



## 2017 Critical Areas Ordinance Update *Proposed Amendments Summary* March 2017

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### 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)*.



- 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 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.

