

CAC Final DRAFT

November 2014

[Note to Reader: The proposed policies below, once finalized, will replace the critical areas policies in the 2014 Comprehensive Plan. The policy sections are ordered alphabetically, for consistency with the order of the proposed regulations. The policy numbers are temporary and follow existing Comprehensive Plan numbering convention. Once the policies are finalized, they will be numbered in a manner that makes sense in the context of the Comprehensive Plan. The temporary numbers are provided to assist with references to policies during CAC meetings and to facilitate public review and comments.]

2.6 Critical Areas

[Note to Reader: Changes to this section (2.6) were discussed at the Citizen Advisory Committee's (CAC's) June 2014 meeting. The language below reflects feedback received at the meeting.]

Pursuant to the requirements of the Growth Management Act (GMA), Kittitas County has adopted the following goals and policies applicable to critical areas located within the County, including:

- Wetlands
- Areas with a critical recharging effect on aquifers used for potable water
- Fish and wildlife habitat conservation areas
- Frequently flooded area
- Geologically hazardous areas

The regulations that implement these goals and policies are found in Kittitas County Code Title 17A. *[New introductory language based on WAC 365-196-485]*

2.6.1. General Critical Areas Goals and Policies

GPO 2.79 Designate and protect the functions and values of critical areas. *[New Policy consistent with GMA.]*

GPO 2.80 Protect surface and groundwater resources. *[New Policy based on WAC 365-190-080(2) and WAC 365-196-485(1)(d)]*

GPO 2.81 Give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries, including measures that protect habitat important for all life stages of anadromous fish. *[New Policy based on RCW 36.70A.172 and WAC 365-196-485(3)(d) with clarification of measures as suggested in written comments.]*

GPO 2.82 Use best available science to regulate development in a manner that balances protection of property rights and human health and safety with protection of critical area functions and values. *[New Policy based on WAC 365-196-485 (1)(b) and RCW 36.70A.172]*

GPO 2.83 Develop regulations and performance standards to minimize land use incompatibilities in and adjacent to critical areas and their buffers for new and expanded uses and structures. .
[New Policy based on CAC feedback]

GPO 2.84 Use a preference-based system of mitigation sequencing that reduces impacts using approaches ranging from avoidance to replacement. *[New Policy based on TAC feedback. Modeled on Yakima County Policy NS 8.3.]*

GPO 2.85 Identify and map critical areas throughout the County and ensure that the information is accessible to and understandable by citizens. *[New Policy based on WAC 365-190-080]*

GPO 2.86 Evaluate opportunities to:

1. Utilize innovative land use management techniques to conserve and protect designated critical areas. *[New Policy based on WAC 365-190-040(6)]*
2. Use non-regulatory measures to protect and enhance critical areas (e.g. education, transfer of development rights);
3. Encourage restoration and enhancement of critical area functions and values through incentives (e.g. development flexibility); and
4. Compensate property owners impacted by critical area regulations (e.g. modified taxation, value-added development flexibility).

[New Policy based on WAC 365-196-485(1)(f) and CAC feedback. Other examples could include public benefit rating system and/or mitigation banking.]

GPO 2.87 Develop incentives to promote agricultural and environmental stewardship through the Voluntary Stewardship Program to protect critical areas in areas used for agricultural activities while maintaining and enhancing the viability of agriculture. *[New policy to acknowledge Voluntary Stewardship Program (VSP).]*

GPO 2.88 The County shall coordinate its own programs and regulations with those of other public and private organizations to enhance management of critical areas. *[New Policy based on feedback from Kittitas County Public Works Department.]*

GPO 2.89 The County shall develop performance standards and regulations that are complementary and not duplicative or more restrictive than other existing and applicable regulations (e.g. federal or state regulation). *[New Policy based on feedback from CAC.]*

[Note to Reader: Consider providing a general policy in Section 2.6.1 related to all Exemptions in 17A.01.XXX. Language previously existed in Comp Plan (formerly GPO 2.91). New language may consider exceptions, exemptions, and allowed alterations. To be discussed at November CAC meeting.]

2.6.2 Critical Aquifer Recharge Areas

[Note to Reader: Changes to this section were discussed at the Citizen Advisory Committee's (CAC's) July meeting. The language below reflects feedback received at the meeting and in written comments after the meeting.]

Groundwater is a significant source of drinking water for County residents; and once potable groundwater becomes contaminated, it is difficult, if not impossible, to remediate and resulting costs can be prohibitive. Some aquifers have critical recharging effects on streams, lakes, and wetlands that provide critical fish and wildlife habitat. Protecting adequate recharge of these aquifers may provide additional benefits in maintaining fish and wildlife habitat conservation areas. *[New introductory language based on WAC 365-190-100].*

GPO 2.90 Designate and protect the functions and values of medium and high critical aquifer recharge areas. *[New policy. Covers the substantive requirements of GPO 2.100 in the current Comp Plan in a manner consistent with GMA. Medium and high language inserted for consistency with regulations.]*

GPO 2.91 Recognize that some aquifers have critical recharging effects on streams, lakes, and wetlands that provide critical fish and wildlife habitat and that protecting adequate recharge of such aquifers may benefit fish and wildlife habitat conservation areas. *[New policy based on written comments from July CAC meeting.]*

GPO 2.92 Develop performance standards and regulations for new activities and expanded uses likely to adversely impact water quality in aquifers. *[Revised (formerly GPO 2.99). Regulations don't limit density; they establish standards and limitations on particular uses. Language modeled after Yakima County Policy NS 9.2. Reference to water quantity was removed in response to CAC feedback since water quantity is address in Section 2.2.3 of the Comp Plan.]*

GPO 2.93 Identify and map critical aquifer recharge areas. Continue data collection and evaluation efforts to better understand the vulnerability of County critical aquifer recharge areas to contamination. *[Revised to reflect status of County mapping efforts (formerly GPO 2.98). Language modeled after Yakima County Policy NS 9.1 & 9.4]*

2.6.3. Fish and Wildlife Habitat Conservation Areas

[Note to Reader: Changes to this section (2.6.3) were discussed at the Citizen Advisory Committee's (CAC's) August meeting. The language below reflects feedback received at the August meeting.]

Habitat conservation areas provide for greater species diversity by providing habitat for migrating waterfowl, game and food fish, and sensitive species which are threatened or endangered. Habitat conservation areas also provide recreational resources and more stable ecosystems. Their disturbance could result in irreversible loss of important habitat and species diversity and therefore loss of economic resources. The intent of habitat protection is to maintain species in suitable habitats within their natural geographic distribution in order to prevent isolated sub-populations.

GPO 2.94 Designate and protect the functions and values of fish and wildlife habitat conservation areas. *[New Policy consistent with GMA and the first policy of other revised comp plan sections.]*

GPO 2.95 Evaluate opportunities to protect fish and wildlife habitat on a regional and site-specific scale. Consider:

1. Habitat connectivity;
2. Habitat diversity;
3. Areas of high species diversity;
4. Unique and rare habitats; and
5. Winter range and migratory bird habitats of seasonal importance. *[New Policy modeled after Yakima County NS 15.1.]*

GPO 2.96 Support actions that protect non-listed threatened species from becoming listed and endangered. *[New Policy modeled after Yakima County Comp Plan Natural Environment Element 10.8.4]*

2.6.4 Frequently Flooded Areas

[Note to Reader: Changes to this section (2.6.4) were discussed at the Citizen Advisory Committee's (CAC's) July meeting. The language below reflects feedback received at the meeting and in written comments after the meeting.]

Frequently flooded areas perform a variety of beneficial functions, including but not limited to:

- Flood water storage and conveyance.
- Sediment deposition and storage.
- Groundwater recharge and baseflow maintenance.
- Water quality maintenance and improvement.
- Habitat.
- Recreational areas.
- Agricultural lands.

These functions provide significant value to humans. Protecting the functions and values of frequently flooded areas reduces the health and safety risks and minimizes the loss of life and property that occurs in flood events. *[Revised to better align with BAS report language.]*

GPO 2.97 Designate and protect the functions and values of frequently flooded areas. *[New policy, with addition of "designate" based on written comments.]*

GPO 2.98 Prevent the loss of life or property and minimize public and private costs associated with repairing or preventing flood damages from development in frequently flooded areas. *[New policy modeled after Yakima County Goal NS 17.]*

GPO 2.99 Maintain Kittitas County's eligibility under the National Flood Insurance program. *[Revised for simplicity (formerly GPO 2.103).]*

GPO 2.100 New or expanded uses or structures shall avoid impacts that reduce the effective flood storage volume within frequently flooded areas. When impacts are unavoidable, such impacts shall be mitigated with compensatory storage. *[Policy revised for consistency with BAS findings and proposed regulations (formerly GPO 2.106).]*

GPO 2.101 Evaluate opportunities to increase the reservoir capacity of the river system in a manner beneficial to flood control and the public welfare. *[Revised (formerly GPO 2.105).]*

2.6.5 Geologically Hazardous Areas

[Note to Reader: Changes to this section (2.6.5) were discussed at the Citizen Advisory Committee's (CAC's) October meeting. The language below reflects feedback received at the meeting.]

Geologically hazardous areas are in tenuous geologic balance. Disturbance of these areas can result in loss of slope and soil stability, increased erosion, and in extreme cases, mass wasting and landslides. Disturbance of geologically hazardous areas can also lead to increases in stormwater runoff. Protecting geologically hazardous areas reduces the danger to public health and safety.

In most cases, the risk to development from geological hazards can be reduced or mitigated to acceptable levels by engineering design or modified construction practices. In areas where these measures are not sufficient to reduce the risk from geological hazards, uses that include development are best avoided.

GPO 2.102 Designate and protect the function and value of geologically hazardous areas. *[New Policy consistent with GMA.]*

GPO 2.103 Appropriate mitigation measures shall be required to either avoid or reduce significant public health and safety risks that are posed by geologically hazardous areas. *[New Policy modeled after Douglas County Goal 10.6.1.]*

GPO 2.104 Potential impacts and alternative mitigation measures to eliminate or minimize the impacts in identified geologically hazardous areas shall be documented during the review of development applications. *[New Policy modeled after Douglas County Policy CA-42.]*

GPO 2.105 Restrict development in geologically hazardous areas including areas which are subject to erosion, landslide, avalanche, or subsidence. *[This policy is from Comprehensive Plan Chapter 7 Snoqualmie Pass Subarea.]*

GPO 2.106 Risk of erosion shall be considered accordingly throughout Kittitas County, based on localized rainfall and soil type. *[Minor edits to existing language (formerly GPO 2.109).]*

GPO 2.107 Siting of structures on known individual mine hazard areas shall be avoided, and where it cannot be avoided, the danger of mine hazards should be adequately considered. *[Minor edits to existing language (formerly GPO 2.112).]*

GPO 2.108 Identify and map geologically hazardous areas, including erosion areas, landslide areas, seismic areas, mine hazard areas, and volcanic hazards. Continue data collection and evaluation efforts to better understand the risks of County geologically hazardous. *[New Policy to clarify mapping of GHAs.]*

GPO 2.109 At such time there are volcanic or seismic hazards identified and mapped in the County, any application for development in or near that area must show its location in relation to the hazard area. *[New Policy modeled after Douglas County Policy CA-45.]*

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2.6.6 Wetlands

[Note to Reader: Changes to this section (2.6.6) were discussed at the Citizen Advisory Committee's (CAC's) October meeting. The language below reflects feedback received at the meeting.]

Wetlands serve a multitude of functions that are essential to ecosystem balance in Kittitas County. Wetlands are a dynamic feature of the natural environment because of their interconnectedness with surrounding geology, aquifers and other features in a given area. It is the intent to provide the maximum protection reasonable from the encroachment of land uses that would diminish wetland functions and values. *[New language modeled on Douglas County Comp Plan.]*

GPO 2.110 Designate and protect the functions and values of wetland areas. *[New Policy consistent with GMA.]*

GPO 2.111 Wetlands shall be protected to the greatest extent reasonable because they provide important functions such as assisting in the reduction of erosion, siltation, flooding, ground and surface water pollution, and providing wildlife, plant, and fisheries habitats. Destruction or impairment of wetlands in Kittitas County may result in increased public and private costs and property losses. *[New Policy to be consistent with WAC 365-190-090.]*

GPO 2.112 Develop a regulatory program for wetlands protection that is both sufficiently flexible to allow reasonable use and enjoyment of private property and consistent with the requirements of the Growth Management Act (GMA). *[Revised policy based on WAC 365-190-090 (formerly GPO 2.83).]*

GPO 2.113 Encourage the implementation of wetlands protection strategies that will achieve, to the maximum extent practicable, no net loss of natural wetlands acreage, functions, and values and, if reasonably possible, a gain of wetlands habitat in the long term. *[Minor edits to existing language (formerly GPO 2.84).]*

GPO 2.114 Wetland identification, delineation, categorization, and, where appropriate, mitigation shall rely on guidance from the Washington State Department of Ecology, the US Army Corps of Engineers and the US Environmental Protection Agency. *[Revised policy based on RCW 36.70A.175 and RCW 90.58.380. See also proposed implementing code at KCC 17A.07XX, Designation, Mapping, Delineation and Categorization.]*

GPO 2.115 Support and encourage the purchase and dedication of lands by public or private organizations for wetland protection and apply best management practices to said property. *[Minor edits to existing language (formerly GPO 2.90).]*