

Shoreline Master Program Update Planning Commission Approved Draft

Comprehensive Plan Natural Resources Element Goals and Policies December 1, 2011

Natural Resources Element

5.1 Community Key Goals – Natural Environment

- Support standards that maintain or improve environmental quality.
- Preserve the City’s natural systems to protect public health, safety and welfare, and to maintain the integrity of the natural environment.
- Support regulation of activities in sensitive and hazardous areas to ensure high environmental quality and to avoid risks or actual damage to life and property.
- Coordinate implementation of regulation and preservation efforts through the Comprehensive Plan, Critical Areas Ordinance, Shoreline Master Program, and other applicable City plans and regulations, depending on the nature and location of the natural resource to be protected.

5.2 Plan Context

As Poulsbo continues to grow, the impact of that growth on the natural environment becomes more pronounced. In order to adequately meet the need for protection and preservation, the Natural Environment Chapter provides a framework that recognizes the relationship between Poulsbo’s natural environment, land use planning, and a variety of regulatory and non-regulatory efforts.

This Chapter includes goals and policies to protect the natural environment and to guide future growth in a manner that minimizes impacts. Impacts of development are minimized primarily through regulations on development, while most enhancements to the natural environment are primarily through non-regulatory and voluntary efforts.

The Washington State Growth Management Act requires every county and city to adopt policies and development regulations that designate and protect critical areas (RCW 36.70A.060(2)). Critical areas are defined in RCW 36.70A.030(5) as:

- a) Wetlands
- b) Areas with a critical recharging effect of aquifers used for potable water
- c) Frequently flooded areas
- d) Geologically hazardous areas
- e) Fish and wildlife habitat conservation areas.

These five critical areas are defined, mapped and regulated in the City's Critical Areas Ordinance (CAO), which was revised to ensure the inclusion of Best Available Science in 2007. As part of the public hearing process to the 2007 update, the City prepared a CAO Adoption Document which provides a detailed explanation of how the ordinance is in compliance with GMA; how best available science was applied; and addressed many of the public comments received during the course of the public process. It is recommended to review the current CAO and the Adoption Document to fully ascertain the how, why, and what of the City's critical area protection measures.

The Natural Environment goals and policies address:

- Environmental Stewardship
- Wetlands
- Aquifer Recharge Areas
- Frequently Flooded Areas
- Geologically Hazardous Areas
- Fish and Wildlife Habitat Conservation Areas
- Shorelines and Liberty Bay

Poulsbo faces a number of challenges in continuing to achieve the community's desired land use vision, while accommodating the growth that is expected over the next twenty years. These include:

- Making choices about the City's future that balances consideration of environmental stewardship and urban growth and development.
- Improving the water quality of Liberty Bay and creeks within the city limits and urban growth area.
- Storm flow surges in stream systems due to existing development that was not required to meet today's storm water regulations.
- Need for basin-wide control and management of storm water, at existing and future developments, to minimize changes to stream hydrology. Improving the City-owned storm water facilities annual inspection and maintenance program.

5.3 Shoreline Management

A. Purpose.

The shorelines of Liberty Bay and the Dogfish Creek estuary are regulated through the Shoreline Master Program (SMP). RCW 90.58.020 and .100 provide policy direction for the SMP to:

- Protect the natural character and the resources and ecology of the shoreline;
- Increase public access to publicly owned areas of the shoreline;
- Increase recreational opportunities for the public in the shoreline;
- Mitigate and restore habitat impacts to ensure no net loss of habitat function;
- Maintain the public right of navigation;
- Prioritize water-dependent and single-family residential uses and development;
- Coordinate shoreline management with other relevant local, state and federal regulations;
- Prevent and/or minimize flood damage;
- Protect private property rights;
- Protect and restore sites with historic, cultural and/or educational value.

The Shoreline Management Act (RCW 90.58) establishes the concepts of *preferred uses* and *priority uses* in shoreline areas. RCW 90.58.020 indicates that *preferred uses* are those “which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state’s shorelines.” This section further states that *priority uses* include single family residences, ports, shoreline recreational uses, water dependent industrial and commercial developments and other developments that provide opportunities for the public to access the shoreline environment. To the maximum extent possible, the shorelines should be reserved for "water-oriented" uses, including "water-dependent", "water-related" and "water-enjoyment" uses, as defined in the Act.

The overarching policy is that “the public’s opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally.” Coordinated planning is necessary in order to protect the public interests associated with the shorelines of the state, while, at the same time, recognizing and protecting private property rights.

The 2003 SMP Guidelines (WAC 173-26, Part III) includes a requirement for “no net loss” of shoreline ecological function. The Department of Ecology’s SMP Handbook indicates that “no net loss” means that “over time, the existing condition of shoreline ecological functions should remain the same as when the SMP is implemented. The no net loss standard is designed to halt the introduction of new detrimental impacts to shoreline ecological functions resulting from new development.” WAC 173-26-186(8) directs that master programs “include policies and regulations designed to achieve no net loss of those ecological functions.” The goals and policies of the SMP are required to be incorporated into the City’s comprehensive plan.

5.4 Goals and Policies

Goals and Policies - General

GOAL NE-1

Protect, sustain, and provide for healthy and diverse ecosystems within the Liberty Bay watershed.

Policy NE-1.1

The City shall protect environmental quality through land use plans, surface water management plans and programs, comprehensive park plans, the shoreline master program, development regulations and site-specific project review.

Policy NE-1.2

The City shall maintain regulations such as the Critical Areas Ordinance, which provide protection for all regulated critical areas – a) wetlands; b) areas with a critical recharging effect on aquifers; c) frequently flooded areas; d) fish and wildlife habitat conservation areas; and e) geologically hazardous areas. The City’s development standards shall incorporate and utilize appropriate and applicable best available science for purposes of designating and protecting all regulated critical areas.

Policy NE-1.3

The City should work in concert with state and regional agencies, as well as with neighboring jurisdictions and tribes, to protect sensitive areas and the City’s natural environment.

Policy NE-1.4

The City will continue to require completion of environmental studies by qualified professionals to assess the impact of proposed development on critical areas. The Critical Areas Ordinance shall set forth when and how the environmental studies shall be required.

Policy NE-1.5

The City shall continue to participate in Low Impact Development technique classes and programs, such as the Kitsap County Homebuilders Kitsap Low Impact Development Leadership team. The City shall implement as appropriate the “Low Impact Development (LID) Guidance Manual- A Practical Guide to LID Implementation in Kitsap County.”

Policy NE-1.6

The City shall encourage, where appropriate, public-private partnerships and voluntary efforts to protect, restore and enhance the quality and functions of the City’s critical areas and their associated buffers.

Policy NE-1.7

City regulated environmental protection cannot constitute a legal “takings” of land and the City must provide provisions for reasonable use of property according to legal precedent and laws.

Policy NE-1.8

Critical areas within the shoreline shall be protected by the standards in the CAO, unless the SMP provides protection for a critical area that is more stringent than that provided in the CAO, in which case the more stringent protection shall apply.

WETLANDS

GOAL NE-2

Protect the water quality, flows and ecological integrity of wetlands by appropriately regulating land uses and storm water, through the development review process.

Wetlands are designated critical areas that are integral features of Poulsbo landscape and the local hydrologic cycle. In wetlands, the presence of water at or near the surface creates distinct soil types and supports a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, such as irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm pond, and landscape amenities, or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. (See RCW 36.70A.030(20) for complete wetland definition).

Wetlands reduce floods, contribute to stream flows, and improve water quality. Each wetland provides various beneficial functions, but not all wetlands perform all functions,

nor do they perform all functions equally well. Large wetlands, and those hydrologically associated with lakes and streams, have relatively more important functions in the watershed than small, hydrologically isolated wetlands.

Undeveloped land adjacent to a wetland provides a buffer to help minimize the impacts of urbanization. The long-term function of a wetland is dependent on land development strategies that protect wetland buffers.

Poulsbo has successfully (through acquisition and regulation) protected its larger wetlands, specifically those wetlands associated with the Dogfish Creek estuary. In addition to fish and wildlife benefits, publicly owned wetlands provide significant value to the community in the form of open space, passive recreation, education and cultural resources. Privately owned wetlands are important components of the hydrologic cycle and are amenities for property owners.

The City has mapped general locations of wetland areas for planning purposes, but the large-scale mapping is too imprecise to record the location of wetlands on specific sites. The City's wetland mapping combines the National Wetlands Inventory, hydric soils maps from the U.S. Department of Agriculture, and wetlands identified and delineated through the development review process. Site-specific wetland delineations by qualified professionals are required during the development review process.

Policy NE-2.1

The City's Critical Areas Ordinance shall protect existing wetland functions in order to maintain water quality, retention, and wildlife habitat. New development adjacent to protected wetlands shall be subject to vegetative buffers as identified in the Critical Areas Ordinance and other applicable development standards.

Policy NE-2.2

The City shall continue to update its existing wetland database using the most recent information available. Wetland identification and delineations completed in conjunction with a land use permit will be entered into the database.

Policy NE-2.3

Use of fencing, flagging, or tape to mark wetland boundaries and buffers during construction shall be required as a land use permit condition. No construction activity or mechanical equipment shall be allowed in these delineated areas.

Policy NE-2.4

The City's Critical Areas Ordinance shall include penalties to be imposed on property owners or developers who degrade the function or values of wetlands.

Policy NE-2.5

Wetland identification, delineation and rating shall be as according to Washington State Department of Ecology's currently adopted manual and rating system, or as amended

hereafter. *The City's Critical Areas Ordinance identifies these documents as the appropriate documents for wetland identification, delineation and rating.*

AQUIFER RECHARGE AREAS

Groundwater aquifers supply water to lakes, wetlands, and streams and to public and private wells that provide drinking water. Rainfall contributes to surface water and recharges the groundwater as precipitation infiltrates through the soil. Land development changes the natural aquifer hydrologic cycle and reduces the land's capacity to absorb and retain rainfall and reduce the groundwater recharge potential.

The Kitsap County Ground Water Management Plan (1991) identifies the Poulsbo Aquifer as a concern because it has high permeability and potential for contamination. Aquifer recharged areas have been mapped to assist the City in identifying areas where special conditions may be necessary to ensure Poulsbo's ground water resource is protected from contamination.

GOAL NE-3

Ensure safe and adequate water supplies and protect groundwater quality from potential contaminant sources.

Policy NE-3.1

The City, Kitsap Public Utility District, Kitsap County Health Department, and Kitsap County will continue to be responsible for coordinating water quality protection and planning in multi-jurisdictional watersheds.

Policy NE-3.2

The City, in cooperation with the Kitsap Public Utility District, should continue to identify and map aquifer recharge areas within the City and its urban growth area. Such areas shall be subject to regulations to protect the integrity of identified aquifer recharge areas.

Policy NE-3.3

Proposed development in areas identified as a Critical Aquifer Recharge Area may be required to prepare a hydrogeological report. The City's Critical Areas Ordinance shall set forth the criteria for when such a report is required and the information to be included.

Policy NE-3.4

The City shall include regulations in its Critical Areas Ordinance to enhance recharge of the Poulsbo aquifer. These regulations should include: low impact development standards that provide for infiltration of storm water; and small-scale, Best Management Practices required for smaller development that is exempted from requirements for constructed storm water facilities.

FREQUENTLY FLOODED AREAS

Flooding is caused by excess surface water runoff and results in creating property damage, public safety hazards, and destroying aquatic and riparian habitat. In recognition of this situation, the Federal Flood Insurance Program was created to guarantee protection of lands in flood hazard areas if eligibility requirements are met. The standard set by the program is the preservation of the 100-year floodplain. The 100-year floodplain is the area of land flooded by a storm that has a 1 percent probability of occurring in any year.

Alterations to natural floodplains generally result in increasing the flooding risk to people and property, and impact fish and wildlife habitat. Traditional flood control practices have been particularly damaging to fish and wildlife habitat, but contemporary methods are striving to provide an acceptable level of flood protection to people and property, while at the same time preserving and enhancing fish and wildlife habitat. Reducing risk to people and property is best achieved by limiting floodplain development and ensuring that allowed development does not increase flood elevations and flow velocities, change flood flow patterns, reduce flood storage, increase erosion or increase the area of flood inundation.

Only one stream in the City of Poulsbo has a designated floodplain: Dogfish Creek. Several other areas in the City have flood hazard designations; they include: Liberty Bay, Dogfish Creek, and Bjorgen Creek in the vicinity of Hwy 305.

The City adopted an updated Floodplain Management Chapter (PMC 15.24) through the adoption of a new Flood Prevention Ordinance (Ordinance 2005-27), and is adopted by reference to the City's CAO. This ordinance was reviewed and approved by the Washington State Department of Ecology (DOE).

Existing FEMA mapping delineates flood hazard areas. The mapping includes those areas inundated by 100-year and 500-year floods. To improve the accuracy of the FEMA mapping, which was originally developed in the 1970's, DOE consulted with City staff to revise the FEMA maps and develop a new map that complies with the agency's most recent floodway and floodplain regulations. When assessing the potential for a flood hazard on a given site, the City's development review staff utilizes the FEMA maps; therefore flood hazards are not reproduced on the City's Critical Area maps.

GOAL NE-4

Reduce the risk of damage to life, property and the natural environment from flooding through appropriate regulatory means.

Policy NE-4.1

The City shall preserve the natural flood storage functions of 100-year floodplains where feasible. The City shall encourage and emphasize non-structural methods for flood prevention and damage reduction, as appropriate. No blockage of floodwaters shall be allowed that could impact neighboring properties.

Policy NE-4.2

Encourage maintenance of natural vegetation in floodplains to minimize runoff into streams and reduce the damage caused by increased stream flow, stream velocity, and flooding.

GEOLOGY

Poulsbo's landscape is typical of North Kitsap County, with numerous hills and valleys, streams and frontage on the waters of Puget Sound. Elevations range from sea level to 440 feet, with moderate to steep slopes. Two ridges run along each side of Liberty Bay and gradually rise in elevation to the north, accentuating the general topographic trend in Poulsbo. The west leg of the ridge slopes gradually toward Liberty Bay, while the eastern leg slopes in a broken pattern of knolls, valley and benches to the eastern shore.

As described in the Soil Survey of Kitsap County, Washington, the soils of Kitsap County formed mainly in glacial drift deposited by the most recent several continent-sized glacial ice sheets. This 3,000-foot glacier, emanating from Canada, formed most of the topography and waterways of the area between 13,000 and 15,000 years ago.

The predominant deposit, and therefore parent soil material, is glacial till. It generally consists of compact basal till covered by a thin discontinuous layer of ablation till. The Kapowsin, Poulsbo and Sinclair soils, prominent soils in Poulsbo, were formed in this till material.

Underlying these glacial deposits is sediment deposited during previous glacial or interglacial periods. This sediment, generally exposed only on sea cliffs, consists primarily of stratified clay, silt, sand and gravel. Where this deposit has glaciolacustrine properties, Kitsap soils formed. Kitsap soils are prominent soils on the eastern shoreline of Liberty Bay, and north of Hostmark to Bond Road.

Geologically hazardous areas are places highly susceptible to erosion, landslides, earthquakes, or other geologic events. In Poulsbo, the most hazardous of these areas is typically found along the marine shorelines and stream ravines.

Geologically Hazardous Areas and Areas of Geologic Concern have been identified and mapped. The map is intended to serve as a guide to the general location, based upon identified soil types, the potential likelihood of a geological hazardous area. Site specific topographic, survey and geologic information is required with development proposal to determine the existence and extent of such areas, and if such hazardous can be mitigated.

GOAL NE-5

Manage development in geologically hazardous areas to protect public health and safety.

Policy NE-5.1

The Critical Areas Ordinance shall provide standards that assist in protecting human life, property and essential services from potential geological hazardous areas. Site-specific studies submitted with development proposals in areas mapped as geologically hazardous shall be required to evaluate the risk, potential impacts and identify necessary mitigations of the proposed development.

Policy NE-5.2

The City shall classify and map of all known geologically hazardous areas and areas of geologic concern. Incorporate information from site-specific geotechnical reports and erosion problems into the City’s Geographic Information System to ensure the map remains relevant.

Policy NE-5.3

Protect geologically hazardous areas, especially forested steep slopes, recognizing that these areas provide multiple critical area functions, such as preserving vegetated areas for wildlife habitat, linking habitats to valley riparian areas, and allowing for groundwater infiltration providing a water source to wetlands and streams.

Policy NE-5.4

Minimize and control soil erosion during and after development through the use of best available technology, best management practices, and other development restrictions. Allow the City to place additional conditions when determined necessary in identified Geologically Hazardous Areas.

FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Fish and wildlife habitat conservation means land management to maintain species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean that cooperative and coordinated land use planning is critically important among counties and cities in a region (WAC 365-190-130(1)).

Fish and wildlife habitat conservation areas include (WAC 365-190-130(2)):

1. Areas with which endangered, threatened and sensitive species have a primary association;
2. Habitats and species of local importance;
3. Commercial and recreational shellfish areas;
4. Kelp and eelgrass beds, herring, and smelt spawning areas;
5. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
6. Waters of the State;
7. Lakes, ponds, streams and rivers planted with game fish by a government or tribal entity; or
8. State natural area preserves and natural resource conservation areas.

Basin Overview

The Poulsbo watershed is defined by the convergence of two glacially formed hills and contains a series of small natural systems. The largest stream system in the City is Dogfish Creek. The Dogfish Creek watershed includes the main stem of Dogfish Creek, and the East and South Forks. The main stem flows in a southerly direction, draining the Big Valley area. The East Fork flows in a southwesterly direction draining Lincoln Hill and Bond Road areas. The South Fork flows north and northwest along and adjacent to State Highway 305 and is located entirely within the existing city limits.

The South Fork is smaller in size than the other two forks; however, it drains a much more urbanized watershed, and is subject to periodic flooding. All of the creeks and small streams within the city limits drain into Liberty Bay. The watershed has no lakes, but some surface storage is provided in the large marshy area near the main stem of Dogfish Creek. The water quality of streams is generally suitable for most purposes throughout most of the year.

North Fork of Johnson Creek is a Type 3 stream that lies primarily in the unincorporated portion of the City's Urban Growth Area, with only the headwaters, upper and lower stream reach located in the city limits at this time. Bjorgen Creek is a Type 3 stream that flows south from the Deer Run subdivision through recently annexed land and ultimately ends at Liberty Bay. Lemolo Creek is located just east of the Poulsbo UGA boundary in the Noll Road vicinity and flows south into Liberty Bay. The majority of these three stream systems run through undeveloped or low-density areas within the City or its outlying area.

Poulsbo Creek is a small stream system that flows through a portion of the City known as Old Town. Historically, this creek has been regulated only as a drainage way, but through the City's CAO update, Washington State Fish and Wildlife reclassified the creek as a regulated stream.

Liberty Bay is the major body of surface water in the City.

Beneficial uses of surface water are listed in the Water Quality Standards for Surface Water of the State of Washington (WAC 173-201). These include drinking water; salmonid and fish habitat; shellfish; wildlife habitat; recreation; commerce and navigation; stock and crop water. Water quality is especially important for maintaining safe drinking water and swimming areas, and for maintaining healthy fish, shellfish and wildlife populations.

Although urbanization within the city limits has affected shoreline and instream habitat conditions, watershed-scale processes (especially processes occurring in the upper basin) have also affected the health of Poulsbo's streams and shoreline areas. Many of the factors that affect habitat quality are the result of actions that extend beyond the City's jurisdiction. Additional measures that address basin hydrology, sediment transport, impervious surface area, and water quality on a watershed scale will need to be explored

and pursued in conjunction with Kitsap County if long-term and sustainable habitat improvements are to be achieved.

Streams in Poulsbo's urban area have all been impacted to some degree by development. Challenges include blocked culverts, severe channel down-cutting, areas of moderate to severe erosion, invasive non-native vegetation, and inadequate vegetative cover and lack of large woody debris. Recommendations to improving the existing conditions have been identified through the Critical Area Ordinance update process. Improvements include replacing culverts to allow for fish passage; develop and implement a stream channel rehabilitation program for degraded reaches in Wilderness Park; implementation of a vegetation management plan to improve/enhance vegetated buffer areas; and ensure storm water receive maximum water quality treatment per the City's adopted storm water management manual.

Mapping

The City has mapped stream hydrology types as identified by the Department of Natural Resources adopted stream typing data and classifications; and fish and wildlife habitat conservation areas are based on the Washington State Department of Fish and Wildlife priority habitat and species list and digital GIS data provided by WDFW to the City.

The City utilizes the WDFW Priority Habitat and Species digital data, and the Natural Heritage Program GIS Data Set provided by Washington State Department of Natural Resources, to identify areas within the city limits that may be subject to the requirements for Wildlife Habitat Conservation Areas, Areas of Rare Plant Species and High Quality Ecosystems. These maps provide only generalized information to protect these sensitive species and ecosystems, and are updated as these State agencies provide the City with new information.

Classification and Designation

Streams Classification

All identified streams in the City are classified according to the Washington State stream classification systems. The City's CAO utilizes the State Interim Water Typing in WAC 222-16-031 to define stream types. This stream classification system provides "special consideration" of anadromous fisheries. The City further classified South Fork of Dogfish Creek into five distinct reaches, each with requirements and consideration to the specific reach.

Fish and Wildlife Habitat Conservation Area designation

Washington State Department of Fish and Wildlife (WDFW) has developed a catalog of habitats and species considered to be priorities for conservation and management. WAC 365-190-080(5)(c)(ii) strongly suggests that local jurisdictions base their fish and wildlife habitat conservation areas designation on the WDFW priority habitat and species listings.

According to the August 2008 Priority Habitats and Species List prepared by WDFW, *priority species* include Federal and State Endangered, Threatened, Sensitive, and

Candidate species; animal aggregations (e.g. heron colonies, bat colonies) considered vulnerable; and species of recreational, commercial, or tribal importance that are vulnerable. These priority species require protective measures for their survival due to their population status, sensitivity to habitat alteration, and/or recreational, commercial or tribal importance. *Priority habitats* are habitat types or elements which unique or significant value to a diverse assemblage of species. A priority of habitat may consist of a unique vegetation type (e.g. shrub-steppe) or dominant plant species (e.g. juniper savannah), a described successional stage (e.g. old-growth forest), or a specific habitat feature (e.g. cliffs.)

The Fish and Wildlife Habitat Conservation Areas section of the City’s CAO uses the WDFW Priority Species and Habitat List as the foundation for the designation of Fish and Wildlife Habitat Conservation Areas (see PMC 16.20.310).

All of the WDFW priority habitat and species that are applicable to Kitsap County and Poulsbo are species of fish, shellfish, birds and mammals that are aquatic, marine or water-dependent. Therefore, it is clear based on the WDFW species listing that the City’s streams, shoreline and Liberty Bay are its primary fish and wildlife habitat conservation areas. For this reason, the City’s CAO has designated all of the following as “Fish and Wildlife Habitat Conservation Areas” (PMC 16.20.310 A-F; and Table 16.20.315):

- A. South Fork of Dogfish Creek Stream/Riparian Corridor Conservation Areas.
- B. Streams. (All streams that meet the criteria for Types 1,2,3,4 and 5 as set forth in WAC 222-16-031 of DNR Water Typing System.)
- C. Saltwater Shorelines. (Including commercial and recreational shellfish areas; riparian areas; shoreline feeder bluffs; kelp and eelgrass beds; and herring, sand lance and smelt spawning areas, and juvenile salmonid migratory corridors).
- D. Lakes less than 20 acres.
- E. Class 1 and Class 2 Wildlife Conservation Areas.
- F. Areas of Rare Plant Species and High Quality Ecosystems.

Regulatory measures, such as required buffers, resource management areas, setbacks, preparation of habitat management plans, and other development standards apply to these six Fish and Wildlife Habitat Conservation Areas. These regulatory measures are identified and regulated by the City’s CAO, with the exception of Saltwater Shorelines, which are regulated by the Shoreline Master Program.

Anadromous Fish

GMA further requires jurisdictions to give “special consideration” to preserve anadromous fish. The term “anadromous” refers to fish that spawn in fresh water streams or lakes, migrate to salt water for a portion of their life cycle, and then return to fresh water.

To give special consideration includes protecting the habitat important for all salmonid life stages that occur in Poulsbo’s streams. Fish species listed as threatened or

endangered under the federal Endangered Species Act (ESA) are protected in accordance with the Act. Bull Trout, Chinook Salmon, Chum Salmon, and Rainbow Trout/Steelhead are the anadromous fish that have been identified as Federal Threatened Species that have or may frequent Liberty Bay and its streams.

While any future ESA response will be coordinated with regional salmon recovery planning efforts, the City has taken a proactive role in maintaining and restoring the fish habitat of Dogfish Creek and the Liberty Bay Estuary through such park projects as the acquisition of Fish Park, Wilderness Park, and Centennial Park.

GOAL NE-6

Protect biological diversity by appropriately regulating fish and wildlife habitat conservation areas.

Policy NE-6.1

The City's Critical Areas Ordinance and Shoreline Master Program shall require vegetative buffers along surface waters to protect anadromous fish and wildlife habitat. New development shall be subject to buffers or resource management areas, as identified in the Critical Areas Ordinance, the Shoreline Master Program, and other applicable development standards.

Policy NE-6.2

The City shall protect the natural habitat functions of listed or candidate Endangered Species. The City's Critical Areas Ordinance shall establish appropriate protection measures and procedures for habitat conservation.

Policy NE-6.3

The City shall continue acquiring appropriate land when it becomes available and affordable, primarily to preserve its function as fish and wildlife habitat. The Dogfish Creek estuary shall continue to be a priority habitat area for acquisition.

Policy NE-6.4

Encourage public-private partnerships and voluntary efforts to protect, restore, and enhance fish and wildlife habitat. Support these efforts on public lands by continuing the successful Parks and Recreation Department work parties, and other approved volunteer coordination efforts.

Policy NE-6.5

Encourage informational and educational programs and activities dealing with the protection of wildlife. An example of such a program is the Backyard Wildlife Sanctuary program established by the State's Department of Fish and Wildlife.

Policy NE-6.6

The City’s Critical Areas Ordinance shall include penalties to be imposed on property owners or developers who degrade the habitat function or values of streams or stream buffers.

Policy NE-6.7

Use of fencing, flagging, or tape to mark stream buffer boundaries during construction shall be required as a land use permit condition. No construction activity or mechanical equipment shall be allowed in these delineated areas.

Policy NE-6.8

Avoid/minimize fine sediment inputs to creeks by eliminating or controlling sediment sources by requiring best management practices and the preparation of an erosion and sediment control plan for sites where vegetation clearing, earth movement, or other soil disturbing activities are proposed to occur.

Policy NE-6.9

Recommendations from two stream corridor ecological analyses should be reviewed for any appropriate inclusion in the City’s storm water management programs or development regulations These reports have been prepared by P.A. Fishman of SWCA Environmental Consultants, and include:

- *“Ecological Condition and CAO Recommendations for North Fork Johnson Creek Corridor, Poulsbo, Washington.”*
- *“Proposed Natural Resource Buffers for Lemolo Creek Corridor, Poulsbo, Washington.”*

Policy NE-6.10

The City shall complete the “Dogfish Creek Restoration Project Master Plan,” reviewing and considering all previous studies and data prepared evaluating Dogfish Creek. The City shall coordinate with the Suquamish Tribe on the planting plan and scheduling of the habitat rehabilitation installation.

Policy NE-6.11

Encourage best management practices in the use of herbicides and pesticides near surface waters.

SHORELINES AND LIBERTY BAY

Shoreline management

The City’s shoreline jurisdiction includes all Liberty Bay shorelines and aquatic areas within the City limits and the tidally-influenced (estuarine) portion of Dogfish Creek north of Lindvig Way, and shorelands from 0-200 feet of the ordinary high water mark

(OHWM) of Liberty Bay. The City has also “predesignated” all of the shorelines within its unincorporated Urban Growth Area, and the SMP will address these shorelines as well as those located within the City limits. However, in the absence of an interlocal agreement with Kitsap County, the City will not have any regulatory authority in the predesignated areas until they are annexed. No “optional expansion” of jurisdiction for critical areas and buffers per RCW 90.58.030(2)(f)(ii) and WAC 173-26-221(2)(a) is included in this SMP.

There are a number of local tools used to implement the goals and policies of the Act. Development regulations such as the Zoning Ordinance and Critical Areas Ordinance support the SMP in regulating development along the City’s shorelines. Capital improvement plans, such as sewer, water, parks and transportation, also help the City maintain a balance of providing public services and access on the shoreline, while ensuring environmental protection.

As required by the Shoreline Management Act, the City has established shoreline environment designations, which serve as an “overlay” to the City’s comprehensive plan land use designations. These designations are applied to specific shoreline areas to guide the use and development of these areas. There are five environments applied to the City’s shorelines – Shoreline Residential, High Intensity, Urban Conservancy, Natural and Aquatic; these environments have been mapped and are identified on Figure NE-6.

GOAL NE-7

Ensure no net loss of shoreline ecological values and functions, as required by the Shoreline Management Act 90.58 RCW.

Policy NE-7.1

Proposed development projects shall be reviewed for consistency with the no net loss policy, taking into account (1) the environmental limitations and sensitivity of the shoreline area; (2) proposed mitigation for anticipated impacts; (3) the level of infrastructure and services available; and (4) other comprehensive planning considerations.

Policy NE-7.2

New development and redevelopment in all shoreline environment designations shall be consistent with the “preferred use” and “priority use” provisions as set forth in 90.58.020 RCW and WAC 173-26-201, or their successors.

Policy NE-7.3

The City should identify potential opportunities within City-owned shoreline properties for offsite mitigation of shoreline impacts, through restoration of native vegetation and/or habitat functions within the shoreline buffer area.

Policy NE-7.4

The City should encourage appropriate multiple users and uses to share current and future over-water and in-water facilities and structures, to minimize the need for new, individual over-water and in-water facilities and structures.

GOAL NE-8

Manage the City’s shorelines by implementing specific policies, use regulations, and development standards for each of the shoreline environments identified in the City’s Shoreline Master Plan.

Shoreline Residential

The Shoreline Residential environment is intended to accommodate residential development consistent with the City’s shoreline management standards; protect ecological functions and natural habitat, and restoration when feasible; and provide public access and recreational uses, where appropriate.

The Shoreline Residential environment is identified on Figure NE-6, and is divided into two sub-designations Shoreline Residential-1 (SR-1) and Shoreline Residential-2 (SR-2).

The SR-1 environment includes those areas of the shorelands waterward of the established shoreline buffer, and/or on the water side of “buffer interruptions” such as major roads.

The SR-2 environment includes those areas of the shorelands outside of the established shoreline buffer, and/or on the upland side of “buffer interruptions,” such as major roads. Within these areas, new residential development is permitted according to the applicable shoreline and zoning development standards, with an emphasis on transition from the preservation-oriented focus of SR-1 to adjacent residential development located outside of the shoreline jurisdiction.

Policy NE-8.1

New development and redevelopment in the Shoreline Residential (SR) environment shall be of a type consistent with a residential environment and shall be compatible with surrounding residential land uses.

Policy NE-8.2

In the SR-1 environment, the existing natural environment should be preserved as much as possible, with new development and enlargement of existing structures within the buffer area being limited to water-dependent use, reasonable use, and/or limited expansion.

Policy NE-8.3

The SR-2 environment use regulations shall provide a transition between the preservation focus of the SR-1 environment, to the adjacent residential development outside of the shoreline jurisdiction.

Policy NE-8.4

When new development or redevelopment is proposed, designated public access and designated public views shall be preserved, and enhanced when possible.

High Intensity

The High Intensity (HI) shoreline environment provides for those areas of existing moderate commercial and mixed commercial/residential development. This environment allows for optimum use of shoreline areas that are presently developed with commercial uses, while seeking opportunities to protect habitat and ecological functions from further degradation. The identified HI areas include the downtown waterfront and an area near the head of Liberty Bay.

Policy NE-8.5

As set forth in WAC 173-26-211(5)(d) or as subsequently amended, new uses in the HI environment should be prioritized. First priority should be given to water-dependent uses. Second priority should be given to water-related uses and third priority to water-enjoyment uses. New non-water oriented uses are allowed under the following circumstances: as a minor part of mixed use development that includes water-dependent uses; when accessory to uses that are water-dependent, water-related or for water-enjoyment; when the site is physically separated from the shoreline from another property or public right-of-way; or when there is no direct access to the shoreline from the site.

Policy NE-8.6

Full utilization of the area designated as the HI environment should be achieved before further expansion of the HI environment is allowed unless it is demonstrated that the demand for water-oriented commercial uses cannot be satisfied within the existing HI environment designation.

Policy NE-8.7

Existing non-water oriented uses in the HI environment, such as restaurants and retail shops, may continue to operate under the provisions of the City's zoning ordinance. Redevelopment, should be encouraged as water related or water enjoyment uses that will take advantage of water views, and provide public views and public access where feasible.

Policy NE-8.8

Compatibility of adjacent land uses and activities in the HI environment shall be encouraged through the design and location of new development and redevelopment, as well as landscaping, visual screening, signage, and lighting, to minimize potential adverse impacts to neighboring properties and protect the aesthetic qualities of the shoreline.

Urban Conservancy

The Urban Conservancy (UC) shoreline environment preserves existing natural landforms and native shoreline vegetation as much as possible, while promoting public

shoreline access, views and recreation along with continuance of existing developed uses. The UC designation applies to several shoreline properties located at the west side of the intersection of Lindvig Way and Bond Rd, adjacent to the Dogfish Creek estuary.

Policy NE-8.9

New development, or redevelopment or change of land use on commercially-zoned property in the UC environment shall not increase the existing density or intensity of land use, exceed the size and scale of existing structures within the shoreline buffer and setback, or extend further waterward than the existing development.

Policy NE-8.10

Standards should be established for shoreline stabilization measures, vegetation conservation, and shoreline modification in the UC environment, with the intent to protect against further degradation of shoreline values and functions.

Policy NE-8.11

In the UC environment, water-oriented uses shall be encouraged over nonwater-oriented uses for new development or redevelopment.

Policy NE-8.12

Restoration of shoreline ecological functions, maintenance of designated public views, and establishment/maintenance of public access shall be priorities when new development or redevelopment is proposed in the UC environment.

Policy NE-8.13

The City should explore opportunities to acquire property from willing landowners within the UC areas where there are opportunities for expanding public park lands, improving shoreline and estuary restoration and protection efforts, and increasing public access.

Natural

The Natural (N) shoreline environment is established to protect and restore shoreline areas that are relatively free from human influence, undeveloped, and/or include intact or minimally degraded shoreline functions that are sensitive to proposed impacts from development. N areas within the city include the majority of Fish Park, and areas of Muriel Iverson Waterfront Park, Net Shed Park, American Legion Park and Nelson Park, that are within 0-100 feet of the ordinary high water mark of Liberty Bay and/or the estuarine portion of Dogfish Creek.

Policy NE-8.14

The N environment in public shoreline parks should be retained for public recreation and public access, and managed to maximize environmental preservation, with a focus on retaining and restoring natural shoreline and habitat functions.

Policy NE-8.15

Within the N environment, scientific, historical, cultural and educational research uses, and low-intensity recreational access uses, may be allowed provided that no net loss of shoreline values and functions will result.

Policy NE-8.16

N areas along the Dogfish Creek estuary shall continue to be preserved and restored, and the establishment and maintenance of public access, public enjoyment, and public views shall be encouraged where a net loss of ecological functions will not occur.

Policy NE-8.17

The City should explore opportunities to acquire property or obtain public use easements from willing landowners within 0-100 feet of the shoreline, when such acquisition would benefit existing and proposed shoreline public access paths and/or would adjoin existing public shoreline parks.

Aquatic

The Aquatic (A) shoreline environment includes all lands waterward of the ordinary high water mark within the City's jurisdiction, including public and private tidelands, state submerged lands, and areas designated as critical saltwater habitat.

Policy NE-8.18

Regulations for the A environment should promote preservation and restoration of nearshore ecological function, and preservation and restoration of identified critical saltwater habitat areas.

Policy NE-8.19

Overwater on in-water development and uses on navigable waters or submerged lands should be located and designed to minimize interference with surface navigation; to minimize adverse visual impacts; and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration or on the nearshore environment.

Policy NE-8.20

Uses and activities in the A environment should be reviewed for compatibility with adjacent upland uses and environments.

Policy NE-8.21

New or expanded overwater or in-water structures should not be allowed except as part of a permitted water-dependent use that requires the specific overwater or in-water structure to function correctly.

Policy NE-8.22

Public recreational use of state uplands and submerged lands shall be protected against competing uses that would interfere with or restrict these uses.

Public Access

The Shoreline Master Program Guidelines require dedication and improvement of public access in developments for water-enjoyment, water-related, and nonwater-dependent uses and for the subdivision of land into more than four parcels, except when it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable. [WAC 173-26-221(4)(d)(iii)] Alternatively, the local government may opt to develop a shoreline public access plan that provides more effective public access than the above requirement, as described in WAC 173-26-221(4)(c).

GOAL NE-9

The City shall develop a shoreline public access plan, consistent with the requirements of WAC 173-26-221(4)(c), which identifies existing and proposed public shoreline access points, requirements for dedication of public shoreline access with new shoreline development or redevelopment, and other opportunities for increasing and improving public access to the City's shorelines and the waters of Liberty Bay.

Policy NE-9.1

The shoreline public access plan should be consistent with and supportive of other relevant comprehensive plan elements, especially the transportation and recreation elements, and with other approved plans and projects for public shoreline access, circulation and recreation.

Policy NE-9.2

Public participation and input shall be invited, in accordance with the requirements of WAC 173-26-201 (3)(b)(i), to identify and prioritize in the shoreline access plan the preferences of the City's residents for new and improved access points and other amenities that will increase the public's ability to enjoy the City's shorelines and the waters of Liberty Bay.

Liberty Bay

Water quality is the primary consideration for the continued health of Liberty Bay. Good water quality sustains aquatic life, but quickly deteriorates when pollutants, such as sediment, nutrients, organic material, and toxicants are either dumped or discharged into the surface water, or are washed in by storm runoff.

Control of pollutants at their source is the first and best method to prevent water quality problems. Reducing non-point source pollution, the contaminated runoff from land surfaces, remains a major goal that involves the entire community. Each individual,

business, and government entity is a potential contributor to water quality improvements by reducing or eliminating erosion, the use of herbicides, pesticides and fertilizers; and by properly using and disposing of oil and grease and hazardous materials like paints and solvents.

Liberty Bay, like much of Puget Sound, has experienced significant impacts on its ecological integrity and water quality. About half of the shoreline of Liberty Bay is armored and a greater portion has been developed. These shoreline modifications have altered nearshore processes and affected nearshore habitat conditions.

In addition, violations of water quality standards, most notably for microbial pollution, are a recurring problem in Liberty Bay. As a result, tribal, commercial and recreational shellfish harvest is now restricted to a fraction of historic levels. However, in spite of negative impacts on its water quality, Liberty Bay retains a level of natural ecosystem structure and function. Ecological conditions in the Liberty Bay watershed are generally supportive of aquatic life – although there is room for improvement. Water quality conditions are also generally supportive of recreational beneficial uses such as swimming and boating activities, although there are improvements still needed to fully support shellfish harvesting throughout the bay.

Much has been accomplished within the Liberty Bay watershed in the past decade. The Kitsap County Health District (KCHD) Pollution Identification and Correction program has significantly reduced bacterial pollution in Dogfish Creek and Liberty Bay. The City and KCHD have also been working to reduce bacterial pollution from storm water draining into the South Fork of Dogfish Creek and Liberty Bay. The Port of Poulsbo and the three marinas located in Liberty Bay have all instituted best management practices to reduce pollution. A historic undersized culvert located at the mouth of Dogfish Creek was replaced with a bridge, now allowing unrestricted passage to salmonids and other aquatic biota, as well as restoring natural tidal flushing into the creek. New parks established by the City along the Liberty Bay shoreline and two existing parks along the shoreline, have enhanced the shoreline with natural vegetation.

Continuing improvements in nearshore habitat conditions, water quality, and biological integrity could eventually result in the full restoration of beneficial uses throughout Liberty Bay.

The City is responsible for the improvement of Liberty Bay primarily through its regulation of land uses and development along the Liberty Bay shoreline, and its storm water management of water quality that enters Liberty Bay through culverts. The Washington State Shoreline Management Act of 1971 requires local governments to adopt and maintain a Shoreline Master Program (SMP) that provides land use regulations and restrictions for shoreline management.

GOAL NE-10

Protect the water quality and ecological integrity of Liberty Bay by appropriately regulating land uses and storm water, through the development review process.

Policy NE-10.1

Protect shoreline ecological processes and functions through regulatory and non-regulatory means, including acquisition of key properties on the Liberty Bay estuary and shoreline; regulation of new development through the City's Shoreline Master Program; and incentives to encourage ecologically sound design.

Policy NE-10.2

Protect critical saltwater habitats in recognition of their importance to the marine ecosystem of Liberty Bay and Puget Sound. These habitats can provide critical reproduction, rearing and migratory nursery areas for fish, juvenile salmon, marine plants and animals. Habitats of special concern include kelp beds; eelgrass beds; spawning areas for herring, smelt and sand lance; juvenile salmonid migration corridors; rock sole spawning beds; rockfish settlement and nursery areas; and lingcod settlement and nursery areas.

Policy NE-10.3

The City will implement as appropriate, any remaining recommendations of the Kitsap County Health Department in its "City of Poulsbo Nonpoint Pollution Impacts to South Fork of Dogfish Creek Final Report 2002" not already implemented, to improve the surface water quality in SF Dogfish Creek and Liberty Bay.

Policy NE-10.4

The City will build on the data collected and conclusions derived from the Kitsap County Health Department's "City of Poulsbo Storm water Outfall Inventory and Illicit Discharge Detection and Elimination Program." Based on this assessment, the City will prioritize problem facilities and prepare a feasibility analysis and cost estimate to retrofit problem facilities.

GOAL NE-11

Protect the historic, archaeological and cultural features and qualities of the Poulsbo shoreline.

Policy NE-11.1

Where possible, identified archaeological areas and historic sites along the City's shorelines should be permanently preserved.

Policy NE-11.2

Consideration should be given to the National Historic Preservation Act of 1966 and Chapter 43.51 RCW to provide for the protection, rehabilitation, restoration and reconstruction of sites, buildings, and structures located along the shoreline that are significant to history, architecture, archaeology or culture.