



# Kittitas County Critical Areas Ordinance Update

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## CITIZEN ADVISORY COMMITTEE (CAC)

### MEETING SUMMARY AND SUMMARY OF SUBMITTED COMMENTS

For October 15, 2014 Meeting

#### Meeting Attendees:

CAC Members: Present: Paul Jewell, Kevin Eslinger, Dave Whitwill, Nancy Lillquist, John Ufkes, Marc Kirkpatrick, Brad Haberman & Brent Renfrow.

Absent: Tip Hudson, Jim Miller, Arvilla Ohlde Linda Baker, Mark Charlton, Dave Duncan & Chad Bala.

Chair & Staff: Robert "Doc" Hansen, Lindsey Ozbolt, Christina Wollman, Kaycee Hathaway, Doug D'Hondt

Consultants: Anna Nelson, Adam Merrill, Doug McIntyre, Margaret Clancy.

Others: Amy Tousley, Cathy Reed

#### Action Items from Meeting:

- Review and comment on proposed policies & regulations.

#### Summary:

##### **Agenda Item 1. Introductions/ Public Comment**

CAC members and meeting attendees introduced themselves.

No public comments.

##### **Agenda Item 2. Wetlands**

Adam M. Provided a general overview of wetlands noting that wetlands are areas that a portion of the year have saturated soils and accommodate wet soil species. These do not include artificially created wetlands, i.e. agriculture ponds. The County has a wetland map inventory showing the approximate location and extent of wetlands. A wetland report would need to be conducted to confirm if there is a wetland on the parcel.

Margaret C. The wetland definition used in this code is the same as in the RCW. Wetlands are regulated under the Clean Water Act.

Doug M. Briefly described some of the key policies that were changed/updated.

Nancy L. Asked for clarification on what the functions are in Policy 2.83.

Margaret C. Key functions are water quality, water quantity and habitat.

General Discussion. Discussion regarding unintentional and intentional wetlands as well as the State definition of wetlands. Kittitas County has many wetlands that are created by agriculture activities, which are both intentional and unintentional. The State has deemed intentional wetlands exempt. But if a wetland is created unintentionally, i.e. a leaking pipe, and if the problem (the leaking pipe) is fixed and the wetland dries up, that area is not a wetland. Staff will ensure clarity of this language.

Cathy R. Suggested the CAC and County review Ecology's fact sheet for regarding agricultural irrigation and wetland determinations. This has a more detailed interpretation of how Ecology deals with those issues logically.

Margaret C. Staff will work to incorporate interpretative language for this chapter to add guidelines.

General Discussion. The current mapping is a dataset based on air photo from the national mapping inventory. This data can be skewed. As proposed in the draft code, the County will have an obligation to update its mapping system when new data becomes available.

Adam M. The draft code has been influenced by scientific evidence and agency comments while matching state and federal law. Wetland buffers can be based upon 3 factors: wetland category, land use intensity, and wildlife habitat function. Not all jurisdictions use all 3 factors.

John U. Are these factors going to increase the buffers from the current code?

General Consultant/Staff Response. The current category 1 buffer is 50-200' and the County has been using the minimum. The updated code has to reflect best available science. There are different approaches for establishing a wetland buffer. Possible approaches include using a wetland biologist to provide a report for every single parcel in the County, however this is costly and unreasonable. The County could also focus on the value and quality of mapped wetlands. This process can be duplicated and is transparent to the public. This allows for buffer reduction and averaging which allows for flexibility, but at the same time gives the administration enough information to make a determination. There is a range of buffers to accomplish functions that are based on best available science. Flexibility, reliability and science.

Kevin E. Why is the director able to increase a buffer?

Margaret C. Staff has not proposed the highest buffer identified in some best available science documents, therefore if there is a wetland that is of high importance and needs a larger buffer the County has means to increase the buffer.

Dave W. What is the criterion that the Director must follow?

General Discussion. The director must use scientific evidence. The director would need to deem the project to have a significant environmental impact. Also, the increased buffer could be appealable.

Marc K. Other jurisdictions have a range within each category i.e. King County which makes it more flexible.

Margaret C. Staff's proposal provides flexibility and is easier to administer for a county of this size. King County has a staff that just handles environmental issues. Kittitas County does not.

Kevin E. Where is agriculture in the ranking? Moderate?

Anna N. Yes, moderate land use intensity, unless a high intensity ag use (e.g. animal feed lot). Also, the only agriculture areas subject to the proposed critical area regulations is the Naches Watershed, as the other watersheds have opted into the Voluntary Stewardship Program.

### **Agenda Item 3. Geologically Hazardous Areas**

Adam M. Geologically hazardous area regulations are for the protection of people rather than the protection of the environment. Geologic hazards are not only a hazard to those who live near them, but also a large financial burden to the public when an event occurs.

Kevin E. What is the function and value of geologic hazardous areas?

Margaret C. Channel migration zones, sediment transport, and mining areas.

Kevin E. How does/would the County deal with mining areas?

Adam M. County would inform the landowner or potential land owner that their parcel is within a historical mining area. Then it would be up to the landowner to hire a geotechnical professional to determine if the area is safe or not. Construction in this area would need to be stamped by a geotechnical engineer stating that the construction would last a certain amount of time.

Doug M. Briefly described some of the key policies that were changed/updated.

Nancy L. Question about GPO 2.83 language. Who has the burden of providing mitigation measures?

Anna N. Staff will review this language and clarify that the burden is upon the applicant.

General Discussion. General discussion about landslide areas and buffers. Perhaps buffers should be site specific and be determined by a licensed professional. Staff will work to clarify buffer requirements for geologically hazardous areas. General discussion about channel migration zones. General discussion about alluvial fans.

Adam M. Clarification about reporting for geological hazards. A 2 tiered system is proposed, where the applicant submits an assessment prepared by a professional and then only if there is a hazard area indicated is a geotechnical report is required.

General Discussion. General discussion about the 'life of structure provision' in General Protection Standards. In the proposed language it is based on a 100 year survival time. A house if built in this area will last at least 100 years. This would have to be approved by a licensed engineer. The life of the

structure should be based upon risk rather than time. Stating that a structure will survive for 100 years is a large risk for an engineer and it will be difficult to find an engineer to sign off on that. Discussion noting that critical facilities won't be allowed to be built in most geologically hazardous areas. Staff will work to clarify 'life of structure' provision to ensure it addresses this in terms of risk rather than time.

#### **Agenda Item 4. Next Steps**

Anna asked the group to provide any follow-up as written comments. The next meeting will be November 19, 2014. The next meeting is the last meeting.

**Meeting adjourned at 3:15 p.m. (See next page for summary of submitted comments)**

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### Summary of Submitted Comments and Initial Responses

The following is a summary of written comments submitted related to the meeting agenda items. The comments shown below are excerpts from these items that include the specific comments. Also shown are the initial responses to the comments.

No.	Name	Comment	Response
#	<i>Name Title/Location Date of Em/Ltr</i>	<i>Comment shown below may be a summary or an excerpt from submitted comments.</i>	<i>Response from Consultant team</i>
1		No comments received as of October 31, 2014	
2			