticides, Fertilizers and Herbicides. No pesticides, herbicides or fertilizers may be used in fish and wildlife habitat conservation areas or their **buffers** RMAs, except those approved by the EPA and approved under a DOE water quality modification permit for use in **the specific** fish and wildlife habitat conservation area environments. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.

~~D. Land Divisions and Land Use Permits. All proposed divisions of land and land use applications which include fish and wildlife habitat conservation areas shall comply with the following:~~

- ~~1. The land division approvals shall be conditioned so that all required buffers are dedicated as open space tracts, an easement or covenant encumbering the buffer. Such dedication, easement or covenant shall be recorded together with the land division and represented on the final plat, short plat or binding site plan.~~⁷³

⁷¹ Amendment adding a language consistent with wetland crossing requirements.

⁷² Amendment added due to research on stream relocation, and that analysis of downstream impacts was not required by the current CAO language.

⁷³ This section enhanced and moved to Section 16.20.315.

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E. Agricultural Restrictions. In all development proposals **or activities** which would permit introduction of agriculture to fish and wildlife habitat conservation areas, damage to the area shall be avoided by installation of fencing located not closer than the outer buffer edge.

F. Poulsbo Shoreline Master Program. All development along the saltwater shoreline defined as shorelines of the state shall be consistent with the city of Poulsbo shoreline master program, as now or hereafter amended.

G. Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as benches, interpretative centers, and viewing platforms, may be allowed in fish and wildlife habitat conservation areas or **buffers** ~~their RMAs~~ pursuant to the following standards:

1. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or other such previously disturbed areas;
2. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat;
3. Viewing platforms, interpretive centers, benches and access to them shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected conservation area;
4. Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers, they should be located on the outer portion of the buffer and as far as possible from the stream edge, except where stream crossings or viewing areas have been approved;
5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails, have been specifically allowed and mitigation has been provided. Trail width shall not exceed **five 5** feet unless there is a demonstrated need, subject to review and approval by the planning director. Trails shall be constructed with pervious materials unless otherwise approved by the planning director, **and located in the outer 25 percent of the wetland buffer area as much as feasible.**⁷⁴

6. Mitigation may be required to replace native vegetation removed for trail construction or enhance remaining areas of degraded buffer.

H. Utilities. Placement of utilities within designated fish and wildlife habitat conservation areas and buffers may be allowed pursuant to the following standards:

1. The utility development authorized in Section [16.20.120](#) shall be allowed, subject to best management practices in fish and wildlife habitat conservation areas and buffers.
2. Construction of new utilities outside the road right-of-way or existing utility corridors or easements may be permitted in fish and wildlife habitat conservation areas or their buffers, only when no reasonable alternative location is available and the utility corridor or easement meets the requirements for installation, replacement ~~or~~ **of** vegetation and maintenance outlined below,

⁷⁴ Recommendation from Department of Ecology's draft comments on April 2017 Draft CAO.

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and as required in the filing and approval of applicable permits and special reports ([Section 700 Article VII](#) of this chapter) required by this chapter.

3. Sewer or On-Site Sewage Utility. Construction of sewer lines or on-site sewage systems may be permitted in fish and wildlife habitat conservation areas or their buffers when the applicant demonstrates it is necessary to meet state and/or local health code requirements, there are no other practicable alternatives available, and the construction meets the requirements of this section. Joint use of the sewer utility corridor by other utilities may be allowed.
4. New utility corridors or easements shall not be allowed in fish and wildlife habitat conservation areas with known locations of federal- or state-listed endangered, threatened or sensitive species, heron rookeries or nesting sites of raptors which are listed as state candidate or state monitor, except in those circumstances where an approved habitat management plan indicates that the utility corridor or easement will not significantly impact the fish and wildlife habitat conservation areas or buffers.
5. New utility corridor or easement construction and maintenance shall protect the environment of fish and wildlife habitat conservation areas and their buffers.
 - a. New utility corridors or easements shall be aligned when possible to avoid cutting trees greater than twelve inches in diameter at breast height (four and one-half feet), measured on the uphill side.
 - b. New utility corridors or easements shall be revegetated with appropriate native vegetation at pre-construction densities or greater, immediately upon completion of construction, or as soon thereafter as possible, if due to seasonal growing constraints. The utility shall ensure that such vegetation survives.
 - c. Any additional utility corridor or easement access for maintenance shall be provided as much as possible at specific points, rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width but no greater than fifteen feet; and shall be contiguous to the location of the utility corridor on the side away from the **fish and wildlife habitat conservation area**. ~~wetland~~. Mitigation will be required for any additional access through restoration of vegetation in disturbed areas.
 - d. The director may require other additional mitigation measures.
6. Utility corridor maintenance shall include the following measures to protect the regulated fish and wildlife habitat conservation area and buffer environment:
 - a. Where feasible, painting of utility equipment such as power towers shall not be sprayed or sandblasted, nor should lead-based paints be used.
 - b. No pesticides, herbicides or fertilizers may be used in fish and wildlife habitat conservation areas or their buffers except those approved by the EPA and the Department of Ecology. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.

c. Refueling or maintenance of utility equipment shall not be conducted within a fish and wildlife habitat conservation area or its buffer.

I. Bank Stabilization. A stream channel and bank may be stabilized when naturally occurring earth movement threatens existing structures (defined as requiring a building permit pursuant to the International Building Code), public improvements, unique natural resources, public health, safety or welfare, or is the only feasible access to property; and when such stabilization results in maintenance of fish and wildlife habitat, flood control and improvement of water quality. Shoreline stabilization is regulated by the city's shoreline master program.

When bank stabilization is determined to be necessary, bioengineering or other non-structural methods should be the first option for protection. The director may require that bank stabilization be designed by a professional engineer licensed in the state of Washington with demonstrated expertise in hydraulic actions. Bank stabilization projects may also require **a Hydraulic Project Approval** hydraulic project approval from the Washington Department of Fish and Wildlife **and may be required to meet the design guidelines in WDFW's 2002 Integrated Streambank Protection Guidelines.**

SECTION 400: GEOLOGICALLY HAZARDOUS AREAS

16.20.405 Purpose.

This ~~section article~~ applies to all regulated uses included in this chapter within ~~three hundred~~ **300** feet of areas designated as geologically hazardous areas, **as defined or identified in WAC 365-190-030, WAC 365-190-120, and** as categorized in Section 16.20.410. The intent of this ~~section~~ article is to:

- A. Provide standards to protect human life and property from potential risks;
- B. Control erosion, siltation, and water quality **to protect anadromous and resident fish and shellfish;** and
- C. **Reduce, mitigate or minimize potential impacts on public health and safety.** ~~Provide controls to minimize shoreline erosion caused by human activity.~~

16.20.410 Geologically hazardous area categories.

A. Classification. The following categories shall be used in classifying geologically hazardous areas:

- 1. Geologically Hazardous Areas.
 - a. Areas with slopes greater than ~~thirty~~ **30** percent and mapped by the Coastal Zone Atlas or Quaternary Geology and Stratigraphy of Kitsap County as unstable (U), unstable old land slides (UOS) or unstable recent slides (URS).
 - b. Areas with slopes greater than ~~thirty~~ **30** percent in grade and deemed by a qualified geologist or geotechnical engineer to meet the criteria of U, UOS, or URS.
- 2. Areas of Geologic Concern.
 - a. Areas designated U, UOS, or URS in the Coastal Zone Atlas or Quaternary Geology and Stratigraphy of Kitsap County, with slopes less than ~~thirty~~ **30** percent; or areas found by a qualified geologist to meet the criteria for U, URS, or UOS with slopes less than ~~thirty~~ **30** percent; or

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- b. Slopes identified as intermediate (I) in the Coastal Zone Atlas or Quaternary Geology and Stratigraphy of Kitsap County, or areas found by a qualified geologist to meet the criteria of I; or
- c. Slopes ~~fifteen~~ **15** percent or greater, not classified as I, U, UOS, or URS, with soils classified by the [U.S. Department of Agriculture](#) Natural Resources Conservation Service as “highly ~~erodible~~ **erodable**” or “potentially highly ~~erodible~~ **erodable**”; or
- d. Slopes of ~~fifteen~~ **15** percent or greater with springs or groundwater seepage not identified in subsections (A)(2)(a) through (c) of this section; or
- e. Seismic areas subject to liquefaction from earthquakes (seismic hazard areas) such as hydric soils as identified by the Natural Resources Conservation Service, and areas that have been filled to make a site more suitable. Seismic areas may include former wetlands which have been covered with fill; or
- f. Areas mapped as “severe” in all development limitations based on mapped soil units of the USDA Soil Conservation Service. These designations are listed in Table 10 of Soil Survey of Kitsap County Area, Washington.

B. Site-Specific Determination—Geological and Geotechnical Report Provisions. **Depending upon the site and proposed project, a geotechnical or geological report shall be required from the applicant to confirm or modify existing information about a specific site and** for development proposals located within geologically hazardous areas and areas of geologic concern. The requirements for special reports are contained in **Section 700** Article VII of this chapter. **Project proponents are responsible for determining whether a geologically hazardous area exists and is regulated pursuant to this Chapter.**

16.20.415 Allowable uses.⁷⁵

- A. **The director may limit the types, locations and intensity of proposed land uses and development if such limits are recommended by a geotechnical report prepared according to the requirements in Section 700.**
- B. **Critical facilities as defined below are restricted in geologically hazardous areas as defined in 16.20.410.A.1. ~~and may be~~ Critical facilities as defined below may be restricted from being locating ed in areas of geologic concern as defined in 16.20.410.A.2 if unless no other location of the proposed use is feasible and if supported by the recommendation of a geotechnical report prepared according to the requirements in Section 700 is submitted.**
 - 1. **Critical facilities are those facilities that meet one or more of the following criteria:**
 - a. **Facilities that are essential to the health and welfare of the population, including services that protect life and property. Such facilities include, but are not limited to, hospitals, emergency clinics, police and fire stations, emergency vehicle and equipment storage facilities, emergency operations centers, aviation control centers,**

⁷⁵ Washington Department of Commerce recommends that inappropriate uses in geohazard areas, such as critical facilities, should be identified and regulated.

and utility facilities such as sewage treatment plants and electric transmission substations.

- b. Facilities that are intended or likely to serve as public emergency shelter locations.**
- c. Facilities that produce, use or store highly volatile, flammable, explosive, toxic and/or water reactive materials.**

16.20.42015 Development standards.

A. Approval. The director will review all submittals for clearing, grading and building on property containing geologically hazardous areas **or areas of geologic concern**. The director will consider any proposed mitigation measures included in a geotechnical report, if submitted. In cases where a special report indicates a significant risk to public health, safety or welfare, the city shall deny or require revision of the application.

B. City Engineer Requirements. The city engineer, in conjunction with a clearing, grading or building permit application in geologically hazardous areas **or areas of geologic concern**, may require, but not be limited to, construction plans, details and specifications for clearing, grading, erosion and sedimentation control and stormwater drainage, and detailed hydrological, geotechnical, soils and drainage reports and analyses **that address the potential concerns and mitigations for development in geologically hazardous area or area of geologic concern**.

C. ~~Minimum Native Vegetative Buffer~~ Required **Buffer**. A standard ~~native vegetation~~ buffer of twenty-five feet shall be established from the top, toe, and all edges of geologically hazardous areas and areas of geologic concern, unless otherwise specified through a geological report or site-specific determination. **Existing vegetation shall be retained, or the buffer shall be replanted with appropriate native vegetation.**

D. Buffer and Building Setback Modifications. The minimum native vegetative buffer and/or building setback requirement may be decreased if a geotechnical report demonstrates that a lesser distance, and the design and engineering, will adequately protect the proposed development and stabilize the potential hazard.

Should the report indicate a greater buffer and/or building setback than required by this section, the greater buffer and/or building setback shall be required.

E. Time Limitations. For new or redevelopment, clearing and grading may be limited by the city engineer to the period between May 1st and October 1st, unless the applicant provides an erosion and sedimentation control plan prepared by a professional engineer licensed in the state of Washington that specifically identifies methods of erosion control for wet weather conditions.

F. Field Marking Requirements. For new or redevelopment, the proposed clearing for the project and all critical area buffers ~~shall~~ **may** be required to be marked in the field for inspection and approval by the city prior to beginning work. Field marking shall remain in place until construction is completed and final approval is granted by the city. The requirement for field marking will be identified as a condition of approval for the underlying development permit.

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G. **Trees and** Vegetation⁷⁶. The following requirements apply in geologically hazardous areas and areas of geologic concern: director may require enhancement of buffer vegetation to increase protection of the hazard area. Minor pruning of buffer vegetation and tree limbs may be allowed for enhancement of views, provided such activity is approved by the director.

1. As a development permit condition, the director may require enhancement of native buffer vegetation and trees to increase protection of the hazard area by stabilizing slopes and preventing soil erosion. A management plan shall be prepared for such enhancement, and the installation shall require maintenance bonding for a minimum of five 5 years to ensure that performance standards have been met.

2. Removal of danger trees is allowed only if such activity is approved by the director, and requires a written determination by a certified arborist in the State of Washington that the trees proposed for elimination represent a legitimate safety hazard. The director may require that stumps and root systems be retained for soil retention and erosion control.

3. Minor pruning of vegetation may be allowed only if such activity is approved by the director and is conducted according to a plan prepared by a certified arborist in the State of Washington and peer reviewed and approved by the city arborist. The following are allowable methods and techniques for vegetation thinning.

- a. Tree thinning. The selective removal of branches in the inner crown of the tree, provided not more than 25% of a tree's leaf-bearing crown is removed. An even distribution of interior small branches and foliage on remaining limbs shall be maintained to avoid over-thinning.**
- b. Tree raising. The removal of the lower branches of a tree in order to provide clearance for passage or for views. After raising, the height of the pruned portion shall not exceed 1/3 of the total tree height; provided, that removal of branches from the lower portion shall not exceed 25% of the tree's leaf-bearing crown.**
- c. Tree reduction. Reducing the height or spread of a tree for clearance or views by selectively removing leaders and terminals of branches. Cuts should be made to lateral branches at unions, whereby the cut branch is at least 1/3 the diameter of the stem at the union. No more than 25% of a tree's crown mass shall be removed, unless it can be demonstrated that further reduction is necessary for essential installation or continuing maintenance of utilities.**
- d. Tree topping. Topping shall be used as a last resort when it can be demonstrated that methods in subsections (a) through (d) are not feasible, or when it can be demonstrated by a certified arborist that topping is less harmful to the particular species of tree than other listed methods. Topping is the indiscriminate cutting of branches and laterals to stubs at a specific tree height or spread, often, exceeding 25% of a tree's crown mass. Topping shall only be allowed with a written determination from a certified arborist that the proposed topping will not harm the tree's short term health or long term survivability.**
- e. Pruning mature trees. Mature and old growth trees are more susceptible to permanent damage or death from pruning. Pruning of mature trees may be allowed as a corrective or preventative measure, such as the removal of decayed, rubbing or crowded branches that**

⁷⁶ Amendment to address issues of tree cutting on critical slopes; language per Washington State Commerce's recommended ordinance language.

~~affect the tree's health. A written determination from a certified arborist must be provided that states the proposed pruning will not harm the mature tree's short term health or long term survivability.⁷⁷~~

H. Roads and Utilities.

1. Only the clearing necessary to install temporary erosion control measures will be allowed prior to clearing for roads and utilities construction;
2. Clearing for roads and utilities shall be the minimum necessary and shall remain within marked construction limits;
3. Clearing for overhead power lines shall be the minimum necessary for construction and will provide the required minimum clearances of the serving utility; and
4. Where existing logging roads occur in geologically hazardous areas or areas of geologic concern, a geological or geotechnical report may be required prior to use as a temporary haul road or permanent access road under a conversion or [Conversion Option Harvest Plan](#) ~~COHP~~ forest practices application.

I. Seismic Hazard Areas Standards. Applications for new or redevelopment within seismic hazard areas may be required to provide a geotechnical report, addressing any fill or grading that has occurred on the subject parcel. Any fill placed for such development shall have documented construction monitoring as required by the International Building Code.

SECTION 500: CRITICAL AQUIFER RECHARGE AREAS

16.20.505 Purpose.

The intent of this ~~section~~ article is to provide water quality protection associated with aquifer recharge areas through the regulation of land use activities that pose a potential contaminant threat or could increase the vulnerability of the aquifer.

16.20.510 Critical aquifer recharge area categories.

A critical aquifer recharge area (CARA) is a geographic area **with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge (WAC 365-190-030).**⁷⁸ ~~which provides the recharge to an aquifer(s) which is a current or potential potable water source; and, due to its geological properties, is susceptible to the introduction of pollutants, or because of special circumstances, has been designated a critical aquifer recharge area in accordance with WAC [365-190-080](#). Critical aquifer recharge areas under this chapter may be established based on general criteria or specifically designated due to special circumstances.~~ **CARAs are established according to the following categories:**

⁷⁷ Recommend deleting section and allowing parameters of the thinning be established on a case-by-case basis and require peer review by City Arborist.

⁷⁸ Per definition found in WAC 365-190-030.

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A. **Wellhead Protection Zones:**⁷⁹ ~~Critical Aquifer Recharge Areas. The following general criterion is established to designate critical aquifer recharge areas:~~

~~1. Wellhead Protection Zones around Group A Water System Supply Wells.~~

1. ~~The area~~ **Areas** inside the one-year time of travel zone for Group A water system **supply** wells, calculated in accordance with the Washington State Wellhead Protection Program.

2. **For Group A Water System supply wells**, five-year time of travel zones in wellhead protection areas are **also** included as critical aquifer recharge areas ~~under the following condition: the five-year time of travel zone is included~~ when the well draws its water from an aquifer that is at or above sea level and is overlain by permeable soils listed in subsection (B)(1) of this section, without an underlying protective impermeable layer.

B. Aquifer Recharge Areas of Concern. Aquifer recharge areas of concern (**ARAC**) are those areas which provide recharge to current or potential potable water supplies and are vulnerable to contamination, and meet any one of the following criteria:

1. Highly Permeable Soils. Soils that have relatively high permeability and high infiltration potential may provide for groundwater recharge, but also may enhance transfer of contaminants from the surface to groundwater. ~~For these reasons, the locations where surface soils are highly permeable are considered aquifer recharge areas of concern.~~

The general location and characteristics of soils are identified in the Soil Survey of Kitsap County. The following soil types are considered to have relatively high permeability and are aquifer recharge areas of concern:

Table 16.20.510.A Soil Types

Soil Type	Soil Map Units
Grove	11, 12, 13
Indianola	18, 19, 20, 21
Neilton	34, 35, 36
Norma	37, 38
Poulsbo/Ragner	41, 42, 43, 44, 45, 46, 47

2. Areas above Shallow Principal Aquifers. Surface areas above shallow principal aquifers which are not separated from the underlying aquifers by an impermeable layer that provides adequate protections to preclude the proposed land use from contaminating the shallow aquifer(s) below. ~~are considered aquifer recharge areas of concern.~~

⁷⁹ Amendment to clarify that this section applies specifically to wellhead protection zones.

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3. Areas with High Concentration of Group B Water System Wells and Private Domestic Wells. Locations with well concentrations of thirty-six map units or more within a one-mile radius of the proposed land use are ~~considered aquifer recharge areas of concern.~~

16.20.515 Development standards.

A. **Wellhead Protection Zones.** ~~Critical Aquifer Recharge Areas.~~ Land uses identified in Table 16.20.515 shall require a hydrogeological report (see [Section 700 Article VII](#) of this chapter, Special Reports). **The hydrogeological report** shall ~~that~~ include a detailed risk-benefit analysis that considers credible, worst-case scenarios, and ~~The hydrogeological report shall evaluate potential impacts of a proposed land use or activity on both groundwater and surface water quality. Uses listed in Table 16.20.515 may only be permitted where the applicant can demonstrate that the proposed activity will not cause contaminants to enter the aquifer and that the proposed activity will not adversely affect the recharging of groundwater.~~

1. Land uses or activities for new development that pose a significant hazard to the City's groundwater resources are prohibited and include (but are not limited to): landfills, wood treatment facilities, chrome platers, tank farms, facilities that treat, store, or dispose of hazardous waste, and chemical facilities that transfer or use large amounts of chemicals.⁸⁰

B. Aquifer Recharge Areas of Concern.

1. Applicants proposing operations that pose a potential threat to groundwater as listed in Table 16.20.515 in aquifer recharge areas of concern may be required to submit a hydrogeological report (see Article VII of this chapter, Special Reports). The scope of the report shall be based on site-specific conditions.
2. The need for additional information will be determined by the department, the health district and the affected water purveyor. Based on the results of the report, controls, mitigation, and/or other requirements will be established as a prerequisite for the development proposal being approved.

C. Notification and Review.

1. Affected water purveyors, tribes and the Kitsap County health district will be notified and invited to comment during the preliminary phases of the city's review process on the proposed land use and potential impacts. The purveyor may recommend appropriate mitigation to reduce potential impacts. The department will consider these recommendations to develop appropriate permit conditions.
2. The department will also notify the health district and affected water purveyors through the environmental review process, when those development activities listed in Table 16.20.515 are proposed outside the areas designated critical aquifer recharge areas.

D. Storm water.

⁸⁰ Department of Ecology's Critical Aquifer Recharge Area Guidance Document (2005) recommend the listed uses be prohibited within CARAs.

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1. Storm water **treatment and** infiltration shall be required where soils permit **and is determined feasible**.
2. Low impact development best management practices (BMP) are required for smaller developments exempted from requirements to construct storm water facilities.

E. Uses Requiring County, State or Federal Approval. Applicants shall provide the department with documentation of compliance with county, state and/or federal regulations associated with uses listed in Table 16.20.515.

Table 16.20.515 ~~Activities—Operations~~ with Potential Threat to Groundwater^{*81}

****Note Some uses may not be allowed by Title 18 – Zoning***

<p>Above and below ground storage tanks Hazardous and industrial waste treatment Hazardous and industrial waste storage Hazardous material storage</p>
<p>Animal feed lots</p>
<p>Commercial operations Gas stations/service stations/truck terminals Petroleum distributors/storage Auto body repair shops/rust proofers Auto chemical supply storers/retailers Truck, automobile and combustion engine repair shops Dry cleaners Photo processors Auto washers (if not on sewer) Laundromats (if not on sewer) Beauty salons (if not on sewer) Research or chemical testing laboratories which handle significant quantities of hazardous materials Food processors/meat packers/slaughterhouses Airport maintenance/fueling operation areas Junk and salvage yards Storing or processing manure, feed or other agriculture by-products by commercially permitted businesses Large-scale storage or use of pesticides, insecticides, herbicides, or fertilizers by commercial or agricultural operations</p>
<p>Deep injection wells Wastewater disposal wells Oil and gas activity disposal wells Mineral extraction disposal wells</p>

⁸¹ Deletions due to prohibition of certain uses in new Section 16.20.515.A.1 above

<p>Industrial operations Furniture strippers/painters/finishers Concrete/asphalt/tar/coal companies Industrial manufacturers: chemicals, pesticides/herbicides, paper, leather products, textiles, rubber, plastic/fiberglass, silicone/glass, pharmaceuticals, electrical equipment, sawmills Metal platers/heat treaters/smelters/annealers/descalers Wood preservatives Chemical reclamation facilities Boat refinishers</p>
<p>Land application Wastewater application (spray irrigation) Wastewater by-product (sludge) application Petroleum refining waste application Hazardous waste applications</p>
<p>Landfills Industrial hazardous and non-hazardous landfill Municipal sanitary landfill</p>
<p>Material transfer operations (any) Hazardous and industrial waste transfers Hazardous materials transfer</p>
<p>Materials stockpiles</p>
<p>Mining and mine drainage</p>
<p>On-site septic system Of greater than 14,500 gpd capacity without pre-treatment</p>
<p>Pipelines Hazardous and industrial waste transfer Hazardous material transfer</p>
<p>Radioactive disposal sites</p>
<p>Sand and gravel mining operations</p>

SECTION 600: FREQUENTLY FLOODED AREAS

16.20.605 Purpose.

The purpose of this article is to protect the public health, safety and welfare from harm caused by flooding. It is also the intent to prevent damage and/or loss to both public and private property. Pursuant to this purpose, the city uses floodplain management regulations contained in Chapter [15.24](#), adopted by reference, which designates special flood hazard areas and establishes requirements for

these areas. Areas within the city’s shoreline jurisdiction are regulated by floodway and floodplain regulations in the city’s shoreline master program.

SECTION 700: SPECIAL REPORTS

16.20.705 Purpose.

The following special reports may be required to provide environmental information and to present proposed strategies for maintaining, protecting and/or mitigating **alterations or impacts to** critical areas:

A. Wetlands. ~~assessment report/wetland mitigation plan/~~buffer enhancement plan/wetland monitoring report;

1. Wetland Assessment Report.

2. Wetland Delineation Report.

3. Wetland Mitigation Plan.

4. Wetland Buffer Enhancement Plan.

5. Wetland Monitoring Report.

B. Fish and Wildlife Habitat Conservation Areas. ~~Habitat assessment/habitat management plan;~~

1. Habitat Assessment Report.

2. Habitat Management Plan.

C. Geologically Hazardous Areas. ~~Geotechnical report/geological report;~~

1. Geotechnical Report.

2. Geological Report.

D. Critical Aquifer Recharge Areas.

1. Hydrogeological report.

16.20.710 When required.

Special reports shall be submitted by the applicant and approved by the director when required by this chapter for the protection of a critical area, **its buffer and building setback**. Refer to specific critical **area** protection standards for when special reports are required. The city shall retain a consulting specialist(s) who shall review all special **reports** ~~studies~~ for critical areas, and ensure their compliance with this chapter.

16.20.715 Responsibility for completion.

The applicant shall reimburse the city for the costs incurred in the preparation of special reports or tests and for the costs incurred by the city to engage technical consultants or staff for review and interpretation of data and findings submitted by or on behalf of the applicant.

16.20.720 Qualifications of professionals.

Any special report as described in this article prepared by a professional (as described in **Section 100 Article 4** of this chapter) shall include his or her resume, or other list of qualifications, to aid the director in assessing these qualifications.

16.20.721 Time limitations.

Special reports submitted in accordance with this article shall be valid for a period of **five** ~~three~~ years from the **most recent** date of issue **identified on the face of the report**, unless a longer or shorter period is specified by the city at the time the original report is prepared.

16.20.725 Wetland Assessment Report. ~~reports~~.

A. Wetland Assessment Report. A wetland assessment report shall include but not necessarily be limited to, the following:

A. Vicinity map.

B. When available, a copy of a National Wetland Inventory Map (U.S. Fish and Wildlife Service).

C. A site map setting forth all of the following:

1. Site boundary property lines and roads;

2. Approximate boundary of wetland(s) within 300 feet of the subject parcel or parcels;

3. Approximate extent of buffer width based on the category of the wetland;

4. An aerial photograph with overlays displaying the site boundaries and wetland delineation, may be required.

5. Completed wetland rating forms and associated rating form maps.

6. A report that describes the wetland(s) within 300 feet of the parcel or parcels, including the vegetation, communities, hydrologic support, habitat functions and connections/corridors, and other physical and biological attributes.

16.20.730-B. Wetland Delineation Report.

A wetland delineation report shall include, but not necessarily be limited to, the following:

A. Vicinity map.

B. When available, a copy of a National Wetland Inventory Map (U.S. Fish and Wildlife Service).

C. A site map setting forth all of the following:

1. Surveyed wetland boundaries based upon a delineation by a wetlands specialist or wetland boundaries recorded using a differential global positioning system, based upon a delineation by a wetlands specialist. In the event that a **differential** global positioning system is used, wetland boundary information, **including position accuracies**, shall be provided to the city in an electronic data format acceptable to the city;

2. Site boundary property lines and roads;

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3. Internal property lines, rights-of-way, easements, etc.;
 4. Existing physical conditions of the site, including buildings, fences and other structures, roads, parking lots, utilities, water bodies, etc.;
 5. Contours at the smallest readily available intervals;
 6. Hydrologic mapping showing patterns of surface water movement and known subsurface water movement into, through, and out of the site area;
 7. Location of all test holes and vegetation sample sites, number to correspond with flagging in the field and field data sheets; and
 8. An aerial photograph with overlays displaying the site boundaries and wetland delineation may be required.
- D. A report which includes the following:
1. Location information (legal description, parcel number and address);
 2. Delineation Report. The wetland boundaries on the site established by the delineation shall be staked and flagged in the field. If the wetland extends outside the site, the delineation report shall discuss all wetland areas within ~~one 300 three~~⁸²~~hundred~~ fifty feet of the site, but need only delineate those wetland boundaries within the site;
 3. General site conditions including topography, acreage, and surface areas of all wetlands identified and water bodies within one-quarter mile of the subject wetland(s);
 4. Hydrological analysis, including topography, of existing surface and known significant subsurface flows into and out of the subject wetland(s); and
 5. Analysis of functional values of existing wetlands, including vegetation, fauna, and hydrologic conditions.
- E. A summary of proposed activity and potential impacts to the wetland(s).
- F. Recommended wetland category, ~~including rationale for the recommendation~~ **based on results from the Washington State Department of Ecology's Wetland Rating System for Western Washington – Revised (2014) or as amended. Copies of the rating forms and maps must be appended to the report.**
- G. ~~Recommended~~ Buffer boundaries, **as determined by Table 16.20.230.** ~~including rationale for boundary locations.~~
- H. Site plan of proposed activity, including location of all parcels, tracts, easements, roads, structures, and other modifications to the existing site. The location of all wetlands and buffers shall be identified on the site plan.

⁸² 300 feet is consistent with Section 16.20.115.

I. **Complete U.S. Army Corps of Engineers wetland determination data forms from the applicable regional supplement.**

16.20.735-C. Wetland Mitigation **Plan** Report.

Whenever the director has determined that **impacts to losses of regulated wetlands or buffers** are necessary and unavoidable, or a review of a regulated wetland or its buffer is proposed, or a reasonable use exception is applied, a mitigation plan shall be prepared in the following order of preference:

A. The applicant shall demonstrate that mitigation sequencing was applied to the project, in the following order:

1. Avoiding the impact altogether by not taking a certain action or parts of actions. This may be accomplished by selecting a reasonable **practicable** alternative that does not involve wetlands or wetland **buffer** impacts. **The applicant must describe practicable alternatives to the project that avoid environmental impacts, and provide valid reasoning why those alternatives would not fulfill the purpose and need of the project.** ~~applying reasonable mitigation measures, such as drainage and erosion control, alternative site planning, and/or using best available technology.~~
2. Minimizing impacts by limiting the degree of magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts. This may be accomplished by selecting a reasonable **design** alternative that avoids most wetland **environmental** impacts, **and minimizes others to the greatest extent possible.** ~~applying reasonable mitigation measures, such as drainage and erosion control, alternative site planning, and/or using best available technology.~~
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment. This may **be accomplished by restoring the environmental functions of an area temporarily affected by a project.** ~~be done by reestablishing wetland and wetland buffer characteristics on a site which have been lost by alterations or activities. Rectifying shall be accomplished in accordance with a mitigation plan, as prepared in accordance with the requirements below, and as approved by the director.~~
4. **Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action. This may be done through operational constraints and/or modifications which result in the reduction or elimination of impacts over time. This typically done in conjunction with other mitigating actions.**
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments. This may be done by intentionally creating wetlands and wetland buffers at another location where none currently exist, improving existing wetlands and wetland buffers at another location, or otherwise providing a substitute wetland resource at another location as compensation for any unavoidable adverse wetland impacts. ~~Compensating~~ **Compensation** shall be accomplished in accordance with a mitigation plan, as prepared in accordance with the requirements outlined below, and as approved by the director.
6. **Monitoring the impact and taking appropriate corrective measures.**

7. Mitigating for individual actions may include a combination of the above measures.

B. The overall goal of any mitigation plan shall be no net loss of regulated wetland functions and acreage.

C. Those persons proposing wetland compensatory projects shall show that the compensation project is associated with an activity or development otherwise permitted and that the restored, created, or enhanced wetland will be as persistent as the wetland it replaces by accomplishing the following:

1. Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the project;
2. Demonstrate the capability for monitoring the site and for making corrections during this period, if the project fails to meet ~~projected~~ **the stated goals and objectives**; and
3. Protect and manage or provide for the protection and management of the compensation area to avoid further development or degradation.

D. Wetland mitigation plans shall be implemented by the project applicant, and include the following components:

1. Baseline Information. A written assessment and accompanying maps of the impacted wetland shall be produced by the applicant or applicant's consultant and shall include, at a minimum: existing wetland acreage; vegetative, faunal and hydrologic characteristics; soil and substrate conditions; and topographic elevations.
2. If the compensation site is off site from the impacted wetland site, baseline information about it, in addition to the above information about the impacted wetland, shall be provided by the applicant and shall include **existing wetland acreage; vegetative, faunal and hydrologic characteristics; soil and substrate conditions; and topographic elevations**; ~~those items listed in subsection (B)(7)(a) of this section and~~ the relationship of the compensation site within the watershed and to existing water bodies; **detailed description of the site selection process and valid rationale for the selected site**; existing and proposed compensation site conditions; buffers; and ownership.
3. Environmental Goals and Objectives. The report shall identify goals and objectives and include:
 - a. The purposes of the compensation measures including ~~a description of site-selection criteria~~, identification of compensation goals, identification of target evaluation species and resource functions, dates for beginning and completion of compensation measures, and a complete description of structure and functional relationships sought in the new wetland. The goals and objectives shall be related to the functions of the original wetland or, if out-of-kind, the type of wetland to be emulated; and
 - b. A review of the available literature and/or experience to date in restoring or creating the type of wetland proposed shall be provided. An analysis of the likelihood of

success of the compensation project at duplicating the original wetland shall be provided based on the experiences of comparable projects, if any. An analysis of the likelihood of persistence of the created or restored wetland shall be provided based on such factors as: surface and groundwater supply and flow patterns; dynamics of the wetland ecosystem; sediment or pollutant influx and/or erosion; periodic flooding and drought, etc.; presence of invasive flora and fauna; potential human or animal disturbance; and previous comparable projects, if any.

c. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the mitigation plan are being achieved at various stages in the project and for beginning **adaptive management** ~~remedial action~~ or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.

d. Detailed Construction **and Planting** Plans. Written specifications and descriptions of compensation techniques shall be provided including the proposed construction sequence, grading and excavation details, erosion, sediment and stormwater recharge control features needed for wetland construction and long-term survival; a planting plan specifying plant species, quantities, locations, size, spacing and density; the source of plant materials, propagules, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrate stockpiling techniques and plating instructions; descriptions of water control structures and water-level maintenance practices needed to achieve the necessary hydrocycle/hydroperiod characteristics; etc. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques of anticipated final outcome. The plan shall provide for elevations which are appropriate for the desired habitat type(s) and which provide sufficient tidal prism and circulation data.

e. Monitoring Program. A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring must include sufficient information to adequately assess the progress of a project. Monitoring may include, but is not limited to: (i) establishing vegetation plots to track changes in plant species composition and density over time; (ii) using photo stations to evaluate vegetation community response; (iii) sampling surface and subsurface waters to determine pollutant loading and changes from the natural variability of background conditions (pH, nutrients, heavy metals); (iv) measuring base flow rates and stormwater runoff to model and evaluate water quantity predictions by a licensed engineer in the state of Washington, where required; (v) measuring sedimentation rates, if applicable; and (vi) sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity. A protocol shall be included outlining how the monitoring data will be evaluated ~~to by agencies that are tracking~~ the progress of the compensation project. A monitoring report shall be submitted annually, and at a minimum, document milestones, successes, problems,

maintenance and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period of less than **five three** years, **and a longer period may be required if recommended by the mitigation plan or peer review.**

f. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken, when monitoring or evaluating indicates project performance standards are not being met.

g. Performance Conditions. Any compensation project prepared pursuant to this section and approved by the department shall become part of the application for the permit.

h. Performance Bonds and Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and specific expertise of sufficient standing to successfully execute the compensation project shall be provided. A compensation project manager shall be named, and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. In addition, bonds insuring fulfillment of the compensation project, monitoring program, and any contingency measure shall be posted in the amount of **150 one hundred fifty** percent of the expected cost of compensation and shall be effective for a period of no less than three years **or the same timeframe established for monitoring as recommended in the mitigation plan or through conditions of approval.** ~~and no greater than ten years after completion of the mitigation plan.~~

~~j.—Waiver. The director may waive portions of this report if, in his or her opinion, there is adequate information available on the site to determine its impacts and appropriate measures.~~

~~k.—List of Qualified Consultants. The department shall establish a list of qualified consultants to prepare mitigation plans.~~

16.20.740 D. Wetland Buffer Enhancement Plan⁸³. When required, the applicant shall submit a buffer enhancement plan prepared by a qualified wetland specialist. The report shall assess the habitat, water quality, storm water detention, ground water recharge, shoreline protection, and erosion protection functions of the buffer; assess the effects of the proposed modification on those functions; and propose replanting/vegetation enhancement. and address the six criteria in subsection 16.20.230.F.3. The buffer enhancement plan shall also provide the following:

- 1. A map detailing the specific area of enhancement that shows the elevation contours of the site;**
- 2. A planting plan that uses native plant species indigenous to this region including groundcover, shrubs and trees;**

⁸³ Recommended by Grette Associates.

3. Provisions for monitoring and maintenance over the monitoring period as required under PMC 16.20.725.

16.20.745-E. Wetland Monitoring Report.⁸⁴ Monitoring reports shall be prepared according to the approved monitoring schedule and submitted to the City of Poulsbo by December 31st of each monitoring year. A monitoring schedule shall be for a minimum of five years and a maximum of ten growing seasons, depending on the complexity of the compensation project. The director may approve modifications to this schedule as appropriate. Monitoring shall be conducted on the following schedule:

- 1. At the end of construction (as-built);**
- 2. Early in the growing season of the first year;**
- 3. Late in the growing season of the first year;**
- 4. Annually.**

16.20.750 ~~728~~ Habitat assessment report.⁸⁵

For all regulated activity proposed on a site which contains or is within 300 feet of a fish and wildlife habitat conservation area, a habitat assessment shall be prepared by a qualified wildlife biologist. The habitat assessment shall include, at a minimum, the following:

- 1. Identify the type of stream and its prescribed buffer.**
- 2. An analysis and discussion of species or habitats known or suspected to be located within 300 feet of the site.**
- 3. Assessment of project impact or effect on habitat and water quality.**
- 4. A site plan which clearly delineates the fish and wildlife habitat conservation area found on or within 300 feet of the site.**

16.20.755 ~~730~~ Habitat management plan.⁸⁶

A. When intrusions, reductions, alterations or impacts to a fish and wildlife habitat conservation area is proposed, or when otherwise required, a habitat management plan shall be prepared. The Habitat Management Plan ~~This report shall identify how the development impacts from the proposed project will be mitigated. The Washington Department of Fish and Wildlife Priority Habitat and Species Management Recommendations, dated May 1991, or bald eagle protection rules outlined in WAC [220-610-100 232-12-292](#), as now or hereafter amended, may serve as guidance for this report. The recommendations in Washington Department of Fish and Wildlife Priority Habitat and Species Management Recommendations [found at http://wdfw.wa.gov/conservation/phs/mgmt_recommendations/](#) ~~dated May 1991, shall not serve as~~~~

⁸⁴ Recommended by Grette Associates.

⁸⁵ Recommended by Grette Associates

⁸⁶ Revisions recommended by Grette Associates.

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~~mandatory standards or policy of this chapter until such time as the Department of Fish and Wildlife holds public hearings on the recommendations and the State Wildlife Commission endorses the recommendations following the public hearings. The~~ recommendations in the Washington Department of Fish and Wildlife (WDFW) Aquatic Habitat Guidelines may serve as guidance for habitat management plans created to regulate the design, construction, and operation of projects that affect fish and wildlife conservation areas.

- B. The habitat management plan shall contain a map prepared at an easily readable scale, showing:
1. The location of the proposed development site;
 2. The relationship of the site to surrounding topography, water features, and cultural features;
 3. Proposed building locations and arrangements; and
 4. A legend which includes a complete legal description, acreage of the parcel, scale, north arrow, and date of map revision.
- C. The habitat management plan shall also contain a report which describes:
1. The nature and intensity of the proposed development;
 2. An analysis of the effect of the proposed development, activity or land use change upon the wildlife species and habitat identified for protection, **including impacts on buffer and building setbacks.** and
 3. **An analysis of any special management recommendations that will be implemented to ensure protection of the species and/or habitat.**
 4. A plan which identifies how the applicant proposes to mitigate any adverse impacts to wildlife habitats created by the proposed development. **Mitigation measures are required where buffer reduction or intrusions into building setbacks are proposed, and shall include buffer enhancement.**
 5. **Assessment and evaluation of the effectiveness of the mitigation measures proposed.**
 6. **Assessment and evaluation of ongoing management practices which will protect fish and wildlife habitat conservation areas after development of the project site, including monitoring and maintenance programs, and operation constraints.**
 7. **Assessment of project impact or effect on water quality upon SF Dogfish Creek or any regulated stream, and any proposed methods or practices to avoid degradation of water quality.**
- D. ~~Possible mitigation measures to be included in the report, or required by the department, could include, but are not limited to:~~
1. ~~Establishment of buffer zones;~~
 2. ~~Preservation of critically important plants and trees;~~
 3. ~~Limitation of access to habitat areas;~~

~~4. Seasonal restriction of construction activities; and~~

~~5. Establishment of phased development requirements and/or a timetable for periodic review of the plan.~~

D. ~~E.~~ This plan shall be prepared by a person who has been educated in this field and has professional experience as a fish or wildlife biologist.

16.20.760 735 Geotechnical report and geological report.

A. A geotechnical report shall include a description of the site geology, conclusions and recommendations regarding the effect of geologic conditions of the proposed development, opinions and recommendations of the adequacy of the site to be developed, the effects of groundwater interception and infiltration, seepage, potential slip plans, and changes in soil-bearing strength, and the impacts of the proposed development and appropriate mitigating measures. A geotechnical report may contain information obtained with subsurface investigative measures such as test pit digging, soil boring, water well installation or Dutch Cone Penetrometer investigations. Reports containing engineering design recommendations, i.e., recommendations for foundations (loading, sizing, depth, or settlement estimates), pile or pier design, retaining structures, or recommendations for construction on slopes steeper than thirty percent, must be prepared by, or in conjunction with, a licensed geotechnical engineer as defined below.

Informational requirements:

1. A description of the geologic setting of the region, based upon readily available data, including:
 - a. Site location and topography;
 - b. Soils and geologic units underlying the site; and
 - c. The location and characteristics of springs within one thousand feet of the site.
2. A discussion and evaluation of the potential impact of the proposal upon existing geological hazards.
3. Recommendations on appropriate protection mechanisms, if necessary, to minimize the risk of erosion or landslide.

A geological report shall include the above, with the exception of engineering design recommendations, and need not make use of subsurface investigative measures. As the report will not include engineering recommendations, a geological report may be prepared by a geologist or **geotechnical** engineering geologist as defined in subsection B of this section.

B. A geotechnical report shall be prepared by a geotechnical engineer (a civil engineer licensed by the state of Washington who is knowledgeable in regional geologic conditions and who has at least four years of professional experience in landslide and/or seismic hazard evaluation). Geological reports may be prepared by a geologist, engineering geologist or geotechnical engineer knowledgeable in regional geologic conditions and having at least four years of professional experience in site evaluation and development studies, and landslide and/or seismic hazard evaluation.

C. Report recommendations for siting structures in high risk areas shall be based on existing site conditions rather than measures that have not been successfully approved, designed or constructed (e.g., slope recontouring, slope retaining walls, vegetation improvements, bulkheads, etc.

16.20.765 740 Hydrogeological report.

A hydrogeological report shall be required for certain proposed operations based on a consultation with the appropriate local and state agencies. The report shall address the impact the proposed land use will have on both the quality and quantity of the water transmitted to the aquifer. The report shall also address the types of pesticides and herbicides and fertilizers that can safely be used for the care of landscaping proposed by the applicant.

A. The report shall be submitted to the reviewing authority and address, at a minimum, the following criteria:

1. Surficial soil type and geologic setting;
2. Location and identification of wells within one thousand feet of the site;
3. Location and identification of surface water bodies and springs within one thousand feet of the site with recharge potential;
4. Description of underlying aquifers and aquitards, including water level, gradients and flow direction;
5. Available surface water and groundwater quality data;
6. Effects of the proposed development on water quality;
7. Sampling schedules required to assure water quality;
8. Discussion of the effects of the proposed development on the groundwater resource;
9. Recommendations on appropriate BMPs (best management practices) or mitigation to assure no significant degradation of groundwater quality; and
10. Other information as required by the Bremerton-Kitsap County health district.

B. The hydrogeological report shall be prepared by a professional geologist/hydrologist or by a soil scientist with a strong background in geology as demonstrated by course work from an accredited college or university and/or a minimum of five years of experience.

C. Applications for development or operations with underground storage of petroleum products will be processed using the appropriate procedure as specified in existing city of Poulsbo ordinances.

D. Analysis for a specific parcel(s), using the criteria outlined below, will be employed to determine if the soils present require a recharge area designation. Data collection will include, at a minimum: six soil logs to a depth of ten feet (or to a depth of four feet below the lowest proposed excavation point, whichever is greater) for each acre in the parcel(s) being evaluated. At least one well which is two hundred feet or greater in depth with an adequate drilling report must be available within one mile. The

City of Poulsbo
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associated data shall be analyzed and included in the hydrogeological report to determine the presence of highly permeable soils with the recharge area designation.

E. For development proposals within aquifer recharge areas of concern, the hydrogeological report may be based on quarter-quarter section basis locations where the number of wells within a half-mile radius is thirty-six or more, and are designated aquifer recharge areas. To facilitate computer analysis, the evaluation may be done on a quarter-quarter basis using the quarter-quarter section in which a parcel of interest is located and all the surrounding quarter-quarter sections, in place of the half-mile circle.

CITY OF POULSBO
Kitsap County, Washington

Critical Areas Ordinance Map Series

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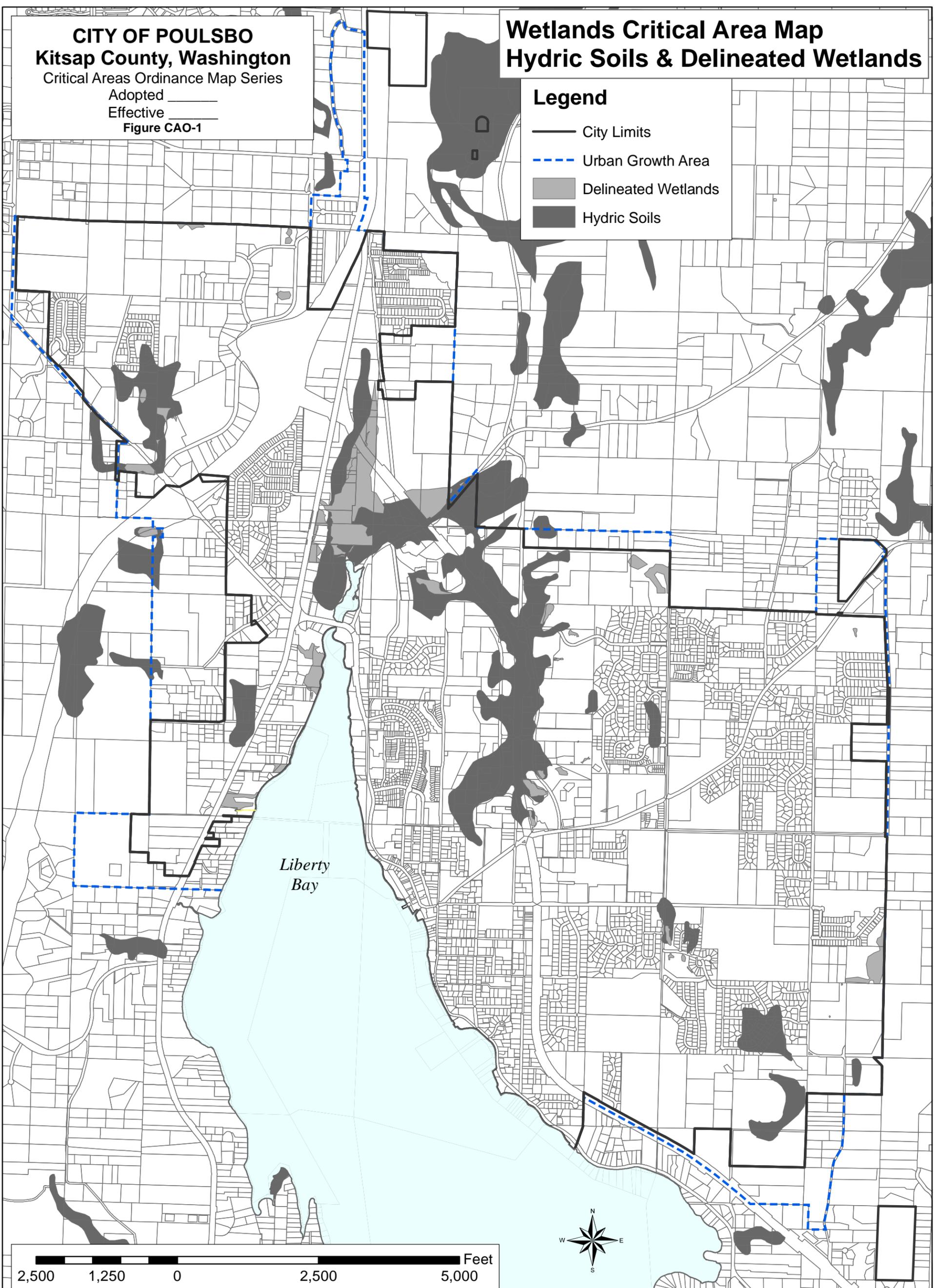
Effective _____

Figure CAO-1

Wetlands Critical Area Map
Hydric Soils & Delineated Wetlands

Legend

- City Limits
- - - Urban Growth Area
- Delineated Wetlands
- Hydric Soils



Critical Area Map Series Primary Map Sources and Original Scales:
 Delineated Wetlands compiled using Plat Maps from the City of Poulsbo Planning Department.
 Hydric Soils United States Department of Agriculture, Soil Conservation Service in cooperation with the Washington State Department of Natural Resources and Washington State University Agricultural Research Center 1977 1:24,000
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 Kitsap County Assessor's Tax Maps 1:12,000 (Kitsap County IT, GIS Division)
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This critical area map series is intended for general critical area planning. These maps are schematic representations of physical features, infrastructure, and land ownership boundaries. The map information was derived from available public records and existing sources, not from surveys. Studies may be necessary with project review to verify information.

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Kitsap County, Washington

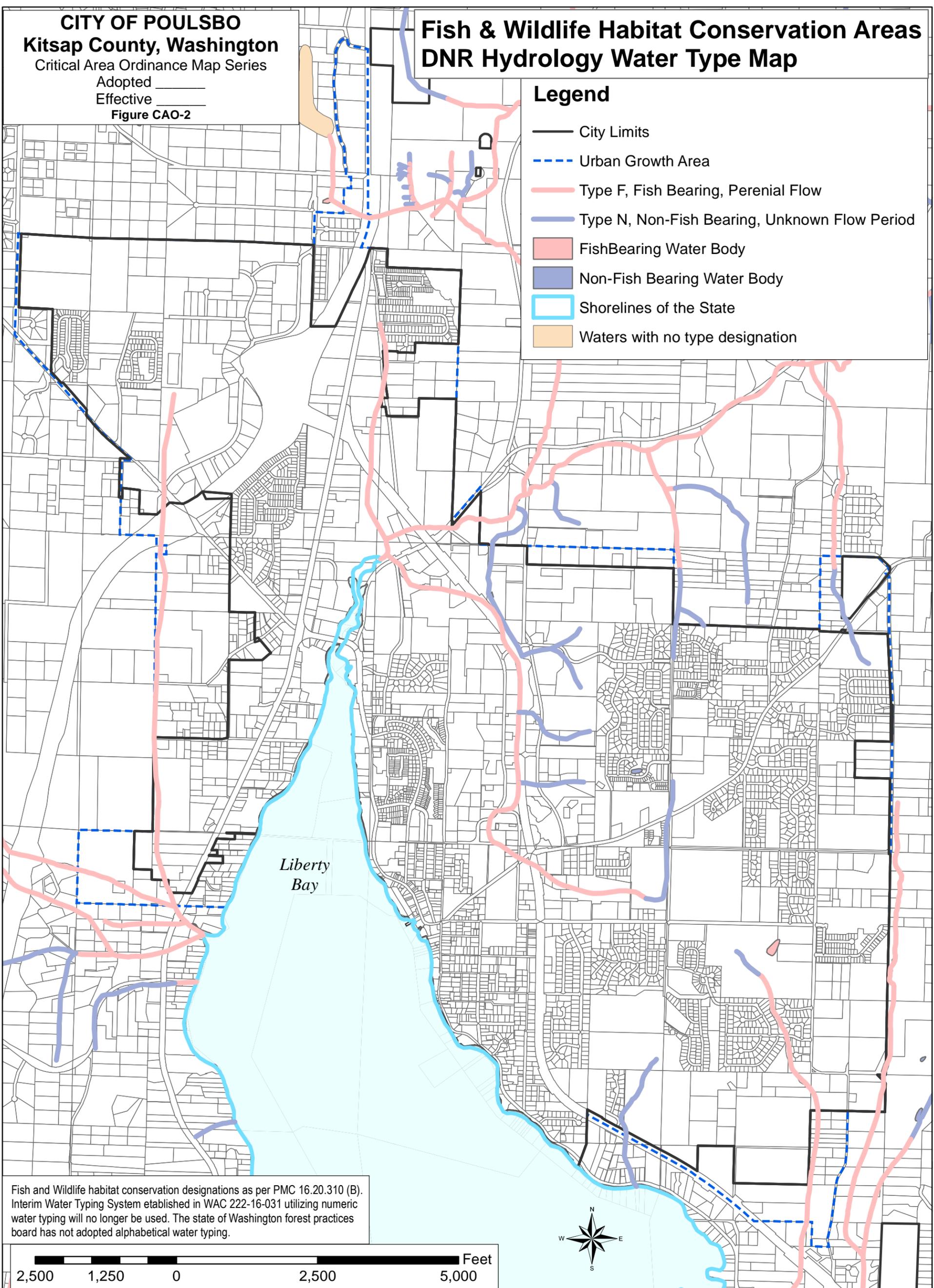
Critical Area Ordinance Map Series

Adopted _____
 Effective _____
Figure CAO-2

Fish & Wildlife Habitat Conservation Areas
DNR Hydrology Water Type Map

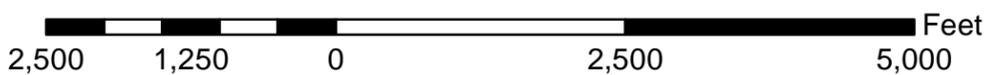
Legend

- City Limits
- - - Urban Growth Area
- Type F, Fish Bearing, Perennial Flow
- Type N, Non-Fish Bearing, Unknown Flow Period
- Fish Bearing Water Body
- Non-Fish Bearing Water Body
- Shorelines of the State
- Waters with no type designation



Liberty Bay

Fish and Wildlife habitat conservation designations as per PMC 16.20.310 (B). Interim Water Typing System established in WAC 222-16-031 utilizing numeric water typing will no longer be used. The state of Washington forest practices board has not adopted alphabetical water typing.



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Kitsap County, Washington

Critical Areas Ordinance Map Series

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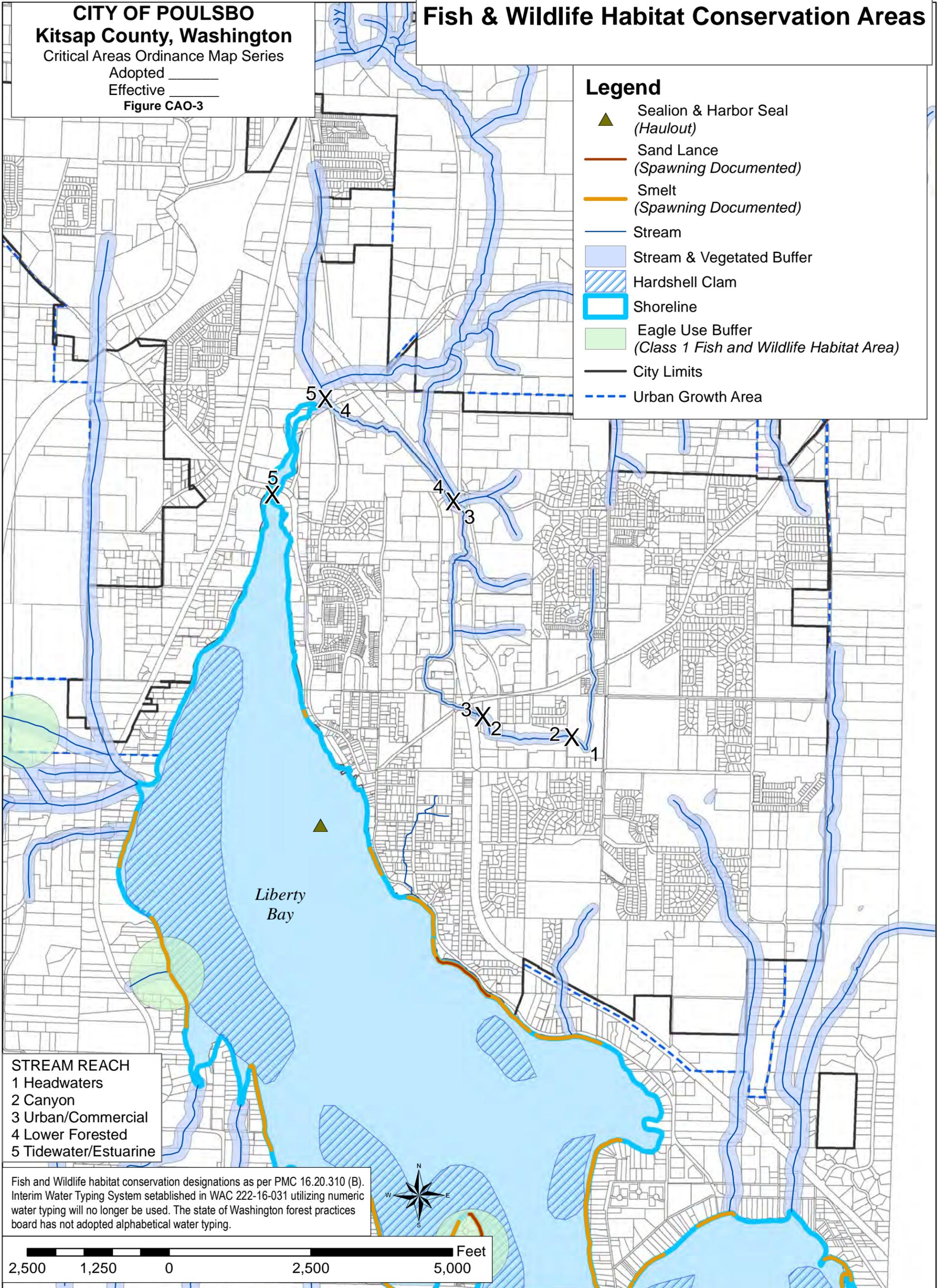
Effective _____

Figure CAO-3

Fish & Wildlife Habitat Conservation Areas

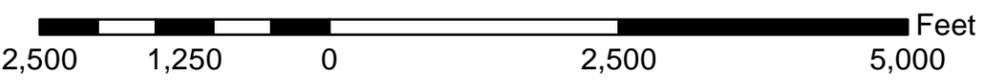
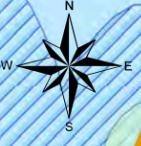
Legend

-  Sealion & Harbor Seal
(Haulout)
-  Sand Lance
(Spawning Documented)
-  Smelt
(Spawning Documented)
-  Stream
-  Stream & Vegetated Buffer
-  Hardshell Clam
-  Shoreline
-  Eagle Use Buffer
(Class 1 Fish and Wildlife Habitat Area)
-  City Limits
-  Urban Growth Area



- STREAM REACH**
- 1 Headwaters
 - 2 Canyon
 - 3 Urban/Commercial
 - 4 Lower Forested
 - 5 Tidewater/Estuarine

Fish and Wildlife habitat conservation designations as per PMC 16.20.310 (B). Interim Water Typing System established in WAC 222-16-031 utilizing numeric water typing will no longer be used. The state of Washington forest practices board has not adopted alphabetical water typing.



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City of Poulsbo Planning Department GIS
 Printed on: February 29, 2016

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Kitsap County, Washington

Critical Areas Ordinance Map Series

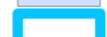
Adopted _____

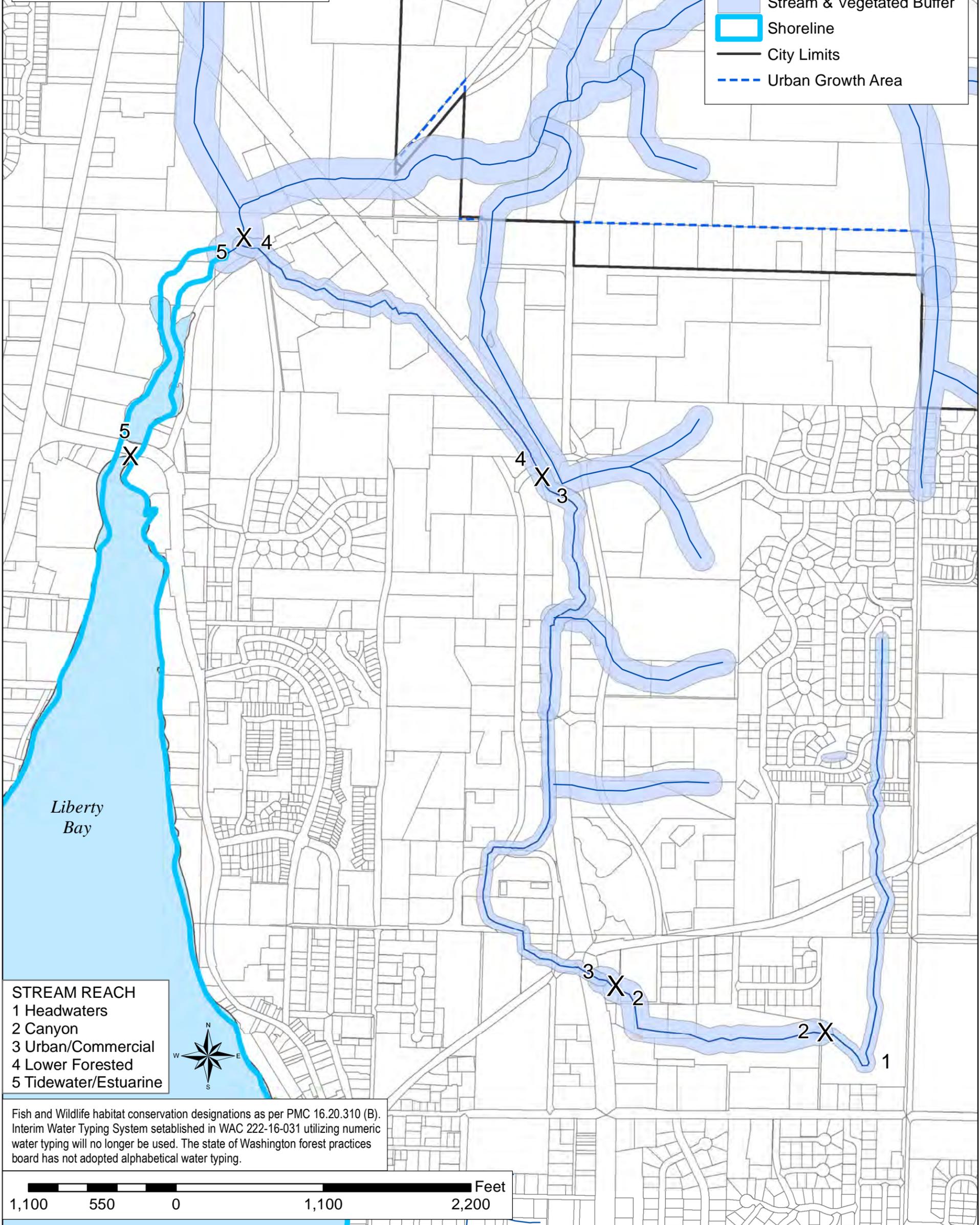
Effective _____

Figure CAO-4

Southfork Dogfish Creek Reach Map

Legend

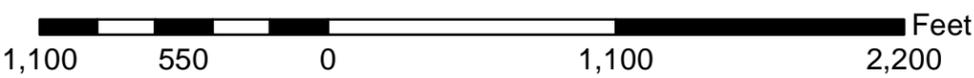
-  Stream
-  Stream & Vegetated Buffer
-  Shoreline
-  City Limits
-  Urban Growth Area



- STREAM REACH**
- 1 Headwaters
 - 2 Canyon
 - 3 Urban/Commercial
 - 4 Lower Forested
 - 5 Tidewater/Estuarine



Fish and Wildlife habitat conservation designations as per PMC 16.20.310 (B). Interim Water Typing System established in WAC 222-16-031 utilizing numeric water typing will no longer be used. The state of Washington forest practices board has not adopted alphabetical water typing.



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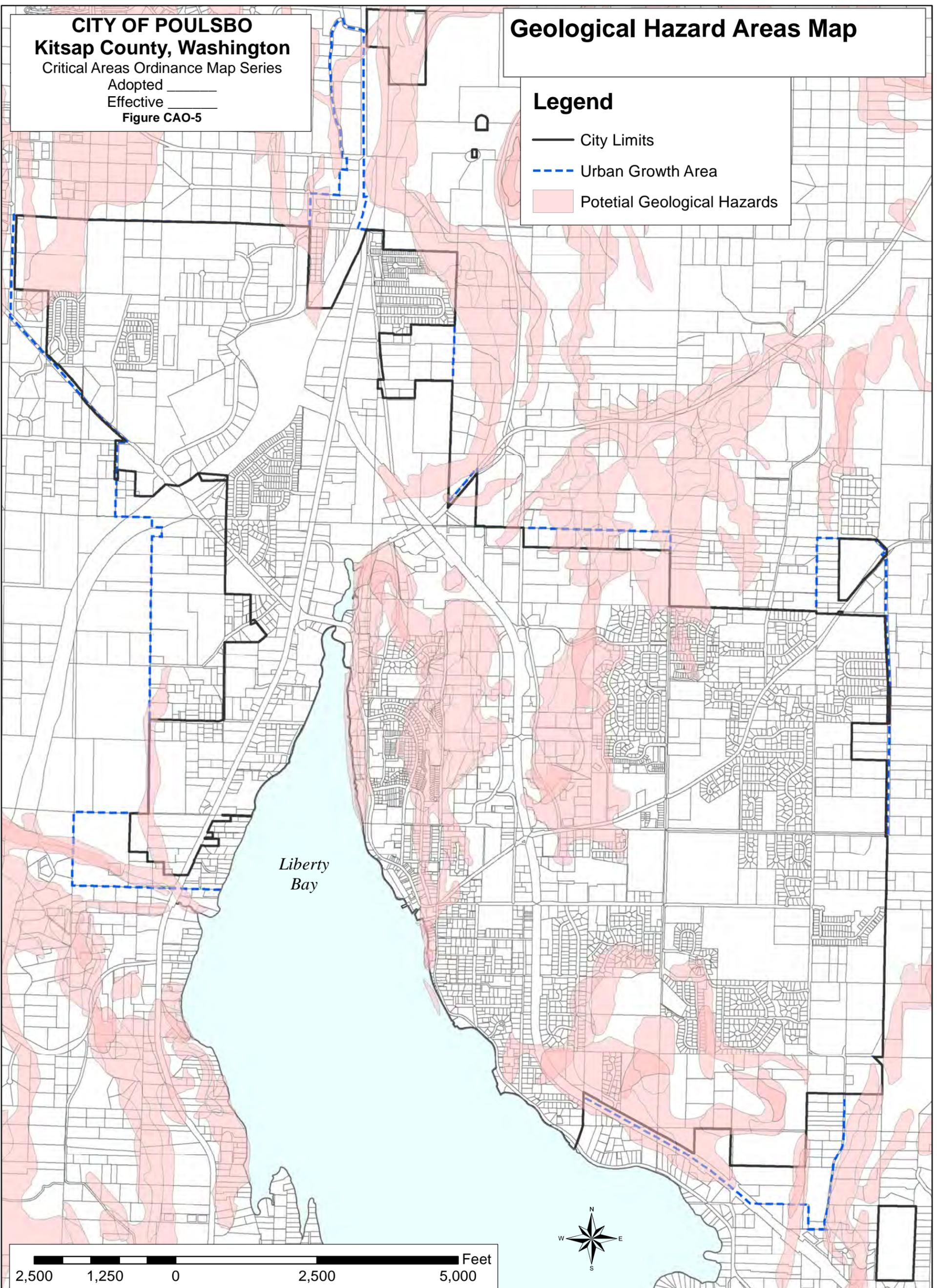
City of Poulsbo Planning Department GIS
 Printed on: February 29, 2016

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Kitsap County, Washington
 Critical Areas Ordinance Map Series
 Adopted _____
 Effective _____
 Figure CAO-5

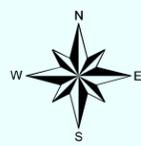
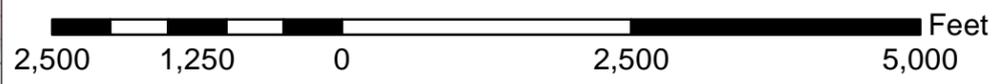
Geological Hazard Areas Map

Legend

- City Limits
- - - Urban Growth Area
- Potetial Geological Hazards



Liberty Bay



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City of Poulsbo Planning Department GIS
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CITY OF POULSBO
Kitsap County, Washington

Critical Areas Ordinance Map Series

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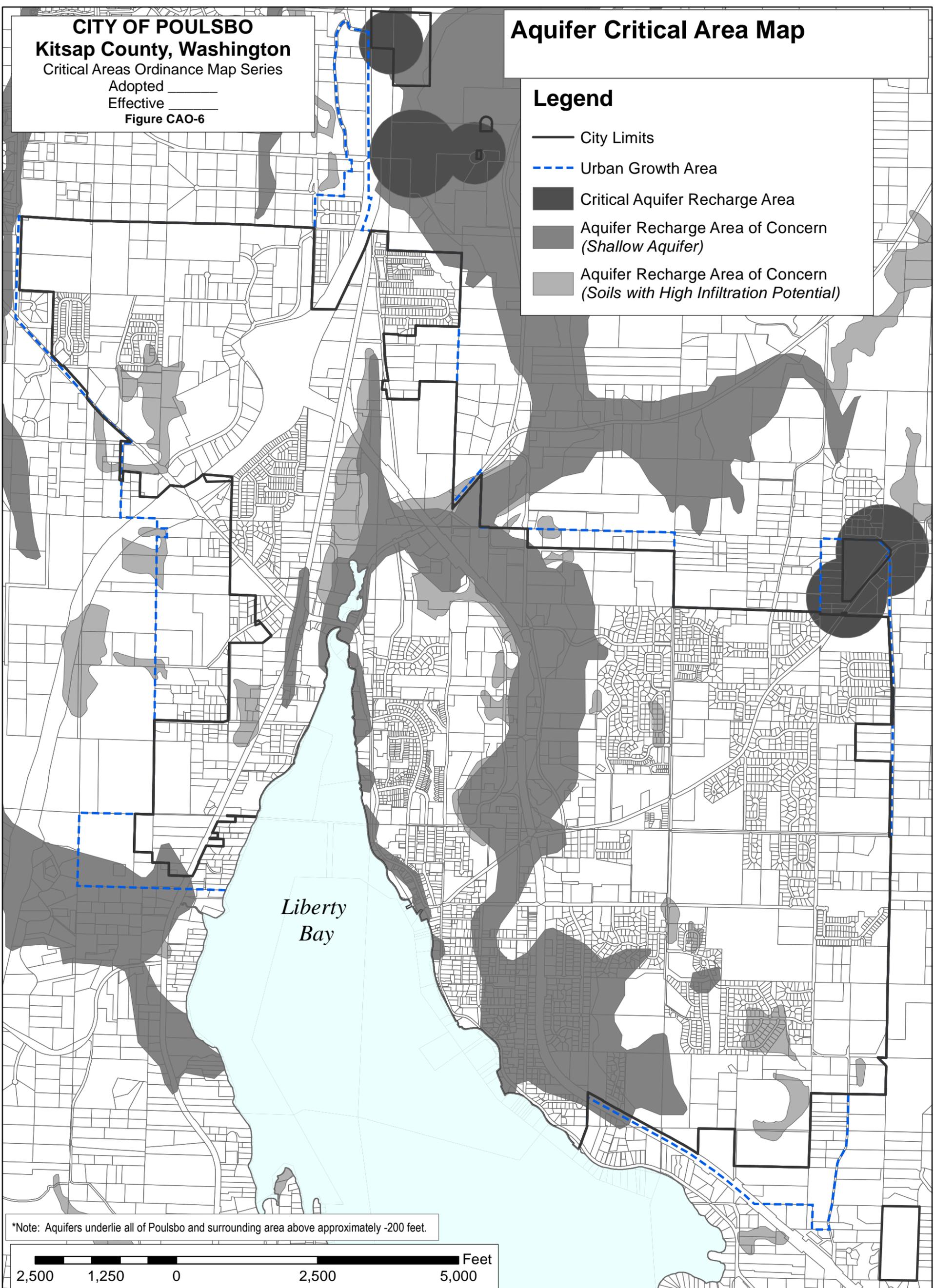
Effective _____

Figure CAO-6

Aquifer Critical Area Map

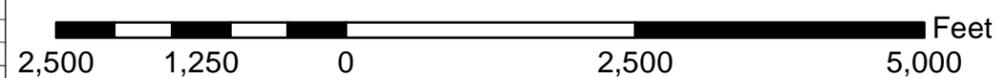
Legend

- City Limits
- - - Urban Growth Area
- Critical Aquifer Recharge Area
- Aquifer Recharge Area of Concern (Shallow Aquifer)
- Aquifer Recharge Area of Concern (Soils with High Infiltration Potential)



Liberty Bay

*Note: Aquifers underlie all of Poulsbo and surrounding area above approximately -200 feet.



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City of Poulsbo Planning Department GIS
 Printed on: March 29, 2017

EXHIBIT B
May 2017 Draft Critical Areas Ordinance Update
Modification Document

May 2017 Draft Critical Areas Ordinance Update –Modification Document

v.3 June 1, 2017

Modifications after the Planning Commission Public Hearing are in **bold orange**.

No.	Identified Modifications to November 2016 Draft Comprehensive Plan	Who/When
1	<p>Add definition of “Building Setback” to Section 16.20.155 (Page 14)</p> <p>“Building Setback for purposes of this ordinance is an additional distance between the required critical area buffer and the footprint or foundation of a building, a structure or other development on a site.”</p>	<p>Planning Commission at conclusion of 5/16/2017 public hearing.</p>
2	<p>Add revisions regarding trails within critical area buffers:</p> <p>16.20.120 General Exemptions (Page 7)</p> <p>I. To qualify for exemption under this section, the construction of permeable pedestrian trails which shall be unpaved and established as a nature path when located in the buffer or critical area; should be generally parallel to the perimeter of the critical area or provided at specific points; located only in the outer 25 percent of the buffer area as feasible; and elevated when located in wetlands, which are not intended for motorized use; and which are no wider than five feet, unless additional width is necessary for safety along a precipice, steep hillside, or other hazardous area. All trail construction should avoid damaging significant trees and other habitat elements to the greatest degree possible, and does not cross or alter any regulated streams or drainages. and results in less than 2,000 square feet of disturbance. Trails proposed to be located in a landslide hazard area or its setback shall be constructed in a manner that does not increase the risk of landslide or erosion.</p> <p>Trails that do not meet the parameters of this exemption may be permitted through the underlying land use permit or critical areas permit, subject to the standards of 16.20.235.G for wetlands, and 16.20.320.G for trails proposed to be located in a fish and wildlife habitat conservation area buffer.</p> <p>Fish and Wildlife Habitat Conservation Areas - 16.20.320 Project specific development standards (Page 61)</p> <p>G. Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as benches, interpretative centers, and viewing platforms, may be allowed in fish and wildlife habitat conservation areas or buffers their RMAs pursuant to the following standards:</p>	<p>Planning Commission recommended review of trail standards based on Ms. Lee’s testimony, at conclusion of 5/16/2017 public hearing.</p> <p>Staff reviewed 16.20.120.I General Exemptions and 16.20.320.G FWHCA Trails and Trail-Related Facilities, and consulted with Grette Associates.</p> <p>Staff proposes amending the two sections as identified.</p>

May 2017 Draft Critical Areas Ordinance Update –Modification Document

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No.	Identified Modifications to November 2016 Draft Comprehensive Plan	Who/When
	<ol style="list-style-type: none"> 1. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or other such previously disturbed areas; 2. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat; 3. Viewing platforms, interpretive centers, benches and access to them shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected conservation area; 4. Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers, after exhausting items G.1, 2 and 3, shall be located in the outer 25 percent of the buffer as feasible, they should be located on the outer portion of the buffer and as far as possible from the stream edge, except where stream crossings or viewing areas have been approved; 5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails, have been specifically allowed and mitigation has been provided. Trail width shall not exceed five 5 feet unless there is a demonstrated need, subject to review and approval by the planning director review authority. Trails shall be constructed with pervious materials unless otherwise approved by the review authority planning director, and located in the outer 25 percent of the wetland buffer area as much as feasible. <u>6. Mitigation may be required to replace native vegetation removed for trail construction or enhance remaining areas of degraded buffer.</u> <u>7. Storm water controls may be required for larger, paved trails.</u> <u>8. Trails shall be located with property owner agreement and executed by appropriate public access easements, dedication, acquisition or other acceptable legal documents.</u> 	<p>Staff recommends #7 based upon comments submitted by The Suquamish Tribe (public comment letter #5).</p> <p>Staff recommends #8 based upon comments submitted by Ms. Lee in public comment letter #4.</p>
3	Section 600 Frequently Flooded Areas Page 71	Planning Commission at conclusion of

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v.3 June 1, 2017

No.	Identified Modifications to November 2016 Draft Comprehensive Plan	Who/When
	<p>16.20.605 Purpose. The purpose of this section article is to protect the public health, safety and welfare from harm caused by flooding. It is also the intent to prevent damage and/or loss to both public and private property. Pursuant to this purpose, the city uses floodplain management regulations contained in Chapter 15.24, adopted by reference, which designates special flood hazard areas and establishes requirements for these areas. Areas within the city’s shoreline jurisdiction are regulated by floodway and floodplain regulations in the city’s shoreline master program</p>	<p>5/16/2017 public hearing.</p>
<p>4</p>	<p>16.20.735-C <i>Wetland Mitigation Plan Report Page 75</i></p> <p>4. <u>Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action. This may be done through operational constraints and/or modifications which result in the reduction or elimination of impacts over time. This typically is done in conjunction with other mitigating actions.</u></p>	<p>Planning Commission at conclusion of 5/16/2017 public hearing.</p>
<p>5</p>	<p><i>Revisions to Map Titles identified in 16.20.115.F.1: (Page 4)</i></p> <p>16.20.115 Applicability.</p> <p>F. E. The location and extent of all mapped critical areas shown on the city of Poulsbo critical area maps are approximate and shall be used as a general guide only for the assistance of property owners and city administrators. The type, extent and boundaries shall be determined in the field by a qualified specialist or specialists according to the requirements of this chapter. The critical area maps are adopted as part of this chapter and are incorporated herein by this reference.</p> <p>1. The city of Poulsbo critical area maps are titled: Figure CAO-1 Wetlands Critical Area Map - Hydric Soils and Delineated Wetlands Figure CAO-2 Fish and Wildlife Habitat Conservation Areas – DNR Hydrology Water Type Map Figure CAO-3 Fish and Wildlife Habitat Conservation Areas Figure CAO-4 South fork Dogfish Creek Reach Map Figure CAO-5 Geological Hazard Areas Map</p>	<p>Staff recommends at City Council 5/24/2017 workshop.</p>

May 2017 Draft Critical Areas Ordinance Update –Modification Document

v.3 June 1, 2017

No.	Identified Modifications to November 2016 Draft Comprehensive Plan	Who/When
	<p>Figure CAO-6 Aquifer Critical Areas Map</p> <ul style="list-style-type: none"> a. Wetlands Critical Areas Map. b. Non-wetland Fish and Wildlife Habitat Map. i. Hydrology Water Type Map. ii. Riparian Management Area—South Fork Dogfish Creek. c. Aquifer Critical Areas Map. d. Geological Hazard Areas Map. 	
6	<p><i>Revisions to definitions in 16.20.155:</i></p> <p>“Critical aquifer recharge areas” means those land areas with a critical recharging effect on aquifers used for portable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge. (WAC 365-190-030(3)). which contain hydrogeologic conditions which facilitate aquifer recharge and/or transmitting contaminants to an underlying aquifer. (Page 14)</p> <p>“Development” means all structures, alteration or modifications of the natural landscape above and below ground, on a particular site. (add to page 15)</p> <p>“Geologically hazardous areas” means areas, as defined in WAC 365-190-030(8) and 365-190-080(4)120080(4), that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns. Development in geologic hazard areas may be permitted when an approved geotechnical or geological report indicates that the development can be engineered to pose no significant threat to public health or safety. (Page 18)</p> <p>“Wetlands” are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to, wetlands, swamps, marshes, bogs, and similar areas. ponds, including their submerged aquatic beds and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, stormwater detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created</p>	<p>Staff recommends at City Council 5/24/2017 workshop.</p>

May 2017 Draft Critical Areas Ordinance Update –Modification Document

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No.	Identified Modifications to November 2016 Draft Comprehensive Plan	Who/When
	after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. (WAC 365-190-030(22)) . (Page 25)	
7	<p><i>Correct typo in Section 16.20.235.E Wetlands – Additional development standards (page 43)</i></p> <p><u>The applicant shall submit</u> A wetland hydrology monitoring plan prepared by a <u>qualified</u> wetland specialist <u>shall be required</u>. The plan shall provide an analysis to demonstrate the baseline hydrologic conditions within the wetland, provide monitoring methods, provide a monitoring program to evaluate the hydrologic conditions post construction, and provide a reporting schedule for submitting monitoring reports to the City. <u>The wetland hydrology monitoring plan shall be verified through peer-review.</u></p>	<p>Staff recommends at City Council 5/24/2017 workshop.</p>
8	<p><i>Correct formatting errors on pages 43, 47.</i></p>	<p>Staff recommends at City Council 5/24/2017 workshop.</p>
9	<p><i>Addition in 16.20.125.D – Standards for existing development</i></p> <p>D. Residential structures, including multifamily, in a residential zoning district, destroyed by a catastrophe or fire, may be reconstructed up to the original size, placement and density. Structural repair must be initiated within <u>two</u> years of the catastrophe and all of the following provisions apply:</p> <ol style="list-style-type: none"> 1. The structure does not necessarily need to be rebuilt on the original footprint if <u>it is requested by the property/homeowner and</u> it is determined that an alternative location on the lot will provide greater protection to the critical area; and 2. Best management practices shall be employed to assure reconstruction does not negatively impact the critical area. 	<p>City Council identified amendment at 5/24/2017 workshop.</p>
10	<p><i>Addition to 16.20.115.B Applicability</i></p>	<p>Staff recommends at City Council 6/7/2017 public hearing staff</p>

May 2017 Draft Critical Areas Ordinance Update –Modification Document

v.3 June 1, 2017

No.	Identified Modifications to November 2016 Draft Comprehensive Plan	Who/When
	<p>B. <u>This Title applies to all uses and activities within areas or adjacent to areas designated as regulated critical areas and/or their buffers unless identified as exempt in Section 16.20.120. Such activities include, but are not limited to:....</u></p>	<p>report. (Requested by The Suquamish Tribe in public comment exhibit #5).</p>
11	<p>Replace term ‘invasive species’ to ‘noxious weeds (Class A and B)’ throughout document.</p>	<p>Staff recommends at City Council 6/7/17 public hearing staff report. (Requested by The Suquamish Tribe in public comment exhibit #5).</p>

EXHIBIT C
May 2017 Draft Critical Areas Ordinance Update
Public Comments Received Matrix and Exhibits
(as of June 1, 2017)

May 2017 Draft Critical Areas Ordinance Update –Public Comment

Received v. 2 as of June 1, 2017

Comment #	Who	Topic/Comment	Method/When	Recommended Response
1 Public Comment Exhibit #1	Emily Authenrieth	Ms. Authenrieth’s written comment suggests adding a definition for “building setback” within the Draft CAO.	Email; 5/01/2017	Planning Commission recommends including building setback definition. See #1 of May 2017 Draft Critical Areas Ordinance Update Modification Document.
2	Joan Gorner, Poulsbo	Ms. Gorner provided verbal testimony to Planning Commission regarding Kitsap County’s Critical Areas Ordinance. Her comments were specifically regarding priority habitat and species, as identified by Washington State Department of Fish and Wildlife (WDFW) Priority Habitat and Species List. She provided the following comments as summarized: <ul style="list-style-type: none"> • The CAO or staff must prove a protected species exists before restricting the use of private property; • Due diligence should be followed when determining if a protected species exists; • When buffers are established, the rights of the private property owner must be equally considered. 	Verbal testimony at Planning Commission public hearing 05/17/2017.	No recommendation specific to this public comment.
3 Public Comment Exhibit #2	Molly Lee, Poulsbo	Ms. Lee provided written comment which was read at the public hearing. She provided the following comments as summarized: <ul style="list-style-type: none"> • Concerned about trails and utilities being allowed in buffers or wildlife corridor open space; 	Verbal and written testimony at Planning Commission public hearing 05/17/2017.	Planning Commission recommended that Ms. Lee’s comments regarding trails and utilities allowed in buffers should be reviewed by staff, and provide any appropriate

May 2017 Draft Critical Areas Ordinance Update –Public Comment Received

v. 2 as of May 25, 2017

Comment #	Who	Topic/Comment	Method/When	Recommended Response
		<ul style="list-style-type: none"> • Opposed to taking of private property through eminent domain, or taking of private property through use of open space and corridors, or trails; and • Allowing trails within in buffers is counter to environmental protections. 		<p>recommendations to City Council.</p> <p>Proposed changes to trails within buffers is identified as #2 on the May 2017 CAO Modification Document.</p>
4 Public Comment Exhibit #3	Rita Hagwell, Poulsbo	<p>Ms. Hagwell provided a packet of documents, and provided the following comments as summarized:</p> <ul style="list-style-type: none"> • Supports the 150’ buffer in the Draft CAO; • Does not support use of her property as a public trail; • Asked the City to take her property off the Urban Paths of Poulsbo plan; • Discussed Marelaine Lane, and went through the documents submitted in relation to Marelaine Lane. • Discussed Marelaine Lane is in need for maintenance and the City will not get involved. 	Verbal testimony at Planning Commission public hearing 05/17/2017.	No recommendation specific to this public comment.
5 Public Comment Exhibit #4	Molly Lee, Poulsbo	<p>Ms. Lee provided verbal comments at the City Council workshop. She recommends additional language to 16.20.320.G.1 regarding trails within fish and wildlife habitat conservation areas buffers and that they should be outside of buffers or on land dedicated by the property owner. She also reiterated her comments included in Public Comment Letter #2.</p>	Verbal comments at City Council workshop 5/24/2017.	Proposed changes to trails within buffers is identified as #2 on the May 2017 CAO Modification Document.

May 2017 Draft Critical Areas Ordinance Update –Public Comment Received

v. 2 as of May 25, 2017

Comment #	Who	Topic/Comment	Method/When	Recommended Response
		Ms. Lee submitted written comments of her verbal comments on 5/25/17, and is identified as Public Comment Exhibit #4.		
6	Rita Hagwell, Poulsbo	Ms. Hagwell provided verbal comments at the City Council workshop as summarized: <ul style="list-style-type: none"> • She owns land on both side of Johnson Creek. • She is concerned about public trails being required or taken on her property. • She is concerned that developers will profit and use her land as open space. • She agrees to offer up 200' on both sides of the creek. • She wants everything in writing. 	Verbal comments at City Council workshop 5/24/2017.	Proposed changes to trails within buffers is identified as #2 on the May 2017 CAO Modification Document.
7	Jan Wold, Poulsbo	Ms. Wold provided verbal comments at the City Council workshop as summarized: <ul style="list-style-type: none"> • Supports 200' buffer for Johnson Creek, but is still not wide enough. • 300' should be applied for salmon streams. • Trails should not be placed in buffers at all. • The variance allowing for a 25% width reduction in buffers should be deleted, or if kept, no more than 10%. 	Verbal comments at City Council workshop 5/24/2017	
8 Public Comment Exhibit #5	Alison O'Sullivan, The Suquamish Tribe	Ms. O'Sullivan provided written comments to the City as summarized: <ul style="list-style-type: none"> • Invasive species should be changed to 'noxious weeds (Class A and B)' throughout the document. • Page 3.B "This title applies to all uses and activities with areas or adjacent to areas 	Email to Planning and Economic Development Department 5/25/2017	Recommend incorporating suggested changes by Ms. O'Sullivan.

May 2017 Draft Critical Areas Ordinance Update –Public Comment Received

v. 2 as of May 25, 2017

Comment #	Who	Topic/Comment	Method/When	Recommended Response
		<p>designated as regulated critical areas or their buffers unless...</p> <ul style="list-style-type: none">• Page 61: may want to require stormwater controls for larger, paved trails.		

From: emily authenrieth
To: [City of Poulsbo Planning and Economic Development](#)
Subject: FW: City of Poulsbo - Public Hearing CAO
Date: Monday, May 01, 2017 2:44:26 PM
Attachments: [7.1 PC Public Hearing Notice May 16 17.pdf](#)

I suggest that "building setback" (from page 4) be defined in the Definitions chapter.

Thank you.

Emily Authenrieth

From: Helen M. Wytko [mailto:hwytko@cityofpoulsbo.com]
Sent: Monday, May 1, 2017 9:24 AM
Cc: Karla Boughton <kboughton@cityofpoulsbo.com>
Subject: City of Poulsbo - Public Hearing CAO

Hello,

You are receiving this notice because you have signed up to receive notifications on updates to the City of Poulsbo Development Regulations.

The Poulsbo Planning Commission, in its role as citizen advisory committee for land use regulations, has completed its review of the April 2017 Draft Critical Areas Ordinance, through a series of three workshops. The Planning Commission have identified a number of modifications to the April draft, and a May 2017 Planning Commission Modified Draft Critical Areas Ordinance has been released and is available at the following link: <http://www.cityofpoulsbo.com/planning/caoupdate.htm> The Planning Commission modifications are reflected in this draft as blue **bold underline** for additions and ~~blue strikeout~~ for deletions.

The Planning Commission has scheduled a public hearing on the May 2017 PC Modified Draft Critical Areas Ordinance for Tuesday, May 16, 2017 beginning at 7 p.m. at Poulsbo City Hall, Council Chambers, 200 NE Moe Street. Public comment on the May 2017 PC Modified Draft Critical Areas Ordinance is welcome at the public hearing, or as written comments, submitted to the City at plan&econ@cityofpoulsbo.com

Thank you for your interest in the City of Poulsbo.

Helen Wytko

Poulsbo Planning and Economic Development
Phone: 360-394-9748
200 NE Moe St
Poulsbo, WA 98370

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

Received 5/16/17

Helen W planning tech
HW

P-173

Input regarding city of Poulsbo CAO
planning commission Public Hearing May 16, 2017
from Molly Lee

Item I page 7 New Addition should instead
say

" Shall be provided as much as possible
at specific points rather than parallel
to the buffer. If parallel trails are
necessary; only after exhausting all of
the requirements of section 16.20.320
items G 1, 2, 3, and 4, they shall be
located only in the outer 25 percent of the
buffer".

This new language reflects the same protective
stance that utility corridors and easements are
required to have in item 5c page 62.

" Any additional utility corridor or easement
access for maintenance shall be provided
as much as possible at specific points
rather than by parallel roads".

Item B4 p. 43

Sentence

" Where trails are permitted within buffers
they should be located on the outer portion
of the buffer and as far as possible from
the wetland edge".

Should be removed and replaced with:

Input DOLLSBO CAO

Planning Commission public hearing May 16, 2017
Molly Lee

"Where trails are permitted within buffers; after exhausting items 61, 2, + 3, they shall be located in the outer 25 percent of the buffer"

This would be consistent with new language in item 65.

The city did not supply a definition for "corridor"; therefore I will be using the quotes from city officials in the "partial transcription of city council meeting dated October 13, 2010 from Bkat video regarding the subject of the 2010 Comp plan Amendments regarding Johnson Creek Open Space and Johnson Creek wildlife corridor", including a map. Exhibits A+B.

This document states that corridor uses the same definition as open space and does not change the original intent of the comp plan.

The cities plan on TABLE 16.20.2300 p. 38, identifies pets and human activities as examples of disturbances that impact wetlands - which includes streamside wetlands.

Examples of minimizing pet and human disturbances to wetlands are:

input PoulsBOCA@

Planning Commission public hearing May 16, 2017
Molly Lee

"USE privacy fencing, plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion, place wetland and its buffer in a separate tract".

Putting public trails into open space or corridor buffers creates a negative impact that is minimized by eliminating pets and humans, and having robust vegetation in the buffers.

LANGUAGE within government Comp plans employ terms and maps that make it simple to ~~embrace~~ ^{encroach} or 'take' private properties. Exhibit C. This includes terms like open space and corridors; and the use of Public trails maps.

I am not interested in my property being taken by these or any other means, by the city or county, to provide a public trail system.

Putting public trails within any buffers is counter to environmental protections, which are the preexisting limitations. It would be unconstitutional and would ultimately harm the public.

Molly Lee

[REDACTED]

Partial transcription of City Council meeting dated October 13, 2010 from BKAT video

The subject is the 2010 Comprehensive Plan amendments regarding Johnson Creek Open Space and Johnson Creek Wildlife Corridor.

(When the viewer tried to access these particular meeting minutes from the City of Poulsbo's website, the meeting minutes, although shown on the webpage, were unable to be viewed. This is the reason for this partial transcript from the BKAT recording.)

Discussion of comp plan changes for 2010 on item 2010 – 09:

Jeff Bauman: *are there changes being made regarding open space designations and if so what are those changes and what are the implications?*

Karla Boughton: *I think what the citizen was referring to is on the list of projects the 2025 parks system acquisition and improvement list. There was a change that came forward to the planning department from the parks director working with the parks commission that changed a project that is currently in the comp plan that is called Johnson Creek open space to Johnson Creek wildlife Corridor. And then there is a new sentence added to this that says that this project would acquire properties as they become available or easements for future trail connections along the corridor. So I can't speak to the conversation that the parks commission may have had on why they changed the name. But I think that's what that question or that comment was referring to. That is the only thing in this whole packet that's referring to Johnson Creek wildlife Corridor.*

Jeff Bauman: *as a practical matter, does it change what happens in the corridor or the original intent of the comp plan?*

Karla Boughton: *oh no, certainly not.*

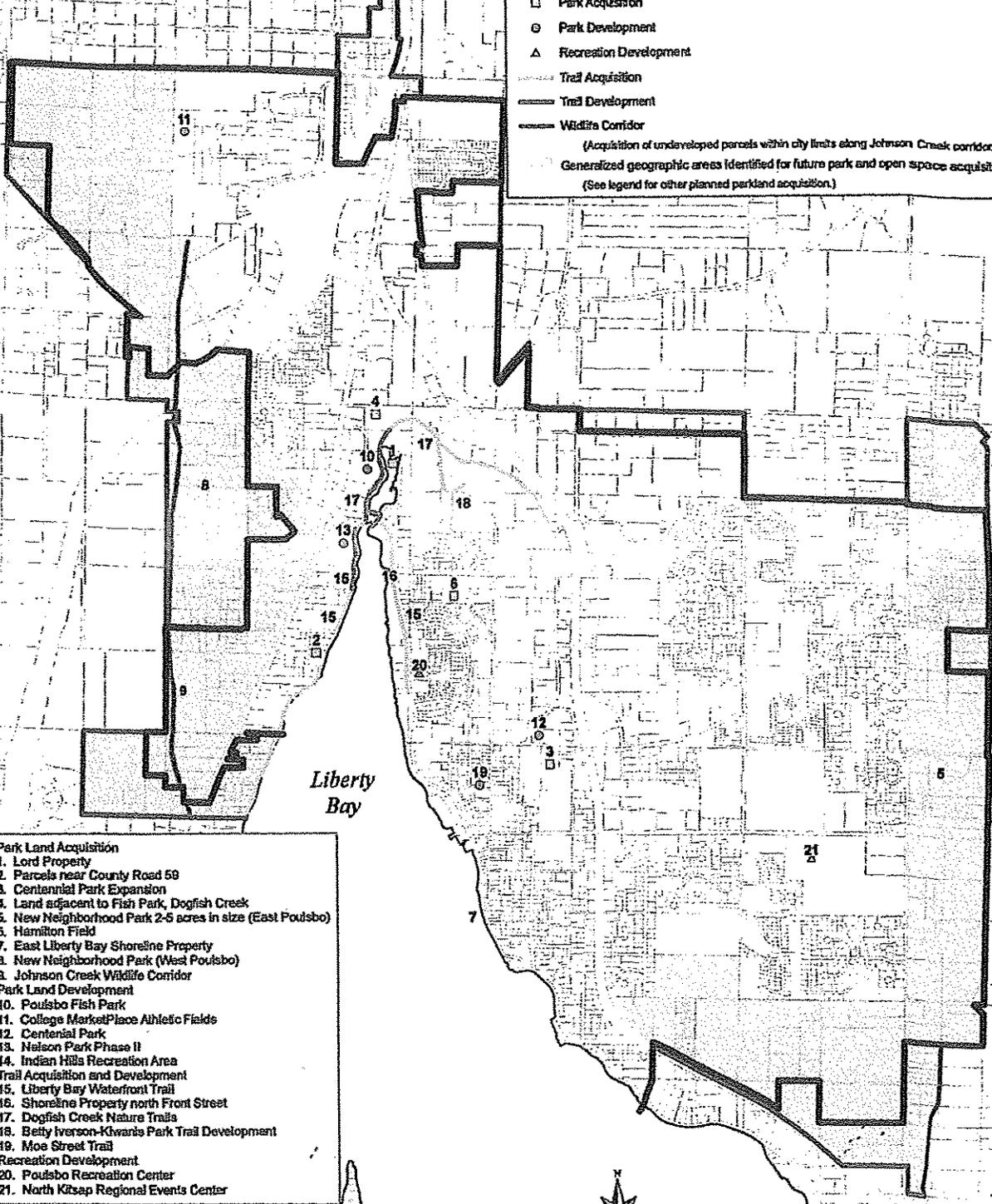
>Becky Erickson: *there is no open space definition change I guess it is what we are saying I think it just got or has a different label on it. Someone in the background: it's semantics. Becky Erickson: It's semantics. Correct? There is no definition change here. Okay. Just make that clear.*

CITY OF POULSBO
 Kitsap County, Washington
 Land Use Comprehensive Plan Map Series
 Adopted December 2, 2008
 Effective December 18, 2008
 Amended Effective December 8, 2010
 Figure PRO-2

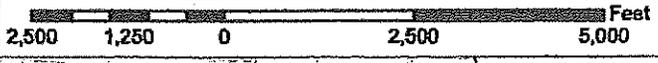
2025 Park Development & Land Acquisition Goals

Legend

- City Limits
- Urban Growth Area
- Park Acquisition
- Park Development
- △ Recreation Development
- Trail Acquisition
- Trail Development
- Wildlife Corridor
 (Acquisition of undeveloped parcels within city limits along Johnson Creek corridor)
- Generalized geographic areas identified for future park and open space acquisition
 (See legend for other planned parkland acquisition.)



- Park Land Acquisition**
1. Lord Property
 2. Parcels near County Road 58
 3. Centennial Park Expansion
 4. Land adjacent to Fish Park, Dogfish Creek
 5. New Neighborhood Park 2-5 acres in size (East Poulsbo)
 6. Hamilton Field
 7. East Liberty Bay Shoreline Property
 8. New Neighborhood Park (West Poulsbo)
 9. Johnson Creek Wildlife Corridor
- Park Land Development**
10. Poulsbo Fish Park
 11. College MarketPlace Athletic Fields
 12. Centennial Park
 13. Nelson Park Phase II
 14. Indian Hills Recreation Area
- Trail Acquisition and Development**
15. Liberty Bay Waterfront Trail
 16. Shoreline Property north Front Street
 17. Dogfish Creek Nature Trails
 18. Betty Iverson-Kwanis Park Trail Development
 19. Moe Street Trail
- Recreation Development**
20. Poulsbo Recreation Center
 21. North Kitsap Regional Events Center



Comprehensive Plan Map Series Primary Map Sources and Original Scales:
 Kitsap County Assessor's Tax Maps 1:12,000 (Kitsap County IT, GIS Division)

Figure PRO-2 maps the City's 2025 Park Development and Land Acquisition Goals. The parkland acquisition and development project descriptions are in the Comp Plan Section 2 - Capital Facilities Plan's park section.

This comprehensive plan map series is intended for general comprehensive planning. These maps are schematic representations of physical features, infrastructure and land ownership boundaries. The map information was derived from available public records and existing sources, not from surveys. Studies may be necessary with project review to verify information.

exhibit c

- Peninsular Thinking - <http://pugetsoundblogs.com/peninsular-thinking> -

Waterfront pathway process complicated by federal regulations

Posted By [Chris Henry](#) On November 20, 2013 @ 7:57 pm In [City of Port Orchard, Property rights, Recreation and Leisure](#) | [No Comments](#)

Owners of five Beach Drive properties are alarmed anew at news the Port Orchard City Council has taken the next step toward construction of a public waterfront pathway that could go right through their homes.

The city recently approved a contract that sets in motion steps for possible acquisition of the properties by eminent domain. But other options are being considered, and taking of the properties is far from a done deal, City Engineer Mark Dorsey stressed. The contract includes financial capacity and authority for Universal Field Services to negotiate with the property owners on total acquisition, when and if the city council gives the OK.

The council needs to know the pros and cons of all options, Dorsey said, which is why the contract includes the most extreme scenario. Under other scenarios, the houses could be left standing, but there are liability and public safety issues.

Property owners are miffed that city officials didn't personally contact each of them before the contract was approved. To explain why, we need to get down into the weeds, so hang with me here.

First, let's jump back to 2011. The property owners have known for at least two years that eminent domain is a possibility. The issue came up in a properly noticed public meeting in which the council discussed early design of the pathway, causing an uproar from the property owners. According to homeowner Randy Jones, then-Mayor Lary Coppola visited him a day or two after the meeting. Coppola assured Jones that the eminent domain option was at that time hypothetical and the taking of his home was not imminent, Jones recently said.

That's still the case. It will take the city a long time to jump through the hoops of regulations put into play by a \$300,000 federal grant the city accepted under previous Mayor Kim Abel for preliminary design of the pathway.

The grant requires Port Orchard to complete the whole path, one way or another — through the homes or around them — or the city must return the \$300,000.

The Bay Street Pedestrian Pathway is seen as a great amenity by most city officials. Two segments are already completed and have been well-used. So it's unlikely the city will turn back now, but that's yet another option the council will weigh, according to Dorsey.

The city faces the same use-it-or-lose it issue with the Tremont Street Corridor, where more than \$3 million in federal funds were used for design. According to Dorsey, the federal government, dispersing money through the state Department of Transportation, used to spread money around "like peanut butter," leaving a trail of partially completed public works projects. Since 2009, the feds require assurance grant-supported projects will be completed, making it harder on public officials, but reducing the likelihood that taxpayers' money will be squandered on nice ideas never executed.

So why didn't Port Orchard officials recently come knocking at the property owners' doors? Under one of the federal grant regulations, the city must use an intermediary to contact residents about the potential taking of their properties to avoid the appearance of "collusion," according to Dorsey. The law requires a clean division of roles. The city, acting on the public's behalf, could be seen as having a conflict of interest were any staff members or elected officials to discuss the eminent domain issue with property owners outside of a public meeting.

rec'd PCPH 5/16/17
Rita Hagwell

LAW OFFICES OF

JANE RYAN KOLER

5801 Soundview Drive, Suite 258 • Gig Harbor, Washington 98335
Tel. (253) 853-1806 • Fax (253) 851-6225 • www.jkolerlaw.com
Jane Ryan Koler

A Professional Limited Liability Company

zoning

land use

real property

environmental

June 28, 2012

Sent via e-mail

mayorrebeccaerickson@cityofpoulsbo.com

Mayor Rebecca Erickson



Rita Hagwell
PO Box 1141
Poulsbo WA 98370-0076

Dear Mayor Erickson:

I represent Gilbert & Rita Hagwell who owns property located at [redacted], Poulsbo, Washington. Recently, they were quite surprised to discover in a City publication, *Urban Paths of Poulsbo, Washington*, that the City plans to construct urban paths on their residential property.

Be advised that the Hagwells have no intention of allowing urban paths on their residential property. The City would need to acquire their land in an eminent domain proceeding.

Because the City has made no effort to purchase the Hagwells' property, it is entirely inappropriate for the City to give notice to the world that it is planning, at some future date, to develop urban paths on their land. In the absence of the public purchase of the Hagwells' property, showing urban paths on their land is an instance of condemnation blight; the City is apparently attempting to drive down the value of their property by declaring to the world that it will be taken at some unknown future date for urban paths. That act would discourage purchasers from acquiring the Hagwell land and drive down the value of it.

The City is engaging in deliberate conduct to drive down the value of the Hagwells' property. Such conduct must cease at once unless the City plans immediately to pay the Hagwells the fair market value for their residential acreage; the City needs to delete the pages from *Urban Paths of Poulsbo, Washington* publication showing urban paths on the Hagwell land. *Using fitness to steal land.*

Do you hesitate to contact me with any questions about this matter.

SISU

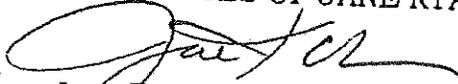
I do not want

Very truly yours,

to move, I had

LAW OFFICES OF JANE RYAN KOLER, PLLC

a ^{very} sick husband since


Jane Ryan Koler
Attorney

Nov 2010 to Dec 2013

I did my best to defend myself against these people. They have not won yet!



Rita Hagwell
PO Box 1141
Poulsbo WA 98370-0076

2

April 13 2017

If you have open space near your property you can help developers! They can double the number of houses they can build. Your land would be their open space. This is allowed!

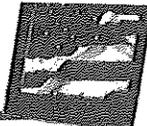
Be careful if your house/land is in danger. The value of your place may go down!

What is the motive for trails? Who will secretly profit?

The city is eventually going to include Eminent Domain on my land! It is now in a condemnation blight because of trails.

Rita

Alyse S. Nelson



Rita Hagwell
PO Box 1141
Poulsbo WA 98370-0076

3

669

From:
Sent:
To:

Linda Berry-Maraist
Sunday, May 13, 2012 1:06 PM
Mary M. McCluskey; Alex.Stone@nps.gov; Alyse S. Nelson; Bruce Ramsey, Cass Quinn (cassquinn@gmail.com); Chuck Driver (c.driver@comcast.net); David Wymore (david_wymore@nps.gov); David Wymore (ranger_david@comcast.net); Degracia, Patricia; Diana Meade (meade04@wavecable.com); Edie Lau (lauwilliams@embarqmail.com); Hans Nilsson (hansnilsson@msn.com); Haroldlouis@comcast.net; Jennifer Wiegand; Joel Brose (mdbrose@comcast.net); John Kuntz (jkuntz@silverlink.net); JOHN WHITLOW; Kate Kuhlman; Kate Nunes (kate.nunes@amec.com); Keri A. Weaver; Kirk Stickels (portofpoulsbo@yahoo.com); Lee Derror (lderror2@yahoo.com); Marianne Smiley (mariannesmiley@embarqmail.com); mecarter779@hotmail.com; Pat Keim Strayer (strap12@comcast.net); Rick Feeney; rlrans@earthlink.net; Tabor Reedy (taborreedy@gmail.com); Val Martinson (donnvalm@msn.com); BarbKSmithson@gmail.com; Ryan Farncomb
Subject: Poulsbo Trail Plan Hearing 5/16 & opposition
Attachments: WSCC TRAILS support letter May 2012-1.doc

Subject:
Attachments:

This person will profit from trails near/on property (investments) on VIKING

All,
The Poulsbo Trail Plan is expected to be voted on at the City Council meeting this Wednesday 5/16 (meeting at 7 p.m.). I'm attaching a letter from West Sound Conservation Council objecting to the Waterfront trail and trails in proximity to creeks (like Fish Park and Wilderness Park). Fish Park is generally lauded as one of the best examples of environmental stewardship in an urban area in our region. The Clear Creek Trails system is another example of combined environmental stewardship and trails. Poulsbo has a very protective Critical Area Ordinance which would guide any actual future development of trails in sensitive areas. A pink line is just a concept, it is not a project proposal.

There has been alot of misinformation spread about Poulsbo's Trail Plan and private property but I've copied the statement from page 19 of the Plan, stating that trails on private property would be voluntary, at the bottom of this email.

Staff has made some changes to Poulsbo's trail Plan, including revisions to the map clearly addressing the concerns of Liberty Bay Condominiums and making the pink line of a conceptual foot path even more wiggly. Link to revised map: http://www.cityofpoulsbo.com/planning/documents/exhibit_1_figure_pro_3.pdf Link to the revised plan (changes highlighted) http://www.cityofpoulsbo.com/planning/documents/exhibit_2_revised_upp.pdf

I would encourage you to attend the Council meeting this Wednesday and speak about your involvement in, and support for the Trail Plan. You can also email councilmembers@cityofpoulsbo.com If you were on the Trails committee or on the Parks Commission, please point that out.

We believe in the US Constitution

When I attended the State Trails conference in 2008 (when Mary learned Poulsbo received the National Park Service grant), I was surprised to learn that opposition to trails is often couched in terms of property rights and environmental protection. So opposition to trails using those arguments is not unprecedented. The featured speaker at that Trails conference led symposiums for the Sierra Club on what he terms *Nature Deficity Disorder*, and is the author of "The Last Child in the Woods" <http://sierraclub.typepad.com/greenlife/2009/06/book-roundup-wednesday.html>

Personally, I believe that the environmental impact of humans, is most certainly not caused by people walking on footpaths. Poulsbo's trail planning efforts were guided by the National Park Service. The Sierra Club has been an advocate for trails and conservation from it's inception. It is my summers as a highschool student volunteering with the Sierra Club on trails, which made me a passionate supporter for both.

Many of you have worked very hard in support of Poulsbo's Trail Plan, please consider doing what you can to help in this final push.

Linda

Sept 18, 2013

From page 19: Poulsbo's Trail Plan
Connectivity across private property
Poulsbo is already substantially developed in many areas of the city. It also doesn't have opportunities for trails that many cities with abandoned rail lines have to create connections. In some instances, the proposed trail network shows connections

The people in Liberty Bay Condo got their property off a map

across private land. These are shown on the maps with a pink "conceptual" line. Where conceptual connections are shown across private property they are intended to indicate general desirable areas to be linked, and future negotiations with the interested and willing property owners might take place. Bikeways and/or walkways will not be developed across private land without the owner's consent or a preexisting easement. Locating trails on private property will be voluntary on the part of the private property owner.

4 Sept 18, 2013

Linda Berry-Maraist
Poulsbo City Council
Position 1

Hagwell spoke at City Council Meeting

The more people see trails on private property the less shocking it becomes. This is a propaganda tool! This is a way to brainwash people! This is a City council person

putting one group against another

She is saying private property (ms Maraist) is just an excuse for not wanting trails

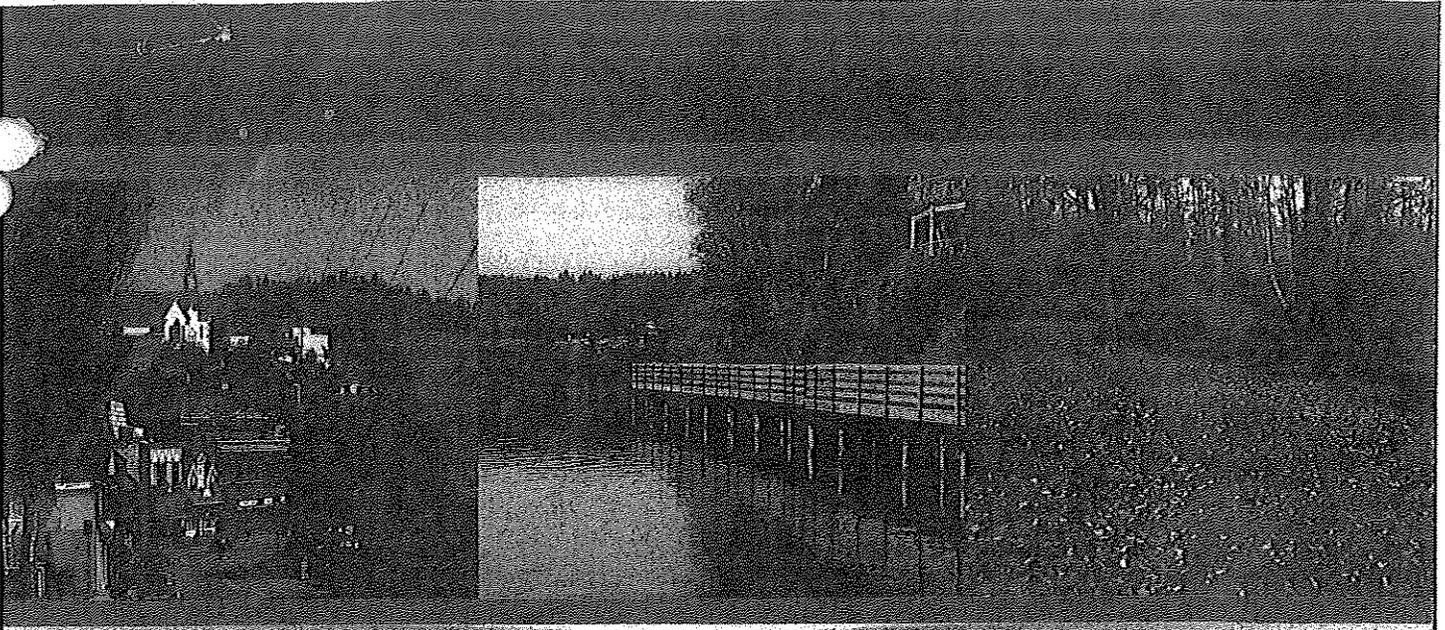
This statement is a betrayal of public trust since she (ms Maraist) is supposed to represent all the people of Poulsbo.

She will profit from trails near/on her Vikery investment property. This statement smells of amoral opportunism

WRH



Rita Hagwell
PO Box 1141
Poulsbo WA 98370-0076

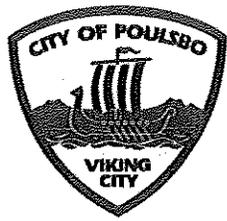


This is a way to take land, This is how it is done for the greater good in Cuba, Russia, etc

Urban Paths of Poulsbo

Poulsbo, Washington

Parks Dept
has more booklets
like this. They
are 6.00 and sold to
public



Rita Hagwell
PO Box 1141
Poulsbo, WA 98370

This is the cover of the booklet that lists my land as a trail in the future

retired teacher husband
Korean War hero disabled

Thank you for coming here
asphalt power pole

What is UPP Plan
Urban Paths
Poulsbo

1973

1 person or class of persons for different treatment without a rational basis to do so and has singled out
2 certain property owners to bear the burden. There has been unequal impact for all property owners.
3
4 *Who am I How long on property taxes*
5 Rita Hagwell and other property owners who have signed petitions have a legally protected
6 property right such as the right to possess or exclude and in the unrestricted right of use, enjoyment
7 and disposal. Anything which destroys any of these elements of property, to that extent destroys
8 property itself. The substantial value of property lies in its use. If the right of use be denied, the value
9 of the property is annihilated and ownership is rendered a barren right. These rights have been
10 affirmed by the State Supreme Court.

11 **Rita:** In this case, Rita Hagwell and others own property that has been directly impacted by the
12 UPP Plan. The application of the UPP Plan conceptual trail overlays on the Hagwell and other
13 neighbors' properties will affect ownership value by diminishing the ability to sell private property
14 at full market value. Future buyers will be deterred when informed that a public trail system will
15 adversely impact their exclusive use of the property.

16 In addition, the overlay intrudes into Petitioners' property with no ability for the Petitioners
17 to exclude the City's intrusion. As discussed later, Petitioner Hagwell has a proposed bike trail that
18 runs the length of her driveway in an east/west orientation. Ms. Hagwell also has a trail drawn
19 north/south through the middle of her wooded five acres that bisects the other path in an "X," or
20 cross formation. The City's map depicts the bike path inside the protected area for her well, which
21 provides her domestic water supply. *The Hagwells have water rights from WA State*
22 The City's depicted walking trail, that will contribute dog urine
23 and feces, is nearby, ~~just~~ *with the well* just uphill of the well. These trails could potentially impact the quality of
24 Petitioner Hagwell's well water and water is a protected property right. *Water rights State of WA 1973*
25 Petitioner Hagwell would
26 have a constant stream of the public with their pets traversing back and forth in the natural woods

bought Power pole

m their
1 edge ~~adjacent~~ to their back yard. There would also be a constant stream of people on bicycles next
2 to their house on their driveway. *and on the lane which they*

3 **Molly: The City acted in both a discriminatory and arbitrary manner when it took the** *1/2 paved and put a power pole*
4 **challenged action.** *o*

5 Some property owners within the City of Poulsbo-selected trail routes are being unduly
6 burdened and uniquely impacted by the UPP Plan.

7 Petitioners, through their Opening Brief and Reply Brief, along with argument they
8 will present at this Hearing on the Merits, have demonstrated that the City of Poulsbo's
9 action in adopting Ordinance 2012-09 was clearly erroneous.

10 In Petitioners' Opening Brief, the importance of the Goal 6, the property rights goal,
11 in GMA actions was articulated. Petitioners' noted the standards by which the Growth
12 Management Hearings Board has found a violation of Goal 6 occurred – the action was
13 arbitrary and discriminatory and impacted a property right. Opening Brief at 3.
14

15 The City of Poulsbo does not dispute these standards or that Petitioner Hagwell has
16 a protected property right. City Response at 2. Rather, the City asserts that its actions
17 were not baseless, did not disregard the facts and circumstances, nor did its actions
18 disproportionately affect certain property owners.
19

20 The City quotes from a survey of "citizens" on trails that it completed in early
21 2009, in which nearly 50% of the people who took part in this survey did not live in
22 Poulsbo. Index 68 at 1 and City Reply Brief at 11.

23 When asked about trail locations that should be given top priority, the surveyed
24 respondents supposedly listed West Poulsbo as one area of a list of 10 different areas of
25 concern for trails in Poulsbo. Response Brief at 11. However, the Poulsbo Urban Trail
26 Plan Committee's meeting minutes of June 11, 2009 state that "So far, about 250 people

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10 respondents supposedly listed West Poulsbo as one area of a list of 10 different areas of
11 concern for trails in Poulsbo. Response Brief at 11. However, the Poulsbo Urban Trail
12 Plan Committee's meeting minutes of June 11, 2009 state that "So far, about 250 people
13 have taken the survey ... and that the SW quadrant in the vicinity of Johnson Creek had
14 not received comments yet." Index 56 at 2.
15

16 The March 7, 2007 *Kitsap Sun* article discusses City Councilmember Berry-
17 Maraist's desire for a critical area ordinance with smaller, more flexible buffers along
18 Johnson Creek adjacent to her development property. Index 524 at 3 and Index 608 at
19 24. City Councilmember Berry-Maraist also opines that larger, 300-foot buffers along
20 Johnson Creek would take away \$3.8 million in property value from the 18 owners along
21 the creek, including her property. Index 524 at 3. Her husband, Douglas Maraist, stated
22 at a Poulsbo Critical Area Ordinance hearing as follows: "This property on Johnson
23 Creek was going to be my path to retirement." Index 524 at 3. Again, the focus appears
24 to be on personal financial reward for the City's decision-makers. Councilmember
25
26

1 Berry-Maraist was the only city councilmember on the City of Poulsbo's Trails
2 Committee from its inception to its end. Index 56 at 1, Index 70 at 1, Index 260 at 1.

3 The record shows that City Councilmember Berry-Maraist submitted a letter on
4 April 9, 2007 that she and her neighbors could "enhance the value of all of our properties
5 if we work together to make it a shared greenbelt with walking trails." This is in
6 reference to her development property surrounding Johnson Creek. Index 608 at 24.

7
8 On May 5, 2009 Councilmember Berry-Maraist sent an email to Mary McCluskey,
9 Director of Poulsbo Parks and Recreation, Val Martinson and Bruce Ramsey, both trail
10 committee members stating as follows: "I have property on the south end of Viking on
11 Johnson Creek and had talked to about eight neighbors about trails and a shared
12 greenbelt ..." Index 611B. She then tells Poulsbo Trail Committee member Val
13 Martinson, who had been tasked with walking and reviewing trails in some of West
14 Poulsbo, that when Val Martinson walked down Cedar Lane, she crossed Johnson
15 Creek and should look for a location to put a trail "via a road to the Johnson Creek
16 corridor. I'm [Councilmember Berry-Maraist] hoping that we can eventually link a trail
17 through the corridor [Johnson Creek] north to College Marketplace/OC and south
18 towards the Clear Creek Trail." Index 611B.

19
20 This specific pushing to get a trail in the Johnson Creek corridor, where it would
21 have to pass through Councilmember Berry-Maraist's development property, seems to
22 fit well with financial aspirations for a publically funded trail. A trail in her development
23 also would result in her ability to gain approval for higher densities as a development
24 incentive. This would also result in a personal financial reward. Additionally, if a trail
25 can be placed either in the buffer or across the corner of a development property, it
26

1 takes away little or no development land for the trail, but the trail results in density
2 incentives for the developer. City Planned Residential Code Section 18.80, PMC 19.01.
3 There was no interest in a Johnson Creek trail expressed by any of the 250 people who
4 responded to the trail survey. The final total of citizens responding to the trail survey
5 was 273. Index 229 at 2. Moreover, Val Martinson apparently did not comment on it
6 either. In fact, there is no indication in the record that anyone, at any time, has
7 requested or pushed for a trail on Johnson Creek except Poulsbo Councilmember Linda
8 Berry-Maraist.
9

10 Councilmember Berry-Maraist then took it upon herself alone to summarize the
11 Poulsbo Trail Survey results. The September 10, 2009 Poulsbo Urban Trail Plan
12 Committee minutes state as follows: "Linda [Berry-Maraist] had spent time over the last
13 weekend, reviewing the survey questions and responses so that the summary will have
14 a common voice. ... Mary thanked Linda [Berry-Maraist] for taking the time to
15 consolidate the responses." Index 70 at 2. Afterward, the results show that West
16 Poulsbo is in the top ten areas for trails. However, the record, specifically the survey,
17 does not support such a result. Index 68. The Trails Committee did not even mention
18 Johnson Creek when they discussed the top three locations for connections to North
19 Kitsap trails. The connection to "Viking Way at the ball fields" is at the northernmost end
20 of Viking Way, far away from Johnson Creek. Index 168 at 2.
21

22 When reviewing the record, one notes that the reference to West Poulsbo says
23 "connection to" west Poulsbo not "in" west Poulsbo. Index 229 at 3. Presumably,
24 people are looking for connections, from east and downtown Poulsbo, "to" west Poulsbo.
25
26 Some of these connections have been completed since 2009. Connections currently

1 decision, baseless, and in disregard of the facts and circumstances. It is also detrimental to
2 fisheries habitat, including anadromous fish, and wildlife habitat in the City's only wildlife
3 corridor.

4
5 The decision to place the lines and arrows in this location and fail to respond to the
6 Johnson Creek petitioners with equality leads one to believe that the City of Poulsbo has singled
7 out the Johnson Creek area, and private property owners in that area, to bear the burden of
8 supplying trail locations for all the citizens of the Poulsbo area and bear the burden of supplying
9 off-street trail locations for the entire City. This action is discriminatory.

10 One city councilmember has apparently determined that she can gain financially if there is
11 a trail at some location on her development property, allowing her to have greater density
12 bonuses and greater financial gain upon development. Index 611B. This is arbitrary and
13 discriminatory decision making.

14
15 Some property owners were able to get the proposed trails moved off their private property.
16 Others, who were just as involved, were not able to get the proposed trails moved off their private
17 property. This was most evident on the west side of Poulsbo in the Johnson Creek drainage. This
18 drainage is the only wildlife corridor in Poulsbo. Index 608 at 6, 9, 14, 21, 23.

19 Several citizens spoke at the Planning Commission hearing of March 13, 2012 about their
20 concern over trails being located on maps on their private property. Index 537.

21
22 David Wells and his wife, Stephanie Wells (a City of Poulsbo Planning Commissioner),
23 owners of Bjorgen Creek Estates, were able to get the trail removed from their private property.
24 Index 511. They live next door to Becky Erickson, mayor of Poulsbo, on their small development
25 named Bjorgen Creek Estates, which borders Bjorgen Creek. On the May 16, 2012 map, the trail
26 was moved from the west side of their property completely out of the more natural part of their

1 property onto Noll Road, a busy road inside the Poulsbo city limits. Index 668. It does not have
2 sidewalks in that area. There is a group of large schools up the road from this area. If the City is
3 sincere about building trails in more natural wooded areas away from road edges, as they suggest
4 they must on Petitioner Hagwell's property, just such an opportunity exists on the mayor's farm
5 acreage. Mayor Erickson's farm has a large area of woods adjacent to Noll Road that could support
6 a trail. The Erickson woods begin a few feet from the City-proposed Noll Road trail location
7 adjacent to a busy roadway. In the mayor's neighborhood, however, the City removed the proposed
8 trail location from the Wells property, where it had been located well away from the busy roadway,
9 and relocated it to the road shoulder. Index 511, 606 and 668.

11 Numerous people voiced their opposition to trails being located on their private property.
12 People signed petitions declaring their wishes not to have a trail on their property. Index 515, 608 at
13 25-33 and 611C.

15 As discussed earlier, on the west side of Poulsbo, in the Johnson Creek drainage, only those
16 people located in the unannexed UGA, which is still in the county, had the trails removed by the
17 City from their private property, apparently at the urging of the county commissioner. People
18 involved in the amendment process who signed petitions and own property within the Poulsbo city
19 limits in the Johnson Creek drainage were unable to convince the City to remove trail locations from
20 their private property. Index 515 and Index 608 at 25-33.

22 **2. Petitioner Hagwell's Property is Arbitrarily and Discriminatorily Impacted.**

23 The final approved UPPP and city booklet available for purchase by the public still show the
24 "pink line" trail on Petitioner Hagwell's private property. Index 688. This announces that at some
25 future date the City of Poulsbo is planning to develop both the "pink line" trail for a walking path
26 going north/south as well as a blue line running east/west on Hagwell's driveway, also shown on

1 maps as Marelaine Lane. Index 668. These trail locations are available to everyone who views the
2 Poulsbo UPPP booklet. The same information is available on the Internet.

3 Any potential purchaser of Petitioner Hagwell's property in the future would have the trails
4 proposed on their future property. One is a bike path and the other is a walking path. This has a
5 debilitating effect on the value of Petitioner Hagwell's five acres, should the Hagwells ever wish to
6 sell. This discouragement of purchasers and the resultant lower sales price is an instance of
7 condemnation blight. *Lange v. State*, 86 Wn.2d 585 (1976).

8
9 The walking trail was originally located next to the creek in the Johnson Creek buffer on
10 Petitioner Hagwell's five-acre private property. This trail location is depicted on the UPPP map
11 PRO-3, dated December 23, 2011. Index 608 at 34. Then it was moved to an easterly location,
12 crossing north to south, through the middle of the garage on Petitioner Hagwell's private property on
13 the UPPP map dated April 18, 2012. Index 606. This map was given to the Poulsbo City Council
14 members, apparently at, but not before, the Poulsbo City Council public hearing held on April 18,
15 2012. Index 606. This trail map was not provided to the public at the hearing held on the night of
16 April 18, 2012. In fact, there is some documentation that the mayor and planning staff were
17 completing these documents just before the meeting. Perhaps that is why the City Council did not
18 get the verbiage and maps until the meeting started and why the citizens were told that they could
19 not have a map. Index 601, 606.
20
21

22 Later, on May 16, 2012, the UPPP trail was moved up the hill slightly to the west in what
23 appears to be the Hagwell's back yard. Index 668. The final UPPP shows both trails on Petitioner
24 Hagwell's five-acre property in their final resting places. This map was not made available to the
25 public before or during public testimony. The map was only made available some days after the
26 hearing. The public had no opportunity to comment at the hearings, except on earlier versions of the

1 trail map, before that week's changes made behind closed doors, apparently without city council or
2 public participation! The mayor apparently gave copies to the city council at the meeting and then
3 discussed it verbally at the city council hearing of May 16, 2012. She and the City provided no
4 copies to the public. Copies were not made available to the public until after the hearing was closed.
5 In most cases, the public could not obtain copies of the map for many days thereafter.
6

7 Petitioner Hagwell stated on numerous occasions that she wanted neither a walking trail on
8 her property, nor a bike trail on her driveway, including on May 9, 2012. Index #6.

9 **Arbitrary and Discriminatory Nature of City's Action Demonstrated by**
10 **Removal of Trails from Liberty Bay Estates**

11 The maps dated December 23, 2011 (Index 608 at 34) and April 18, 2012 (Index 606) had
12 numerous trail locations in West Poulsbo (the area west of Liberty Bay and Dogfish Creek). The
13 minutes of the Poulsbo City Council meeting of April 4, 2012 stated the following: "Hans Neilson
14 [sic], Liberty Bay Estates, commended the City and staff on the Comprehensive Plan and expressed
15 concern with the proposed trail through Liberty Bay Estates on the Urban Trails of Poulsbo map."
16 Index 566. However, at the Poulsbo City Council meeting of April 11, 2012, as recorded in the
17 minutes, "Hans Nelson [sic] expressed concern with private property rights, with the conceptual map
18 indicating a trail through the Liberty Hills [sic.] property." Index 569. Hans Nilsson, owner of
19 private property and a board member of the Liberty Bay Estates Condominiums, stated in a letter
20 dated April 18, 2012, that their "private property is not available for public trails." Index 613.
21

22 After comments from the Liberty Bay Estates condominium owners, the City drew up a new
23 map. The map, dated May 16, 2012 (Index 668), has several trail sections deleted, including the
24 section that had been located at the front of Liberty Bay Estates condominiums. Index 668. This
25 map, apparently at the county commissioners' request, also deletes some trail locations from the
26 non-annexed UGA where private property is still located in the county. Index 668. The city's

1 regulation, and the change is proposed after the opportunity for review and comment has
2 passed under the county's or city's procedures, an opportunity for review and comment on
3 the proposed change shall be provided before the local legislative body votes on the
4 proposed change.

5 (b) An additional opportunity for public review and comment is not required under (a) of
6 this subsection if:

7 The Trail Plan was part of an environmental impact statement such as that done for
8 the initial Comp Plan. This Trail Plan was not part of an environmental impact statement.

9 The city is required to choose to plan establish and broadly disseminate to the public a public
10 participation program identifying procedures providing for early and continuous public
11 participation in the development and amendment of comprehensive land use plans and
12 development regulations implementing such plans. The procedures shall provide for broad
13 dissemination of proposals and alternatives, opportunity for written comments, public
14 meetings after effective notice, provision for open discussion, communication programs,
15 information services, and consideration of and response to public comments.

16 The GMA requires that local governments take steps to actively involve the public in the
17 process of developing, adopting, and amending comprehensive plans and development regulations.

18 The Growth Management Hearings Board has long held that public participation is a "hallmark", the
19 "bedrock," a "keystone," "the very core" for GMA planning. The public participation requirements
20 of the GMA have even been called "elaborate procedures" by the Washington State Supreme Court.

21 While Petitioners recognize that during the amendment process proposals change, the revised
22 amendments must still be within the scope of the original action. The effect of a city's actions in
23 changing the amendment may not resemble a classic advertising "bait and switch." A city cannot
24 advertise to the public and interested agencies that it intends to do one thing and then, "at the
25 eleventh hour" do something else entirely, precluding the public from having a meaningful
26 opportunity to comment. Quoting the Orton Farms GMHB decision: The city cannot assert a
proposal was "on the table" when there was no notice "indicating that the original menu of what
would be 'served at the table' had changed."

Marelaine Lane
Marelaine Lane

rec'd POPH 5/16/17
Rita Hagwell

2. Since the time that my husband and I purchased our home in 1971, the Lillesvens and Fairfields had access to their home to the north from Cedar Lane. In fact, their address was on Cedar Lane. They traveled from Cedar Lane to Finn Hill Road. Their home was not accessible from Marelaine Lane. The wooden logging bridge over the creek had weakened and collapsed in the 1940's or 1950's. Thus, it was impossible to cross the creek to reach the Lillesven or Fairfield home from Marelaine Lane.

3. No road has existed on any of what the Marmon declaration calls "road segment A" during the time that I have owned my home.

4. My husband Gilbert and I assumed exclusive responsibility for developing and maintaining our segment of Marelaine Lane (the western portion of road segment B). It was a primitive dirt road when we bought our property. We assumed sole responsibility for paying for the asphalt; we paid \$1,575 for the asphalt, which was a lot of money in 1974. We installed underground utilities and on January 23, 1973, we paid more than \$1,000 to remove the old power pole that was weak and was too close to the center of Marelaine Lane. We replaced it with a new power pole (#995240) and transformer in a location on our property away from the road.

5. There was an old logging road that led north to Liberty Road from Brown's home that they or their visitors used periodically. I allowed Browns to use my western portion of segment B of Marelaine Lane, which I paved and was maintaining exclusively, as a matter of neighborly accommodation.

*Councilwoman
PSC
process
one
31
Pole
called
Linda
Berry
Marant
about
pole?*

*Why is it Linda B Marant
business to call up Energy Co*

John Johnson may have sold land to California developer Jeff Hartman
land now called

Poulsbo
land
develop
calls
it
West
Poulsbo
LLC

6. The claim that the John Johnson or West Poulsbo LLC 40-acre property is landlocked is absolutely false. The owners of this 40-acre property have had access to the north over Cedar Lane since at least the mid-part of the last century. Moreover, John Johnson has had a development agreement with Brad Watts to develop the 20-acre Watts property. John Johnson also purchased a property with a house on Liberty Road, which connects to the north of the Watts 20-acre property. This agreement and John Johnson's property on Liberty Road provide access to Liberty Road for the 20-acre Watts parcel. This, in turn, provides John Johnson's or the West Poulsbo LLC's 40-acre parcel with access to Viking Way via Liberty Road and via the Watts property. John Johnson also shows a planned connector road in a development application to Kitsap County that runs from Viking Way to his 40 acres hundreds of feet north of the Marelaine Lane terminus at Viking Way. This provides John Johnson or West Poulsbo LLC with two access points onto Viking Way without requiring access through Marelaine Lane. Additionally, he has the historic access through Cedar Lane and Finn Hill Road to the north.

7. The reason there is such a big fuss about my little road segment (west portion of road segment B) is that West Poulsbo LLC wants to develop a large residential subdivision on its 40-acre parcel. West Poulsbo LLC apparently wants to use Marelaine Lane for sewer lines and as its second point of access into the subdivision. I do not want hundreds of cars traveling down my little road. Moreover, I do not want sewer lines just feet from my home or my domestic water well, which has

water rights. During the period of my ownership of my little road (west portion of

DECLARATION OF RITA HAGWELL IN SUPPORT
OF REPLY TO WEST POULSBO, LLC RESPONSE -3

LAW OFFICE OF JANE RYAN KOLER, PLLC
P.O. Box 2509
5801 Soundview Drive, Suite 258
P.O. Box 2509 - Gig Harbor, WA 98335
Office (253) 853-1806 - Fax (253) 851-6225

43

NORTH KITSAP GRAVEL AND ASPHALT COMPANY

Page No. _____
of _____ Pages

Rte. 2, Box 305

Telephone 779-4441
Telephone - Bremerton ZENITH 9499 (No Toll)

Poulsbo, Washington

779 2262

PROPOSAL

DATE: July 20 1973 1973	DATE:
SUBMITTED TO: Gilbert Hagewell	JOB NAME: Gilbert Hagewell residence
STREET: Route 2 Box 81	STREET: route 2 box 81
CITY: Poulsbo Washington	CITY: Poulsbo Washington

We hereby submit specifications and estimates for:

Finish grade for paving
Furnish and place necessary rock for bedding
Treat with weed killer
Furnish and place 2" compacted asphalt bituminous plant mix
Area to be paved:

loop road; 322 lin. ft. by 10' wide
parking 20' x 10' 20' x 10' 35' x 24'
side walk 46' x 4' end 13' x 20' average

cost	\$1500.00
sales tax	75.00
total	\$1575.00

We hereby propose to furnish labor and materials - complete in accordance with the above specifications, for the sum of:

Fifteen hundred seventy five and ~~00~~ ⁷⁵ dollars (\$ 1575.00) with payment to be made as follows:

Payment in full on completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

NORTH KITSAP GRAVEL and ASPHALT COMPANY by

NOTE: This proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Accepted:

Signature

Date

Signature

July 23/73

Gilbert A. Hagewell
Mary Rita Hagewell

APR - 73036002

WATER RIGHT CLAIM

1. NAME GILBERT R MAGWELL
 ADDRESS RT 2 Box 81
POULSBRO ZIP CODE 95370

Well
 work it could
 Mainline be
 Lane turned

2. SOURCE FROM WHICH THE RIGHT TO TAKE AND MAKE USE OF WATER IS CLAIMED: GROUND WATER
 (SURFACE OR GROUND WATER)

A. IF GROUND WATER, THE SOURCE IS WELL W.P.A. 15
106 FT DEEP (LEAVE BLANK)
 B. IF SURFACE WATER, THE SOURCE IS _____

3. THE QUANTITIES OF WATER AND TIMES OF USE CLAIMED:
 A. QUANTITY OF WATER CLAIMED 12 GALLONS PER MINUTE PRESENTLY USED ?
 B. ANNUAL QUANTITY CLAIMED ? PRESENTLY USED ?
 (ACRE FEET PER YEAR)
 C. IF FOR IRRIGATION, ACRES CLAIMED _____ PRESENTLY IRRIGATED _____
 D. TIME(S) DURING EACH YEAR WHEN WATER IS USED: ALL

4. DATE OF FIRST PUTTING WATER TO USE: MONTH 11-71 YEAR 71

5. LOCATION OF THE POINT(S) OF DIVERSION/WITHDRAWAL: _____ FEET _____ AND _____ FEET _____ FROM THE NE CORNER OF SECTION 22 BEING WITHIN 3/4 OF SECTION 22 T. 26 N., R. 1E (E.G.W.) W.M.
 IF THIS IS WITHIN THE LIMITS OF A RECORDED PLATTED PROPERTY, LOT _____ BLOCK _____ OF _____

(GIVE NAME OF PLAT OR ADDITION)
 6. LEGAL DESCRIPTION OF LANDS ON WHICH THE WATER IS USED: THE NORTH HALF OF THE NORTH HALF OF THE NORTH TWO THIRDS OF GOVERNMENT LOT 2 SECTION 22, TOWNSHIP 26 NORTH, RANGE 1 EAST, WINDY WEST OF STATE HIGHWAY NO. 21 SITUATE IN KITSAP COUNTY, WASH.

RECEIVED
 SEP 09 2009

KITSAP COUNTY HEALTH DISTRICT COUNTY KITSAP

7. PURPOSE(S) FOR WHICH WATER IS USED: D. W. FILING, DRINKING, ETC

8. THE LEGAL DOCTRINE(S) UPON WHICH THE RIGHT OF CLAIM IS BASED: Appropriation

THE FILING OF A STATEMENT OF CLAIM DOES NOT CONSTITUTE AN ADJUDICATION OF ANY CLAIM TO THE RIGHT TO USE OF WATERS AS BETWEEN THE WATER USE CLAIMANT AND THE STATE OR AS BETWEEN ONE OR MORE WATER USE CLAIMANTS AND ANOTHER OR OTHERS. THIS ACKNOWLEDGEMENT CONSTITUTES RECEIPT FOR THE FILING FEE.
 DATE RETURNED _____ THIS HAS BEEN ASSIGNED WATER RIGHT CLAIM REGISTRY NO. _____

I HEREBY SWEAR THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 X Gilbert R Magwell
 DATE March 29 1973
 IF CLAIM FILED BY DESIGNATED REGISTERED _____

Update
on well

11/30/84

original
drill

1971

The Hagwell's
have the
well tested
at times.
The water
is high
quality

PUGET SOUND WELL DRILLING
18365 Diamond Drive NE
POULSBO, WASHINGTON 98370
Phone 779-WELL

JOB INV
No

CUSTOMERS ORDER NO.		DATE O.	
ORDER TAKEN BY		DATE PROMISED <input type="checkbox"/> <input type="checkbox"/> P.M.	
BILL TO		PHONE	
ADDRESS		779-2242	
CITY		MECHANIC	
JOB NAME AND LOCATION		HELPERS	
DESCRIPTION OF WORK		<input type="checkbox"/> DAY WORK <input type="checkbox"/> CONTRACT <input type="checkbox"/> EXTRA	

QUANT.	DESCRIPTION OF MATERIAL USED	PRICE	AMOUNT
1	1/2 H.P. Sta-Rite Submersible series 8		325.00
1	1/2 H.P. control box 220 volt		69.50
1	5yr. Extended warranty		15.00
1	Con-Air 220 pressure tank 5yr warranty		379.00
	Misc fittings		21.28
1	Squad pressure switch		14.25
LABOR			
HOURS	LABOR	AMOUNT	TOTAL MATERIALS
1	MECHANICS @ 24.50	24.50	819.03
2.5	HELPERS Pump hoist @ 40.00	100.00	TOTAL LABOR 124.50
I hereby acknowledge the satisfactory completion of the above described work:		TOTAL LABOR	TAX 7.8%
SIGNATURE		124.50	73.60
		DATE COMPLETED	TOTAL
		11/30/84	1017.13

My well has pure water

173-160-161 << 173-160-171 >> 173-160-181

WAC 173-160-171

Mareleine Lane was a Toking

Agency filings affecting this section

What are the requirements for the location of the well site and access to the well?

(1) The proposed water well shall be located on high ground that is not in the floodway.

(2) It shall be protected from a one hundred-year flood and from any surface or subsurface drainage capable of impairing the quality of the ground water supply.

(3) All wells shall not be located within certain minimum distances of known or potential sources of contamination.

(a) Some examples of sources or potential sources of contamination include:

(i) Septic systems, including proposed and reserve sites under a valid septic design: Provided, that the design has been approved for installation by a health authority;

(ii) Manure, sewage, and industrial lagoons;

(iii) Landfills;

(iv) Hazardous waste sites;

(v) Sea/salt water intrusion areas;

(vi) Chemical and petroleum storage areas;

(vii) Pipelines used to convey materials with contamination potential;

(viii) Livestock barns and livestock feed lots.

(b) Minimum set-back distances for water wells other than for public water supply are:

(i) Five feet from any existing building structure or building projection. Water wells shall not be located in garages, barns, storage buildings or dwellings. When locating a nonpublic water well adjacent to a building, the well location shall be measured from the building sewer and closest building projection.

(ii) Fifty feet from a septic tank, septic holding tank, septic containment vessel, septic pump chamber, and septic distribution box.

(iii) Fifty feet from building sewers, public sewers, collection and nonperforated sewer distribution lines except building drains

(iv) One hundred feet from the edge of a drainfield, proposed drainfield which has been approved by a health authority, and reserve drainfield areas.

(v) One hundred feet from all other sources or potential sources of contamination except for solid waste landfills.

(vi) One thousand feet from the boundary of a permitted or previously permitted (under chapter 173-304, 173-306, 173-351, or 173-350 WAC) solid waste landfill as defined by the permit; or one thousand feet from the property boundary of other solid waste landfills. Except, a variance may be granted if documentation is provided that demonstrates the construction and operation of the well adjacent to the landfill will not further degrade the environment and will not cause a public health risk.

(c) All public water supply wells shall be located by the department of health or the local health authority.

(i) Before construction begins, site approval must be obtained from the department of health, or the local health authority.

(ii) The requirements of the state board of health regulation regarding public water supplies shall apply.

(iii) This regulation includes requirements for zones of protection, location of the well, accessibility features, and certain construction requirements.

(4) In siting a well, the driller shall consider:

They want Mareleine Lane as part of their development

What is their planning? What to do with Mareleine Lane Well?

Planning etc
PO Box 1141
DECLARATION OF WELL COVENANT

①

Poulsbo WA
98370

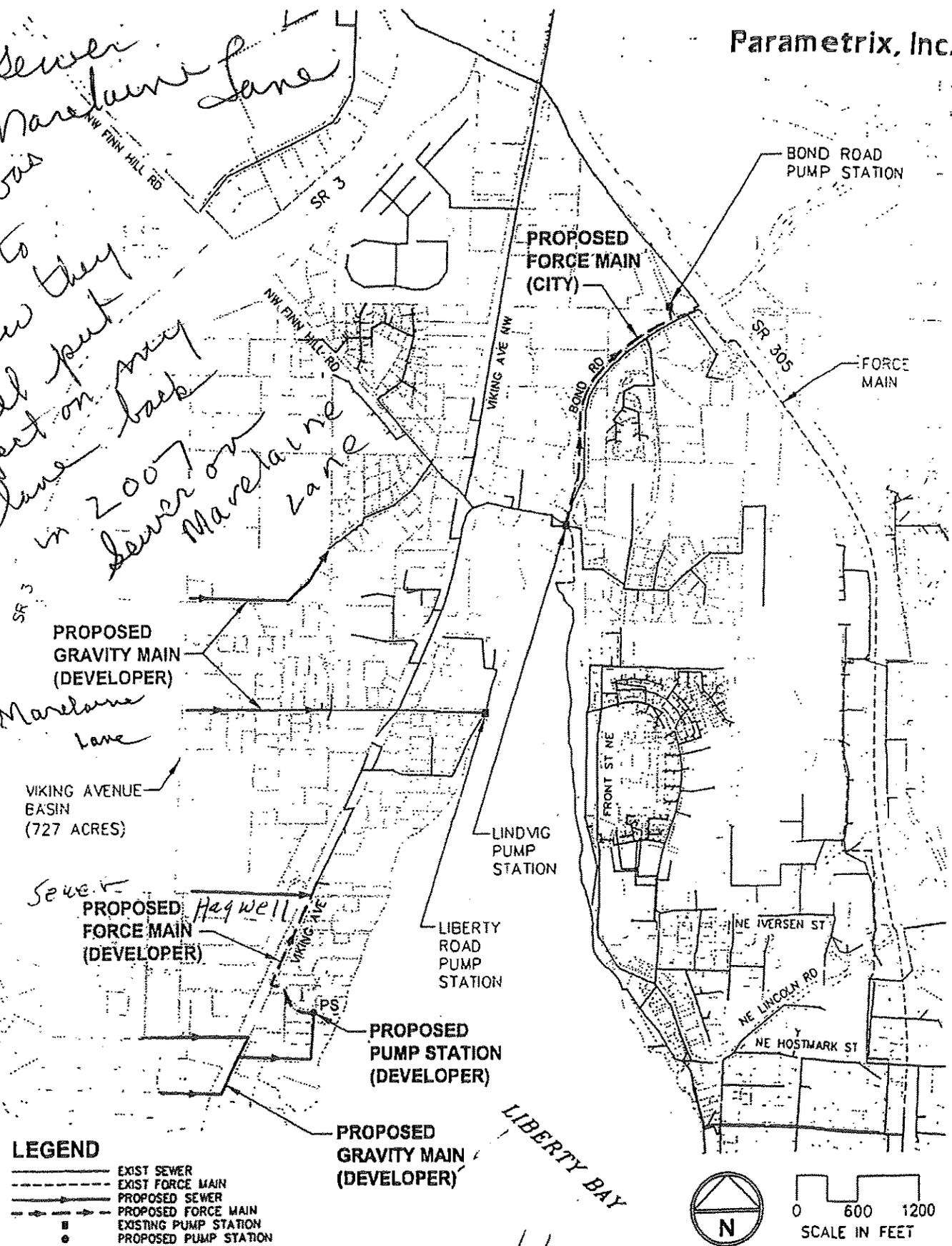
Rita and Gilbert Hagwell, owners of the five acre parcel described with particularity in Exhibit 1 which is incorporated by reference herein declare that they have a well on their property. The location of the well is described with particularity in Exhibit 2 which is incorporated herein by this reference. Washington law, to preserve the purity of the waters in the well, demands that no structures or property uses occur within a 100 foot radius surrounding the well. The area within the 100 foot radius is reserved for the exclusive purpose of ensuring the integrity and purity of the well and its waters.

NOW therefore, to obtain these objectives imposed by Washington law, Mr. and Mrs. Hagwell declare that nothing can be built or placed within the 100 foot well radius and no farming activities or any other type of activities can be pursued within that area. It is a buffer area which shall remain undeveloped and unused for any purpose.

This covenant shall run with the property and be binding on successors in interest.

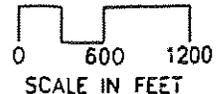
This was sewer map to show they will put project on my lane back in 2007 sewer on Marelaine Lane

FILE: 08221028010101-02
DATE: MAR 21 2007 - 12:08pm
PLOTTED BY: mchmores
SCALE: FINN HILL SS AS-SUN1-1
SHEET: 08221028010101-02



LEGEND

- EXIST SEWER
- - - EXIST FORCE MAIN
- PROPOSED SEWER
- - - PROPOSED FORCE MAIN
- EXISTING PUMP STATION
- PROPOSED PUMP STATION



CITY of POULSBO
COMPREHENSIVE SEWER PLAN



Mr Gilbert Hagwell
PO Box 1141
Poulsbo WA 98370-0076

Avenue Basin

FIGURE 4-1

CLIENT COPY

BEFORE THE KITSAP COUNTY SUPERIOR COURT

RITA and GILBERT HAGWELL, a married woman and a married man and their marital community

No. 09-2-02256-1

DECLARATION OF MATTHEW T. WALTERS

Plaintiffs,

v.

NATHAN'S GLEN, Inc, a Washington corporation

Defendant.

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APR 11 2017

PLANNING

I, Matthew T. Walters, make the following declaration.

I am over 18 years of age and have personal knowledge of the following facts and could testify about such matters in court.

1. I am a Professional Land Surveyor and have been licensed by the State of Washington since 1998.

2. In preparation for making this declaration I have reviewed the declaration of surveyor Mike McEvelly as well as the chain of title prepared by Fidelity National Title dated January 24, 2012 for Marelaine Lane. I have also reviewed the abbreviated legal descriptions on the Kitsap County cover sheets for deeds associated with the 1900

DECLARATION OF MATTHEW T. WALTERS-1

LAW OFFICE OF JANE RYAN KOLER, PLLC
P.O. Box 2509
5801 Soundview Drive, Suite 258
P.O. Box 2509 - Gig Harbor, WA 98335
Office (253) 853-1806 - Fax (253) 851-6225

1
2 conveyance from Anderson to Gronning and the 1904 conveyance from Gronning to
3 Lillesven. In addition, I have reviewed the 2006 statutory warranty deed between
4 Priddis and Nathan's Glen. I have also reviewed each of the documents reference in
5 the chain of title for Marelaine Lane.

6 3. These deeds show that the sole conveyance of the 16.5 foot road now
7 known as Marelaine Lane occurred when Anderson conveyed that road to Samuel
8 Gronning in 1900. After that date, the deeds reference in the chain of title show that
9 Samuel Gronning retained ownership of the east segment of Marelaine Lane and never
10 conveyed title to that land to another individual.

11 4. The chain of title indicates that the legal description of the land conveyed
12 to Mr. Nathan Priddis included the east segment of Marelaine Lane.

13 5. It is unclear why the deed conveying land to Priddis included the east
14 segment of Marelaine Lane since neither Gronning nor his successors had ever deeded
15 that property to anyone, according to the chain of title.

16 6. The chain of title shows that although the Fairfield to Priddis deed and the
17 2006 Priddis to Nathan's Glen statutory warranty deed includes the east segment of
18 Marelaine Lane, no one ever conveyed that land to either Priddis or Nathan's Glen.

19 7. Thus, that is probably why the 2006 Priddis to Nathan's Glen statutory
20 warranty deed contains two exceptions - - one exception states that Nathan's Glen
21 takes the property subject to the interest of the heirs of Samuel Gronning as described
22 in the 1900 Anderson to Gronning deed. Another exception contained in that statutory
23 warranty deed states that there is no guarantee of access to a public road. The east

DECLARATION OF MATTHEW T. WALTERS-2

LAW OFFICE OF JANE RYAN KOLER, PLLC
P.O. Box 2509
5801 Soundview Drive, Suite 258
P.O. Box 2509 - Gig Harbor, WA 98335
Office (253) 853-1806 - Fax (253) 851-6225

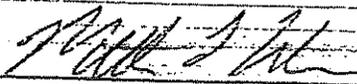
RECEIVED
APR 11 2017
PLANNING

1
2 segment of the 16.5 foot road conveyed by Anderson to Gronning in 1900 connected to
3 Viking Way, a public road.

4 8. Thus, although Nathan's Glen claims that it "owns" the east segment of
5 Mareline Lane, its ownership is subject to the interest of Samuel Gronning's heirs as
6 exhibited in the 1900 Anderson to Gronning deed.

7
8 I declare under penalty of perjury under the laws of the United States of America
9 and the State of Washington that the foregoing is true and correct.

10
11 DATED this 15th day of February, 2012 in TACOMA, Washington.

12
13 
14 Matthew T. Walters, PLS

15
16
17
18
19
20
21
22
23
24 DECLARATION OF MATTHEW T. WALTERS-3

LAW OFFICE OF JANE RYAN KOLER, PLLC
P.O. Box 2509
5801 Soundview Drive, Suite 258
P.O. Box 2509 - Gig Harbor, WA 98335
Office (253) 853-1806 - Fax (253) 851-6225

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Motion;
Friday, Jan. 20, 2012
1:30pm
Judge Hartman's
Calendar

RECEIVED FOR FILING
KITSAP COUNTY CLERK

JAN 13 2012

DAVID W. PETERSON

BEFORE THE KITSAP COUNTY SUPERIOR COURT

No. 09-2-02256-1

DECLARATION OF MIKE MCEVILLY

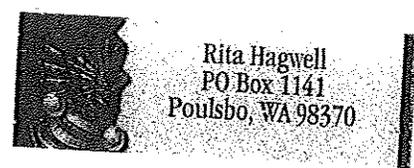
RITA and GILBERT HAGWELL, a married woman and a married man and their marital community

Plaintiffs,

v.

NATHAN'S GLEN, Inc., a Washington corporation

Defendant.



I, Mike McEvilly, make the following declaration.

I am over 18 years of age and have personal knowledge of the following facts and could testify about such matters in court.

1. Presently I am the Survey Project Manager at Sitts & Hill Engineers, Inc. in Tacoma, Washington.

2. I have been a licensed surveyor in the State of Washington since 2008.

3. I am the President of the South Puget Sound Chapter of Land Surveyors' Association of Washington.

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APR 11 2017

DECLARATION OF MIKE MCEVILLY-1

LAW OFFICE OF JANE RYAN KOBAYASHI
P.O. Box 2509
5801 Soundview Drive, Suite 258
P.O. Box 2509 - Gig Harbor, WA 98335
Office (253) 853-1806 - Fax (253) 851-6225

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1
2 4. I was recently elected to serve on the Executive Committee of the Land
3 Surveyors' Association of Washington.

4 5. I have reviewed the abbreviated legal description on the Kitsap County
5 cover sheet for the deed dated Nov. 13, 1900 from Anderson to Gronning as provided
6 by attorney Jane Koler which has been designated as Exhibit 1.

7 6. I have reviewed the abbreviated legal description on the Kitsap County
8 cover sheet for the deed dated June 30, 1904 from Gronning to Lillesven as provided by
9 attorney Jane Koler which has been designated as Exhibit 2.

10 7. I have reviewed the Statutory Warranty deed dated March 15, 2006 from
11 Priddis to Nathan's Glen Inc. including the list of exceptions contained therein as
12 provided by attorney Jane Koler, which has been designated as Exhibit 3.

13 8. Based on my review of such documents, I have sketched the limits of the
14 abbreviated 1900 and 1904 legal descriptions and the limits of the Statutory Warranty
15 Deed legal description and attached that sketch as Exhibit 4 to this declaration.

16 9. The abbreviated legal description on the Kitsap County cover sheet from
17 the 1900 Anderson to Gronning conveyance included the 16.5 foot wide (one rod)
18 parcel which extends east to Viking Way and is outlined in red. The other land included
19 in the abbreviated legal description on the Kitsap County cover sheet from the 1900
20 Anderson to Gronning conveyance is outlined in red as well on the attached sketch.

21 10. The abbreviated legal description on the Kitsap County cover sheet for the
22 1904 deed from Gronning to Lillesven does not contain the entire 16.5 foot wide parcel
23 described in the abbreviated legal description on the Kitsap County cover sheet for the

1
2 1900 deed; it excludes the east segment of the 16.5 foot wide parcel, delineated in red
3 on Exhibit 1 which now connects to Viking Way.

4 11. The limits of the legal description contained in the abbreviated legal
5 description on the Kitsap County cover sheet of 1904 deed does not provide a
6 connection between the Priddis/Nathan's Glen parcel and what is now Viking Way.

7 12. Two exceptions in the 2006 Priddis/ Nathan's Glen Statutory Warranty
8 deed may address this circumstance.

9 13. One exception states that the Priddis/ Nathan's Glen conveyance is

10 subject to:

11 Right, title and interest of the heirs and devisees of Samuel
12 Gronning by warranty deed recorded under Auditor's File no.
13 18400, Volumn 28, Page 380 and other parties claiming
14 possession to the South 16.5 feet of the Southeast Quarter
Of the Southeast Quarter of the Southwest Quarter of
Section 15, Township 26 North Range 1 East, W.M., lying
west of state Highway No. 3.

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APR 1 2017

PLANNING

15 14. A second exception states that the Priddis/Nathan's Glen conveyance is
16 subject to: " Question of right of access. We find no easement for ingress and egress
17 from said premises to a public road. Notwithstanding the insuring clauses of this policy,
18 the Company does not insure against any loss or damage by reason of lack of access
19 to and from the land."

20 15. The above documents which are attached to this declaration as exhibits 1-
21 3 are true copies of documents provided by Attorney Jane Koler; I learned from her that
22 she obtained such documents from the defendant in this matter in discovery. I have
23 made no effort to investigate any other documents in preparation of this declaration.

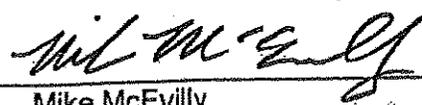
24 DECLARATION OF MIKE MCEVILLY-3

LAW OFFICE OF JANE RYAN KOLER, PLLC
P.O. Box 2509
5801 Soundview Drive, Suite 258
P.O. Box 2509 - Gig Harbor, WA 98335
Office (253) 853-1806 - Fax (253) 851-6225

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I declare under penalty of perjury under the laws of the United States of America
and the State of Washington that the foregoing is true and correct.

DATED this 13 day of January, 2012 in Gig Harbor, Washington.



Mike McEvilly

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APR 11 2017
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CHAIN OF TITLE TIMELINE FOR MARELAINE

This was from Commissioner Helder's research

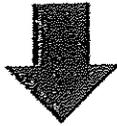
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APR 11 2017

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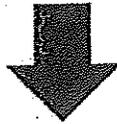
Sole conveyance of the 16.5 foot strip (road now known as Marelaine Ln.) occurred when Anderson conveyed the road to Gronning in 1900. Gronning retained ownership of the 16.5 foot strip and never conveyed title to another individual.

Holy Wee K



2017

On July 13, 1990, Fairfield sold to Priddis and included the 16.5 foot strip in the legal description. It is unclear why the deed conveying land to Priddis included the east segment of Marelaine Ln., since neither Gronning nor his successors had ever deeded that property to anyone, according to the chain of title.



Priddis sold to Nathan's Glenn (now called West Poulsbo's LLC) in 2006. The statutory warranty deed provided by the title company contained two exceptions. The first exception states that the property is subject to the interest of the heirs of Gronning as described in the 1900 Anderson to Gronning deed. The second exception states that there is no guarantee of access to a public road.



In 2009, is when the Hagwells sued Nathan's Glen due to Nathan's Glen attempt to get a prescriptive easement and quiet title on the 16.5 foot strip.

SUMMARY:

- The chain of title shows that although the Farfield to Priddus deed and the 2006 Priddis to Nathan's Glen statutory warranty deed includes the east segment of Marelaine Ln., no one has ever conveyed that land to either Priddis or to Nathan's Glen. Although Nathan's Glen claims that it "owns" the east segment of Marelaine Ln., its ownership is subject to the interest of Gronning's heirs as exhibited in the 1900 Anderson to Gronning deed

substo LLC

John Johnson - Priddis went to assess and started paying taxes on Marelaine Lane

PO BOX 1141
Poulsbo, WA 98370

This is Mordansk
four today



It is dangerous and sends a lot of dirt ~~out~~ into
Liberty Bay

The Hartman's would not cooperate to make
Marelaine Lane safe! They refused my letter!

Rita Hayward
PO Box 1141
Poulsbo WA 98370-0076

7026 1970 0000 7247 0739
CERTIFIED MAIL
7026 1970 0000 7247 0739

U.S. POSTAGE
PAID
POULSBRO, WA
98370
APR 18, 17
AMOUNT
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R2305M147637-11



92851



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Gray and Lucinda Hartman
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92651
92651
Ja Juana California

NIXIE 911 DC 1 7205/07/17
RETURN TO SENDER
REFUSED
UNABLE TO FORWARD
BC: 9837001111 *2152-04388-07-13

9837001111

RE: ~~_____~~ Viking, The
Hagwell's address!

PO Box

2017

Rita Hagwell
PO Box 1141
Poulsbo, WA 98370



April 3, 2017

West Poulsbo LLC

Jeffrey and Lucinda Hartman

336 Cajon Terrace

La Grana, California 92651

Mr and Mrs Hartman:

Your company has
ownership of the bottom of
Marelaine Lane. This

was bought from
Mrs & Mr Ulmer. I believe
they paid taxes on 1/2
of Marelaine Lane.

Enclosed are the papers
that show we improved/worked
on the other half of
Marelaine Lane. This is our part
of lane. We paved and then
paved again in 1991. We
paid for the electric pole.
We put our well and water
rights facing Marelaine Lane.
Now we have a problem

(2)

My car cannot remain clean on the outside because of the pot holes full of dirt.

I am disabled and am concerned about the condition of the bottom half of this lane. The pot holes may turn into a sink hole or holes.

Since Maréchal Lane is my only exit I became concerned about my safety to exit the area.

I already had to replace a tire that was less than a year old because of lane conditions.

I have spent much money clearing a walking path. My part of Maréchal Lane is fine because we have kept it up to a above average condition.

Please send people to repair this section of Maréchal Lane. Hagwell paved twice, bought electric/telephone pole, placed well with water rights all on Maréchal Lane.
A to Hagwell

I did not send Hartman well paper,
water right paper, electric pole, asphalt
upside! Let him search in court cases

sign
put
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in
1985
by



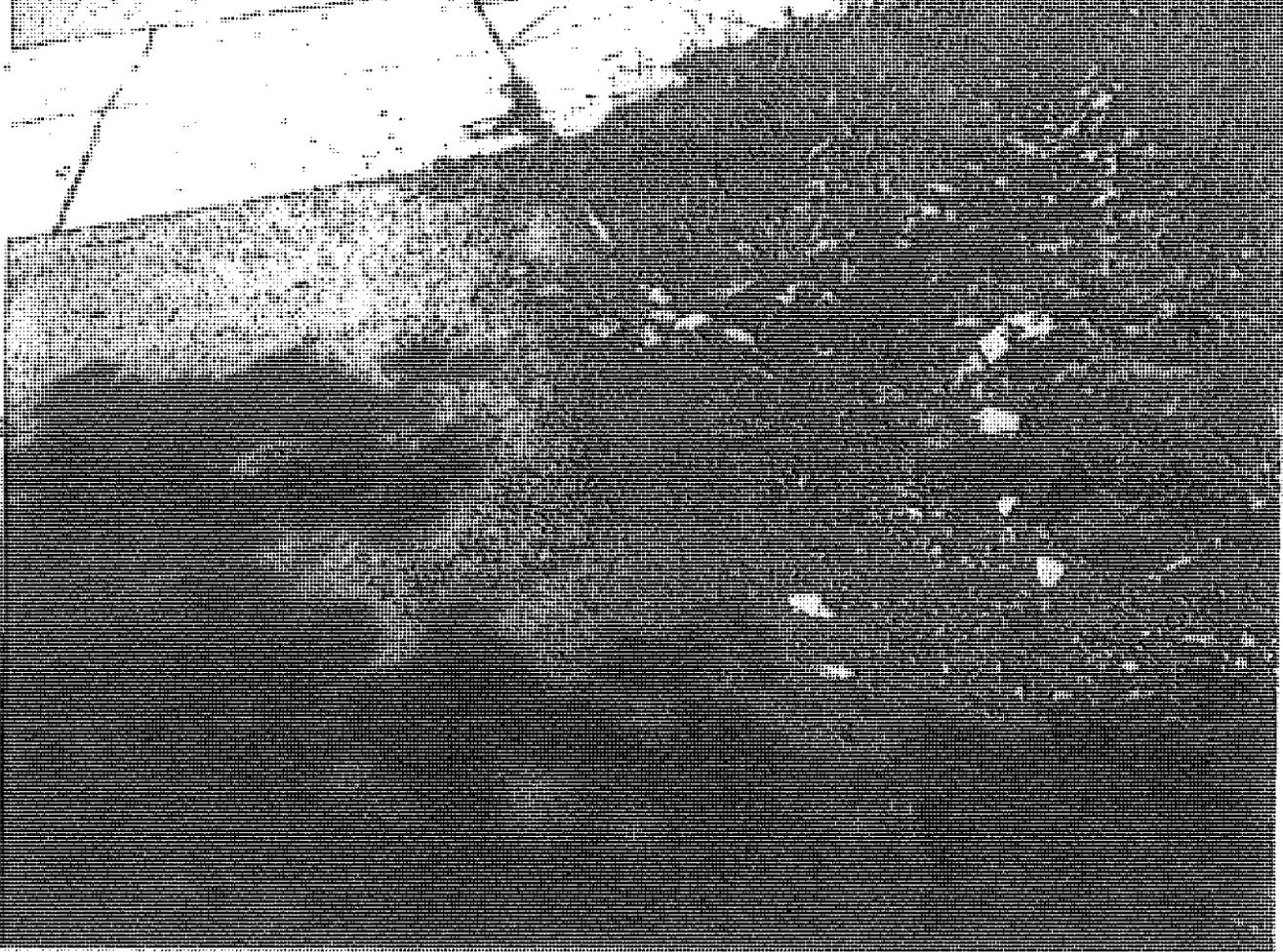
23

Mr
Frank
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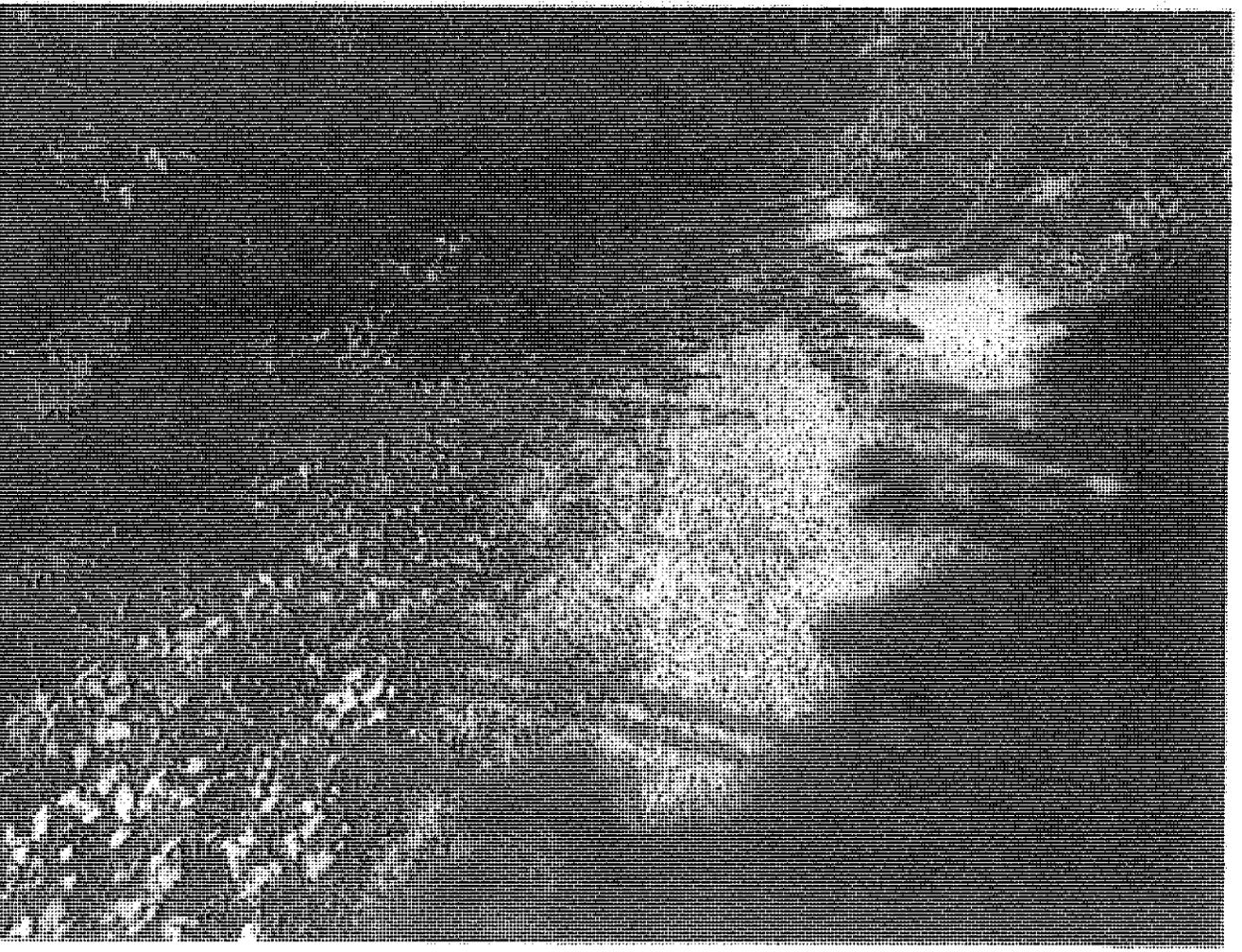
24

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Victory
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is a
Mokey
Moose
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Dirt
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go down
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18

Value History

Tax Account No.	Process No.	Situs Address
222601-2-001-2004	1338557	

Tax Year	Land Value	Improvement Value	Total Value	Taxable Assessed Value	Annual Taxes	Annual FFP Assessment	Annual SSWM Assessment	Annual Noxious Weed Assessment	Annual Total
2012	431,060	38,310	469,370	469,370	TBD	TBD	TBD	TBD	TBD
2011	557,840	39,000	596,840	596,840	6,516.00	0.00	0.00	2.32	6,518.32
2010	570,520	39,520	610,040	610,040	6,230.58	0.00	0.00	1.32	6,231.90
2009	608,550	40,900	649,450	649,450	6,086.96	0.00	0.00	1.32	6,088.28
2008	633,910	41,930	675,840	675,840	6,027.90	0.00	0.00	1.32	6,029.22
2007	415,870	41,930	457,800	457,800	4,245.24	0.00	0.00	1.28	4,246.52
2006	109,110	45,440	154,550	154,550	1,712.30	0.00	0.00	1.30	1,713.60
2005	84,860	41,940	126,800	126,800	1,550.54	0.00	0.00	1.30	1,551.84
2004	80,820	39,960	120,780	120,780	1,581.42	0.00	45.00	0.00	1,626.42
2003	80,810	37,300	118,110	118,110	1,582.00	0.00	45.00	0.00	1,627.00
2002	80,810	36,220	117,030	117,030	1,619.43	0.00	45.00	0.00	1,664.43
2001	73,470	29,750	103,220	103,220	1,385.42	0.00	45.00	0.00	1,430.42

Tax Statement

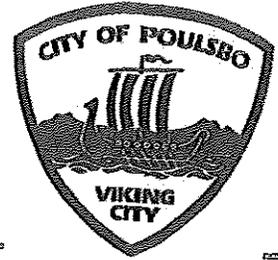
Ms Green is honest! I was bullied by a cabal

close this window

We were forced into the city ^{duly} the city in 2005. Lunda B Maravist said if we didn't go along to pay for a sewer we would lose our land. She said the taxes would be so high we could not pay them? It took a few years but look how our taxes went up about 2007. She must have had influence in the county. Our taxes are more reasonable at this time. I disagreed with assessment

EXHIBIT 5

City of Poulsbo



Barry Berezowsky, Planning Director/Building Official

July 14, 2008

Ms. Mary Rita Hagwell
P.O. Box 1141
Poulsbo, WA 98370

CORRESPONDENCE

Dear Ms. Hagwell:

Thank you for your cards dated July 7, 2008. This letter constitutes the City's response to your concerns.

First, you stated that you are concerned that Marelaine Lane might be annexed into the City of Poulsbo and therefore, deny you of any further rights to access your property.

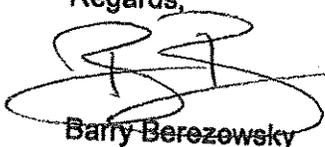
While Marelaine Lane will likely be part of a future annexation petition, your right to access your property from this access drive now, and in the future, regardless of whether the property is annexed into the City, is granted via an access easement. We assume you have such an easement and therefore, you should not be concerned about being prevented from travelling on this "road".

Second, you stated a concern that your address had been changed from Viking Way to Viking Avenue. This change caused you concern because of the potential need to change legal documents etc. As we discussed, I believe this matter has been resolved and your address will remain Viking Way.

Third, you clarified that your property was annexed into the City in 2005, and not in 2000, as you believe Mr. Rudolph publicly stated. We note this correction.

Thank you for writing the City to express your concerns and provide clarification. Please write or call if we can be of any further assistance.

Regards,


Barry Berezowsky
Planning Director

c: Mayor Kathryn H. Quade

19050 Jensen Way NE ♦ Post Office Box 98 ♦ Poulsbo, Washington 98370-0098

(360) 779-3006 ♦ fax (360) 697-8269

www.cityofpoulsbo.com ♦ bberezowsky@cityofpoulsbo.com

Rita Hagwell
PO Box 1141
Poulsbo WA 98370-0076

7016 1970 0000 7247 0739
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
CERTIFIED MAIL
7016 1970 0000 7247 0739

U.S. POSTAGE
PAID
POULSBO, WA
98370
APR 18, 17
AMOUNT
\$4.05
R2305M147637-11



92851



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Gray and Lucinda Harmon
5-02-17
REFUSED
Jay Quana California
92651

NIXIE 911 DC 1 7205/07/17
RETURN TO SENDER
REFUSED
UNABLE TO FORWARD
BC: 9837001111 *2152-04388-07-13
9837001111

Input regarding city of Poulsbo critical Area ordinance update

Public testimony from Molly Lee 5/25/2017
Handed in to City of Poulsbo Planning Dept.
on 5/25/2017.

Additional language should be added to 16.20.320 (G1)

1. "Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or other such previously disturbed areas, outside of Buffers, or on land dedicated by property owners, outside of critical Area buffers; for the purpose of trail."

Molly Lee

RECEIVED

MAY 25 REC'D

PLANNING

From: Alison Osullivan
To: [Karla Boughton](#)
Subject: RE: City of Poulsbo - CAO Update
Date: Thursday, May 25, 2017 7:54:35 PM

Karla,

The Suquamish Tribe initial comments are as follows:

1. General comment: There is no definition of “invasive species”. Throughout the document “invasive species” should be changed to “noxious weeds (Class A and B)” (this covers the invasive species concerns).
2. Page 3 B.This Title applies to all uses and activities with areas or adjacent to areas designated as regulated critical areas **or their buffers** unless.....
3. Page 61 you may want to require stormwater controls for larger, paved trails. They do have impacts and affect water quality.

Alison

Alison O'Sullivan
Biologist, Suquamish Tribe Fisheries Department



18490 Suquamish Way (street)
P.O. Box 498 (mailing)
Suquamish, WA 98392
phone: (360) 394-8447
fax: (360) 598-4666

This email is intended exclusively for the individual(s) or entities to whom it is addressed and may contain confidential information and/or privileged information. If you are not the intended recipient or agent responsible for delivering it to the intended recipient, be advised that any use, dissemination, distribution, copying or taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this communication in error, please immediately notify the sender electronically, return the email to the above email address and delete it from your files. Thank you.

From: Karla Boughton [<mailto:kboughton@cityofpoulsbo.com>]
Sent: Wednesday, May 24, 2017 8:35 AM
To: Alison Osullivan <aosullivan@suquamish.nsn.us>
Cc: Michael L (DFW) Blanton <Michael.Blanton@dfw.wa.gov>; Gordon, Brittany N (DFW) <Brittany.Gordon@dfw.wa.gov>
Subject: RE: City of Poulsbo - CAO Update

Good morning all,

EXHIBIT D
Poulsbo Planning Commission Findings of Fact

City of Poulsbo

Planning & Economic Development



2017 Critical Areas Ordinance Update Amendments

PLANNING COMMISSION FINDINGS OF FACT and RECOMMENDATIONS

FINDINGS OF FACT

The City of Poulsbo has undertaken a periodic review and update of its comprehensive plan as required by the Washington State Growth Management Act (GMA), RCW 36.70A.130(5). The GMA sets forth that Kitsap County and its cities should review and revise, if needed, their comprehensive plan to ensure the plan complies with GMA requirements. The periodic review shall continue for every eight years thereafter.

The City's review of development regulations includes the City's Critical Areas Ordinance (CAO), found in Poulsbo Municipal Code 16.20. The CAO are regulations for the protection of critical areas in accordance with state requirements. Critical Areas include:

- Wetlands
- Fish and Wildlife Habitat Conservation Areas
- Geologically Hazardous Areas
- Critical Aquifer Recharge Areas
- Frequently Flooded Areas

The City's CAO was last comprehensively updated in 2007. The intent of this current update is to revise the CAO as necessary to incorporate recent Best Available Science or new information since the last update (WAC 365-195-915), correction of code conflicts or internal inconsistencies, amendments to assist with ease of administration, or recommendations offered by the City's consultant critical areas biologists Grette Associates. The Critical Area maps have been updated as well, incorporating new available information.

The Draft 2017 Critical Areas Ordinance Update was publicly released on March 31, 2017. This release and all associated documents were posted on the City's website, distributed to Washington State Department of Commerce and local, regional and state agencies, and emailed to the City's Development Regulations Update interested parties e-notice list.

On April 7, 2017, the Notice of Application (NOA) with Optional DNS on the Draft April 2017 Critical Areas Ordinance Update was published in the North Kitsap Herald, emailed to the NOA, SEPA and Development Regulations e-notice list, and posted at the Poulsbo Library, Poulsbo

Post Office, City Hall and the City’s website. No comments were received during the comment period. On April 26, 2017, the SEPA Threshold Determination was issued.

The Planning Commission, in its role as the City’s primary land use advisory committee, reviewed the initial release 2017 Draft Critical Areas Ordinance Update. The Planning Commission held three workshops on the Draft CAO Update (4/11/17, 4/18/17, and 4/25/17), and identified several additional modifications. The Planning Commission modifications are show in blue underline or ~~strikeout~~ and are reflected in the May 2017 Draft Critical Areas Ordinance.

On April 28, 2017, a public notice announcing the Poulsbo Planning Commission Public Hearing was published in the North Kitsap Herald; on May 1, 2017, the public hearing notice was emailed to the public hearing and Development Regulations e-notice list, posted at the Poulsbo Library, Poulsbo Post Office, City Hall and the City’s website.

On May 1, 2017, the Planning Department released a May 2017 Planning Commission Modified Draft Critical Areas Ordinance.

On May 9, 2017, the Planning Department released the staff report for the Planning Commission Modified May 2017 Draft Critical Areas Ordinance, Planning Commission Public Hearing.

The Poulsbo Planning Commission held a properly noticed public hearing on May 16, 2017 on the May 2017 Draft Critical Areas Ordinance Update.

After the close of the public hearing and Commission deliberations, the Planning Commission provided motions and recommendations to the City Council on the May 2017 Draft Critical Areas Ordinance.

The following are the Planning Commission recommendations:

May 2017 Draft Critical Areas Ordinance

The Poulsbo Planning Commission moved to recommend to the City Council approval of the May 2017 Draft Critical Areas Ordinance, identified as Exhibit A to the Planning Commission Public Hearing Staff Report, with a vote of 4 for, 1 abstention, 2 absent. The Planning Commission also offered the following recommendations:

1. Include suggestion offered by Emily Authenrieth, adding a definition of “Building Setback” to Section 16.20.155 Definitions.
2. Review written testimony submitted by Molly Lee regarding trails within buffers (wetland and fish and wildlife habitat conservation areas), and direct staff to offer recommendations as appropriate to the City Council.

RECOMMENDATION

The PLANNING COMISSION RECOMMENDS APPROVAL of the May 2017 Draft Critical Areas Ordinance as identified in Exhibit A to the Planning Commission Staff Report dated May 9, 2017, with additional modifications identified in the Commission's motion and as set forth in this document.



RAY STEVENS, CHAIR
Poulsbo Planning Commission
May 16, 2017

EXHIBIT E
Planning Commission Minutes
4/11/17, 4/18/17 and 4/25/17

PLANNING COMMISSION

Tuesday, April 11, 2017
Poulsbo City Hall Council Chambers

Minutes

Members Present

Bob Nordnes (BN), James Thayer (JT), Ray Stevens (RS), Shane Skelley (SS), Kate Nunes (KN), Jim Coleman (JC)

Staff

Karla Boughton (KB), Helen Wytko (HW), Charlie Roberts (CR), Michael Bateman (MB)

- 6:00 PM
1. Call to Order
 2. Flag Salute
 3. Approval of Minutes – 03/14/16 COLEMAN/NUNES all in favor
 4. Modifications to Agenda
 5. Comments from Citizens – regarding items not on the agenda
 6. Public Meeting
Critical Areas Ordinance Update
Staff: Boughton

Karla Boughton, Planning and Economic Development Director gave a presentation that included an overview of GMA, Critical Areas and Best Available Science requirements. Summary - of proposed amendments to the City's current CAO.

COA update Public Review timeline from March 31st to June 14th.

(Slide Show): Critical Areas are wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, critical aquifer recharge areas, and frequently flooded areas.

Value of Critical Areas not only for fish and wildlife life but provides other benefits. Helps maintain natural beauty; includes water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance, and attenuation (the slow release) of flood waters, recreation, erosion control, wave attenuation, protection from natural hazards, historical, archaeological, and aesthetic value protection, ground water recharge and discharge

Implementing the GMA refresher. All cities and counties in WA are required to adopt critical areas regulations by the Growth Management Act (GMA) ([RCW 36.70A.060](#)). Update required by state deadline (June 30, 2016) to remain eligible for state grant funding tied to GMA. Critical areas ordinances must incorporate requirements for use of best available science (BAS) and give special consideration to anadromous fisheries. While there is no single best approach to critical areas protection. Each jurisdiction must decide which approaches to critical areas protection are appropriate to apply locally; however state resource agencies will provide best available science guidance.

Best Available Science (BAS) - A 1995 amendment to the state GMA requires counties and cities to apply BAS when developing critical areas regulations. Local governments must identify, collect, and assess the available scientific information relating to the protection of critical areas within their jurisdiction, and then determine which of that science constitutes the BAS. The burden is on the local government to determine whether scientific information assembled in fact constitutes the best available science. Utilizing or relying on state agency guidance is one way most jurisdictions meet the BAS requirement

Summary of 2017 CAO Amendments 1. Incorporating BAS provided by resource agencies. 2. Recommendations by the City's consultant critical areas biologists; Grette and Associates. 3 Amending corrections or conflicts. 4 assist with ease of administration. The Draft CAO includes footnotes explaining the reason/purpose for all substantial proposed amendments.

Section 100: General Provisions and Administration.

16.20.115 Applicability:

B. New subsection to identify specific activities that are subject to the provisions of the critical areas ordinance.

F. Updates to mapping data sources.

16.20.120 General Exemptions. New subsection 16.20.120(L)(M)(N)(O)(P) to exemptions, identifying specific circumstances where non-native vegetation can be removed from a critical area buffer, as well as other enhancement activities – such as watershed restoration projects, fish enhancement projects – are exempt for obtaining a critical area permit.

16.20.155 Definitions. “Mitigation” (adding sequencing), “wetland report” (adding proper wetland delineation manual reference) “wetland specialist” (clarifying qualifications); and removing definition of “Resource Management Area (RMA)” and “wetland, isolated.”

SS: If someone wanted to take blackberries out of critical area is there criteria?

KB: There are some provisions, if exceed criteria then need to get a critical area permit and have a biologist proposed plan.

JT: Since you are specifying activities that fall under this ordinance, how are you specifying what protects you from activities that do not fall under that buffer.

KB: Provisions in section 100

JT: Fall back guidance to backup determination?

KB: Yes what I would do is look for the definition of what impact means and look at activity to see if it fits within that definition.

RS: We are in the overview, we will go through document page by page.

KB: I will go quickly.

Section 200 Wetlands has the most changes to its section.

16.20.210 Wetland Categories: Changes to how wetlands are to be delineated and categorized per requirement in WAC 193-22-035, which requires that wetlands be delineated in accordance with approved federal wetland delineation manual and applicable regional supplements, adopted by the U.S. Army Corp of Engineers.

16.20.215 Regulated and Non-regulated wetland classification: The WA State Wetland Rating System for Western WA was revised in 2014. Changes reflect the date, as well as a change to the scoring system used to categorize wetlands.

16.20.220 Application requirements: This section amended to add new type of wetland report – wetland assessment.

16.20.225 Determination of wetland boundaries: Clarifying that wetland are to be delineated using the current approved federal manual and supplements.

16.20.230 Wetland and Buffer Development standards:

A. Buffers. This section clarified to identify vegetated buffers, and enhancement may be required.

B. Impact of Land Use. New section incorporating hierarchy of uses that may occur adjacent to wetlands and buffers. This table is from Appendix 8-C, Table 8C-3 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008)*.

C. Buffer Widths. Buffer widths have been revised per Appendix 8-C, Section 8C.2.3 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008)*.

E. Buffer Width Averaging: This section has been revised per Appendix 8-C, Section 8C.2.6 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008)*.

F. Decreasing Buffer Widths. This section has been revised per Appendix 8-C, Section 8C.2.4.1 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008)*.

New subsection .4 Buffer Enhancement Plan – is required

as part of a buffer reduction request. Inclusion is recommended by Grette Associates (City's consulting biologist).

B. Increasing Buffer Widths. Revisions made per Appendix 8-C, Section 8C.2.5 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands* (Ecology Publication #05-06-008).

16.20.235 Additional development standards:

E. Surface Water Management – addition requiring a wetland hydrology monitoring plan in this section, recommended by Grette Associates.

16.20.240 Wetland Alterations:

A. Mitigation Sequencing: This section is revised to be consistent with WAC 197-11-768 sequencing requirements.

B. Mitigation for Regulated Activities in Wetland Buffers. Administrative clarification added.

C. Mitigation for Regulated Activities in Wetlands. Administrative clarification added.

16.20.240 Wetland Alterations:

D. Wetland Replacement Ratios. Revisions added consistent with *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (Ecology Publication #06-06-011a) per Appendix 8-C, Table 8C-11 *Wetlands in Washington State – Volume 2* (Ecology Publication #05-06-008).

E. Compensatory Mitigation. This section revised per Department of Ecology guidance on offsite mitigation, "Critical Areas Ordinance Code Example of Offsite Mitigation Language," March 2009.

F. Advance Mitigation. New section per *Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation*, Ecology Publication #12-06-015.

G. Monitoring Requirements. Addition of 'performance standards' as a requirement of a monitoring report.

Section 300: Fish and Wildlife Habitat Conservation Areas

16.20.310 Fish and Wildlife Habitat Conservation Area – Designations:

A. Revision to stream typing based on DNR Water Typing Alpha, per WAC 222-16-030.

D. Deletion of "Class 1 and Class 2 Wildlife Habitat Conservation Areas" and use of all habitats identified by federal, state or local agencies. New Subsections E, F and G, in addition to revisions in subsection D are per WAC 365-190-130 and Washington Department of Fish and Wildlife Priority Habitat and Species List August 2008 and Updated 4/2014.

BN: So will this cause any problems deleting the Class 1 and Class 2?

KB: No. Protection for wildlife or plants that isn't in association with a stream. We will have a placeholder for how to deal with them and then they are dealt with through habitat plan on a case by case basis.

SS: What about manmade wetlands?

KB: It is defined in the wetland section, and is narrowly defined. Up to the property owner to prove that it is not a regulated wetland.

SS: If someone built an osprey nest, and the osprey landed there would it prevent future development?

KB: Excellent question, I will have to ask Fish and Wildlife because that is what we are doing at Strawberry Field.

BN: I hope we don't regulate ourselves too much. Example on 6th Ave Pousbo Creek.

KB: All provisions in the current CAO you worked very hard with for Pousbo Creek have no changes. CAO talks about existing development and how you can maintain and expand properties. There are vacant properties that want to be developed but creek buffer covers their entire lot. Can't do much right now, can go with habitat management plan. Like to do our BAS with Grette for Pousbo Creek. Lengthy process which we have to provide to the tribe and other resource agencies. Do have plans to keep working on it.

BN: Besides the creek, there are always potential for fire and destruction and we wanted to be assured that people can rebuild what they have. Want to maintain that.

KB: That is your long standing policy and it is reflected in our development regulations. If they have done it at their own hand, that is different. Not proposing to change any of it.

16.20.315 Development Standards:

A. Buffers and Setbacks. Removal of "Resource Management Areas (RMA)" which was a term unique to Pousbo's CAO. The term buffer and building setback (from buffer) will be applied consistently to all streams.

A.2 Revisions require that when impacts or reductions to standard buffer width are proposed, the remaining buffer shall be enhanced.

16.20.315 Development Standards:

A.6.b is revised to clarify what types of intrusions are allowed within the 25' building setback from buffer. The types are consistent with what is allowed in the wetland building setback. The revision also clarifies that a habitat management plan is required for proposed intrusions.

Table 16.20.315 is revised to 1) identify Alpha water typing system; 2) add subcategories to F type streams and Ns type streams; and 3) remove Class 1 and Class 2 and consolidate into other fish and wildlife habitat conservation areas.

B. Removal of RMA reduction provisions. Any proposed

buffer reduction must prepare a Habitat Management Plan.

E. New section on Habitat Assessment Report and Habitat Management Plan, clarifying that a Habitat Assessment Report is required when a fish and wildlife habitat conservation area is on or within 300' of a proposed development site, and a Habitat Management Plan is required if modification, impact or reduction to the required buffer or building setback is proposed.

16.20.320 Project Specific development standards:

A. Stream Crossings. Adding revisions to be consistent with WDFW Hydraulic Project Approval requirements.

B. Stream Relocation. Adding new provision requiring downstream impacts be evaluated as part of a stream relocation proposal.

G. Trails and Trail-Related Facilities. Adding new provisions requiring mitigation through replanting or enhancement of affected or degraded buffers.

H. Utilities. Adding new provision that refueling or maintenance activities for utilities shall not be conducted within the buffer of a fish and wildlife habitat conservation area.

Section 400: Geologically Hazardous Areas

16.20.415 Allowed uses:

A and B. This section revised to identify critical facilities may be restricted from being sited in geological hazardous areas. This is recommended by Washington State Department of Commerce.

16.20.420 Development Standards:

G. Trees and Vegetation. This section revised to address issues of tree cutting on critical slopes. Proposed revisions from Washington State Department of Commerce's recommended ordinance language.

Section 500: Critical Aquifer Recharge Areas

Map is the thing that is most significantly changed. KPUD went through an update process with USGS and provided some better data.

16.20.510 Critical aquifer recharge area categories: Definitions revised per WAC 365-190-030.

16.20.515 Development standards: Revisions based on Department of Ecology's Critical Aquifer Recharge Area Guidance Document, recommending listing uses that are to be prohibited within CARAs.

Table 16.20.515 Activities: Table revisions based upon the prohibition of uses identified in 16.20.515.A.1.

Section 600: Frequently Flooded Areas - no changes

Section 700: Special Reports

Gets to Shane's question if they want to remove invasive species on a property, what kind of report can you provide us. Recent conversations have helped us rewrite this section to prevent this back and forth between biologists and our consultants.

16.20.721 Time Limitations: Extending the time validity to five years from the date of issuance of a special report unless a longer or shorter period is specified.

16.20.725 Wetland Reports:

- A. New Wetland Assessment Report is required if a wetland is on or within 300 feet of a proposed use or activity.
- B. Wetland Delineation Report requirements reflecting new federal and state delineation and category identification standards.
- C. Wetland Mitigation Plan adding sequencing.
- D. New Buffer Enhancement Plan added.
- E. New Monitoring Report added.

Maps

- Update Figure CAO-1 Wetlands to map hydric soils maps from the U.S. Department of Agriculture and site-specific delineated wetlands.
- Update Figure CAO-2 Aquifer Recharge Areas with data from the 2014/2015 U.S. Geological Survey Scientific Investigation Report.
- Update Figure CAO-4 DNR Hydrology Water Type Map to the alpha system of stream identified as set forth in WAC 222-16-030 and -031.
- New Figure CAO-5 Fish and Wildlife Habitat Conservation Areas, consistent with map of same title from Comprehensive Plan. Includes SF Dogfish Creek Reaches as identified in Table 16.20.315.
- New Figure CAO-6 South Fork Dogfish Creek Reach Map, providing magnified of reaches on parcel basis, and as identified in Table 16.20.315.

RS: Lets get started. Has everybody had a chance to study and read? Page 3? I have a question #5 these are exempt uses?

KB: No these are examples of uses that would require compliance with the CAO.

RS: I have a note on reconstruction, can we define that? So this list is a things that are not exempt, so reconstruction is not exempt.

KB: Yes it should be defined. I'll take a look to delete it from the list because we want to make sure not conflicting with non conforming provisions.

RS: Move on. D explain intent but you already covered that. Interesting because the buffer is the resource management area.

KB: Exactly right, setback and setback. We thought the RMA should apply to the buffer. But what will have is the buffer and building setback.

RS: Page 5 do you think it will be confusing if we don't say Army Corp of Engineers. Example under letter E. Inconsistent throughout document.

JT: Make definition so you don't have to change throughout the document.

RS: Page 6?

JT: 16.20.120 typo first paragraph 4th line down, where it says the exempted, do you mean the exemption?

SS: Might as well take out the comma too.

JC: Top of the page Planning Director shouldn't that be the new title?

KB: Okay will probably change to just director.

BN: I think you need the comma.

RS: Anything else on page 6?

JT: Page 7 down under K. Was it well enough described in the following text to define what interrupted was. Had to reread several times.

KB: I appreciate that comment, it is an important piece of this code because a lot of the City's buffers are interrupted, and without that in there it could lead us down a path that doesn't make sense.

SS: On Page 7 number 1, tree removal is a minimum necessary balance, should it be necessity?

RS/BN: Necessary.

RS: Did we finish with K?

JC: K and maybe I just didn't read it right? Who does the interpretation?

KB: I want to take a look at it because it is an important piece of code. Most obvious example Fjord Drive, 200ft shoreline buffer. Under shoreline nothing is supposed to happen in buffer. Problem is that Fjord Drive is there. Not a pristine buffer, interrupted by a road. Doesn't make sense for us to make them do more shoreline 100ft a way. Are we going to make the applicant replant with wetland vegetation on the other side of the road. Not going to make them dig up a road.

JT: Does it define what an interrupted buffer is

KB: No, we'll need to add a definition.

BN: Recognizing interruption and we are going to stand by that. As we move forward we have to really be cautious of protecting Poulsbo from

outside agencies.

RS: Real issue that DOE is looking at is best scenario, and we have to impose it. We need to be able to modify, we have to have a place to live and work.

KB: Pausing on Page 8.

7. Public Hearing
2017 Floodplain Management Revisions – PMC Chapter 15.24
Staff: Roberts

Charlie Roberts introduction. FEMA Regulations. PMC Chapter 15.24. Background - Regulates and manages development in areas of special flood hazard. Compliance allows property owners to purchase flood insurance through National Flood Insurance Program (NFIP). Flood Insurance Maps are revised and updated by FEMA periodically. Chapter 15.24 adopts the Flood Insurance Maps.

BN: I have a question because I was faced with that. There was a map created in 1976 that was a demarcation of high tide. So to get out of the flood insurance I had to get a survey, and I was a skosh out. Has that changed?

MB: No, just updated versions of the same maps. Until fairly recently the mortgage lenders had an out. The fine for non compliance was \$20k. Mortgage lenders took no responsibility, would just write one check per year, and buy off on houses that had issues. Recently they made the fee per violation, so lenders are paying more attention and enforcing NFIP.

These maps get revised semi regularly. Until recently just revising the maps wasn't considered a development regulations but recent court cases ruled that updates were development regulations. Changes are interesting and are relatively minimal and some mapping is going further into a bay. Done a good job of mapping pretty well. We had some comments and they made revisions. Did inject local knowledge best we could. Better modeling of wind driven waves, costal updates.

CR: Summary of Revisions In 2016 FEMA updated coastal zone flood mapping. Better technology to properly map effects of high water combined with wind driven wave action. Minor differences for City

- Official study and map published February 3, 2017
- Chapter 15.24 revised to adopt this study
- Chapter also reviewed by FEMA staff and some revisions made to be in compliance
 - Added definitions and revised language to ensure consistency with FEMA definitions

There is an interactive map on the FEMA website.

MB: Impressed with mapping, very accurate.

CR: Summary of Revisions

- 15.24.020 Definitions. – Added several new definitions and revised a few for consistency with FEMA regulations
- 15.24.040 Flood hazard areas established. – Revised date of flood insurance study to February 3, 2017 (current study and associated map)
- 15.24.130 Gather of information. – Revised code to comply with FEMA regulations and provide clarity
- 15.24.190 Utilities. – Added statement requiring wells to be placed on areas not in the mapped floodway.
- 15.24.260 Floodways. – Revised code to comply with FEMA regulations.
- 15.24.370 Severability. – Added new code section to provide severability.

BN: Years ago dogfish creek backed up so bad it flooded Albertsons in Poulsbo Village. Between snow melt, king tide, rain, it was a disaster.

MB not in a regulated floodzone, but FEMA maps had the water line identified pretty close.

CR: Have discussion or move on to a motion?

RS: Questions? Close public hearing and open public meeting.

JC: Would have been nice to have a map in here. How can they be accessed?

MB: Yes, can be found in office or on FEMA website. Large and difficult to include.

JT: Maybe a comment about maps available to review.

MB: Yes, we do have it in the code.

JT: Page 3 where it discusses RV definition. Light duty truck limiting?

MB: These are the words FEMA told us has to be there.

JT: On following page seems like definition without corresponding definition.

MB: That should be corrected.

JT: Z is variance?

MB: That will have to move to double aa.

RS: Anything else?

MOTION: NORDNES/COLEMAN Planning Commission recommend approval to the Poulsbo City Council the 2017 Floodplain Management Revisions – PMC 15.24, thereby amending sections of the Poulsbo Municipal Code as identified as Exhibit A of the staff report. **Vote all in favor**

8. Public Meeting - Continued
Critical Areas Ordinance Update
Staff: Boughton

RS: Ended at page 8? 9? On letter D, I have a note reconstruction so we will get a definition for that.

KB: Yes have that added.

BN: That two year requirement, have to do something with in two years?

KB: Yes.

RS: 9?

JT: Page 10 C deleted definition about RMA.

KB: Yes removing.

RS: Page 11?

SS: What would be considered not an unreasonable threat, is there a definition?

KB: For a reasonable use exception. The standards are restrictive, then this could be a path forward, Type III Permit, before the Hearing Examiner

SS: Who would make that call.

BN: Past situations I remember when cell towers were a big drama and people were concerned about public health and towers causing cancer and sterility.

JT: Is unreasonable even the right term? You don't want to pose a real threat?

KB: Language doesn't provide, is threat the right word, public safety, health, and welfare.

RS: Drop the unreasonable. Does not pose a threat to public health, safety, or welfare.

JT: Concern about threat. If there is a tenth of a one percent. Credible?

RS: Something along those lines, we had a woman looking at her cell phone walk past the barricades into one of our jobsites, not even paying attention.

SS: Working on the street with could be a threat. Backhoe distracting someone and they drive off the road.

RS: Intent of this is to impose too much of a threat, at some point they are going to have to do something.

BN: On definitions, we have gotten a lot into it. Do you refer to an edition?

KB: Webster's dictionary.

RS: Anything else on 11?

JC: Item C down at end where is article 7?

KB: It is now section 700, will make a note. Renumbered it to be consistent with the rest of the code.

RS: Anything else on this page? 12? One thing that I have here is the fish type, stream type things nice to know what those are.

KB: Okay stream typing like F? yes we can do that.

SS: Why don't they have protection like trout, only see salmon.

KB: We do care about trout. F1 and F2 we have defined it.

RS: Anything else definitions page 12? 13? 14? 15? 16? 17? 18?

RS: Interesting word that I have no idea what that means, Interdunal?

KB: From WDFD, thought about dropping it out of the table, but wanted to include it all. Don't have any wetlands of that type. Add definition there. Have note to add interrupted buffer definition on page 18.

SS: It is a wetland that is created in between sand dunes.

RS: Page 19?

JC: Normal repair, what is reasonable?

KB: Always question. We may borrow from non conforming section give them 2 years.

KN: I would rather see that stay with reasonable than 2 years. When did it start decaying until point no longer reasonable?

KB: I agree want to have flexibility.

RS: Page 20?

JT: Under OHWM you refer to June 1, 1970 what is that date?

KB: Date of the shoreline management act. Term is used for stream bank as well. See if they have updated it.

JT: That is about 36 years how do you know it was a condition back then?

RS: Whenever I have done stuff on the shoreline we are given the OHWM.

KB: In the land use permitting part, we have to determine it in a lot of our land use permits. Recently the redevelopment of PD. We had to have Ecology come out to alleviate confusion. It hasn't come up for years but this year we have dealt with it a half a dozen times.

RS: Page 21?

KB: Ray you are probably thinking is the mean high water mark and that is easily available.

BN: And that term is used to determine tidelands.

KB: Yes, what I learned just recently OHWM is only used by ecology for shoreline permitting. OHWM basically is high tide mark.

RS: Page 21 should we have definition of what it means to reconstruct?

KB: Yes.

RS Page 22? 23?

KB: Add steam typing and the lack there of.

RS: Page 24?

JT: Same question about date July 1, 1990 wetlands.

KB: Straight from state statute.

JT: Another question about wetlands under regional significance. What is criteria for decision?

KB: Well interesting because that term is found no where in wetland section. Would rely on biologist to provide criteria. Let me take a look at that. Wondering if we need that in there.

JT: Couldn't tell if adequate by reading that.

KB: Appreciate what you are saying, intrigued about definition.

JT: More concerned that people would be unhappy with decision.

RS: Very next one DOE sets those?

KB: Yes they do.

SS: Category 1 larger than 1 acre so maybe that is the threshold for significance?

RS: See intent but how do you manage it?

RS: Page 25?

JT: Let me ask, does the director believe that we can get through the rest of this in the next two session?

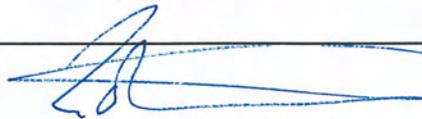
KB I think we can have it done in next three workshops. If we can get through section 200 and 300 next week.

KN: How much flexibility do we even have in section 200? Most from ecology?

KB: Way set up and being administered, jurisdictions need to use BAS. The wetland section changes are all based on BAS guidance from Ecology. Fix some of the administrative parts we were struggling with.

BN all going away anyway with no DOE.

9. Comments from Citizens - None
10. Commissioner Comments - None
11. Meeting Adjourned 7:49pm



Ray Stevens
Chairman, Planning Commission

PLANNING COMMISSION

Tuesday, April 18, 2017

Poulsbo City Hall Council Chambers

Minutes

Members Present

Bob Nordnes (BN), James Thayer (JT), Ray Stevens (RS), Shane Skelley (SS),
Kate Nunes (KN)

Members Absent

James Coleman, Gordon Hanson

Staff

Karla Boughton (KB), Helen Wytko (HW)

- 6:00 PM
1. Call to Order
 2. Flag Salute
 3. Approval of Minutes 4/11/2017 Page 10 JT: on following page seems like following page. Trying to say definition without any punctuation for it. Definition without corresponding punctuation. AMENDMENT
THAYER/Nunes all in favor.
 4. Modifications to the Agenda – None
 5. Comments from Citizens regarding items not on the agenda – None
 6. Public Meeting
Critical Areas Ordinance Update
Staff: Boughton

RS: Begin where we left off last week on page 26.

KB Received today informal comments from Ecology's wetland unit. They gave me permission to share with you. I have reviewed and

spoken with them. Most of the comments are to clarify or to bring to attention. We should incorporate these comments. Two of substance we will talk about today when we get to that section. Paul Anderson of DOE is our liaison. At this point, we will incorporate into PC draft and then he will review and the final comments will be submitted to City Council (CC).

RS: We ended on page 26, continue going through page by page. Page 27?

KN: Question about item 5 in first list. There is no size or classification in terms of habitat?

KB: We consider as wetland and protected by CAO.

RS: as approved originally?

KB: If you decide you want to build a pond on your property and it was not naturally there, or enhance wetland, it can become a question if it was a protected wetland. I always recommend documenting when building a pond.

RS: question I had on last paragraph I've highlighted. Are going to have somebody produce a report based on being in within 300ft of the buffer?

KB: yes, next page identified that they have to submit an assessment. Wetland assessment step down from report and will help determine if it is a wetland or not.

RS: Turning the page, how do we get access to do one of these assessments.

KB: that can be a problem, we have had it happen where property owner refused to allow biologist onto property and they had to guess.

BN: issue for them to if they don't want those problems identified

KB: that's a good question, I just don't know the answer. In the past example I know they were not allowed on the property and they were just doing the buffer. Only one case of that actually happening.

RS: could be a method to keep someone from developing. Good to respect that as long as harmless.

SS: People need to be a good steward of land and water.

RS: Concern whether it will hold someone up with what they want to do on their property.

KB: ask Grette if they have any experience with this. Need to know boundaries to apply buffers. Need property owner cooperation.

KN: one other comment on B2 recent road construction, get rid of the word recent as almost 30 years since road construction.

KB: only thing I would say I think that word is in the RCW statute. Part of GMA at the time it was recent in 1991 amendment. If not in RCW anymore then I will delete it.

RS: 28 Under letter D peer review verification by specialist. Is specialist defined?

KN: they made it a qualified specialist. Item 3 on Paul's comments.

KB: yes qualified specialist. There is a definition for it, but I don't think it is qualified specialist. Need Qualified Wetland Specialist then there is a definition for it.

JT: they come in to determine the boundary. 16.22.25 the applicant shall be responsible for hiring. Where was that?

KB: first sentence under A, need to add qualified

RS: Qualified there and qualified wetland below

RS: anything on page 29?

KN: questioned last sentence in A why we need to say you can't dump things into buffer, not legal period.

SS: don't think people would think of yard waste

JT: some people think they can do whatever they want on their property

RS: so we will keep it in?

KB: think on that, health department does address solid waste, but this helps us with code enforcement.

JT: what about cars

RS do we need to expand?

JT: well the more you expand the more you have to include

SS: words to allow flexibility

KB: can add one or to, including but not limited to you is always the out.

JT: I am almost coming back to Kate's position. People can argue that cars are not abandoned vehicles. Person with that mentality isn't going to see it as garbage. What you get in the buffer is what is stated and with the director approves. Wondering what Ecology thinks about this. They reviewed it.

KB: what if we get to at first sentence when we get to what buffers are, instead of remain as undisturbed, the language buffers shall be only vegetated.

JT: but you would want them to put in the right kind of vegetation.

KB: I will expand on that more. Making notes to check in with our biologist about. Make these changes to the sentence.

SS: KB when you talk to biologist, bring up Osprey nest.

RS: anything else on 29?

KB: page 30 all of this is directly from Ecology. High impact use is what we have for our buffer. Allowing for moderate and low uses which are going to be minimal. Wanted to put it in for the few occasions that they might apply. If you turn back to page 29 moderate is utility right of way. Low has to do with parks and open space. Like fish park where they might want to do a platform or education space. 99% fall into high use. Same buffers there are today.

SS: reference for what scores means. What does score mean. Does it have bear, eagle, trout

KB This is the new method to categorize wetland. Corp gives you parameters on how to delineate, state tells you what category. Once biologist delineates edge and does data scoring sheets ask you different questions. Add up points and when you go to end of section your number is X and you match. Habitat subsection is in there one of the sections you add up. Comes straight from Ecology.

RS: Low number a little bit concerning, are they asking enough questions?

RS: pg 32?

KN: item 5 if we didn't create the wetland, didn't address situation in this table. When you create a wetland it has to be identified what category and then you would refer to mitigation plan.

RS: Page 34?

KB: Page 35 comment 4, paragraph F in table. When I talked to biologist today, they said that the proposal to reduce moderate land uses to low, is a misinterpretation. The buffer widths can go from high to moderate but not from moderate to low. In no case more than 25% reduction. Standard we have in code right now.

KN: does it stay from E to D?

KB: he proposes where it should fit and provides documentation.

RS: anything else on 35?

JT: 36 down at bottom of table, have asterisks could not find asterisks in table

KB: Under toxic run off.

RS: Why is it there?

KB: Saying examples may not be adequate if dealing with endangered species.

KN: Under pets and human disturbance, what do the mean by place in separate tract.

KB: We require that wetlands and buffers be put in their own lot. If you are in a subdivision put wetland in open space tract. Usually maintained by HOA.

KN: are we saying this only applies to new developments? Creek isn't its own lot

KB: right, create through new development.

RS: page 37,

KB: wanted to note under buffer enhancement plan. Ecology has recommended deleting this section, I disagree with that. I explained to Paul my rationale. What I told him is that I would talk to Grette to rewrite so Ecology will find it acceptable. Paul agreed with this.

RS Page 38,

KN: under H - landing places, are we talking about helicopter?

KB: Landings for decks and stairs.

KN: We have fire escapes, stairs, etc. don't think we need that.

JT: Why would you call it that? Already have other descriptors.

KB: I will delete it, sufficiently covered.

BN: On that H, on previous mentions of setbacks to use do you spell it out or use numerical designations like the number?

KB: Okay, will make that change.

RS: Anything else, page 39?

KB: Paul recommends we take E and F on that page and combine them together. I will take a look at that but will probably collapse the two.

SS: Some of the other places talk about 3rd party review. Don't see it in this section.

KB: Good point we would have 3rd party review for anything that might affect the hydrology of the wetland.

RS: Concern about LID and surface water management.

KB: had happen in Arendal with buffer as part of their storm water management piece.

KN: As far as collapsing paragraph, E has additional text about hydrology monitoring plan which doesn't appear to be in Paul's comments. Document he references?

KB: I will check on this. We have required hydrology monitoring plan, but there isn't anything in code that requires that. Expect to see more because storm water manual allows you to do that.

KN: Seemed like a good section.

KB: I don't want to lose that either. Maybe stay separate for that reason.

RS Page 40?

KN: Under G5 trails, I couldn't remember off hand how wide shared use paths are off hand but seems like bigger than 5 ft?

KB: I think there was a comment under exempt from Paul. I might add something in number 5 that parallel to wetland and outer percentage of wetland buffer.

RS: Make sure to change that five to a 5.

KB: Yes, and your comment Kate is 5 ft

KN: Yes, seems small. Hate to see ourselves limit to 5 ft.

KB: I will take a look though.

SS: Aren't they reviewed by you who has a say?

KB: Good point there is an out.

SS: have to be pervious

KB: yes they do

RS: page 41? 42? 43?

KN: What are breaking drain tiles under 3.1.A?

KB: It is where you have an area that was historically grazed, it was common to install drain tiles.

KN: What were they used for?

SS: Use it to lower the groundwater table.

JT: used to make sewer tiles

KB: Historic can't do them now, way to drain the property.

RS: Page 43, page 44, somehow we got into these dark headings again.

KB: That's right I will fix those.

RS: Page 45?

KB: All from Ecology.

RS Page 46? 47? 48?

JT: At the top of the page at the first in purpose, didn't you delete RMA?

KB: Yes, I did, thank you for catching that.

JT: No definition for fish and wildlife habitat, is it defined below when you say these areas are designated? Does it need a definition or defined within text?

KB: No, it is defined with GMA, wouldn't hurt to add the definition, the others are local definitions. Habitat conservation areas are a specific thing that are defined by GMA and the corresponding WAC.

RS: Page 49?

JT: Page 50 down on A.3 stream buffers, at the end of that section it talks about braided channels, is that a stream that has multiple channels that connect?

KB: Yes, that is correct. We don't really have that here. Only place is where estuary and main stem of Dogfish Creek meet, everything else is a defined channel.

RS: Page 51? On page 52 dark headers.

KB? Will change to be lighter, and final copy will not have this issue.

RS: Where do we have a canyon?

KB: What this refers to is Wilderness Park. If you go to the back of notebook and we look at CAO Figure 4. This was part of the 2005-07 update. What this consultant did is break SF Dogfish Creek into 5 reaches, and the canyon reach is number 2. Canyon in the sense that it is a ravine.

RS: Ended up with this because it is in their report. Common term ravine.

KB: Only place you see canyon, because of this BAS.

SS: Page 52 D at bottom retaining curve SR305 is there curve all the way up the whole thing. If someone was doing a road they would have to remove it.

KB: Section 305 where it floods, help exasperate flooding. Now on CIP, there is a project to improve area to eliminate flooding.

RS: These are specific to Dogfish Creek?

KB: Yes, and the reaches.

RS: Page 53?

JT: At top of table under I, is that where downspouts are going into existing stream?

BN: And downspouts went to ground rather than storm.

JT: Does storm system go into creek untreated?

SS: So would this be like creating rain garden situations or subsurface underground infiltration style?

RS: Page 53? 54?

KB: Before we move on, was Jim's question on I. the actual detailed notes from the BAS report identify church and high school parking lot storm runoff.

RS: Page 54? 55?

JT: Page 55 under E, does this cover all the habitat assessment reports in this section? Is there other sections where this has to be repeated?

KB: yes.

JT: You have a different title.

KB: Yes specialist.

JT: But they won't be for wetland specialist report?

JT: Has to be qualified by specific discipline

KB: Doing it for each section.

RS: Page 56.

JT: Page 56 item 3. Not being in the field, CAO is there some code location that you can reference in case someone wants to know what is this?

RS Okay, anything else on page 56?, 57? 58?

JT: Under H utilities 2. Article 7 is that current?

KB: Thank you, no, it needs to say Section 700.

Rs 59? End of section

KB: If you flip to page 63, it has amendments to how you deal with tree cutting in critical areas. I was trying to find recommended ordinance language and was told that this has been withdrawn. Still think this is a good idea, we do have flexibility in here. Wetlands, fish and wildlife is rigid, but this is more adjustable.

7. Comments from Citizens – None

8. Commissioner Comments

RS: If someone wants to move and development wetland, why can't you do development that manages wetland. Any provisions for managing with people living it. Why wouldn't you in an urban area. Why isn't someone doing BAS when your doing pilings and walkways that don't disturb flow. Require in CC&R

BN: May come in time.

RS: The basis of concern is when we got our Growth Management Area we were given only the hardest spots from the county. Gave us refugia area and all we have left is really tough spot to get our density. How do we achieve our growth?

10:00 PM 9. Automatic Adjournment (unless meeting is extended by majority vote)
meeting adjourned 8:03

Ray Stevens, Planning Commission Chairman



PLANNING COMMISSION

Tuesday, April 25, 2017

Poulsbo City Hall Council Chambers Minutes

Members Present: Bob Nordnes (BN), James Coleman (JC), Ray Stevens (RS), James Thayer (JT)

Members Absent: Kate Nunes (KN), Gordon Hanson (GH), Shane Skelley (SS)

Staff Present: Karla Boughton (KB), Helen Wytko (HW)

- 6:00 PM
1. Call to Order
 2. Flag Salute
 3. Approval of Minutes - None
 4. Modifications to the Agenda
 5. Comments from Citizens regarding items not on the agenda
 6. Public Meeting
Critical Areas Ordinance Update
Staff: Boughton

Left off on page 60

JT: Under purpose at the top of page it says this article shouldn't it be section. Section 200-600. Under the purpose you have C does that kind of run into the SMP

KB: Yes, needs to be deleted.

RS: Number 1 discussed changing numbers to numbers

KB: Seeing what you are saying on 2A.

RS: Back in the old days when we were doing geo hazard areas got stuck on geo slope. 15% not very much. Not steep at all. Question highly erodible, do we have a definition of highly erodible?

JT: Does it go back to natural conservation service.

RS: Easily findable.

JC: 2b coastal zone atlas, does that include inner bay here?

KB: The coastal zone atlas would have Liberty Bay in it. If in and slopes are intermediate, we would look at that as an area that falls under geological concern. This would be a high bank, we don't have a lot of properties that qualify for that designation.

RS: Page 61?

JT: 16.20.415.B wording confusing. It almost sounds like shifting from maybe no but last part seems to say yes you can do it if no other location.

KB: Saying three different things in that sentence. Will break it up to create clarity.

JT: Last one may be permitted and break up would make it clearer.

RS Page 62?

JT: Typo bottom of page G.1 third line down should be repaired not repair.

RS: Letter F second line. Should we change may be to shall be?

KB: You are correct thank you.

RS: New number 1 with trees and vegetation. Are you sure about this because we are saying trees have to stay on critical slopes. Some times trees put strain on slope. In my experience they can go back and forth. Establishing that we have to do it could be a problem, can we give it an out like unless determined by geotech.

JT: May it can go either way.

KB: Section has come from Washington State Department of Commerce and they have withdrawn it. We care about what geo tech says, and it is peer reviewed. Pare it down and subject it to geo tech review and peer review.

JC: Page 63 c.3 I didn't think we were going to legislate views.

KB: What it is, is if you have trees on your private property, you have a view, and you have a slope. This is how you would go about working with the trees for your own personal view. City is not getting in the business of protecting views from private properties to each other.

RS: I like the fact that if this section stays people have the ability to deal with their own trees as long as it doesn't affect the slope. Mercer Island has trees as public resource and it is frustrating and liability to City when tree falls. As long as it doesn't adversely affect slopes and areas below.

Next Page 64,

KN: Question what is COHP forest practices?

HW: Conversion Option Harvest Plan.

RS: Under I, do we have an example of where this might occur in Poulsbo?

KB: Not identified in our map, but on the County's map.

JT: Wouldn't hurt to have.

KB: If we would go west there might be something out there.

RS: A.1 is that assuming water travel time underground?

KB: From WAC yes.

RS: Page 65?

JT: Dev Standards A VII, instead of section 700?

RS: Add a name on the table?

KB: At the top there, yes.

RS: Anything else, page 66? 67?

JT: On page 68 Section 700 purpose A, wouldn't you include wetland delineation report, A seems to be sections it is going to follow and put out requirements for but should have included wetland delineation report.

KB: Yes I follow, will make that change.

RS: Wetland report is the only one that has a list of requirements under it. Instead of combining under wetland report that you have individual

reports with their own numbers like on page 75 habitat management plan and habitat assessment report.

KB: I had a similar thought about ease of formatting. In section 705 take a b c d and define each and having own reference number for each report. I will add numbers instead of letters.

RS: Highlight them and easier to reference.

KB: Outline format is still the right format, but with the wetland one it is easy to get lost in because of size.

JC: 16.20.729 time limitations- should that be city or director? Who in the city will do that.

KB: Will do it through the projects conditions of approval.

JC: Maybe we need to tie it down.

RS: Make consistent with the rest of the code where the director has the authority to approve.

BN: For clarification on same section, time limitations. Does the clock start from date of issuance? Sometimes that becomes an issue when it stamped etc. people try to use different dates.

KB: Need to think about that. It is about the date on the face of the report. Conditions will specify actual date.

JT: Date of issue have a significant meaning to a lawyer.

BN: I have seen confusion on dates of set of plans from approval to receipt.

RS: Communities that I have built in with a lot of attorneys. They actual have a definition of when they have accepted it. Formal process.

KB: For special reports?

RS: Time limitations in general establish timelines. Jurisdictions do it just to get argument off the table. Maybe the date of the report is April but they haven't given it to you until September? Most do date of acceptance.

KB: I have to think about how to work it. We do a couple things where if someone wanted to do an assessment or delineation and a year later came in for a pre-app, we would still consider it valid.

RS: Take a year off their timeline.

KB: Yes exactly. Let me toss that around with the planning staff to see how we want to do that.

RS: If creating a whole new system that you don't want to hold it up.

KB: Date of issue?

RS: Talking in general 5 yrs from when report of issued does make sense. Date that the report is created.

JC: When they are vetted, 4 year time lapse the information could be no longer pertinent.

RS: Anything also on page 69? 70?

JT: On page 71 question what land mitigation report 1.a found to be confusing. Seems like last part should be required if you can't do the first part above. Reviewed for quite a while and still don't know what you are saying there. Avoid, do other alternative?

KB: Under state law there is sequencing requirement, avoiding the impact all together is first. What we were trying to do is to require more reasoning on why avoiding the impact cannot be avoided. Sequencing is often a light touch in wetland reports. Work with consultant to narrow down stronger language to make applicant put more effort in to why they are avoiding the impact. Understand your question seems to not track but we are asking for why you can't avoid it, what other alternatives would be, and why isn't an acceptable option.

JT: Applicant must describe applicable alternatives, what if they don't include. Tweak language.

RS: Way this is written does anyone get past first base?

JT: Left out letter d in first sentence.

KB: Yes. I think that going back to Ray's statement. I think that is the crux of this, going back to the Whitford case. One project you did see that did meet this requirement is the development on Genes Ln. If you read sequencing they impacted the buffer, but could not avoid all

impacts imposing buffers in CAO would leave property completely undevelopable.

RS: Reasonable use?

KB: Did through buffer averaging but we could have done with reasonable use provisions. Full application of the CAO would render property undevelopable.

RS: See someone use cost as a reason for reasonable use?

KB: I think that in general economics are not supposed to play a part in it but depending on the case, other contributing factors would have to be there. Wetland consultants would have to walk us through that.

RS: Could stop development if couldn't get a certain amount of density.

KB: People tie up property before they ever come and talk to us and are shocked what they have to do. Need to do economic analysis with what your buffer and wetland analysis is going to be.

RS: anything else on page 71? 72?

JC: Item F is there anything to tell me what I may have to do?

KB: Wetland biologist preparing report should write that section. This is saying they have to include that section in a plan.

JC: Item G what happened to number 1?

KB: Back on other page.

RS: Indenting thing.

KB: Will help to number their own sections. Make it easier to follow.

JT: 4.d I think you have wrong section referenced.

KB: I will find correction citation for that.

RS: Top of page 71?

KB: Wrong because I will add something at the beginning. I will fix the citation.

RS: Page 72? 73?

JT: Page 74 letter I performance bonds and demonstration of completion. Weren't you changing it from 3 to 5 years generally speaking?

BN: We have to remember what is typically consistent throughout the city for performance bond.

KB: Monitoring program for 5 years, so we either need to change 3 years on monitoring plan or change both to 5.

BN: That is a long time.

JT: What brought about the change from 3 to 5 years?

KB: Consultant recommendation, sometimes 3yrs isn't enough especially if you are creating a wetland. Collapsing simple to complex. 5 years isn't out of realm of reality.

RS: Can we do 3 or 5 years if needed?

KB: Yes or longer period if established in conditions of approval which

RS: And do the same thing with the bond?

KB: Keep at 3yrs go back to page 73 at bottom and have 3 years or if conditions of approval length of monitoring plan.

BN: Want both to match.

RS: Anything on page 75?

JT: Habitat management plans. You have recommendations of WDFW, if that was dated May 1991 wouldn't that have been done by now?

KB: No I checked it and it hasn't been done. Thought we could delete the whole thing but we still need it.

JT: Kind of meaningless.

KB: If you go onto WDFS webpage priority species. It is still dated 1991. This is different from what was referenced earlier in the document.

JT: Date doesn't bother me it is the fact that they were supposed to have public hearings.

RS: Page 76?

JT: Item D, why don't you just say wildlife biologist as defined in the definitions. Same comment on next page for geo tech and next page for hydrological report.

KB: I agree that if you don't have a mirrored statement it creates a conflict. Let me verify with definitions to make sure that requirements in this section match definition.

RS: Do we on page 76? Is there a difference between geotech and geo report?

KB: There is a difference.

RS: When I read a geo tech it always has geological component. In reality, geotech will send geologist out there and include it in the report.

BN: You need that for approval.

RS: Need someone to look at engineering no matter what.

KB: Take out?

RS: Doesn't hurt but doesn't answer the question.

KB: Especially in pretty big cases we send geotech out to be peer reviewed.

JT: Who reviews reports

KB: Overlaps slightly because considered critical areas so we do have some authority. Work collaboratively with Engineering, refer to them if it needed to be peer reviewed.

JT: They should have say.

KB: They do, but we still need to keep geo report in there because two different types of reports. Doesn't mean the geotech is going to be prepared by geologist.

JT: Where language come from?

KB: First draft in 2005-2006.

RS: Only value is that it recognizes we see the difference between the two. Does give us ability to say that is a geological report, we need a Geotech.

KB: Our engineers accept geotech with stamped engineer seals on them.

RS: Assuming engineers can have something peer reviews at their discretion.

BN: Is peer review equal or is it the next step up? Geotech asking another geotech.

RS: Anything else 77, 78 maps?

KB: These maps have been updated, they are consistent with set of maps in comp plan with the exception of SF Dogfish reach map fig. 4.

RS: Just happen to notice that my house is in aquifer critical areas.

JT: So is mine.

KB: KPUD and USGS research resulted in much larger critical aquifer than our previous mapping.

JT: Is that just the areas that don't have clay layer?

KB: Don't know the nuances to how it got map because between KPUD and USGS. Know that it doesn't really affect residential but some commercial.

JT: How about round circles those look like well heads?

KB: Exactly right.

RS: Anything about those other maps, or back part of binder? What is time frame now?

KB: Public hearing on May 16. PC draft with amendments, and recommended requested changes by ecology. Three weeks from today back from public hearing. Then we will have some projects that will come forward to you guys soon.

7. Comments from Citizens
8. Commissioner Comments

KB: We will have plat coming forward probably to you late May/ early June with neighborhood interest. There is a neighborhood meeting tomorrow for old police station. Shoreline permit and they are on a aggressive timeline.

Gone through a selection process to bring on a consultant urban designer to help us plan for the transition of downtown. We want to make sure design is a key component to downtown redesign.

BN: Have you been to that new development over by copper smelting site in Tacoma? Worth the trip looks great, down in Ruston. That is a total remake of waterfront that would be similar to us. Unbelievable great ideas. I have always struggled with a good definition of keeping Poulsbo Poulsbo. Can't put my finger on. Need people who are institutional Poulsbo not here 3 years. We have to grow up and get into the future.

JT: Any idea when they are going to redo 3rd avenue up to city hall. And 4th ave?

KB: street frontage improvements on 3rd ave, been on local improvement list for years. Opportunity with developer to do townhouses from Hostmark to Moe, and they will do frontage improvements.

BN: What section of 3rd are we talking about?

KB: Hostmark to Moe. Not be so tall to affect views on 4th ave. don't know how many units. Same developer with old police station and most of downtown Bremerton, some projects on Bainbridge.

BN: Interesting about Marion (Sluys).

KB: Sought out to have one buyer. Makes it much easier for us.

BN: College place can get away with those problems downtown can not.

KB: something that works is eclecticism of downtown buildings.

10:00 PM 9. Automatic Adjournment (unless meeting is extended by majority vote)

Ray Stevens, Planning Commission Chairman

EXHIBIT F.1
Notice from Washington Department of Commerce



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

March 30, 2017

Karla Boughton
Senior Planner
City of Poulsbo
200 Northeast Moe Street
Poulsbo, Washington 98370

Dear Ms. Boughton:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Poulsbo - Proposed updates to City of Poulsbo Critical Areas Ordinance (PMC 16.20) in order to incorporate recent best available science. These materials were received on March 29, 2017 and processed with the Material ID # 23546.

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than sixty days following the date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491 or Paul Johnson (360) 725-3048.

Sincerely,

Review Team
Growth Management Services

EXHIBIT F.2
Initial Release Public Notice



AFFIDAVIT OF PUBLIC NOTICE

Helen Wytko, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the

United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that

on 31 March, 2017, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application
- SEPA Determination
- Notice of Public Hearing
- Notice of Decision
- Dev Reg

has been provided, mailed and/or posted to the attached distribution lists, property addresses or posting locations:

- US Mail
- Email
- Post at Library, City Hall, Poulsbo Post Office, Website
- Site Posting Address: _____

Subscribed and sworn to before me this 31st day of March, 2017.

Cherlyn J. Haley

NOTARY PUBLIC in and for the State of Washington, residing at:

Poulsbo

My Commission expires on:

3-13-19



Helen M. Wytko

Subject: FW: City of Poulsbo - CAO Update
Attachments: 1 Introduction and Summary Document_v.1.pdf

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From: Helen M. Wytko

Sent: Friday, March 31, 2017 4:12 PM

Subject: FW: City of Poulsbo - CAO Update

Hello!

You are receiving this email because you've signed up to receive notices regarding updates to the City of Poulsbo development regulations. Thank you for your interest in the future of Poulsbo.

The City is undertaking a periodic review and update of its critical areas ordinance (CAO), as required by the Growth Management Act. The CAO is found in Poulsbo Municipal Code 16.20, and are regulations for the protection of critical areas in accordance with state requirements. Critical Areas include:

- Wetlands
- Fish and Wildlife Habitat Conservation Areas
- Geologically Hazardous Areas
- Critical Aquifer Recharge Areas
- Frequently Flooded Areas

Amendments to the City of Poulsbo's Critical Areas Ordinance have been made throughout the document. The amendments are based upon: 1) new Best Available Science provided by resource agencies; 2) recommendations by the City's consultant critical areas biologists; 3) amending corrections or conflicts; and 4) assist with ease of administration.

The 2017 Draft Critical Areas Ordinance Update with proposed amendments is available at the following link: <http://www.cityofpoulsbo.com/planning/caoupdate.htm>

A summary of the proposed amendments by section is also included with this email.

The Poulsbo Planning Commission, in its role as the City's primary land use advisory committee, will begin reviewing the 2017 Draft Critical Areas Update, and will be meeting Tuesday evenings beginning April 11, 2017 at 6 p.m. to review the proposed amendments. For the complete public review timeline, including anticipated public hearing dates and City Council workshops, see the timeline provided on the webpage above.

The City encourages all interested parties to review the 2017 Draft Critical Areas Ordinance Update available at the link above, and attend any and all of the scheduled workshops. Comments on the proposed amendments may also be made in writing to plan&econ@cityofpoulsbo.com or to Poulsbo Planning Department, 200 NE Moe Street, Poulsbo WA 98370. To ensure consideration, all written comments must be received by the City prior to the close of the City Council public hearing.

Thank you for your interest in Poulsbo.

Planning and Economic Development Department
City of Poulsbo
200 NE Moe Street
Poulsbo WA 98370
(360) 394-9748

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2017 Critical Areas Ordinance Update *Proposed Amendments Summary* March 2017

Introduction

The Growth Management Act of Washington (GMA) requires counties and cities to review and evaluate comprehensive plans and development regulations, and update them if necessary, according to a schedule established by RCW 36.70A.130. The City of Poulsbo adopted an updated comprehensive plan in December 2016, which provides a framework of goals and policies.

The City's review of development regulations includes the City's Critical Areas Ordinance (CAO), found in Poulsbo Municipal Code 16.20. The CAO are regulations for the protection of critical areas in accordance with state requirements. Critical Areas include:

- Wetlands
- Fish and Wildlife Habitat Conservation Areas
- Geologically Hazardous Areas
- Critical Aquifer Recharge Areas
- Frequently Flooded Areas

The City's CAO was last comprehensively updated in 2007. The intent of this current update is to revise the CAO as necessary to incorporate recent Best Available Science or new information since the last update (WAC 365-195-915), correction of code conflicts or internal inconsistencies, amendments to assist with ease of administration, or recommendations offered by the City's consultant critical areas biologists Grette Associates.

2017 Critical Areas Ordinance Update: Summary of Amendments

Amendments to the City of Poulsbo Critical Areas Ordinance have been made throughout the document. Most amendments are updating based upon 1) new Best Available Science provided by resource agencies; 2) recommendations by the City's consultant critical areas biologists; 3) amending corrections or conflicts; and 4) assist with ease of administration.

The April 2017 Draft Critical Areas Ordinance Update amendments are represented as **bold underline** for proposed additions and ~~strikeouts~~ for deletions. The following summarizes the amendments to each section of the Poulsbo Critical Areas Ordinance. This list is intended to provide a brief summary of the more substantive changes proposed for the CAO Update; to read the proposed language in full context, please review the draft.



Section 100: General Provisions and Administration

- 16.20.115 Applicability:
 - B. New subsection to identify specific activities that are subject to the provisions of the critical areas ordinance.
 - F. Updates to mapping data sources.
- 16.20.120 General Exemptions. New subsection 16.20.120(L)(M)(N)(O)(P) to exemptions, identifying specific circumstances where non-native vegetation can be removed from a critical area buffer, as well as other enhancement activities – such as watershed restoration projects, fish enhancement projects – are exempt for obtaining a critical area permit.
- 16.20.155 Definitions – “mitigation” (adding sequencing), “wetland report” (adding proper wetland delineation manual reference) “wetland specialist” (clarifying qualifications); and removing definition of “Resource Management Area (RMA)” and “wetland, isolated.”

Section 200: Wetlands

- 16.20.210 Wetland Categories: Changes to how wetlands are to be delineated and categorized per requirement in WAC 193-22-035, which requires that wetlands be delineated in accordance with approved federal wetland delineation manual and applicable regional supplements, adopted by the U.S. Army Corp of Engineers.
- 16.20.215 Regulated and Non-regulated wetland classification: The Washington State Wetland Rating System for Western Washington was revised in 2014. Changes reflect the date, as well as a change to the scoring system used to categorize wetlands.
- 16.20.220 Application requirements: This section amended to add new type of wetland report – wetland assessment.
- 16.20.225 Determination of wetland boundaries: Clarifying that wetland are to be delineated using the current approved federal manual and supplements.
- 16.20.230 Wetland and Buffer Development standards:
 - A. Buffers. This section clarified to identify vegetated buffers, and enhancement may be required.
 - B. Impact of Land Use. New section incorporating hierarchy of uses that may occur adjacent to wetlands and buffers. This table is from Appendix 8-C, Table 8C-3 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008)*.
 - C. Buffer Widths. Buffer widths have been revised per Appendix 8-C, Section 8C.2.3 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008)*.
 - E. Buffer Width Averaging: This section has been revised per Appendix 8-C, Section 8C.2.6 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008)*.
 - F. Decreasing Buffer Widths. This section has been revised per Appendix 8-C, Section 8C.2.4.1 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008)*.



- A.2 revisions require that when impacts or reduction to standard buffer width is proposed, the remaining buffer shall be enhanced.
- A.6.b is revised to clarify what types of intrusions are allowed within the 25' building setback from buffer. The types are consistent with what is allowed in the wetland building setback. The revision also clarifies that a habitat management plan is required for proposed intrusions.
- Table 16.20.215 is revised to 1) identify Alpha water typing system; 2) add subcategories to F type streams and Ns type streams; and 3) remove Class 1 and Class 2 and consolidate into other fish and wildlife habitat conservation areas.
- B. Removal of RMA reduction provisions. Any proposed buffer reduction must prepare a Habitat Management Plan.
- E. New section on Habitat Assessment Report and Habitat Management Plan, clarifying that a Habitat Assessment Report is required when a fish and wildlife habitat conservation area is on or within 300' of a proposed development site, and a Habitat Management Plan is required if modification, impact or reduction to the required buffer or building setback is proposed.
- 16.20.320 Project Specific development standards:
 - A. Stream Crossings. Adding revisions to be consistent with WDFW Hydraulic Project Approval requirements.
 - B. Stream Relocation. Adding new provision requiring downstream impacts be evaluated as part of a stream relocation proposal.
 - G. Trails and Trail-Related Facilities. Adding new provisions requiring mitigation through replanting or enhancement of affected or degraded buffers.
 - H. Utilities. Adding new provision that refueling or maintenance activities for utilities shall be not be conducted within the buffer of a fish and wildlife habitat conservation area.

Section 400: Geologically Hazardous Areas

- 16.20.415 Allowed uses.
 - A and B. This section revised to identify critical facilities may be restricted from being sited in geological hazardous areas. This is recommended by Washington State Department of Commerce.
- 16.20.420 Development Standards.
 - G. Trees and Vegetation. This section revised to address issues of tree cutting on critical slopes. Proposed revisions from Washington State Department of Commerce's recommended ordinance language.

Section 500: Critical Aquifer Recharge Areas

- 16.20.510 Critical aquifer recharge area categories: Definitions revised per WAC 365-190-030.
- 16.20.515 Development standards: Revisions based on Department of Ecology's Critical Aquifer Recharge Area Guidance Document, recommending listing uses that are to be prohibited within CARAs.



- Table 16.20.515 Activities: Table revisions based upon the prohibition of uses identified in 16.20.515.A.1.

Section 600: Frequently Flooded Areas

- No revisions proposed.

Section 700: Special Reports

- 16.20.721 Time Limitations. Extending the time validity to five years from the date of issuance of a special report unless a longer or shorter period is specified.
- 16.20.725 Wetland Reports.
 - A. New Wetland Assessment Report is required if a wetland is on or within 300 feet of a proposed use or activity.
 - B. Wetland Delineation Report requirements reflecting new federal and state delineation and category identification standards.
 - C. Wetland Mitigation Plan adding sequencing.
 - D. New Buffer Enhancement Plan added.
 - E. New Monitoring Report added.
- 16.20.728 New Habitat Assessment contents.
- 16.20.730 Habitat Management Plan. Revisions to the content requirements for a habitat management plan, including identifying impacts, management recommendations, mitigations, assessment of proposed mitigation measures, and affect of impacts on water quality and proposed mitigations.

Maps

- Update Figure CAO-1 Wetlands to map hydric soils maps from the U.S. Department of Agriculture and site-specific delineated wetlands.
- Update Figure CAO-2 Aquifer Recharge Areas with data from the 2014/2015 U.S. Geological Survey Scientific Investigation Report.
- Update Figure CAO-4 DNR Hydrology Water Type Map to the alpha system of stream identified as set forth in WAC 222-16-030 and -031.
- New Figure CAO-5 Fish and Wildlife Habitat Conservation Areas, consistent with map of same title from Comprehensive Plan. Includes SF Dogfish Creek Reaches as identified in Table 16.20.315.
- New Figure CAO-6 South Fork Dogfish Creek Reach Map, providing magnified of reaches on parcel basis, and as identified in Table 16.20.315.



EXHIBIT F.3
Notice of Application with Optional DNS



AFFIDAVIT OF PUBLIC NOTICE

Helen Wytko, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the

United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that

on 7 April, 2017, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application w/ DNS
- SEPA Determination
- Notice of Public Hearing
- Notice of Decision

has been provided, mailed and/or posted to the attached distribution lists, property addresses or posting locations:

- US Mail
- Email
- Post at Library, City Hall, Poulsbo Post Office, Website
- Site Posting Address: _____

Subscribed and sworn to before me this Helen Wytko 7th day of April, 2017.

CHERLYN J. HALEY
 Notary Public
 State of Washington
 My Commission Expires
 March 13, 2019

Cherlyn J. Haley
 NOTARY PUBLIC in and for the
 State of Washington, residing at:

Poulsbo
 My Commission expires on:

3-13-19

Helen M. Wytko

Subject: FW: City of Poulsbo - CAO NOA with optional DNS
Attachments: caoNOA_withoptionalDNS.pdf

Aaron C. Hulst <ahulst@cityofpoulsbo.com>; 'Alison O'Sullivan' <aosullivan@suquamish.nsn.us>; Andrzej L. Kasiniak <akasiniak@cityofpoulsbo.com>; 'Angela Cox' <acox@co.kitsap.wa.us>; 'Angelina Meier' <angelina.manning@gmail.com>; Becky Erickson <berickson@cityofpoulsbo.com>; 'Bill Whiteley - KPUD' <bwhiteley@kpud.org>; 'Bob Nordnes' <bobamy6775@comcast.net>; Charlie S. Roberts <croberts@cityofpoulsbo.com>; 'Cherie Fahlsing' <cherief@johnlscott.com>; 'Chris Schmechel' <chris.schmechel@gmail.com>; 'Cindy Baker' <cindy.baker@comcast.net>; City Clerks <CityClerks@cityofpoulsbo.com>; 'Clayton Lynch' <clayton@phc-construction.com>; Connie C. Lord <clord@cityofpoulsbo.com>; 'Corey Henkelman' <chenkelm@co.kitsap.wa.us>; 'Corps of Engineers, Regulatory Branch' <jerald.j.gregory@usace.army.mil>; 'CryJones (Crystal View)' <cryjones@msn.com>; 'Dan Beach' <Daniel.J.Beach@centurylink.com>; 'Dan Spencer' <danjanspencer@yahoo.com>; 'Daniel Kimbler - KPUD' <daniel@kpud.org>; 'Daniel Murphy' <cody@newhometrends.com>; David Musgrove <dumusgrove@cityofpoulsbo.com>; Debbie Booher <Dbooher@cityofpoulsbo.com>; 'Dennis Lewarch' <dlewarch@suquamish.nsn.us>; Diane K. Lenius <dlenius@cityofpoulsbo.com>; 'Dolores Lynch' <dolores@lynchclan.com>; Ed Stern <estern@cityofpoulsbo.com>; 'Edie Lau' <edielaui@yahoo.com>; 'Edward Blackburn' <blackems@mac.com>; 'Edward Coviello' <EdwardC@KitsapTransit.com>; 'Elizabeth Wilson' <lifethehound@yahoo.com>; 'Eric Evans' <eric.evans@kitsappublichealth.org>; Gary Nystul <gnystul@cityofpoulsbo.com>; 'GJackson (Crystal View)' <gjacksonx11@gmail.com>; 'Gordon Hanson' <gsshanson@aol.com>; 'Greg Berghoff - KPUD' <gregb@kpud.org>; 'Historic Downtown Poulsbo Association' <hdpaboard@gmail.com>; 'Jack Johnson' <jack.johnson1@centurylink.com>; 'James Thayer' <jandjthayer@comcast.net>; 'Jan Harrison' <janharrison@iglide.net>; 'Jeff Griffin' <jgriffin@poulsbofire.org>; Jeff R. McGinty <jmcginty@cityofpoulsbo.com>; Jeff Tolman <jtolman@cityofpoulsbo.com>; 'Jim Coleman' <Spiritwithin1@centurylink.net>; Jim Henry <jhenry@cityofpoulsbo.com>; 'Jim Lynch' <jim@phc-construction.com>; 'Jim Vchulek - Green Lake Appraisal' <greenlakeappraisal@gmail.com>; 'John Kiess' <john.kiess@kitsappublichealth.org>; 'Jsue Wieland' <jsuewie@comcast.net>; 'Karen Keefe' <karen.keefe@RSIR.com>; 'Kate Nunes' <kate.nunes@comcast.net>; 'Kelly Pearson' <KPearson@nkschools.org>; Kenneth Thomas <kthomas@cityofpoulsbo.com>; 'Kevin Druin' <kescdr@gmail.com>; 'Kitsap Business Journal' <tim.kelly@kitsapsun.com>; 'Kitsap County DCD' <help@kitsap1.com>; 'Kitsap Economic Development Alliance' <cocus@kitsapeda.org>; 'Kitsap Realtors' <operations@kitsaprealtor.org>; 'Kitsap Sun' <sunnews@kitsapsun.com>; 'Larry Tellinghuisen' <tellinghuisen@kitsapbank.com>; 'Lisa Nickel' <Ljbraly@msn.com>; 'Luke McDaniel (Crystal View)' <luke.mcdaniel@gmail.com>; 'Mark Desalvo Port Commission' <commissioner.desalvo@portofpoulsbo.com>; Mary M. McCluskey <mmclcluskey@cityofpoulsbo.com>; 'Math Ones' <themathones@sbcglobal.net>; 'Micah Kim' <micahtae@hotmail.com>; 'Michael Blanton' <michael.blanton@dfw.wa.gov>; 'Paije Abplanalp' <paije1313@gmail.com>; 'Pat Fuhrer' <patf@map-limited.com>; 'Patricia Christensen' <prc32708@yahoo.com>; 'Paul Haas' <paulh@kitsapgaragedoor.com>; 'Peggy Jolly' <jolly@wscd.com>; 'Poulsbo Chamber of Commerce' <director@poulsbochamber.com>; 'Poulsbo Place II Homeowners Association' <poulsboplaceiiboard@gmail.com>; 'Poulsbo USPS Postmaster' <98370PoulsboWA@usps.gov>; 'Poulsbo Village' <emily@poulsbovillage.com>; 'Rachel Seymour' <rachel.seymour@kitsapsun.com>; 'Ray Stevens' <raystevens5@comcast.net>; 'Richard Walker' <editor@northkitsapherald.com>; 'Rick Spencer' <rickswims@hotmail.com>; 'Rob Gelder' <rgelder@co.kitsap.wa.us>; 'Robert Thompson' <rjrtret@gmail.com>; 'Sandra Farley' <sandrafarley61@comcast.net>; 'Screenio (Crystal View)' <screenio@gmail.com>; 'Shane Skelley' <shaneskelley@gmail.com>; 'Shawn Cates' <duggan0552@yahoo.com>; 'Shelia Murray' <renobeano9@aol.com>; 'Stacie Rushforth, BJC Group' <srushforth@bjcgroup.com>; 'Stacie Schmechel' <stacieschmechel@gmail.com>; 'Stephanie Trudel' <strudel@suquamish.nsn.us>; 'Tad Sooter' <tad.sooter@kitsapsun.com>; 'Teresa Osinski - HBA' <tosinski@kitsaphba.com>; 'Terri Douglas' <manager@poulsboinn.com>; 'Terry Asla NK Herald' <tasla@soundpublishing.com>; 'Thomas Brobst' <tom.brobst@pse.com>; 'Tom Harvey' <tharvey@poulsbofire.org>; 'WA Dept of Fish and Wildlife' <chris.waldbillig@dfw.wa.gov>; 'WA DOE SEPA Register' <separegister@ecy.wa.gov>; 'WA State DOE SEPA' <sepaunit@ecy.wa.gov>; 'WA State Office of Attorney General - Ecology' <ecyolyef@atg.wa.gov>; 'Washington State

Department of Natural Resources - SEPA' <sepacenter@dnr.wa.gov>; 'WSDOT Olympic Region SEPA' <OR-SEPA-REVIEW@wsdot.wa.gov>; Aaron C. Hulst <ahulst@cityofpoulsbo.com>; Andrzej L. Kasiniak <akasiniak@cityofpoulsbo.com>; Becky Erickson <berickson@cityofpoulsbo.com>; Cherlyn J. Haley <chaley@cityofpoulsbo.com>; Connie C. Lord <clord@cityofpoulsbo.com>; David Musgrove <dmusgrove@cityofpoulsbo.com>; Debbie Booher <Dbooher@cityofpoulsbo.com>; Ed Stern <estern@cityofpoulsbo.com>; Edie Berghoff <eberghoff@cityofpoulsbo.com>; Gary Nystul <gnystul@cityofpoulsbo.com>; Jeff R. McGinty <jmcginty@cityofpoulsbo.com>; Jeff Tolman <jtolman@cityofpoulsbo.com>; Jim Henry <jhenry@cityofpoulsbo.com>; Mary M. McCluskey <mmclluskey@cityofpoulsbo.com>; 'Matt Henson' <matt@kpud.org>; 'WA Dept of Fish and Wildlife - SEPA' <SEPAdesk@dfw.wa.gov>

From: Helen M. Wytko
Sent: Friday, April 07, 2017 5:02 PM
Cc: Karla Boughton <kboughton@cityofpoulsbo.com>
Subject: City of Poulsbo - CAO NOA with optional DNS

Please see the attached Notice of Application with optional DNS for the 2017 Draft Poulsbo Municipal Code Chapter 16.20 - Critical Areas Ordinance.

The SEPA Checklist can be accessed through the City of Poulsbo website at the following link: <http://www.cityofpoulsbo.com/planning/caoupdate.htm> . If you prefer to receive the SEPA Checklist in a .pdf document, please contact the planning department at this email to be sent the document via the City's document sharing platform.

Thank you,

Helen Wytko

Poulsbo Planning and Economic Development
Phone: 360-394-9748
200 NE Moe St
Poulsbo, WA 98370

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.



CITY OF POULSBO

NOTICE OF APPLICATION and Optional DNS 36.70B.110

PMC 16.20 CRITICAL AREAS ORDINANCE UPDATE Type IV Permit

Planning File: 2017 Draft Poulsbo Municipal Code Chapter 16.20 – Critical Areas Ordinance Update

Date of Application: April 7, 2017

Summary of Proposed Application:

The Growth Management Act of Washington (GMA) requires counties and cities to review and evaluate comprehensive plans and development regulations, and update them if necessary, according to a schedule established by RCW 36.70A.130. The City of Poulsbo adopted an updated comprehensive plan in December 2016, which provides a framework of goals and policies. The City's review of development regulations includes the City's Critical Areas Ordinance (CAO), found in Poulsbo Municipal Code 16.20. The CAO are regulations for the protection of critical areas in accordance with state requirements. Critical Areas include:

- Wetlands
- Fish and Wildlife Habitat Conservation Areas
- Geologically Hazardous Areas
- Critical Aquifer Recharge Areas
- Frequently Flooded Areas

The City's CAO was last comprehensively updated in 2007. The intent of this current update is to revise the CAO as necessary to incorporate recent Best Available Science or new information since the last update (WAC 365-195-915), correction of code conflicts or internal inconsistencies, amendments to assist with ease of administration, or recommendations offered by the City's consultant critical areas biologists Grette Associates.

All documents related to the 2017 Critical Areas Ordinance Update are available for public review. The primary repository of all information related to the update is the City's website <http://www.cityofpoulsbo.com/planning/planning.htm>

—where draft documents, meeting dates, updates on process, and official notices (notice of application, environmental review, public hearing notices, etc.), will be posted.

Amendments to the City of Poulsbo's Critical Areas Ordinance have been made throughout the document. The amendments are based upon 1) new Best Available Science provided by resource agencies; 2) recommendations by the City's consultant critical areas biologists; 3) amending corrections or conflicts; and 4) assist with ease of administration.

Draft amendments are represented as **bold underline** for additions and ~~strikethrough~~ for deletions. The Draft Critical Areas Ordinance include proposed amendments in the following Sections:

Poulsbo Municipal Code Chapter 16.20

Section 100: General Provisions and Administration

Section 200: Wetlands

Section 300: Fish and Wildlife Conservation Areas

Section 400: Geologically Hazardous Areas

Section 500: Critical Aquifer Recharge Areas

Section 700: Special Reports

Critical Area Maps

Please find the proposed amendments and summary of changes at the following link <http://www.cityofpoulsbo.com/planning/planning.htm> and hard copies are available at the Planning and Economic Development Department.

Environmental Review: The City of Poulsbo has reviewed the proposed amendments for probable adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for the proposed amendments. The Optional DNS process is being used as authorized by WAC 197-11-355 and the Poulsbo Municipal Code 16.04.115. This may be the only opportunity to comment on the environmental impacts of the proposals. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the proposed amendments may be obtained upon request.

Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. Comments related to environmental review must be submitted by the date noted below to Poulsbo Planning Department, 200 NE Moe Street, Poulsbo, Washington 98370 or plan&econ@cityofpoulsbo.com.

Public Comment Period for Environmental Review Related Comments: Comments may be submitted on environmental related aspects of the proposed Critical Areas Ordinance Update and the comment period will remain open until **April 21, 2017**. The public may request notification of any hearings or meetings and request a copy of the decision once made.

Public Comment Methods: Interested citizens are encouraged to provide comments to the City on the Draft Critical Areas Ordinance by letter, email or fax. All comments will be forwarded to the Poulsbo Planning Commission and City Council. Written comments can be submitted by the following methods:

Mail: City of Poulsbo Planning and Economic Development Department
200 NE Moe Street
Poulsbo, WA 98370

Fax: (360) 697-8269

Email: plan&econ@cityofpoulsbo.com

Interested citizens are also encouraged to attend and provide verbal comments to the City at the Planning Commission and City Council workshops and public hearings. Workshops and hearings are held at Poulsbo City Hall, 200 NE Moe Street, Poulsbo, WA.

Sources of Information: The City's website, www.cityofpoulsbo.com is the primary clearinghouse for information related to the 2017 Critical Areas Ordinance Update. The City has posted all pertinent information regarding the development regulation update at its website, www.cityofpoulsbo.com at the following link:
<http://www.cityofpoulsbo.com/planning/planning.htm>

Public Participation Plan: A public and agency participation plan has been developed for this application, and can be viewed at the City's website, under the link <http://www.cityofpoulsbo.com/planning/planning.htm> - a copy is also available at the Planning Department.

Date, Time and Place of Meetings and Hearings: The Planning Commission has scheduled public workshops on April 11, 18, 25, 2017; a public hearing is scheduled for May 16, 2017. The City Council has workshops scheduled for May 24 and 31, 2017 and a public hearing scheduled on June 7, 2017.

All meetings and hearings will be held at Poulsbo City Hall Council Chambers. Public notices for public hearing dates will be issued and published in the City's official newspaper and City's website.

The Planning Commission will make recommendations to the City Council. The City Council is the decision making authority for the draft ordinance. Hearing procedures are available from the Planning Department and City Clerk's office and are conducted based on Roberts Rules of Order.

Further Information: Please contact the Poulsbo Planning Department at (360) 394-9748, www.cityofpoulsbo.com or plan&econ@cityofpoulsbo.com for further information.

North Kitsap Herald

Affidavit of Publication

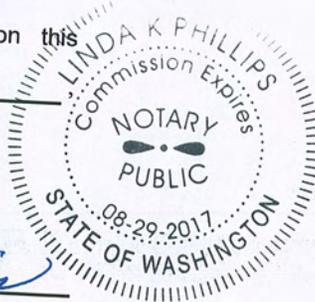
State of Washington }
County of Kitsap } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the North Kitsap Herald a weekly newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a weekly newspaper in Kitsap County, Washington and is and always has been printed in whole or part in the North Kitsap Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Kitsap County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of NKH751307 CRITCL AREAS ORD UPD as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 04/07/2017 and ending on 04/07/2017 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$69.63.

Kathleen Landis

Subscribed and sworn before me on this 7th day of April 2017.



Linda K. Phillips

Notary Public in and for the State of Washington.

City of Poulsbo-Planning | 80707350
HELEN WYTKO

CITY OF POULSBO
NOTICE OF APPLICATION
and Optional DNS
36.70B.110

PMC 16.20 CRITICAL AREAS
ORDINANCE UPDATE
Type IV Permit

Planning File: 2017 Draft
Poulsbo Municipal Code
Chapter 16.20 - Critical Areas
Ordinance Update

Date of Application: April 7,
2017

Summary of Proposed Appli-
cation:

The Growth Management Act of Washington (GMA) requires counties and cities to review and evaluate comprehensive plans and development regulations, and update them if necessary, according to a schedule established by RCW 36.70A.130. The City of Poulsbo adopted an updated comprehensive plan in December 2016, which provides a framework of goals and policies. The City's review of development regulations includes the City's Critical Areas Ordinance (CAO), found in Poulsbo Municipal Code 16.20. The CAO are regulations for the protection of critical areas in accordance with state requirements. Critical Areas include:

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- Frequently Flooded Areas

The City's CAO was last comprehensively updated in 2007. The intent of this current update is to revise the CAO as necessary to incorporate recent Best Available Science or new information since the last update (WAC 365-195-915), correction of code conflicts or internal inconsistencies, amendments to assist with ease of administration, or recommendations offered by the City's consultant critical areas biologists Grette Associates.

All documents related to the 2017 Critical Areas Ordinance Update are available for public review. The primary repository of all information related to the update is the City's website <http://www.cityofpoulsbo.com/planning/planning.htm> - where draft documents, meeting dates, updates on process, and official notices (notice of application, environmental review, public hearing notices, etc.), will be posted.

Amendments to the City of Poulsbo's Critical Areas Ordinance have been made throughout the document. The amendments are based upon 1) new Best Available Science provided by resource,

712

agencies; 2) recommendations by the City's consultant critical areas biologists; 3) amending corrections or conflicts; and 4) assist with ease of administration.

Draft amendments are represented as bold underline for additions and strikethrough for deletions. The Draft Critical Areas Ordinance include proposed amendments in the following Sections:

Poulsbo Municipal Code
Chapter 16.20

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Section 200: Wetlands

Section 300: Fish and Wildlife Conservation Areas

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Section 500: Critical Aquifer Recharge Areas

Section 700: Special Reports
Critical Area Maps

Please find the proposed amendments and summary of changes at the following link <http://www.cityofpoulsbo.com/planning/planning.htm>

and hard copies are available at the Planning and Economic Development Department.

Environmental Review: The City of Poulsbo has reviewed the proposed amendments for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS) for the proposed amendments. The Optional DNS process is being used as authorized by WAC 197-11-355 and the Poulsbo Municipal Code 16.04.115. This may be the only opportunity to comment on the environmental impacts of the proposals. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the proposed amendments may be obtained upon request.

Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. Comments related to environmental review must be submitted by the date noted below to Poulsbo Planning Department, 200 NE Moe Street, Poulsbo, Washington 98370 or plan&econ@cityofpoulsbo.com.

Public Comment Period for Environmental Review Related Comments: Comments may be submitted on environmental related aspects of the proposed Critical Areas Ordinance Update and the comment period will remain open until April 21, 2017. The public may request notification of any hearings or meetings and request a copy of the decision once made.

Public Comment Methods: Interested citizens are encouraged to provide comments to the City on the Draft Critical

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email or fax. All comments
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Planning Commission and
City Council. Written comments
can be submitted by
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and Economic Development
Department
200 NE Moe Street
Poulsbo, WA 98370
Fax: (360) 697-8269
Email: plan&econ@cityofpoulsbo.com

Interested citizens are also
encouraged to attend and provide
verbal comments to the City at
the Planning Commission and City
Council workshops and public
hearings. Workshops and hearings
are held at Poulsbo City Hall,
200 NE Moe Street, Poulsbo, WA.

Sources of Information: The City's
website, www.cityofpoulsbo.com is the primary
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issued and published in the City's
official newspaper and City's
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The Planning Commission will
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Council. The City Council is the
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draft ordinance. Hearing procedures
are available from the Planning
Department and City Clerk's office
and are conducted based on
Roberts Rules of Order.

Further Information: Please
contact the Poulsbo Planning
Department at (360) 394-9748,
www.cityofpoulsbo.com or
plan&econ@cityofpoulsbo.com
for further information.

Date of publication: 04/07/17
(NKH-751307)

EXHIBIT F.4
SEPA Threshold Determination DNS with commented checklist

City of Poulsbo

Planning & Economic Development



DETERMINATION OF NONSIGNIFICANCE (DNS) WAC 197-11-970

PMC 16.20 CRITICAL AREAS ORDINANCE UPDATE

Planning File: 2017 Draft Poulsbo Municipal Code Chapter 16.20 – Critical Areas Ordinance Update

Applicant: City of Poulsbo, Planning and Economic Development Department, 200 NE Moe Street, Poulsbo, WA 98370

Date of Application: April 7, 2017

Summary of Proposed Application:

The Growth Management Act of Washington (GMA) requires counties and cities to review and evaluate comprehensive plans and development regulations, and update them if necessary, according to a schedule established by RCW 36.70A.130. The City of Poulsbo adopted an updated comprehensive plan in December 2016, which provides a framework of goals and policies. The City's review of development regulations includes the City's Critical Areas Ordinance (CAO), found in Poulsbo Municipal Code 16.20. The CAO are regulations for the protection of critical areas in accordance with state requirements. Critical Areas include:

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All documents related to the 2017 Critical Areas Ordinance Update are available for public review. The primary repository of all information related to the update is the City's website <http://www.cityofpoulsbo.com/planning/planning.htm>

—where draft documents, meeting dates, updates on process, and official notices (notice of application, environmental review, public hearing notices, etc.), will be posted.

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Section 400: Geologically Hazardous Areas

Section 500: Critical Aquifer Recharge Areas

Section 700: Special Reports

Critical Area Maps

Lead Agency: City of Poulsbo

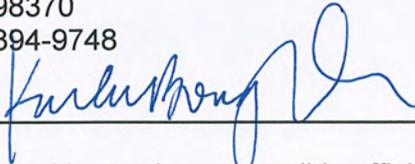
The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

Responsible official: Karla Boughton
Position/Title: Planning and Economic Development Director
Address: City of Poulsbo
200 NE Moe St
Poulsbo, WA 98370
Phone: (360) 394-9748

Date: April 26, 2017

Signature: _____



You may appeal this determination in writing to the responsible official listed above no later than 10 working days from the date of this notice.

You should be prepared to make specific factual objections. Contact the responsible official to read or ask about the procedure for SEPA appeals.



AFFIDAVIT OF PUBLIC NOTICE

Helen Wyrko, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on 26 April, 2017, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application
- SEPA Determination
- Notice of Public Hearing
- Notice of Decision

has been provided, mailed and/or posted to the attached distribution lists, property addresses or posting locations:

- US Mail
- Email
- Post at Library, City Hall, Poulsbo Post Office, Website
- Site Posting Address: _____

Helen Wyrko
Subscribed and sworn to before me this 26th day of April, 2017.



Cheryllyn J. Haley
NOTARY PUBLIC in and for the State of Washington, residing at:

Poulsbo
My Commission expires on:

3.13.19

Helen M. Wytko

Subject: FW: City of Poulsbo - SEPA CAO
Attachments: SEPA_CAO2017DNS.pdf

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From: Helen M. Wytko

Sent: Wednesday, April 26, 2017 9:32 AM

Cc: Karla Boughton <kboughton@cityofpoulsbo.com>

Subject: City of Poulsbo - SEPA CAO

Please see the attached SEPA DNS for PMC 16.20 Critical Areas Ordinance Update.

Thank you,

Helen Wytko

Poulsbo Planning and Economic Development

Phone: 360-394-9748

200 NE Moe St

Poulsbo, WA 98370

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City of Poulsbo Environment Checklist

A. Background		
Name of proposed project, if applicable: 2017 Critical Areas Ordinance Update	Date Prepared: March 29, 2017	
Name of Applicant: City of Poulsbo	Address: 200 NE Moe Street Poulsbo, Washington 98370	Phone Number: (360) 394-9748
Contact: Karla Boughton, Planning and Economic Development Director	Agency Requesting Checklist: City of Poulsbo	
Proposed timing or schedule (including phasing, if applicable) The Planning Commission has scheduled public workshops on April 11, 18, and 25, 2017; a public hearing is scheduled for May 16, 2017. The City Council has workshops scheduled for May 24 and 31, 2017, and a public hearing scheduled on June 7, 2017. Additional workshops may be added by the PC or CC if determined necessary.		
Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain. The City's land use regulations are amended periodically, consistent with the Growth Management Act (GMA). The proposed changes will apply to future proposals subject to review under the Critical Areas Ordinance (CAO) and will provide the basis to evaluate and regulate future development proposals.		

Reviewed by Karla Boughton, Planning Director, March 31, 2017

List any environmental information you know about that has been prepared, directly related to this proposal.

The City used the following information was reviewed and utilized as appropriate for the 2017 CAO update. Previous documents reviewed and utilized as part of the original 2007 Critical Areas Ordinance remain as appropriate.

Wetlands:

- Revised Code of Washington (RCW) 36.70A.030(21)
- Washington Administrative Code (WAC) 173-22-035
- Hruby, T. 2014. Washington State Wetland Rating System for Western Washington: 2014 Update. Washington State Department of Ecology Publication # 14-06-029
- Hruby, T. 2012. Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington, Final Report, March 2012. Washington State Department of Ecology Publication # 10-06-011.
- Granger, T., T. Hruby, A. McMillan, D. Peters, D. Sheldon, S. Stanley, E. Stockdale. April 2005. Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands. Washington State Department of Ecology. Publication #05-06-008. Olympia, WA.
- Washington State Department of Ecology (Ecology), U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. March 2006a. Wetland Mitigation in Washington State - Part 1: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication #06-06-11a. Olympia, WA.
- Washington State Department of Ecology (Ecology), U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. March 2006b. Wetland Mitigation in Washington State - Part 2: Developing Mitigation Plans (Version 1). Washington State Department of Ecology Publication #06-06-011b. Olympia, WA.
- Hruby, T., K. Harper, and S. Stanley. 2009. Selecting Wetland Mitigation Sites Using a Watershed Approach. Washington State Department of Ecology Publication #09-06-032. Olympia, WA.

Fish and Wildlife Conservation Areas:

- For South Fork Dogfish Creek: Report on Best Available Science and Recommended Protection Measures for Fish and Wildlife Habitat, Fishman Environmental Services, LLC; April 2003.
- Washington Department of Fish and Wildlife. 2008. Priority Habitat and Species List (Updated June 2016). Olympia, WA. 177 pp.
- Washington Department of Fish and Wildlife Priority Habitat and Species Program: Species and Habitat Management Recommendations.
- Barnhard, R.J., J. Johnson, P. Brooks, K.M. Bates, B. Heiner, J. P. Klavas, D.C. Ponder, P.D. Smith, and P. D. Powers. 2013. Water Crossing Design Guidelines. Washington Department of Fish and Wildlife. Olympia, WA.
- Cramer, M., K. Bates, D. Miller, K. Boyd, L. Fotherby, P. Skidmore, and T. Hoitsma. 2003. Integrated Streambank Protection Guidelines. Washington Department of Fish and Wildlife: Washington State Aquatic Habitat Guidelines Program. Olympia, WA.

Geologically Hazardous Areas:

- Washington State Division of Geology and Earth Resources website: <http://www.dnr.wa.gov/geology>. Washington State Department of Natural Resources.

Critical Aquifer Recharge Areas:

- Morgan, L. 2005. Washington State Department of Ecology Critical Aquifer Recharge Areas - Guidance Document. Washington State Department of Ecology Publication #05-10-028. Olympia, WA.

Do you know whether applications are pending for governmental approvals or other proposals directly affecting the property covered by your proposal? If yes, explain.

The City processes land on an ongoing basis which may include impacts to critical areas. Permits will be processed under the current CAO until new regulations are adopted use and building permits and go into effect.

List any government approvals or permits that will be needed for your proposal, if known.

City Council approval and adoption.

Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

The City of Poulsbo is undertaking a periodic review and update of its comprehensive plan and development regulations, as required by the Washington State Growth Management Act (GMA), RCW 36.70A.130(5). The GMA sets forth that Kitsap County and its cities should review and revise, if needed, their comprehensive plan and development regulations to ensure their plan and regulations comply with GMA requirements. Update of the City's Critical Areas Ordinance (CAO) is the last step in the current update cycle.

The City has reviewed and revised its development regulations related to Critical Areas. Chapter 16.20, known as "Critical Areas," of the Poulsbo Municipal Code (PMC) sets forth how the City will identify and protect critical areas as required by the GMA. The CAO are regulations for the protection of critical areas in accordance with state requirements. Critical Areas include:

- Wetlands
- Fish and Wildlife Habitat Conservation Areas
- Geologically Hazardous Areas
- Critical Aquifer Recharge Areas
- Frequently Flooded Areas

The City's CAO was last comprehensively updated in 2007. The intent of this current update is to revise the CAO as necessary to incorporate recent Best Available Science or new information since the last update (WAC 365-195-915), correction of code conflicts or internal inconsistencies, amendments to assist with ease of administration, or recommendations offered by the City's consultant critical areas biologists Grette Associates.

Amendments to the City of Poulsbo Critical Areas Ordinance have been made throughout the document. Most amendments are updating based upon 1) new Best Available Science provided by resource agencies; 2) recommendations by the City's consultant critical areas biologists; 3) amending corrections or conflicts; and 4) assist with ease of administration.

The April 2017 Draft Critical Areas Ordinance Update amendments are represented as **bold underline** for proposed additions and strikeouts for deletions. All documents related to the CAO Update are available for public review at this link: <http://www.cityofpoulsbo.com/planning/planning.htm>

The primary repository of all information related to the update is at this website – where draft documents, meeting dates, and official notices (notice of application, environmental review, public hearing notices, etc.), will be posted.

Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Poulsbo is located in Township 26 North, Range 1 East, Willamette Meridian and is located in all or portions of Sections 9, 10, 11, 13, 14, 15, 22, 23, 24, 25, and 26.

The updated CAO regulations will apply city-wide and affects properties throughout the City of Poulsbo. The responses provided from this point forward imply city-wide applicability, unless otherwise specified.

Amendments are to Chapter 16.20 of the PMC.

B. Environmental Elements	Agree	Disagree	Mitigate
1. Earth			
<p>a. General description of the site (check one): <input checked="" type="checkbox"/> flat, <input type="checkbox"/> rolling, <input checked="" type="checkbox"/> hilly, <input type="checkbox"/> steep, <input checked="" type="checkbox"/> slopes, <input type="checkbox"/> mountainous, <input type="checkbox"/> other.</p> <p>Poulsbo's topography varies throughout the city, from flat to areas of steep slopes.</p> <p>Actual development will be subject to additional SEPA review as appropriate. Environmental review and a threshold determination will be required at the time of development review. Site specific development impacts are not identified at this time.</p>	✓		
<p>b. What is the steepest slope on the site (approximate percent slope)?</p> <p>There are areas within the city limits with slopes exceeding 40 percent, and potential geohazard areas are mapped on the City's critical areas maps. At the time of a development proposal, additional information on slopes will be required. Future development will require additional environmental review.</p>	✓		
<p>c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils</p> <p>According to the Kitsap County Soil Survey, the soils within the city limits is predominately classified as Poulsbo Gravelly sandy loam, with areas of Kapowsin gravelly loam and Sinclair soils.</p> <p>No development is proposed at this time; therefore, site specific development impacts are not identified. Future development will be subject to phased SEPA review.</p>	✓		
<p>d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.</p> <p>Geohazards are mapped in the City's critical areas maps and unstable soils/slopes are regulated by the City's Critical Areas Ordinance.</p> <p>No development is proposed at this time. Review of soil conditions will</p>	✓		

<p>occur at the time specific proposals move forward.</p>			
<p>e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. This is not applicable to this non-project action.</p>	✓		
<p>f. Could erosion occur as a result of clearing, construction or use? If so, generally describe. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Erosion control would be addressed through existing City ordinances, including the clearing and grading and critical areas regulations.</p>	✓		
<p>g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? This is not applicable to this non-project action. No development is proposed at this time. Projects will require further analysis and SEPA review, where appropriate.</p>	✓		
<p>h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any. None. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
2. Air			
<p>a. What types of emissions to the air would result from the proposal (i.e. dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. Proposed measures to reduce or control emissions or other impacts to air, if any. None. No development is proposed at this time. Determination will be made at the time specific proposals move forward. New construction will comply with the requirements of the Poulsbo Municipal Code and the Engineering Department, which will be reviewed at the time of a specific project proposal moving forward.</p>	✓		
3. Water			
a. Surface:			

<p>1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.</p> <p>Poulsbo's main surface water body is Liberty Bay; there are numerous streams and wetlands throughout the city limits. There is no development proposed at this time; future development will require additional environmental review.</p>			
<p>2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.</p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	<p>streams are mapped in Fiquies CAO 2, 3 & 4 (KPA)</p> <p>✓</p>		
<p>3) Estimate the amount of fill and dredge that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	<p>✓</p>		
<p>4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	<p>✓</p>		
<p>5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.</p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>			
<p>6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	<p>Floodplain management is found in Section 600 of draft CAO. (KPA)</p> <p>✓</p>		
<p>b. Ground:</p>			
<p>1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	<p>✓</p>		

<p>2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals..; agricultural; etc...). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. Water Runoff (including storm water):</p>			
<p>1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (including quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Future development will lead to stormwater runoff, which will be reviewed and required to meet City and State regulations for stormwater management. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>2) Could waste materials enter ground or surface waters? If so, generally describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:</p> <p>This is not applicable to this non-project action. No development is proposed at this time. At the time of development review, projects will be reviewed for compliance with the City's adopted storm water management regulations and updated critical areas ordinance.</p>	✓		
<p>4. Plants</p>			
<p>a. Check types of vegetation found on the site:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Deciduous tree: alder, maple, aspen, other <input checked="" type="checkbox"/> Evergreen tree: fir, cedar, pine, other <input checked="" type="checkbox"/> Shrubs <input checked="" type="checkbox"/> Grass <input checked="" type="checkbox"/> Pasture <input type="checkbox"/> Crop or grain <input checked="" type="checkbox"/> Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other 			

<input type="checkbox"/> Water plants: water lily, eelgrass, milfoil, other <input type="checkbox"/> Other types of vegetation The checked vegetation is found throughout Poulsbo. This is not applicable to this non-project action. No development is proposed at this time. The existing vegetation for sites will be determined at the time of development review.	✓		
b. What kind and amount of vegetation will be removed or altered? This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
c. List threatened or endangered species known to be on or near the site. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Landscaping is typically required for new development proposals.	✓		
e. List all noxious weeds and invasive species known to be on or near the site. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Landscaping is typically required for new development proposals.	✓		<i>Draft CAO Section 200 addresses wetland protection. (KWB)</i>
5. Animals			
a. Check any birds and animals which have been observed on or near the site or are known to be on or near the site: <input checked="" type="checkbox"/> Birds: hawk, heron, eagle, songbirds, other: <input checked="" type="checkbox"/> Mammals: deer, bear, elk, beaver, other: <input checked="" type="checkbox"/> Fish: bass, salmon, trout, herring, shellfish, other: There are a variety of birds, fish, and mammals that inhabit Poulsbo. They are primarily located near streams and Liberty Bay.			
b. List any threatened or endangered species known to be on or near the site. Poulsbo has several listed species, including bald eagle, blue heron, harbor seal, salmon (Chinook, chum, coho), steelhead, cutthroat, hardshell clam, smelt, and sand lance. No development is proposed at this time. Additional environmental review will be conducted at the time of application for specific development.			<i>Draft CAO Section 200 & 300 address fish & wild life habitat. (KWB)</i>

<p>c. Is the site part of a migration route? If so, explain.</p> <p>Liberty Bay and adjacent streams are known to contain anadromous salmonids. The City is located within the Pacific Flyway – a flight corridor for migrating waterfowl and other birds – that extends from Alaska to Mexico and South America.</p>	✓		
<p>d. Proposed measures to preserve or enhance wildlife, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. The City's Critical Areas Ordinance provides protection for wildlife. Any additional mitigation necessary will be identified at the time of site specific development review.</p>	✓		
<p>e. List any invasive animal species known to be on or near the site.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. The City's Critical Areas Ordinance provides protection for wildlife. Any additional mitigation necessary will be identified at the time of site specific development review.</p>	✓		
6. Energy and Natural Resources			
<p>a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Electric energy is available city-wide and natural gas is available in specific locations in the city limits.</p>	✓		
<p>b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Future development will meet the current energy code as identified in the International Building Code.</p>	✓		
7. Environmental Health			
<p>a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

1)	Describe any known or possible contamination at the site from present or past uses. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
2)	Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
3)	Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
4)	Describe special emergency services that might be required. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
5)	Proposed measures to reduce or control environmental health hazards, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
<i>Environmental hazards are addressed in Section 500 Critical Aquifer Recharge Areas</i>				
b. Noise				
1)	What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? The city has a typical level of noise expected in an urban environment.	✓		
2)	What types of levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
3)	Proposed measures to reduce or control noise impacts, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Construction noise is regulated in the Poulsville Municipal Code.	✓		

(KPS)

8. Land and Shoreline Use			
<p>a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.</p> <p>The city has a variety of single-family residential development along with commercial areas, and other uses including multifamily residential, light industrial, institutional, and parks.</p>	✓		
<p>b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. Describe any structures on the site.</p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>d. Will any structures be demolished? If so, what?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>e. What is the current zoning classification of the site?</p> <p>No development is proposed at the comprehensive plan amendment stage. Determination of zoning classification and applicable review requirements will be made at the time specific proposals move forward.</p>	✓		
<p>f. What is the current comprehensive plan designation of the site?</p> <p>No development is proposed at the comprehensive plan amendment stage. Determination of comprehensive plan designation will be made at the time specific proposals move forward.</p>	✓		
<p>g. If applicable, what is the current shoreline master program designation of the site?</p> <p>No development is proposed at the comprehensive plan amendment stage. Determination of shoreline designation and applicable review requirements will be made at the time specific proposals move forward.</p>	✓		

<p>h. Has any part of the site been classified as a critical area by the city or county? If so, specify</p> <p>The actual development of the specific sites will be subject to additional development review, and would be subject to environmental review. Site specific development impacts are not identified at this time. Identification of critical areas will be made based on the City's Critical Area Ordinances maps and site specific environmental information prepared during the development review process.</p>	✓		
<p>i. Approximately how many people would reside or work in the completed project?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>j. Approximately how many people would the completed project displace?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>k. Proposed measures to avoid or reduce displacement impacts, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.</p> <p>No development is proposed with the comprehensive plan amendments. Determination of specific measures to ensure compatibility will be made during development review.</p>	✓		
<p>m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.</p> <p>No development is proposed with the comprehensive plan amendments. Determination of specific measures to ensure compatibility will be made during development review.</p>	✓		
9. Housing			
<p>a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.</p> <p>None. This is a non-project action.</p>	✓		
<p>b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.</p> <p>None. This is a non-project action.</p>	✓		
<p>c. Proposed measures to reduce or control housing impacts, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

The proposal is an update to the City's critical area regulations

(N/A)

10. Aesthetics

<p>a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>b. What views in the immediate vicinity would be altered or obstructed?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. Proposed measures to reduce or control aesthetic impacts, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p> <p>While site specific development impacts are not identified at this time, building height and design review requirements are set forth in Poulsbo's zoning ordinance.</p>	✓		

11. Light and Glare

<p>a. What type of light or glare will the proposal produce? What time of day would it mainly occur?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>b. Could light or glare from the finished project be a safety hazard or interfere with views?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. What existing off-site sources of light or glare may affect your proposal?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>d. Proposed measures to reduce or control light and glare impacts, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p> <p>While site specific impacts are not identified at this time, the City's zoning ordinance contains lighting requirements. Additional environmental review will be required as sites are proposed for development.</p>	✓		

12. Recreation

<p>a. What designated and informal recreational opportunities are in the</p>			
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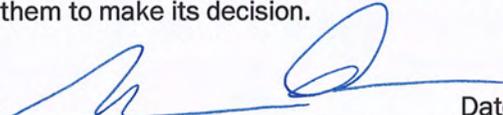
<p>immediate vicinity?</p> <p>Poulsbo has a variety of public parks and recreation opportunities throughout the city.</p>	✓		
<p>b. Would the proposed project displace any existing recreational uses? If so, describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
13. Historic and Cultural Preservation			
<p>a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.</p> <p>Unknown at this time. This is a non-project action. Determination will be made at the time of specific proposals for development.</p>	✓		
<p>b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.</p> <p>Unknown at this time.</p>	✓		
<p>c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>d. Proposed measures to reduce or control impacts, if any.</p> <p>If at the time of site specific development, evidence of historic or cultural resources are found, proper protocols and notifications will be initiated.</p>	✓		
14. Transportation			
<p>a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.</p> <p>Major streets and highways in Poulsbo include Highway 3, 305, State Route 307, Viking Avenue, Finn Hill, Front Street, Fjord Drive,</p>	✓		

Hostmark, Caldart, and Lincoln.			
<p>b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?</p> <p>Kitsap Transit provides public transit throughout the city.</p>	✓		
<p>c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>e. Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.</p> <p>No.</p>	✓		
<p>f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>h. Proposed measures to reduce or control transportation impacts, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p> <p>At the time of development review, projects will be reviewed for traffic impacts and appropriate mitigation will be imposed.</p>	✓		
15. Public Services			
<p>a. Would the project result in an increased need for public service (for example fire protection, police protection, health care, schools, other)?</p>			

<p>If so, generally describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>b. Proposed measures to reduce or control direct impacts on public services, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
16. Utilities			
<p>a. Check the utilities currently available at the site: <input checked="" type="checkbox"/> electric, <input checked="" type="checkbox"/> natural gas, <input checked="" type="checkbox"/> water, <input checked="" type="checkbox"/> refuse service, <input checked="" type="checkbox"/> telephone, <input checked="" type="checkbox"/> sanitary sewer, <input type="checkbox"/> septic system, <input type="checkbox"/> other.</p> <p>Utilities are also available throughout the city, with natural gas only available in specific areas. No development is proposed with the amendments, and specific determination of utility services will be made at the time of development review.</p>	✓		
<p>b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.</p> <p>Utilities are also available throughout the city, with natural gas only available in specific areas. No development is proposed with the amendments, and specific determination of utility services will be made at the time of development review.</p>	✓		

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  Date Submitted: 3/31/17

D. Supplemental Sheet for Non-Project Actions

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, that would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1.	<p>How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substance; or production of noise?</p> <p>As a non-project action, amendments to the CAO would not create any of these effects. All development and uses will be subject to all applicable local, state and federal regulatory requirements and will be reviewed on a case-by-case basis during the development review process.</p>
	<p>Proposed measures to avoid or reduce such increases are:</p> <p>No measures are proposed with the ^{CAO} comprehensive plan amendments. However, measures will be identified as necessary during the development permit and environmental process for specific projects. Compliance with city regulations and other appropriate mitigations would reduce increases.</p>
2.	<p>How would the proposal be likely to affect plants, animals, fish, or marine life?</p> <p>As a non-project action, amendments to the CAO would not directly affect plants, animals, fish or marine life. However, the CAO's purpose is to identify and protect critical areas and is intended to have a positive effect on plants, animals, fish, and marine life.</p>
	<p>Proposed measures to protect or conserve plants, animals, fish, or marine life are:</p> <p>The CAO provides regulatory protective measures to protect and conserve vegetation and wildlife habitat. Additional measures may be identified during the development permit and environmental review process for specific projects.</p>
3.	<p>How would the proposal be likely to deplete energy or natural resources?</p> <p>As a non-project action, amendments to the CAO would not deplete energy or natural resources. Projects resulting from the amendments will require further environmental review at the time of development application.</p>
	<p>Proposed measures to protect or conserve energy and natural resources are:</p> <p>Measures would be identified during the project specific development permit and environmental review. Compliance with city regulations and other appropriate mitigations would provide the appropriate measures to reduce impacts.</p>
4.	<p>How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?</p> <p>No development is proposed with the proposed CAO amendments. The CAO includes standards to protect critical areas and their buffers when development is proposed.</p>

	<p>Proposed measures to protect such resources or to avoid or reduce impacts are:</p> <p>Measures would be identified during the project specific development permit and environmental review. Compliance with city regulations and other appropriate mitigations would provide the appropriate measures to reduce impacts.</p>
5.	<p>How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?</p> <p>The proposed CAO amendments will not change existing land use patterns.</p> <p>Proposed measures to avoid or reduce shoreline and land use impacts are:</p> <p>The amendments being considered through the CAO Update do not pose shoreline or land use impacts. All development applications will be subject to further review under SEPA, the city's zoning code and the Shoreline Master Program where appropriate.</p>
6.	<p>How would the proposal be likely to increase demands on transportation or public services and utilities?</p> <p>No development is proposed with the CAP Update. However, future developments on the subject sites may have increased demands, which would be identified during the specific project development review. Projects resulting from amendments may require further review under SEPA which will be accomplished as required under WAC 197-11 and the Poulsbo Municipal Code.</p> <p>Proposed measures to reduce or respond to such demand(s) are:</p> <p>Measures to reduce impacts on transportation, public services and utilities would be identified during project specific development review. Compliance with city regulations and other appropriate mitigations could provide the appropriate measures to reduce impacts.</p>
7.	<p>Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.</p> <p>The proposal relies on BAS from Washington State Department of Fish and Wildlife, Department of Ecology, Department of Natural Resources, and review by qualified professionals. The proposed amendments do not conflict with any local, state or federal laws or requirements for the protection of the environment. All future development proposals would be required to follow all applicable regulations regarding the protection of the environment.</p>

EXHIBIT F.5
Notice of Planning Commission Public Hearing



AFFIDAVIT OF PUBLIC NOTICE

Helen Wytko, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that

on 1 May, 2017, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application
- SEPA Determination
- Notice of Public Hearing
- Notice of Decision

has been provided, mailed and/or posted to the attached distribution lists, property addresses or posting locations:

- US Mail
- Email
- Post at Library, City Hall, Poulsbo Post Office, Website
- Site Posting Address: _____

Subscribed and sworn to before me this Helen Wytko day of May, 2017.



Cheryl Haley
NOTARY PUBLIC in and for the State of Washington, residing at:

Poulsbo
My Commission expires on:

3.13.19

Helen M. Wytko

Subject: FW: City of Poulsbo - Public Hearing CAO
Attachments: 7.1 PC Public Hearing Notice_May_16_17.pdf

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From: Helen M. Wytko
Sent: Monday, May 01, 2017 9:24 AM
Cc: Karla Boughton <kboughton@cityofpoulsbo.com>
Subject: City of Poulsbo - Public Hearing CAO

Hello,

You are receiving this notice because you have signed up to receive notifications on updates to the City of Poulsbo Development Regulations.

The Poulsbo Planning Commission, in its role as citizen advisory committee for land use regulations, has completed its review of the April 2017 Draft Critical Areas Ordinance, through a series of three workshops. The Planning Commission have identified a number of modifications to the April draft, and a May 2017 Planning Commission Modified Draft Critical Areas Ordinance has been released and is available at the following link:
<http://www.cityofpoulsbo.com/planning/caupdate.htm> The Planning Commission modifications are reflected in this draft as blue **bold underline** for additions and ~~blue strikeout~~ for deletions.

The Planning Commission has scheduled a public hearing on the May 2017 PC Modified Draft Critical Areas Ordinance for Tuesday, May 16, 2017 beginning at 7 p.m. at Poulsbo City Hall, Council Chambers, 200 NE Moe Street. Public comment on the May 2017 PC Modified Draft Critical Areas Ordinance is welcome at the public hearing, or as written comments, submitted to the City at plan&econ@cityofpoulsbo.com

Thank you for your interest in the City of Poulsbo.

Helen Wytko

Poulsbo Planning and Economic Development
Phone: 360-394-9748
200 NE Moe St
Poulsbo, WA 98370

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.



CITY OF POULSBO PLANNING COMMISSION

NOTICE OF PUBLIC HEARING PMC 16.20 CRITICAL AREAS ORDINANCE UPDATE

Hearing Date: May 16, 2017

Time: The hearing is scheduled to begin at 7:00 pm.

Place: Poulsbo City Hall, Council Chambers, 200 NE Moe Street, Poulsbo, WA.

To: Interested citizens and agencies

Summary of the Proposed Applications:

The Growth Management Act of Washington (GMA) requires counties and cities to review and evaluate comprehensive plans and development regulations, and update them if necessary, according to a schedule established by RCW 36.70A.130. The City of Poulsbo adopted an updated comprehensive plan in December 2016, which provides a framework of goals and policies. The City's review of development regulations includes the City's Critical Areas Ordinance (CAO), found in Poulsbo Municipal Code 16.20. The CAO are regulations for the protection of critical areas in accordance with state requirements. Critical Areas include:

- Wetlands
- Fish and Wildlife Habitat Conservation Areas
- Geologically Hazardous Areas
- Critical Aquifer Recharge Areas
- Frequently Flooded Areas

The City's CAO was last comprehensively updated in 2007. The intent of this current update is to revise the CAO as necessary to incorporate recent Best Available Science or new information since the last update (WAC 365-195-915), correction of code conflicts or internal inconsistencies, amendments to assist with ease of administration, or recommendations offered by the City's consultant critical areas biologists Grette Associates.

All documents related to the 2017 Critical Areas Ordinance Update are available for public review. The primary repository of all information related to the update is the City's website <http://www.cityofpoulsbo.com/planning/planning.htm>

—where draft documents, meeting dates, updates on process, and official notices (notice of application, environmental review, public hearing notices, etc.), will be posted.

Amendments to the City of Poulsbo's Critical Areas Ordinance have been made throughout the document. The amendments are based upon 1) new Best Available Science provided by resource agencies; 2) recommendations by the City's consultant critical areas biologists; 3) amending corrections or conflicts; and 4) assist with ease of administration.

Draft amendments are represented as **bold underline** for additions and ~~strikethrough~~ for deletions. The Draft Critical Areas Ordinance include proposed amendments in the following Sections:

Poulsbo Municipal Code Chapter 16.20

Section 100: General Provisions and Administration

Section 200: Wetlands

Section 300: Fish and Wildlife Conservation Areas

Section 400: Geologically Hazardous Areas

Section 500: Critical Aquifer Recharge Areas

Section 700: Special Reports

Critical Area Maps

Please find the proposed amendments and summary of changes at the following link <http://www.cityofpoulsbo.com/planning/planning.htm> and hard copies are available at the Planning and Economic Development Department.

Public Comment Methods: Comments may be provided to the City at any time during the public review process. Written comments received by the City will be forwarded to the recommendation and decision making bodies for consideration and made part of the record. Written comments may be mailed, faxed, or e-mailed to the Planning Contact indicated below. To ensure consideration, all written comments must be received by the City prior to close of the CAO Update public hearings.

Public Participation Plan: The Public and Agency Participation Plan for the 2017 CAO Update process is available on the City's website and at the Planning Department.

Hearing Information: The Planning Commission public hearing on the CAO Update is scheduled for May 16, 2017. The City Council public hearing on the applications is scheduled for June 7, 2017. The Planning Commission will make recommendations to the City Council. City Council is the review and decision making authority for the CAO Update. Hearing procedures are available from the Planning Department and City Clerk's office and are conducted based on Roberts Rules of Order.

Additional Information: Information on 2017 CAO Update is on the City's website at <http://www.cityofpoulsbo.com/planning/planning.htm> and at the Planning Department. The files are available for review at the Planning Department between 8:30 am and 4:00 pm. Hard copies can be provided at a reasonable cost.

Planning Contact: City of Poulsbo Planning Department
200 NE Moe Street, Poulsbo, WA 98370
Phone: (360) 394-9748 Fax: (360) 697-8269
E-mail: plan&econ@cityofpoulsbo.com

All interested people are invited to attend the hearing. If you are unable to attend, your written comments, received no later than the date and time scheduled for the hearing, will be given careful consideration by the Planning Commission and made a part of the record. Testimony will be allowed on the proposal and related environmental issues and SEPA documents.

The following procedural rules have been established for public hearings to allow a fair and orderly hearing:

1. The length of time given to individuals speaking for or against a proposal may be determined by the Planning Commission prior to the application being considered;
2. A speaker representing each side of the issue is encouraged.

THE CITY OF POULSBO STRIVES TO PROVIDE ACCESSIBLE MEETINGS FOR PEOPLE WITH DISABILITIES. PLEASE CONTACT THE POULSBO PLANNING DEPARTMENT AT 360-394-9748 AT LEAST 48 HOURS PRIOR TO THE MEETING IF ACCOMMODATIONS ARE NEEDED FOR THIS MEETING.

North Kitsap Herald

Affidavit of Publication

State of Washington }
County of Kitsap } ss

Dicy Sheppard being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the North Kitsap Herald a weekly newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a weekly newspaper in Kitsap County, Washington and is and always has been printed in whole or part in the North Kitsap Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Kitsap County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of NKH754691 PH PMC 16.20 CAO UPD as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 04/28/2017 and ending on 04/28/2017 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$58.83.

Dicy Sheppard

Subscribed and sworn before me on this

28 day of April,
2017.

Debra Ann Grigg

Notary Public in and for the State of Washington.

City of Poulsbo-Planning | 80707350
HELEN WYTKO

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017

CITY OF POULSBO
PLANNING COMMISSION
NOTICE OF
PUBLIC HEARING
PMC 16.20 CRITICAL AREAS
ORDINANCE UPDATE

Hearing Date: May 16, 2017

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Date of publication: 04/28/17
(NKH-754691)

EXHIBIT F.6
Notice of City Council Public Hearing



AFFIDAVIT OF PUBLIC NOTICE

Helen Wytko, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on 24 May, 2017, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application
- SEPA Determination
- Notice of Public Hearing
- Notice of Decision
- Dev Reg

has been provided, mailed and/or posted to the attached distribution lists, property addresses or posting locations:

- US Mail
- Email
- Post at Library, City Hall, Poulsbo Post Office, Website
- Site Posting Address: _____

Subscribed and sworn to before me this 24th day of May, 2017.

CHERLYN J. HALEY
 Notary Public
 State of Washington
 My Commission Expires
 March 13, 2019

Cherlyn J. Haley
 NOTARY PUBLIC in and for the
 State of Washington, residing at:

Poulsbo
 My Commission expires on:

3.13.19

Helen M. Wytko

Subject: FW: City of Poulsbo - CAO Update

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From: Helen M. Wytko
Sent: Wednesday, May 24, 2017 9:07 AM
Cc: Karla Boughton <kboughton@cityofpoulsbo.com>
Subject: City of Poulsbo - CAO Update

Hello,
You are receiving this notice because you have signed up to receive notifications on updates to the City of Poulsbo Development Regulations.

The Poulsbo City Council is beginning its review of the May 2017 Draft Critical Areas Ordinance, and has scheduled a workshop for Wednesday, May 24, 2017 beginning at 7 p.m. and public hearing for June 7, 2017 beginning at 7:15 p.m. (or thereafter depending on preceding agenda items) at Poulsbo City Hall, Council Chambers, 200 NE Moe Street. A public hearing notice for this hearing was sent to you earlier this week.

Public Comment on the May 2017 Draft Critical Areas Ordinance is welcome to be submitted any time prior to and at the June 7th public hearing. Interested parties are encouraged to provide comments to the City at plan&econ@cityofpoulsbo.com or by attending the workshop and/or public hearing. Written comments will be forwarded to the City Council. All information and documents pertaining to the City of Poulsbo's update of its critical areas ordinance is available at the following link: <https://cityofpoulsbo.com/critical-areas-ordinance/>

Thank you for your interest in Poulsbo.

Helen Wytko

Poulsbo Planning and Economic Development
Phone: 360-394-9748
200 NE Moe St
Poulsbo, WA 98370

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AFFIDAVIT OF PUBLIC NOTICE

Helen Wytko, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on 22 May, 2017, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application
- SEPA Determination
- Notice of Public Hearing
- Notice of Decision

has been provided, mailed and/or posted to the attached distribution lists, property addresses or posting locations:

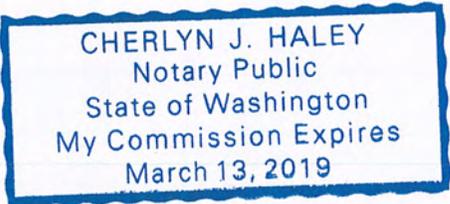
- US Mail
- Email
- Post at Library, City Hall, Poulsbo Post Office, Website
- Site Posting Address: _____

Helen Wytko

Subscribed and sworn to before me this 22nd day of May, 2017.

Cherlyn J. Haley
NOTARY PUBLIC in and for the State of Washington, residing at:

Poulsbo
My Commission expires on:



3-13-19



CITY OF POULSBO CITY COUNCIL

NOTICE OF PUBLIC HEARING PMC 16.20 CRITICAL AREAS ORDINANCE UPDATE

Hearing Date: June 7, 2017

Time: The hearing is scheduled to begin at 7:15 pm.

Place: Poulsbo City Hall, Council Chambers, 200 NE Moe Street, Poulsbo, WA.

To: Interested citizens and agencies

Summary of the Proposed Applications:

The Growth Management Act of Washington (GMA) requires counties and cities to review and evaluate comprehensive plans and development regulations, and update them if necessary, according to a schedule established by RCW 36.70A.130. The City of Poulsbo adopted an updated comprehensive plan in December 2016, which provides a framework of goals and policies. The City's review of development regulations includes the City's Critical Areas Ordinance (CAO), found in Poulsbo Municipal Code 16.20. The CAO are regulations for the protection of critical areas in accordance with state requirements. Critical Areas include:

- Wetlands
- Fish and Wildlife Habitat Conservation Areas
- Geologically Hazardous Areas
- Critical Aquifer Recharge Areas
- Frequently Flooded Areas

The City's CAO was last comprehensively updated in 2007. The intent of this current update is to revise the CAO as necessary to incorporate recent Best Available Science or new information since the last update (WAC 365-195-915), correction of code conflicts or internal inconsistencies, amendments to assist with ease of administration, or recommendations offered by the City's consultant critical areas biologists Grette Associates.

All documents related to the 2017 Critical Areas Ordinance Update are available for public review. The primary repository of all information related to the update is the City's website <https://cityofpoulsbo.com/critical-areas-ordinance/>—where draft documents, meeting dates, updates on process, and official notices (notice of application, environmental review, public hearing notices, etc.), will be posted.

Amendments to the City of Poulsbo's Critical Areas Ordinance have been made throughout the document. The amendments are based upon 1) new Best Available Science provided by resource agencies; 2) recommendations by the City's consultant critical areas biologists; 3) amending corrections or conflicts; and 4) assist with ease of administration.

Draft amendments are represented as **bold underline** for additions and ~~strikethrough~~ for deletions. The Draft Critical Areas Ordinance include proposed amendments in the following Sections:

Poulsbo Municipal Code Chapter 16.20

Section 100: General Provisions and Administration

Section 200: Wetlands

Section 300: Fish and Wildlife Conservation Areas

Section 400: Geologically Hazardous Areas

Section 500: Critical Aquifer Recharge Areas

Section 700: Special Reports

Critical Area Maps

Please find the proposed amendments and summary of changes at the following link <https://cityofpoulsbo.com/critical-areas-ordinance/> and hard copies are available at the Planning and Economic Development Department.

The Planning Commission, in its role as the City's primary land use advisory committee, reviewed the initial release 2017 Draft Critical Areas Ordinance Update. The Planning Commission held three workshops on the Draft CAO Update (4/11/17, 4/18/17, and 4/25/17), and identified several additional modifications. The Planning Commission modifications are show in **blue underline** or ~~strikeout~~ and are reflected in the May 2017 Draft CAO. The PC Modified May 2017 Draft CAO can be accessed at the following link:

https://cityofpoulsbo.com/wp-content/uploads/2017/05/MAY2017PCDRAFTCAOUPDATE_full1.pdf

The Planning Commission held its public hearing on the May 2017 Draft CAO on May 16, 2017.

Public Comment Methods: Comments may be provided to the City at any time during the public review process. Written comments received by the City will be forwarded to the recommendation and decision making bodies for consideration and made part of the record. Written comments may be mailed, faxed, or e-mailed to the Planning Contact indicated below. To ensure consideration, all written comments must be received by the City prior to close of the CAO Update public hearings.

Public Participation Plan: The Public and Agency Participation Plan for the 2017 CAO Update process is available on the City's website and at the Planning Department.

Hearing Information: The Planning Commission public hearing on the CAO Update was held on May 16, 2017. The City Council public hearing on the applications is scheduled for June 7, 2017. The Planning Commission will make recommendations to the City Council. City Council is the review and decision making authority for the CAO Update. Hearing procedures are available from the Planning Department and City Clerk's office and are conducted based on Roberts Rules of Order.

Additional Information: Information on 2017 CAO Update is on the City's website at <https://cityofpoulsbo.com/critical-areas-ordinance/> and at the Planning Department. The files are available for review at the Planning Department between 8:30 am and 4:00 pm. Hard copies can be provided at a reasonable cost.

Planning Contact:

City of Poulsbo Planning Department
200 NE Moe Street, Poulsbo, WA 98370
Phone: (360) 394-9748 Fax: (360) 697-8269
E-mail: plan&econ@cityofpoulsbo.com

All interested people are invited to attend the hearing. If you are unable to attend, your written comments, received no later than the date and time scheduled for the hearing, will be given careful consideration by the Planning Commission and made a part of the record. Testimony will be allowed on the proposal and related environmental issues and SEPA documents.

The following procedural rules have been established for public hearings to allow a fair and orderly hearing:

1. The length of time given to individuals speaking for or against a proposal may be determined by the Planning Commission prior to the application being considered;
2. A speaker representing each side of the issue is encouraged.

THE CITY OF POULSBO STRIVES TO PROVIDE ACCESSIBLE MEETINGS FOR PEOPLE WITH DISABILITIES. PLEASE CONTACT THE POULSBO PLANNING DEPARTMENT AT 360-394-9748 AT LEAST 48 HOURS PRIOR TO THE MEETING IF ACCOMMODATIONS ARE NEEDED FOR THIS MEETING.

Helen M. Wytko

Subject: FW: City of Poulsbo - Public Hearing Notice
Attachments: 11 CC Public Hearing Notice_June_7_17.pdf

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From: Helen M. Wytko

Sent: Monday, May 22, 2017 3:41 PM

Cc: Karla Boughton <kboughton@cityofpoulsbo.com>

Subject: City of Poulsbo - Public Hearing Notice

Please see the attached Notice of Public Hearing for PMC 16.20 Critical Areas Ordinance Update before City Council June 7, 2017.

Thank you,

Helen Wytko

Poulsbo Planning and Economic Development

Phone: 360-394-9748

200 NE Moe St

Poulsbo, WA 98370

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North Kitsap Herald

Affidavit of Publication

State of Washington }
County of Kitsap } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the North Kitsap Herald a weekly newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a weekly newspaper in Kitsap County, Washington and is and always has been printed in whole or part in the North Kitsap Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Kitsap County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of NKH758284 PH 6/7/17 CAO UPDATE as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 05/19/2017 and ending on 05/19/2017 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$66.12.

Kathleen Landis

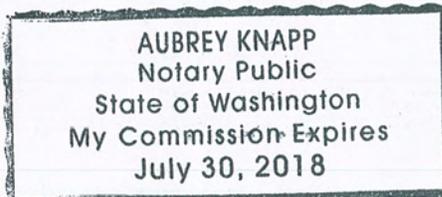
Subscribed and sworn before me on this

19 day of May,
2017.

Aubrey Knapp

Notary Public in and for the State of
Washington.

City of Poulsbo-Planning | 80707350
HELEN WYTKO



CITY OF POULSBO
CITY COUNCIL
NOTICE OF
PUBLIC HEARING
PMC 16.20 CRITICAL AREAS
ORDINANCE UPDATE

Hearing Date: June 7, 2017
Time: The hearing is scheduled to begin at 7:15 pm.
Place: Poulsbo City Hall, Council Chambers, 200 NE Moe Street, Poulsbo, WA.

To: Interested citizens and agencies

Summary of the Proposed Applications:

The Growth Management Act of Washington (GMA) requires counties and cities to review and evaluate comprehensive plans and development regulations, and update them if necessary, according to a schedule established by RCW 36.70A.130. The City of Poulsbo adopted an updated comprehensive plan in December 2016, which provides a framework of goals and policies. The City's review of development regulations includes the City's Critical Areas Ordinance (CAO), found in Poulsbo Municipal Code 16.20. The CAO are regulations for the protection of critical areas in accordance with state requirements. Critical Areas include:

- Wetlands
- Fish and Wildlife Habitat Conservation Areas
- Geologically Hazardous Areas
- Critical Aquifer Recharge Areas
- Frequently Flooded Areas

The City's CAO was last comprehensively updated in 2007. The intent of this current update is to revise the CAO as necessary to incorporate recent Best Available Science or new information since the last update (WAC 365-195-915), correction of code conflicts or internal inconsistencies, amendments to assist with ease of administration, or recommendations offered by the City's consultant critical areas biologists Grette Associates.

All documents related to the 2017 Critical Areas Ordinance Update are available for public review. The primary repository of all information related to the update is the City's website <https://cityofpoulsbo.com/critical-areas-ordinance/>

-where draft documents, meeting dates, updates on process, and official notices (notice of application, environmental review, public hearing notices, etc.), will be posted.

Amendments to the City of Poulsbo's Critical Areas Ordinance have been made throughout the document. The amendments are based upon 1) new Best Available

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Science provided by resource agencies; 2) recommendations by the City's consultant critical areas biologists; 3) amending corrections or conflicts; and 4) assist with ease of administration.

Draft amendments are represented as bold underline for additions and strikethrough for deletions. The Draft Critical Areas Ordinance include proposed amendments in the following Sections:

Poulsbo Municipal Code Chapter 16.20

Section 100: General Provisions and Administration

Section 200: Wetlands

Section 300: Fish and Wildlife Conservation Areas

Section 400: Geologically Hazardous Areas

Section 500: Critical Aquifer Recharge Areas

Section 700: Special Reports Critical Area Maps

Please find the proposed amendments and summary of changes at the following link <https://cityofpoulsbo.com/critical-areas-ordinance/> and hard copies are available at the Planning and Economic Development Department.

The Planning Commission, in its role as the City's primary land use advisory committee, reviewed the initial release 2017 Draft Critical Areas Ordinance Update. The Planning Commission held three workshops on the Draft CAO Update (4/11/17, 4/18/17, and 4/25/17), and identified several additional modifications. The Planning Commission modifications are show in blue underline or ~~strikeout~~ and are reflected in the May 2017 Draft CAO. The PC Modified May 2017 Draft CAO can be accessed at the following link: https://cityofpoulsbo.com/wp-content/uploads/2017/05/MAY2017PCDRAFTCAOUPD_ATE_full1.pdf

The Planning Commission held its public hearing on the May 2017 Draft CAO on May 16, 2017.

Public Comment Methods: Comments may be provided to the City at any time during the public review process. Written comments received by the City will be forwarded to the recommendation and decision making bodies for consideration and made part of the record. Written comments may be mailed, faxed, or e-mailed to the Planning Contact indicated below. To ensure consideration, all written comments must be received by the City prior to close of the CAO Update public hearings.

Public Participation Plan: The Public and Agency Participation Plan for the 2017 CAO Update process is available on the City's website and at the Planning Department.

Hearing Information: The Planning Commission public hearing on the CAO Update was held on May 16, 2017. The City Council public hearing on the applications is scheduled for June 7, 2017.

The Planning Commission will make recommendations to the City Council. City Council is the review and decision making authority for the CAO Update. Hearing procedures are available from the Planning Department and City Clerk's office and are conducted based on Roberts Rules of Order.

Additional Information: Information on 2017 CAO Update is on the City's website at <https://cityofpoulsbo.com/critical-areas-ordinance/> and at the Planning Department. The files are available for review at the Planning Department between 8:30 am and 4:00 pm. Hard copies can be provided at a reasonable cost.

Planning Contact: City of Poulsbo Planning Department
200 NE Moe Street, Poulsbo, WA 98370

Phone: (360) 394-9748 Fax: (360) 697-8269

E-mail: plan&econ@cityofpoulsbo.com

All interested people are invited to attend the hearing. If you are unable to attend, your written comments, received no later than the date and time scheduled for the hearing, will be given careful consideration by the Planning Commission and made a part of the record. Testimony will be allowed on the proposal and related environmental issues and SEPA documents.

The following procedural rules have been established for public hearings to allow a fair and orderly hearing:

1. The length of time given to individuals speaking for or against a proposal may be determined by the Planning Commission prior to the application being considered;
2. A speaker representing each side of the issue is encouraged.

THE CITY OF POULSBO STRIVES TO PROVIDE ACCESSIBLE MEETINGS FOR PEOPLE WITH DISABILITIES. PLEASE CONTACT THE POULSBO PLANNING DEPARTMENT AT 360-394-9748 AT LEAST 48 HOURS PRIOR TO THE MEETING IF ACCOMMODATIONS ARE NEEDED FOR THIS MEETING.

Date of publication: 05/19/17
(NKH-758284)