

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;**

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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 impact 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-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, 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 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 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 ~~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 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 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 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 percent of the market value of the improvement shall be reviewed under the provisions of Section 16.20.125, Standards for existing development.

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 regulated wetland buffer), those proposed activities that are within the wetland or

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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; provided, that the detrimental impact to the critical area does not increase. However, 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. 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.²

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.

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 89.08.490.³

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.

² Addition recommended to identify specific conditions when removal of nonnative vegetation can occur without the need for a critical areas permit.

³ New sections, M, N and O for clarification on actions in which a critical areas permit is not required.

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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 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 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 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 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 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:

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

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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 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;

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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 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 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

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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.

“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, relocating or removing vegetation, except noxious weeds identified by the Washington 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

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“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.

“Bog” means a 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.

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“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.

“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 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.

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“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; 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

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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.

“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:

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.

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“Frequently flooded areas” means 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 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 365-190-080(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.

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

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“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.

“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 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.

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

“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.

“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.

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“Mitigation” means an action or set of actions undertaken to avoid, minimize or compensate for adverse critical area impacts. Mitigation includes the following steps, in sequential order (WAC 197-11-768).⁴ 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.

“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.

⁴ Mitigation sequencing as required by WAC 197-11-768.

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“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 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.

“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 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.

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“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, 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.⁵~~

⁵ Deletion of definition necessary as reference to RMA is proposed for deletion in Section 16.20.400.

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“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.

“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 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.

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“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.

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.

“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 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 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.

“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.

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“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.

~~“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.⁶~~

“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,**⁷ ~~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;

⁶ Isolated wetlands are now regulated solely by Army Corp of Engineers.

⁷ In accordance with WAC 173-22-035, wetlands in Washington are to be delineated using the current approved federal manual and supplements.

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2. Bachelor of Science **or Arts or equivalent** degree in **biology, botany, environmental studies, fisheries, soil science, wildlife or related field**⁸ ~~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;

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.

⁸ Recommended by Grette Associates.