

July 18, 2023


Presented by:

Colin Poff, Planning Supervisor

Carla Lundgren, Planner

Kitsap County
Critical Areas Ordinance Update
PLANNING COMMISSION MEETING





Overview: Kitsap County 2024 Critical Areas Ordinance Update

- Policies and regulations that guide environment protections and promotes public safety in the County's critical areas
- Based on Best Available Science (BAS) and Gap Analysis review
- Last review conducted in 2017
- Required update was every 8 years, now every 10 years with Comprehensive Plan
- Target adoption date **June 30, 2024**

Purpose of a Critical Areas Ordinance Update

01

Align the CAO with applicable Best Available Science (BAS), State laws and guidelines in effect at the time of the review;

02

Assure consistency of the CAO with the County's comprehensive plan and development regulations; and

03

Provide clarifications to improve usability and predictability of the CAO for applicants and reviewers.



Public Participation Plan Elements



Public engagement opportunities



Public feedback



Working groups



Community consultations



Inclusive outreach

A large fish, possibly a salmon, is swimming in a stream. The water is clear and flowing over rocks. The banks are covered with fallen leaves and some green vegetation. The fish is the central focus of the image, moving from left to right.

Working Groups

Purpose

- Provide technical recommendation on Best Available Science & code updates

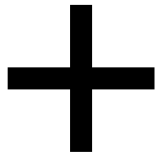
Standing Members

- Representatives from local Tribes & community organizations with expertise in planning and critical areas

Technical Experts

- Staff from appropriate state agencies with training and expertise in a specific critical area topic

Technical Experts	Agency
Fish & Wildlife Habitat Conservation Areas	Dept. Fish & Wildlife
	Dept. of Ecology
Wetlands	Dept. Fish & Wildlife
	Dept. of Ecology
	Kitsap Public Health District
Frequently Flooded Areas	Dept. of Ecology
	USGS
	Kitsap Public Health District
Geologically Hazardous Areas	Dept. of Ecology
	Dept. of Natural Resources
	Kitsap Public Health District
Critical Aquifer Recharge Areas	Dept. of Ecology
	Kitsap Public Utilities District
	Kitsap Public Health District



Standing Members
Tribe or Organization
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
Skokomish Tribe
Point No Point Treaty Council
Jamestown Tribe
Kitsap Alliance of Property Owners
Kitsap Builders Association
Kitsap Environmental Group
Futurewise



**Working
Groups
Members**



Working Group Meetings

- Fish & Wildlife Conservation Areas
Thursday, July 20 @ 1pm-4pm
- Wetlands
Tuesday, July 25 @ 9am-12pm
- Frequently Flooded Areas
Wednesday, July 26 @ 9am-12pm
- Geological Hazardous Areas
Thursday, July 27 @ 9am-12pm
- Critical Aquifer Recharge Areas
Thursday, July 27 @ 1pm-4pm

Best Available Science (BAS)

- ❖ GMA Requirement
- ❖ Based on WAC Criteria: Peer review, methods, logical conclusions, quantitative analysis, context, references
- ❖ Describes “functions and values”. Looks at any BAS since last update in 2017.
- ❖ Literature review – informs “Gap and Consistency Analysis” document
- ❖ Consider local applicability & implementation
- ❖ Currently available for public review



Gap and Consistency Analysis

- ❖ **Required** Changes for consistency with state law and guidelines
- ❖ **Recommended** Changes based on Best Available Science review and evaluation of current code
- ❖ **Discretionary** Changes based on need for improvement or clarity in various code sections

- ❖ Draft amendments will be available for public review in late 2023.



Gap Analysis – Wetlands

Code Section	Title	Recommendations
19.200.205	Purpose and objectives.	None.
19.200.210	Wetland identification and functional rating.	<ol style="list-style-type: none"> 1. Consider eliminating Appendix A. 2. Consider removing reference to specific wetland rating system point totals. 3. Clarify application of exemptions for small wetlands.
19.200.215	Wetland review procedures.	None.
19.200.220	Wetland buffer requirements.	<ol style="list-style-type: none"> 1. Provide more detail on standard buffer condition requirements. 2. Review and update habitat corridor language. 3. Remove buffer reduction options. 4. Consider applying increased protections to bog wetlands to prevent stormwater impacts.
19.200.225	Additional development standards for certain uses.	None.
19.200.230	Wetland mitigation requirements.	<ol style="list-style-type: none"> 1. Require use of native plant stock. 2. Add allowance for mitigation based on the credit-debit method.
19.200.235	Incentives for wetland mitigation.	None.
19.700.710	Wetland delineation report.	None.
19.700.715	Wetland mitigation report.	<ol style="list-style-type: none"> 1. Clarify long-term protection measures.
19.800 - Appendix A	Washington State Wetlands Rating System Categories.	See Recommendation #1.
19.800 - Appendix G	Checklist and Sample Outline for a Delineation Report.	None.
19.800 - Appendix H	Mitigation Plan Checklist.	None.



Gap Analysis – Wetlands

KCC 19.200.220

- “Standard Buffer Conditions”
- Remove Buffer Reduction Options

Gap Analysis – Fish & Wildlife Habitat Conservation Areas (FWHCA)

Code Section	Title	Recommendations
19.150.475	Priority species (definition)	1. Make minor update to the definition of “priority species.”
19.300.310	Fish and wildlife habitat conservation area categories	1. Consider the designation of fish and wildlife habitat conservation areas based on recent WDFW riparian management guidance. 2. Reference the Washington Department of Natural Resources Natural Heritage Program.
19.300.315	Development Standards	1. Consider adding mitigation sequencing standards. 2. Consider approach to riparian protection based on recent WDFW riparian management guidance
19.700.720	Special Reports – Habitat Management Plan	1. Update references to guidance documents. 2. Consider incorporating additional habitat management plan (HMP) requirements.



Gap Analysis – FWHCA

KCC 19.300.315

- “SPTH200” refers to the “the average maximum height of the tallest dominant trees (200 years or more) for a given site class.”
 - ✓ Assumption that old-growth forest conditions are needed for full riparian ecosystem functions.
- Biggest issue from implementation standpoint. Stream buffers are not site specific whereas RMZ is.

Gap Analysis – Geologically Hazardous Areas

Code Section	Title	Recommendations
19.400.405	Purpose and applicability.	None.
19.400.410	General requirements.	None.
19.400.415	Designation of geologically hazardous areas.	None.
19.400.420	Erosion hazard areas.	1. Include channel migration zones mapped in accordance with agency guidance.
19.400.425	Landslide hazard areas.	1. Provide additional detail in the general information on landslide hazard areas. 2. Add additional specificity on landslide hazard indicators.
19.400.430	Seismic hazard areas.	1. Add additional specificity on seismic hazard indicators.
19.400.435	Development standards.	None.
19.400.440	Review procedures.	None.
19.400.445	Recording and disclosure.	None.

Gap Analysis – Frequently Flooded Areas

Code Section	Title	Recommendations
19.500.505	Purpose	1. Consider expanding the designation and/or protection of frequently flooded areas.

- Current FEMA maps best for determining flood insurance, not habitat protection.
- LiDar data exists. Would likely result in more areas covered by FFA designation.

Gap Analysis – CARAs

Code Section	Title	Recommendations
19.600.605	Purpose.	None.
19.600.610	Critical aquifer recharge area categories.	1. Add areas at risk of seawater intrusion as a type of Category I critical aquifer recharge area. 2. Identify specific types of critical aquifer recharge area maps that may be produced.
19.600.615	Development standards.	None.
19.600.620	Activities with potential threat to groundwater quality.	None.

Staff Identified Optional Changes

19.100

- Buffer Breaks

19.200 Wetlands

- Must still maintain 15-foot building setback, even if wetland is exempt from review.
- Buffer averaging should require sequencing
- Land Divisions – Buffer reductions/averaging clarification. Minor reduction or averaging allowed for roads/utilities/not meeting min density.
- Wetland mitigation section does not address wetland buffer mitigation.

19.300 FWHCA

- Note that some lakes less than 20-acres *may* require a wetland delineation. If wetland is present, the buffer may be greater than the standard 100 feet.
- Land Divisions – Buffer reductions/averaging clarification. Minor reduction or averaging allowed for roads/utilities/not meeting min density.
- Special review for Farm Plan. This is currently only done by working with Conservation District.
- Fences – Create development standards for fences in buffers. There is currently no guidance, and we often ask folks to consult with a biologist.

Monitoring Requirements

- May related to 19.700 special reports, and new sections in Wetlands, FWHCA, and enforcement.

NEXT STEPS:

Phase Two Schedule	
July 18, 2023	Planning Commission Briefing & Work Session: Best Available Science & Project Scope
July 20, 2023	Working Group Meetings begin
July 2023	Community Consultation meetings with community groups as needed/requested
August 2023	Project presentations to County Community Advisory Committees
Aug. - Dec 2023	Updates to BoCC & Planning Commission as needed (TBD)
Aug. - Dec. 2023	County Staff preparing draft code amendments

For more information:

Project webpage: kcowa.us/cao

Comments & Questions:
codeupdates@kitsap.gov

Colin Poff, Planning Supervisor
cpoff@kitsap.gov

Carla Lundgren, Long Range Planner
clundgren@kitsap.gov

360-337-5777

