



## Working Group Meeting Summary – 2024 Critical Areas Ordinance (CAO) Update

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**Topic:** Wetlands (2<sup>nd</sup> meeting)

**Date:** November 30, 2023

**Time:** 9am-12pm

**Location:** Online via Zoom

**Meeting Purpose:** *A follow up discussion of the Wetlands Working Group meeting on July 25, 2023. The goal of this meeting is to engage in a comprehensive discussion of Wetlands ([KCC 19.200](#)). Working Group members will review and discuss the required and recommended code changes based on the [Best Available Science Summary](#), recommendations contained in the [Consistency and Gap Analysis](#), and discretionary requests made by staff.*

Working Group Members Present	Working Group Members Not Present
Department of Ecology	Department of Fish & Wildlife
Port Gamble S’Klallam Tribe	Kitsap Public Health
Kitsap Builders Association	Suquamish Tribe
Kitsap Environmental Coalition	Squaxin Island Tribe
DCD Staff	Puyallup Tribe
	Skokomish Tribe
	Point No Point Treaty Council
	Jamestown Tribe
	Kitsap Alliance of Property Owners
	Futurewise

**Meeting Materials:** [Agenda](#), [Meeting #1 Written Summary](#),

*\*This is a summarization of the working group discussion, not a transcript and does not indicate formal County recommendations or updates.*

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### **Background:**

The first meeting of the Wetlands Working Group was held on July 25, 2023, to discuss and review the Best Available Science Summary and Gap Analysis Report provided to the county by The DCG Watershed Company. A summary of that meeting can be found [HERE](#) or by visiting the project webpage at [kcowa.us/cao](http://kcowa.us/cao). The second meeting provided draft code language based on the outcome of the first meeting, county staff requests, and recommendations made by the consultants. The working group members reviewed and discussed the following proposed draft code amendments. The proposed code amendments were intended for discussion use only and do not reflect county staff recommendations at this time.



**Discussion Topic #1** – Wetland identification and functional rating [KCC 19.200.210](#)

- **Removing Appendix “A”** – KCC 19.200.210.A.3
- **Removing reference to wetland rating points** – KCC 19.200.210.B
- **Exemptions for Small Wetlands** – KCC 19.200.210.C

**Related Code Sections:** [KCC 19.800 \(Appendix A\)](#)

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**Discussion Summary #1:** Clarification was provided from the Department of Ecology (DOE) that the rating system is based on Best Available Science (BAS) and if the county alters the rating system it will need to do its’ own BAS evaluation. County staff pointed out that the rating system is referenced in the buffer tables in KCC 19.200.220. DOE clarified small wetlands exempt from buffer requirements are not exempt from mitigation requirements and in many cases, mitigation provides better value and function of the wetland. The exemption language is necessary to provide relief to jurisdictions for development to work around small wetlands. County staff confirmed exemptions for small wetlands, as currently written are for buffers only and must still provide a wetland report, mitigation, and allow for the building setback which is all current in the code [KC 19.200.210.C.6](#). Since 2022, the County has been reviewing ways to improve monitoring effectiveness, which is intended to support code requirements. DOE suggested incentives for corridors to promote connectivity as supported by science and cited Bothell/Woodinville as an example.

**Discussion Topic #2** – Wetland Buffer Requirements [KCC 19.200.220](#)

- **Modifications to buffer widths** – KCC 19.200.220.B
  - **Updated Minimization measures table** – KCC 19.200.220.F
  - **Standard Buffer Condition Requirements** – KCC 19.200.220
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**Discussion Summary #2:** Kitsap Environmental Coalition submitted significant edits to KCC 19.200.220 to improve readability. One concern is that the current language doesn’t tell the reader that they must apply all minimization measures. County staff has received the list of edit requests and will take under consideration as draft language is developed. Department of Ecology clarified with county staff that an applicant cannot be granted a Critical Areas Buffer Reduction and in addition lower buffer width from high to moderate. Staff confirmed that applicants cannot “double dip” on multiple critical area buffer width reduction requests. Department of Ecology expressed that buffer averaging improves function by increasing the buffer on the higher functioning wetland. County staff confirmed that buffer averaging and minimization measures are preferred to buffer reductions, and intends to clarify that in code and in practice. Kitsap Environmental Coalition indicated that the type of reduction (administrative vs. quasi-

judicial) should be clearer in the code. The Port Gamble S’Klallam Tribe commented that there should be a public process (notification) for all buffer reduction requests/applications.

**Discussion Topic #3 – Wetland Mitigation Requirements** [KCC 19.200.230](#)

- **Updated Mitigation Table** – KCC 19.200.230
- **Methods of Compensatory Mitigation** – KCC 19.200.230.D.3
- **Mitigation Compliance** – KCC 19.200.230.E
- **Allow Mitigation based on Credit-Debit Method** – KCC 19.200.230.F.2

**Discussion Summary #3:** DOE provided an updated mitigation table based on BAS and updated in 2021. County staff pointed out that the table is meant for direct impacts to wetlands and not the buffers. DOE confirmed that most jurisdictions use a 1:1 ratio for mitigation to buffers. Since 2022, the County has been reviewing ways to improve mitigation compliance monitoring effectiveness, which is intended to support code requirements.. DOE stated that the credit-debit method should be available for all mitigation approaches. Clarification of county’s preference for mitigation and definition of “alternative mitigation” was requested.

**Other Code Changes/General Discussion**

Code Section	Suggested Topic for Discussion	Topic	Group Comments
KCC 19.200.220	Wetland buffer requirements.	Bog wetlands (Rec.7)	DOE stated that Bogs are stormwater related.
KCC 19.200.220	Wetland buffer requirements	DOE guidance on vegetated buffers	The definition for “sufficiently” vegetated is not clearly established by DOE. The advice of DOE is to think about the condition of the buffer as well as the width. The rating system provides an explanation of “relatively undisturbed” but not a definition. This could be addressed within a wetland report on a case-by-case basis.
KCC 19.200.220.D	Wetland buffer requirements	Protection of buffers	A list of the protection functions that a buffer serves was suggested. County code defines “functions and values” in <a href="#">KCC 19.150.345</a> but does not specifically call out wetland buffers.
KCC 19.200.225.F.6	Additional development standards for certain uses.	Shared use path	Kitsap Environmental Coalition (KEC) representative suggested that #6 be moved to 19.200.225.C
KCC 19.200.220	Various	Code Changes	Kitsap Environmental Coalition (KEC) representative provided a list of requested code changes and asked for the working group to review and discuss them. Due to the scope and intention of the working group meeting, only a handful of edit requests were discussed. County staff committed to reviewing the remainder of the proposed edits, comments, and questions after the meeting and to provide a response to KEC at a later date.