

DRAFT - FOR REVIEW ONLY

Critical Areas Ordinance Revision and Best Available Science Review

Meeting date: February 4, 2004

Location: Givens Community Center, Port Orchard, WA

Attendance:

Technical Review Committee (TRC) Members:

Art Castle, Home Builders Association of Kitsap County,

John Nantz, West Sound Conservation Council

Jeff Davis, Washington State Department of Fish and Wildlife

Don Flora, Kitsap Alliance of Property Owners

Ted Labbe, Port Gamble S'Klallam Tribe

Tom Ostrom, Suquamish Tribe

Dave Jones, Kitsap County Association of Realtors

Kitsap County Department of Community Development Staff: Jim Bolger, Natural Resources, Rick Kimball, Environmental Review, David Greetham, Environmental Review, Deanna Jacobsen, Natural Resources, Monica Daniels, Natural Resources, Paul Nelson, Natural Resources

Others: Dave Nash, GIS, Alison O'Sullivan, Suquamish Tribe, John Cambalik, Puget Sound Action Team, Jerry Gorsline, WA Environmental Council, Jean Bulette, Tahueyeh Lake Community Club, Irwin and Judith Krigsman, Illahee Forest Stewardship Committee, Samantha Torpey, Home Builders Association of Kitsap County, Mary Bertrand, Chums or Barker Creek.

The meeting convened at 2:10 with introductions by attendees.

Dave Nash – read what he presented on latest wetland GIS maps. I've pasted in his information contained in an email to Jim B..

From David Nash, GIS analyst:

I thought I would fill you in on a few of the issues we were to discuss.

The first is the new wetlands layer. This layer was created by combining the National Wetlands Inventory with the DNR's designated wetlands, and finally adding the surveyed wetlands from the Autocad tax map drawings. When a wetland was depicted on all three layers, if possible the most accurate outline was kept, and the other two deleted. Usually the surveyed wetlands were a better representation of the ground than either the NWI or the DNR data, but did not always encompass the entire wetland, only the portion on the surveyed parcel. Mary Mekkers in IS/GIS did this work. It should appear very shortly in the permit check application.

The next issue we were to discuss was the frequently flooded areas. The data we were using was found to be offset by several hundred feet, and new data has been obtained (work is being done by Mary Mekkers). The plan has been to tag all parcels occurring within the frequently flooded areas, known in the data as the Special Flood Hazard Areas (SFHA). It is also recommended (by FEMA) that the data be buffered by up to 250' so as to be sure to include errors that may have been made in mapping, based on National Map Accuracy Standards, and the increased stormwater flows from development that may occur after the flooding studies were accomplished. It seems, however, that 250' is a national estimate and quite excessive for Kitsap County, where most SFHA are under 1000' wide. Basing a buffer on Natl. Map Accuracy Standards for these maps would give us a 40' buffer, which we could increase to 50' to include an error for the parcel map as well, and some increased stormwater flow. An unbuffered SFHA layer in Kitsap County currently intersects approx. 10,500 parcels, while one with a 250' buffer intersects approx. 16,500 parcels. Using the 50' buffer, we intersect only 11,500 parcels. The additional parcels tagged within the buffer areas only could be noted as such when tagged. Following this we come to the question of what do we want to show on the map. We could show the SFHA and a separate buffer, SFHA with the buffer area not defined as such, or we could not show the buffer at all, limiting the map to only the SFHA's themselves. This would follow the same ideas that we do for streams and wetlands. While they too do have associated buffers with them, we do not show them on the map.

My recommendation here is to tag separately the SFHA and SFHA w/in buffers using the 50' buffer, and showing only the SFHA, not the buffer, in the mapping application.

The updated wetlands layer also includes the Bainbridge Island wetlands survey that they had contracted a few years ago. It includes much more acreage than the NWI inventory included, and seemed to match well with the surveyed wetlands info.

Also, when building this wetlands layer, "for the majority of cases where a wetland was depicted by more than one source, the individual polygons were merged. Only in cases where, by looking at the imagery, it was evident and quite clear that one representation was more accurate than the others was the better one kept and the others deleted." (MM)

The Barker Creek wetlands survey was not included, as the data that was usable was redundant, and the other areas depicted on the surveys did not relate to any wetland habitats.

David Nash
GIS Analyst

Rick K. Emphasized that data is delineated and not from GIS data... FEMA not very good data, we are now listed as a priority to update the FEMA flood maps

(Discussion prior to presentation #1 of Fish and Wildlife Conservation Areas)

Tom O. concerned with determination of wetland buffers

Rick K. county position is to stay with director's interpretation and build (recommendations) into ordinance...is there a specific section or a section in the absence of any specific standards. (e.g., known habitats in the ESU)

Art C. No specific geological area shown on the list for Chinook, genetic make-up of fish are "fake" (not of the "wild" species).

Rick K. no individual species based planning. Do we need to standardize protection of anadromous fish in specific areas?

Art C. wants more information included

Tom O. Question about category wetlands

Rick K. Category 1 & 2 streams classified with wetlands, wetland category goes up when next to streams. Apply other categories in buffer within 200-300ft from buffer to stream.

Art C. concerned about static interpretation by director.

**Jim B. Another consideration, do we categorize as class 1 or be more specific

Art C. More considerations...what kind of meetings are expected after these?

Rick K. Initial steps: Were we looking at BAS? Should we look at something else? Review all of the information. Do we need to change CAO and in what ways. We will have a draft of any anticipated changes to CAO...will make changes from planning commission suggestions and reviews

Jim B. Want to include public meetings or outreach

Rick K. provide information to the public...for instance article in Sun newspaper about BAS...must show we have included info

Tom O. Will citations be available to review?

Art C. Make Snohomish county's BAS draft available.

Rick K. Recommendations will be reviewed by policy review body of planning commission.

-Monica begins presentation-

County has site-specific data, but many species are not specifically addressed in CAO

Don F. Can the ponds be seasonal 20 acres or less.

Dave G. Yes

Rick K. About seven type I streams in Kitsap (Chico, Big Beef...) must go through shoreline permit if category I.

Dave G. Waters of State begin at ordinary head water mark/ usually starting point for set backs...where toe of bank meets stream channel...always 25 feet from the top (if it is a ravine) ...no closer than 40ft without variance.

Ted L. CAO code is not defined well for ravine...page 20 definition of ravine...30% in geohazard section but not defined in CAO fish and wildlife areas.

(Presentation continues)

Rick K. Look at building limitations map for every building permit...

Dave G. Maps will be more accurate once Dave Nash's project is complete. Building inspector will flag questionables if not seen by staff.

Ted L. Which percentage of sites are visited by staff... Dave G. do not know this off hand.

Rick K. 30 to 50% will come up with environmental hit. Will be reviewed in-house initially - and held up for further investigation. Never assume "maps" are completely accurate.

Kitsap does designate species through the State and Federal government...eagle nest maps are not generally available, but land-owners and others are asked if a nest is on property.

Refugia study by Chris May (2003 Kitsap Salmonid Refugia Report, October 2003) is included in BAS review of riparian science.

Jeff Davis cites the book...Wildlife-Habitat Relationships in Oregon and Washington by David H. Johnson and Thomas A. O'Neil (Oregon State University Press, 2001)

Tom O. Need to look at recreational (and commercial) shellfish areas affected by non-point and point pollution sources.

Ted L. Other sites suffer from problems of continuing development. County continues to permit development that compromises environment. (Regulations are not enforced and landowners are therefore not penalized.

Point of consideration - the 303 D list- county should be looking at watershed implications, looking at streams identified as degraded, areas with continued development...such as the septic and overall site clearing.

Tom O. Look at waterbody impaired, what is the load (total allowable) that can be taken without impairing the water. Non-point sources in planning process are not regulated...while point sources can be regulated. (e.g. Dyes and Sinclair Inlet).

Jim B. What can be put in the CAO in terms of addressing shellfish beds? How would value and function of area be defined in a way that regulations are applicable to?

Ted L. Start with search areas for contamination...protect riparian areas better.

Alison O. Watershed analysis at UGA expansion is not being done.

Rick K. County is making efforts toward this.

Jim B. This is the Planning perspective instead of the CAO...matter for Health and Conservation district.

Ted L. How to close the loop... when there is condition of degraded water.

Dave G. Urban areas- urban restricted areas zoning must start at low end of density range...1unit/acre, lower density planning. Loop is closed here...but does not address watershed.

Art C. Historical problems affect today. Regulations have changed. Must find way to retrofit stormwater and septics for existing users. Reduce negative impact on new development...find ways to fix historical problems.

Tom O. Sinclair Inlet, i.e., McCormick Woods development. Maintain or make buffers larger to compensate for cumulative effects of population growth.

Jim B. CAO will not be able to "retrofit" already urbanized areas.

Health District monitoring report should be included in this. Urbanization here years before the CAO was in place.

Health district can inspect and trace where effluent is coming from... it's a slow process but can correct historic problems.

Tom O. Contaminated shellfish beds are resources no longer available to public...the economic use is gone.

John C. Funded study done by U.W. is in process of identifying cumulative effects of urbanization on shellfish areas closures and projected impacts. (did not say who was doing the study)

Tom O. Suggest BMP for non-point sources...it's all about this...can reduce impact with improved standards.

Rick K. Only three persons enforce all the codes in Kitsap County. They do enforce regulations as they are reported as being violated.

Jeff D. If damage is linked to a fishery resource, than county can't penalize for that. Range of damages assessed...if disputed, in danger of court case, so must be very careful about penalizing violators making bad impacts.

Jim B. There are gaps in the scientific information. Enforcement issue...must figure out strategies to fill in gaps here...this must be entered into record so that we can determine enforcement...or monitoring strategies.

Alison O. Need definition for recreational limits on buffers...recreation areas are used to death.

Ted L. Can waters untyped by dealt with in the CAO - ex. some perennial streams have no type (9 is code for untyped).

Dave G. Maps do not pick up streams...if stream is not on DNR map, does not mean it's not in CAO.

Rick K. If shown as untyped, will have site-specific determination. Do not assume it's not a stream.

Ted L. Treat untyped as type 3...then landowner may step in to refute this...gives feedback loop to county.

Dave G. We do this on regular basis...it is policy to assume stream is fish bearing until proven otherwise.

Meeting adjourned at 4:00pm.