Proposed Code Revisions to Draft Title 19 KCC (Critical Areas Ordinance)

Issue / Code	Current Code	Staff Initial Revisions (Public Comment Draft)	Planning Commission Recommended Revision	Staff Recommended Revision	Comment/Discussion
100.105 (B) Policy Goals	*N/A*	*N/A*		***Add to Policy goal (4):*** *…while allowing for reasonable use and protection of property rights as provided for in state and federal law.*	To address public comment
100.110 (B) Applicability	*This title applies to all uses and activities within areas or adjacent to areas designated as regulated critical areas unless otherwise exempt.*	*….unless identified as exempt in KCC 19.100.125.*			
100.110(D)	*This title does not require any permit in addition to those otherwise required by county ordinances. This title is an overlay to the Zoning Ordinane; while it does not require any additional permits, activities regulated by the Zoning Ordinance area also subject to critical area requirements.*	*This title may require additional permits in addition to those otherwise required by county ordinances. This title is an overlay to the Zoning Ordinance; activities regulated by the Zoning Ordinance area also subject to critical area requirements.*			There are Critical area- specific permits which already exist; this change reflects current practice
100.120 (D)(2) Review authority- Time Limitations	*(c)- A written request for a time extension shall be filed with the department at least 60 days prior to the expiration of the approval;* *(d)- ….By letter, the department shall request written comments be delivered to the department within 30 days of the date of the letter.*	*(c)- A written request for a time extension shall be filed with the department at least 30 days prior to the expiration of the approval;* *(d)- ….By letter, the department shall request written comments be delivered to the department within 15 days of the date of the letter.*			For consistency with Title 21
100.125 Exemptions- (B)Agriculture	*Pre-existing and ongoing agricultural activities on lands containing critical areas. For the purpose of the title, "existing and ongoing" means that the activity has been conducted and/or maintained within the past five years.*	*Pre-existing and ongoing agricultural activities on lands containing critical areas. For the purpose of this title, "existing and ongoing" means that the activity has been conducted and/or maintained within the past five years under a farm management plan or other best management practices not resulting in a net loss of critical area functions and values.*		*Pre-existing and ongoing agricultural activities on lands containing critical areas. For the purpose of this title, "existing and ongoing" means that the activity has been conducted and/or maintained within the past five years under a farm management plan or other agricultural best management practices not resulting in a net loss of critical area functions and values. If the land is enrolled in a federally recognized conservation program, it is not considered to be idle, and continues to*	To address public comment

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				meet the definition of existing and ongoing agriculture.	
100.120- NEW	N/A	N/A		*(E) The department may require, or the applicant may request, at the applicant's expense, third party review as described in Section 21.04.140 KCC.*	Staff recommendation: remove similar language from 19.400 and add reference to existing language from Title 21, in 19.100.120(E), which would apply to any critical area.
100.125 Exemptions- (D)	*Structural alterations to buildings, permitted under the Kitsap County Code that do not alter the structural footprint…*	*Structural alterations to buildings, otherwise allowed under the Kitsap County Code and that do not alter the structural footprint…*			
100.125 Exemptions- (E) Maintenance	*Normal and routine maintenance or repair of existing utility structures within a right-of-way or existing utility corridor or easements, including the cutting, removal and/or mowing of vegetation above the ground.*	*Normal and routine maintenance or repair of existing utility structures within a right-of-way or within existing utility corridor or easements, including the cutting, removal and/or mowing of vegetation above the ground so long as in accordance with best management practices.*			
100.130 Standards for existing development- (A) Shorelines	*Shorelines. This section incorporates by reference the existing development standards provided in Title 22 of the Kitsap County Code (Shoreline Management) applicable to development on shorelines of the state (WAC 173-27-080), as now or hereafter amended.*	*Delete.*			All shoreline regulations are now in Title 22.
100.130 Existing Nonconforming Structures (A)(4)	*Nonconforming structures which are damaged or destroyed by fire, explosion, or other casualty, may be restored or replaced if reconstruction is commenced within 24 months of such damage. The reconstruction or restoration shall not serve to expand, enlarge or increase the nonconformity except as allowed through the provisions of this section.*	*N/A*		*Nonconforming structures which are damaged or destroyed by fire, explosion, or other casualty, may be ~~restored~~ reconstructed ~~or replaced if reconstruction is commenced within 24 months of such damage.~~ to configurations existing immediately prior to the time the structure was damaged or destroyed, provided the application is made for the necessary permits within six months of the date of the damage or destruction occurred, and the reconstruction is completed*	To address public comment; For consistency with Titles 21 and 22 KCC

				within two years of permit issuance or the conclusion of any appeal on the permit. The reconstruction or restoration shall not serve to expand, enlarge or increase the nonconformity except as allowed through the provisions of this section.	
100.130 Existing Nonconforming Structures (C)- Danger Tree Removal	*Danger Tree Removal. Where a threat to human life or property is demonstrated, the department may allow removal of danger or hazard tree……The department may require the applicant to consult with a professional forester or a certified arborist prior to tree removal.*	*Danger Tree Removal. Where a threat to human life or habitable structure is demonstrated, the department may allow removal of danger or hazard tree……The department may require the applicant to consult with a professional forester or a certified arborist through a risk assessment report, or by the department through a danger tree site evaluation permit, prior to tree removal.*		*Danger Tree Removal in a Critical Area or Buffer. Where a threat to human life or habitable structure is demonstrated, the department may allow removal of danger or hazard tree……The department may require the applicant to consult with a professional forester or a certified arborist through a risk assessment report, or by the department through a danger tree site evaluation permit, prior to tree removal.*	To address public comment and clarify this applies only to critical areas and buffers; Habitable structure replaces "property" (see 19.150); Draft changes made to clarify current practice of risk assessment report/site evaluation permit
100.135 Variances (A)	*A variance in the application of the regulations or standards of this title to a particular piece of property or a variance to the use prohibitions of this title may be granted by Kitsap County….*	*A variance in the application of the regulations or standards of this title to a particular piece of property may be granted by Kitsap County….*			
100.145 Special Use Review (MOVED- Added)	*[As in 19.200.230]* *Development identified as a special use review may be approved, with conditions, or denied according to the procedures and criteria outlined in this section. Special use review is an administrative process unless the underlying permit requires a public hearing. The department is authorized to take action on permits as required by this title. …….*	*Special use review is an administrative process unless the underlying permit requires a public hearing. Special use review may be requested for revisions to existing permits, or when review by external authorities would be necessary to assure the department applies reasonable conditions to minimize, rectify, or compensate for impacts to the critical area or buffer. Those external authorities include, but are not limited to federal agencies, state agencies, tribes, public utilities, and Kitsap Public Health.* *The department is authorized to take action on permits as required by this title…* *[Replaced "wetland" with "critical area" and "wetland buffer" with "buffer"]*			Was in 19.200 (Wetlands), moved and made process applicable to any critical area; Added introductory paragraph to clarify the intent and use of this process; replaced "wetland" with "critical area"

100.150 (45) Appeals (B)- Appeal Process	*Appeal Process. The following process shall be followed in submitting an appeal and taking action: ……..*	*Appeal Process. The appeals process will be pursuant to procedures in KCC 21.04, or as amended hereafter. [Remainder deleted].*			For consistency with Title 21.
100.155 Critical area and buffer notice to title.	*[As in 19.100.155]*	*N/A*		*Delete.*	To address public comment; this is a discretionary item.
100.155 General application requirements (A)	*All applicants for major new development are required to meet with the department prior to submitting an application subject to Title 17 of Kitsap County Code; all applicants for construction of a single family dwelling are encouraged to do so. The purpose of this meeting is to……*	*All applicants for new development are encouraged to meet with the department prior to submitting an application subject to Title 17 of Kitsap County Code. The purpose of this meeting is to……*			
100.155 General application requirements (D)	*A filing fee in an amount established under the Kitsap County Zoning Ordinance shall be….*	*A filing fee in an amount established under KCC 21.10 shall be….*			
100.155 General application requirements (G)	*All site plan applications for development proposals subject to this title shall include…..*	*All applications for development subject to this title shall include…..*			
DEFINTIONS					
150.100 Adjacent	*"Adjacent" means an areas of review as defined by Section 19.100.110(G).*	*N/A*		*"Adjacent" for the purposes of this Title, means an area containing the critical area in question for the development proposal and its largest potential buffer or setback. This area is for review purposes only.*	To address public comment
150.105 Agricultural activities	*"Agricultural activities" means activities related to vegetation and soil management, such as tilling of soil, control of weeds, control of plan diseases and insect pests, soil maintenance and fertilization as well as animal husbandry and upland finfish aquaculture.*	*"Agricultural activities" means the normal actions associated with the production of crops such as plowing, cultivating, minor drainage, and harvesting; and/or raising or keeping of livestock, including operation and maintenance, and repair of existing serviceable agricultural structures, facilities, or improved areas. The term "agricultural activities" as used in this Title does not include the practice of aquaculture. Forest practices regulated under Chapter 76.09 RCW and Title 222 WAC are not included in this definition.*			Revised. Current definition implied normal yard maintenance.
150.110 Alteration	*"Alteration" means a human-induced action which changes the existing condition of a critical area. ….*	*"Alteration" means a human-induced action that changes the existing condition of a critical area or its buffer. ….*			Grammar; This title addresses alterations

					to critical areas, as well as their buffers.
150.125 Aquaculture practices	*"Aquaculture practices" means the harvest, culture or farming of food fish, shellfish, or other aquatic plants and animals including fisheries enhancement and the mechanical harvesting of shellfish and hatchery culture.*	*Delete.*			All shoreline regulations are now in Title 22.
150.150 Bank Stabilization	*"Bank stabilization" means lake, stream and open water shoreline modification including vegetation enhancement……*	*N/A*		*"Bank stabilization" means lake and stream ~~and open water shoreline~~ modification including vegetation enhancement……*	To reflect changes in code, inadvertently left out of draft.
150.160 Best Management Practices	*"Best management practices" or "BMPs" means conservation practices (physical, structural and/or managerial) or systems of practices and management measures that:* *A. Control soil loss and reduce water quality degradation caused by nutrients, pathogens, bacteria, toxic substances, pesticides, oil and grease, and sediment; and* *B. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas.*	*"Best management practices" or "BMPs" means conservation practices (physical, structural and/or managerial) or systems of practices and management measures that:* *A. Control soil loss and reduce water quality degradation caused by nutrients, pathogens, bacteria, toxic substances, pesticides, oil and grease, and sediment; and* *B. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas.* *C. Protect trees, vegetation, and soils designated to be retained and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and* *D. Provide standards for proper use of chemical herbicides within critical areas.*		*"Best management practices" or "BMPs" means conservation practices (physical, structural and/or managerial) or systems of practices and management measures typical of a particular industry or use that:* *A. Control soil loss and reduce water quality degradation caused by nutrients, pathogens, bacteria, toxic substances, pesticides, oil and grease, and sediment; and* *B. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas.*	Draft changes to reflect recommendations of Working Group; Revised staff recommendation to reflect public comment (redundancy)
150.165 Bog	*"Bogs" are a type of wetland typically composed of acidic, low nutrient soils and waters, high organic matter and that support plants specifically adapted to such conditions that are not commonly found elsewhere. Bogs may have an overstory of spruce or shore pine and may be associated with open water.*	*N/A*		*"Bogs" means a low nutrient, acidic wetland with organic soils and characteristic bog plants, as described in Washington State Wetland Rating System for Western Washington: 2014 Update (Washington State Department of Ecology Publication #14-06-29, Olympia WA, October 2014).*	To reflect Dept. of Ecology guidance, consistent with Rating System.
150.170 Buffer	*"Buffer" means a non-clearing native vegetation area which is intended to protect the functions and values of critical areas.*	*"Buffer" means a non-clearing vegetation area which is intended to protect the functions and values of critical areas. This includes preservation of existing native and non-native vegetation where it exists, unless otherwise*		*"Buffer" means a non-clearing vegetation area which is intended to protect the functions and values of critical areas. This includes preservation*	Draft changes to reflect that existing buffers may not be comprised of native

		required to be replaced with native vegetation through mitigation.		*of existing native and non-native vegetation where it exists, unless otherwise required to be replaced with native vegetation through mitigation or voluntarily enhanced or restored.*	vegetation, but are still protected, and may require enhancement; Added staff recommendation to clarify buffers may be voluntarily enhanced (planted, treated for noxious weeds, etc.)
150.175 Candidate species	*…They are listed in WDFW, Policy 4802.*	*…They are listed in WDFW, Policy 5301, or as amended.*			
150.180 Channel migration zone	*….when considered with the characteristics of the river and its surroundings.*	*….when considered with the characteristics of the river or stream and its surroundings.*			
150.195 Creation	*….Activities typically involve excavation of upland soils to elevations that will support a wetland.*	*….Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod and hydric soils, and support the growth of hydrophytic plan species.*			To reflect Dept. of Ecology guidance and clarify what "support a wetland" means.
150.210 Critical aquifer recharge areas	*"Critical aquifer recharge areas" means those land areas that contain hydrogeologic conditions that facilitate aquifer recharge and/or transmitting contaminants to an underlying aquifer.*	*"Critical aquifer recharge areas" means those areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.*			To reflect change of definition in WAC
150.215 Critical areas	*"Critical areas" means those areas identified as: ……*	*"Critical areas" means those areas and ecosystems identified as: ……*			
150.225 Critical facilities	*"Critical facilities" means those facilities necessary to protect the public health, safety and welfare, and which are defined as essential facilities or Category III and IV buildings in accordance with Chapter 14.04 of this code, the Kitsap County Building and Fire Code. These facilities include but are not limited to schools, hospitals….*	*"Critical facilities" means those facilities necessary to protect the public health, safety and welfare, including but not limited to, schools, hospitals….*			Categories of building not in Chapter 14.04 (circular definition)
150.230 Danger Trees	*"Danger trees" means any tree of any height, dead or alive, that presents a hazard to the public because of rot, root stem or limb damage, lean or any other observable condition created by natural process or man-made activity consistent with WAC 296-54-505.*	*"Danger trees" means any tree of any height, dead or alive, that presents an immediate hazard to the public or habitable structure because of rot, root stem or limb damage, lean or any other observable condition created by natural process or man-made activity consistent with WAC 296-54-505, and are located within a tree length and a half of said structure as determined through a risk*		*"Danger trees" means any tree of any height, dead or alive, that presents a hazard to the public, public utility, or habitable structure because of rot, root stem or limb damage, lean or any other observable condition created by natural process or man-made activity as*	To address public comment; added "public utility"; use of consistent language ("certified" vs. "licensed")

		assessment report by a licensed arborist, or by the department through a danger tree site evaluation permit.		*determined through a risk assessment report by a certified arborist, or by the department through a danger tree site evaluation permit.*	
150.260 Draining	*[As in 19.150.260]*	N/A		*Delete.*	To reflect comment; Is not used in this Title.
150.265 Endangered Species	*…Endangered species are legally designated in WAC 232-12-014, as now or hereafter amended.*	N/A		*…Endangered species are legally designated in WAC 220-610-010, as now or hereafter amended.*	To reflect public comment; Current reference directs to this new WAC, but change will provide easier reference
150.270 Enhancement	*"Enhancement" means actions performed to improve the condition of an existing degraded critical area (e.g., wetlands or streams) such that the functions or values are of a higher quality, provided that this activity does not significantly degrade another existing function or value.*	*"Enhancement" means the manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensity, or improve specific function(s) or to positively change the growth stage or composition of the vegetation present. Enhancement is undertaken to specialized purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement may result in a change in wetland function(s) or can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods.*			
150.275 Erosion	*"Erosion" means the process whereby the land surface is worn away be the action of water, wind, ice or other geologic agents, by processes such as….*	*"Erosion" means the process whereby the land surface is worn away be the action of water, wind, ice or other geologic agents, including processes such as….*			
150.290 Existing and Ongoing Agriculture	*"Existing and ongoing agriculture" means those activities conducted within the last five years on lands defined in RCW 84.34.020(2) or defined as agricultural activities in this title. For example, the operation and maintenance of existing farm and stock ponds or drainage ditches; operation and maintenance of ditches, irrigation systems including laterals, canal, or irrigation drainage ditches; changes between agricultural activities, such as rotating crops or grasses used for*	*"Existing and ongoing agriculture" means those agricultural activities (in existence as of Jan. 1, 2000), on lands defined in RCW 84.34.020(2) or defined as agricultural activities in this title, when undertaken pursuant to best management practices to minimize impacts to critical areas.*		*"Existing and ongoing agriculture" means those agricultural activities (in existence as of Jan. 1, 2000), on lands defined in RCW 84.34.020(2) or defined as agricultural activities in this title, when undertaken pursuant to agricultural best management practices to minimize impacts to critical areas. If the land is enrolled in a federally recognized conservation program or the Kitsap County Open Space Taxation Program as Farm and Agricultural Conservation Land (Title 18.12 KCC), it is*	To address public comment.

	grazing; and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas, can be "existing and ongoing agriculture." The alteration of the contour of wetlands or streams by leveling or filling other than that which results from normal cultivation, or draining of wetlands shall not be considered normal or necessary farming or ranching activities.			*not considered to be idle, and continues to meet the definition of existing and ongoing agriculture.*	
150.310 Feeder Bluff	*[As in 19.150.310]*	*Delete.*			All shoreline regulations are now in Title 22.
150.315 Fen	*"Fen" means a wetland with peat soils sixteen inches or more in depth, or any depth of organic soil over bedrock, and vegetation such as certain sedges, hardstem bulrush and cattails. Fens may have an overstory of spruce and may be associated with open water.*	*N/A*		*"Fen" means a wetland similar to a bog, dominated by organic soils, low nutrients, and low pH, but receives some water from the surrounding landscape or groundwater, as described in Washington State Wetland Rating System for Western Washington: 2014 Update (Washington State Department of Ecology Publication #14-06029, Olympia, WA, October 2014).*	To reflect Dept. of Ecology guidance, consistent with Rating System.
150.325 Fish and wildlife habitat	*"Fish and wildlife habitat" means those areas identified as being of critical importance to the maintenance of fish, wildlife, and plant species, including: areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; commercial and recreational shellfish areas; kelp and eelgrass beds, forage fish spawning areas; naturally occurring ponds and their submerged aquatic beds that provide fish or wildlife habitat; waters of the state; lakes, ponds, streams or rivers planted with game fish by a government or tribal entity, or private organization; State natural areas preserves and natural resource conservation areas.*	*"Fish and wildlife habitat conservation areas" are those areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors: and areas with high relative population density or species richness. The County may also designate locally important habitats and species. "Fish and wildlife habitat conservation areas" do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.*		*"Fish and wildlife habitat conservation areas" are those areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors: and areas with high relative population density or species richness. See below "Priority habitats" and "Priority species" for further detail. The County may also designate locally important habitats and species. "Fish and wildlife habitat conservation areas" do not include such*	

				artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.	
150.345 Forest Practies	*"Forest practices" means, as defined in WAC 222-16-010(21), as now or hereafter amended, any activity conducted on or directly pertaining to forest land that is related to growing, harvesting, or processing timber including, but not limited to:* *A. Road and trail construction;* *.* *.* *.* *"Forest practices" shall not include: preparatory work such as…..*	*"Forest practices" means, as defined in WAC 222-16-010(21), as now or hereafter amended, any activity conducted on or directly pertaining to forest land that is related to growing, harvesting, or processing timber including, but not limited to:* *A. Activities in and over typed water;* *B. Road and trail construction;* *.* *.* *.* *"Forest practices" shall not include: forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as…..*			
150. xxx (NEW-Added)- Functions and values	N/A	*"Functions and values" are generally those natural processes and benefits performed or provided by critical areas that are required to be protected by the GMA. These include, but are not limited to, improving and maintaining water quality, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, reducing flooding and erosive flows, water attenuation, historical or archaeological importance, educational opportunities, and recreation.*			
150.xxx (NEW-Added)- Geologic Assessment	N/A	*"Geologic assessment" is an umbrella term used for the evaluation completed by a geologist or geotechnical engineer to meet the requirements of 19.400. The geologic assessment by be in the form of a Letter, as described in Section 19.400.440, a Geologic report, or Geotechnical report (19.150.380).*		*"Geologic assessment" is an umbrella term used for the evaluation completed by a geologist or geotechnical engineer to meet the requirements of Chapter 19.400. The geologic assessment may be in the form of a Letter, as described in Section 19.400.440, a Geologic report, or Geotechnical report (19.150.380).*	
150.385 Grazed wet meadows	[As in 19.150.385]	*N/A*		*Delete.*	To reflect Dept. of Ecology and public comment.

150.395 Groundwater	*"Groundwater" means water in a saturated zone or stratum beneath the surface of land or water.*	*"Groundwater" means water that exists beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water, regardless of the geological formation or structure in which such water stands or flows, percolates or otherwise moves.*			
150.XXX Habitable Structure- NEW	N/A	N/A		*"Habitable structure", for the purposes of this Title, means any structure where a person could be reasonably expected to live, work, or recreate in. This includes, but is not limited to, primary or secondary dwelling units, garages, attached carports, or barns.*	To address public comment, in regards to "Danger Tree" provision in 19.100.130.
150.405 Habitat of local importance	*"Habitat of local importance" means a seasonal range or habitat element with which a given species has primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include……*	*"Habitat of local importance" are designated fish and wildlife habitat conservation areas that are found to be locally important by the County. This may include means a seasonal range or habitat element with which a given species has primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include……*		*"Habitat of local importance" are designated fish and wildlife habitat conservation areas that are found to be locally important by the County. This may include a seasonal range or habitat element with which a given species has primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include……*	Staff recommendation deletes inadvertent leftover word, "means"
150.410 Hazardous substance	[As in 19.150.410]	N/A		*Delete.*	Term is not used in code.
150.415 Hearing examiner	*"Hearing examiner" means a person appointed to hear or review certain land use decisions pursuant to RCW 36.70.970.*	N/A		*"Hearing examiner" means a person appointed to hear or review certain land use decisions pursuant to RCW 36.70.970 and Chapter 2.10 KCC.*	*To address public comment and clarify local process*
150.440 Impervious Surface	N/A	*"Impervious surface" means a surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or non-vegetated surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under pre-developed conditions. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.*		*Delete.*	Added to draft from Title 12; For consistency of not including definitions in other Titles of code, staff now recommend deleting.
150.445 Lot	*[As in 19.150.445]*	*Delete.*			For consistency of not including

					definitions in other Titles of code.
150.455 Mitigation	*"Mitigation" means avoiding, minimizing or compensating for adverse critical area impacts. Mitigation includes the following specific categories:* *A. Compensatory mitigation: replacing project-induced critical area losses or impacts, including, but not limited to, restoration, creation, or enhancement.* *B. Creation mitigation: mitigation performed to intentionally establish a critical area (e.g., wetland) at a site where it does not currently exist.* *C. Enhancement mitigation: mitigation performed to improve the condition of existing degraded critical areas (e.g., wetlands) so that the functions they provide are of a higher quality.* *D. Restoration mitigation: mitigation performed to reestablish a critical area (e.g., wetland), or its functional characteristics and processes, which have been lost by alterations, activities or catastrophic events within an area which no longer meets the definition of a critical area.*	*N/A*		*"Mitigation means:* *A. Avoiding the impact altogether by not taking a certain action or parts of an action;* *B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;* *C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;* *D.Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;* *E.Compensating for the impact by replacing, enhancing, or providing substitute resources or environments: and/or* *F.Monitoring the impact and taking appropriate corrective measures.*	Staff recommendation: For consistency with state and federal rules (WAC 197-11-768).
150.475 Non-conforming use or structure	[As in 19.150.475]	N/A		*Delete.*	For consistency of not including definitions in other Titles of code.
150.485 Open space	[As in 19.150.485]	*Delete.*			For consistency of not including definitions in other Titles of code.
150.490 Ordinary High Water Mark	*"Ordinary high water mark" means that mark that will be found by examining the bed and banks...or as it may change*			*"Ordinary high water mark" means that mark that will be found by examining the bed and banks… or as it may change*	Staff recommendation: from Ecology

	thereafter in accordance with permits issued by a local government or the department:, The definition is further guided by the additional criteria to clarify this mark in salt and fresh water environments, as contained in WAC 173-22-030, as now or hereafter amended.			*thereafter in accordance with permits issued by a local government or the department: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water adjoining fresh water sahll be the line of mean high water. ~~The definition is further guided by the additional criteria to clarify this mark in salt and fresh water environments, as contained in WAC 173-22-030, as now or hereafter amended.~~*	comment and for consistency with state law (RCW 90.58.030(2)(c)).
150.500 Performance based development (PBD)	*[As in 19.150.500]*	*Delete.*			For consistency of not including definitions in other Titles of code.
150.510 Permit	*[As in 19.150.510]*	*Delete.*			For consistency of not including definitions in other Titles of code.
150.515 Pond	*[As in 19.150.515]*	*N/A*		*Delete.*	Ecology recommendation; Water bodies less than 20 acres are still waters of the state and may be subject to shoreline regulation as associated wetlands.
150.525 Priority habitat	*"Priority habitat" means a seasonal range or habitat element with which a given species has a primary association, and which, if altered may reduce the likelihood that the species will maintain and reproduce over the long term. These might include areas of high relative density or species richness; breeding,*	*"Priority habitat" means a habitat type with unique or significant value to many species and may be described by a unique vegetation type or dominant plant species, by a successional stage, or specific habitat features of key value to fish and wildlife. An area identified and mapped as priority habitat has one or more of the following attributes:*			

	nesting, feeding, foraging, and migratory habitat; winter range, movement corridors; and/or habitats that are of limited availability or high vulnerability to alteration. Priority habitats are established by the Washington State Department of Fish and Wildlife within their Priority Habitats and Species Database.	• *Comparatively high fish and wildlife density or species diversity;* • *Important fish and wildlife breeding habitat, seasonal ranges, or movement corridors;* • *Limited availability;* • *High vulnerability to habitat alteration; or* • *Unique or dependent species.*			
150.530 Priority species	*"Priority species" means species requiring protective measures and/or management to ensure their persistence at genetically viable population levels. Priority species include state-listed or state proposed endangered, threatened or sensitive species and candidate and monitored species.*	*"Priority species" means species requiring protective measures and/or management actions to ensure their persistence at genetically viable population levels. Priority species include state-listed or state proposed endangered, threatened or sensitive species and candidate and monitored species. Priority species may also include vulnerable aggregations (heron rookeries, seabird concentrations, shellfish beds, etc.), or species of recreational, commercial and/or tribal importance.*			
150.535 Public facilities	*"Public facilities" means facilities which are owned, operated and maintained by a public agency.*	*"Public facilities" means facilities which are owned, operated or maintained by a public agency.*			
150.565 Reasonable use	*"Reasonable use" means a property that is deprived of all reasonable use when the owner can realize no reasonable return on the property or make any productive use of the property. Reasonable return does not mean a reduction in value of the land, or a lack of a profit on the purchase and sale of the property, but rather, where there can be no beneficial use of the property;*	*"Reasonable use" is a legal concept articulated by federal and state courts in regulatory taking cases.*			

	and which is attributable to the implementation of the Critical Areas Ordinance.				
150.xxx Use or activity (Added)	N/A	*"Use or activity" means any development proposal that includes or directly affects a critical area or its buffer, or occurs within the area of review, as described in Section 19.100.110(G), and is not otherwise exempt under 19.100.125.*		*Delete. Keep where added later in 19.150.*	This was inadvertently added in this location during drafting, but was not intended to be included.
150.582 Rehabilitation	*"Rehabilitation" means the manipulation of the physical, chemical or biological characteristics of a site with the goal of repairing natural or historical functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland, or breaking drain tiles and plugging drainage ditches.*	*"Rehabilitation" means the manipulation of the physical, chemical or biological characteristics of a site with the goal of repairing natural or historical functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland, or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.*			
150.585 Restoration	*"Restoration" means the return of a critical area (e.g., stream or wetland) to a state in which its functions and values approach its unaltered state as closely as possible.*	*"Restoration" means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.*			
150.595 Riparian Area	*"Riparian area" means an area of land that supports riparian vegetation and may include some upland areas, depending on site conditions. These generally occur adjacent to water bodies where specific measures are needed to protect fish and wildlife habitat and watershed functions.*	*"Riparian area" means a vegetated ecosystem along a water body through which energy, materials, and water pass. Riparian areas characteristically have a high water table and are subject to periodic flooding and influence from the adjacent water body. These systems encompass wetlands, uplands, or some combination of these two landforms. They will not in all cases have all*			

		the characteristics necessary for them to be also classified as wetlands.			
150.xxx Seismic hazard areas (NEW-added)	N/A	*"Seismic hazard areas" are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, debris flows, lahars, or tsunamis*			
150.605 Sensitive species	*"Sensitive species" means a species, native to the state of Washington that is vulnerable or declining and is likely to become endangered or threatened…*	*"Sensitive species" means a wildlife species, native to the state of Washington that is vulnerable or declining and is likely to become endangered or threatened…*			
150.610 Shorelines	*For the purposes of this title, "shorelines" means all of the water areas of the state, as defined by Chapter 90.58 RCW, including reservoirs, and their associated wetlands, together with the lands underlying them; except (a) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (b) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.*	*"Shorelines", as defined by Chapter 90.58 RCW are regulated under Title 22 KCC, Shoreline Master Program. Those portions of streams where the mean annual flow is twenty cubic feet per second or less, lakes less than twenty acres in size, and wetlands associated with either, are regulated under this Title.* *[This was intended to be underlined to indicate as "new" in the draft but was not]*		~~*For the purposes of this title, "shorelines" means all of the water areas of the state…*~~ *"Shorelines", as defined by Chapter 90.58 RCW are regulated under Title 22 KCC, Shoreline Master Program. Those portions of streams where the mean annual flow is twenty cubic feet per second or less, lakes less than twenty acres in size, and wetlands associated with either, are regulated under this Title.*	
150.xxx (NEW-added)- Significant Tree	N/A	*"Significant tree" means any healthy tree that is at least six inches in diameter at breast height. A tree growing with multiple stems shall be considered significant if at least one of the stems, as measured at a point six inches from where the stems digress from the main trunk, is at least four inches in diameter. Any tree that is planted to*			

		fulfill requirements of this title shall be considered significant, regardless of size or species.			
150.615 Single-family dwelling	*"Single family dwelling" means a building or structure that is designed for occupancy by not more than one family and including accessory structures and improvements.*	*"Single family dwelling" (attached or detached) means a building or structure that is designed for occupancy by not more than one family and including accessory structures and improvements.*			
150.620 Special flood hazard areas	*"Special flood hazard area" means the area adjoining the floodway which is subject to a one percent or greater chance of flooding in any year, as determined by engineering studies acceptable to Kitsap County. The coastal high hazard areas are included within special flood hazard areas.*	*"Special flood hazard area" means an areas subject to a base or one hundred-year flood; areas of special flood hazard are shown on a flood hazard boundary map or flood insurance rate map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, or V.*			
150.660 Unavoidable and necessary impacts	*"Unavoidable and necessary impacts" means an impact to a critical area that remains after an applicant proposing to alter such an area has demonstrated that no practicable alternative exists for the proposed project*	*Delete.*			
150.670 Utility corridor	*"Utility corridor" means areas identified in the Comprehensive Plan for utility lines, including electrical, gas, sewer, water lines; and public right-of-way and other dedicated utility right-of-way on which one or more utility lines are currently located. The term "other dedicated utility right-of-way" means ownership, easements, permits, licenses or other authorizations affording utilities*	*"Utility corridor" means areas set aside for or containing above or below ground utilities. A utility corridor is usually contained within and is a portion of any right-of-way or easement.*			

	the right to operate and maintain utility facilities on private property.				
150.674 Wetland delineation	*"Wetland delineation" means the identification of the wetland boundary as determined by using the Washington State Wetlands Identification and Delineation Manual, March 1997, as now or hereafter amended.*	*"Wetland delineation" means the identification of wetlands and their boundaries pursuant to this title, which shall be done in accordance with the approved federal wetlands delineation manual and applicable regional supplements.*			
150.685 Wetlands	*….Wetlands include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.*	*….However wetlands may include those legally established artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.*			
150.690 Wetlands, isolated	*"Wetlands, isolated" or "isolated wetlands" means wetlands that (a) are outside of and not contiguous to any one-hundred-year floodplain of a lake, river, or stream; and (b) have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water or other wetland within a one-hundred-foot radius.*	*N/A*		*"Wetland, isolated" or "isolated wetlands" means a wetland that is hydrologically isolated from other aquatic resources, as determined by the United States Army Corps of Engineers (USACE). Isolated wetlands may perform important function and are protected by state law (RCW 90.48) whether or not they are protected by federal law.*	To address Ecology comments and guidance
150.710 Wetlands report	*"Wetlands report" means a wetland delineation characterization and analysis of potential impacts to wetlands report or wetland mitigation plan consistent with applicable provisions of Chapter 19.200 (Wetlands) and Chapter 19.700 (Special Reports).*	*"Wetlands report" means a wetland delineation ~~characterization and analysis of potential impacts to wetlands~~ report or wetland mitigation plan consistent with applicable provisions of Chapter 19.200 (Wetlands) and Chapter 19.700 (Special Reports).*			
WETLANDS					
200.205 Purpose and Objectives	*This chapter applies to all regulated uses within or adjacent to areas designated as wetlands, as defined in*	*This chapter applies to all uses within or adjacent to areas designated as wetlands, as defined in*			

	Section19.150.685. The intent of this chapter is to:	*Section19.150.705, except those identified as exempt in 19.100.125. The intent of this chapter is to:*			
200.205(A)	*Achieve no net loss and increase the quality, and function and values of wetland acreage within Kitsap County and maintain and enhance the biological and physical functions…*	*Achieve no net loss and increase the quality, function and values of wetland acreage within Kitsap County by and maintaining and enhancing, when required, the biological and physical functions…*			
200.205(C)	*Plan wetland uses and activities in a manner that allows property holders to benefit from wetland property ownership wherever allowable under the conditions of this chapter and the ordinance from which it derives;*	*Plan wetland uses and activities in a manner that allows property holders to benefit from wetland property ownership wherever allowable under the conditions of this title;*		*Plan wetland uses and activities in a manner that allows property owners ~~holders~~ to benefit from wetland property ownership wherever allowable under the conditions of this title;*	To address public comment
200.210(A)	*(1) Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, estuaries, marshes, bogs and similar areas. For regulatory purposes, wetland delineations shall be determined by the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter.*	*(1) All wetland delineations shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement. All areas within the county meeting the wetland designation criteria are hereby designated critical areas and are subject to the provisions of this title.*			
200.210(A)	*(2) Kitsap County uses the Washington Department of Ecology Washington State Wetland Rating System for Western Washington, revised 2004 or as amended hereafter, to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement ratios for wetlands. Wetlands shall be generally designated as follows:*	*(2) Kitsap County uses the Washington Department of Ecology Washington State Wetland Rating System for Western Washington, revised 2014 or as hereafter amended, to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement ratios for wetlands. Wetlands shall be generally designated as follows (See Chapter 19.800, Appendix A, for more detailed description).*			

200.210(B)	*(B) Regulated Wetlands. (See Chapter 19.800, Appendix A, for more detailed description).*	*(B) Wetlands. …*			
200.210(B)	*(1) Category I Wetlands. Category I wetlands, are those regulated wetlands that include but are not limited to rare, unique wetland types, those that are more sensitive to disturbance than most wetlands, and that contain ecological attributes that are impossible to replace within a human lifetime. Category I wetlands score 70 points or more out of 100 on the wetlands ratings systems.*	*(1) Category I Wetlands. Category I wetlands include, but are not limited to, wetlands that represent rare or unique wetland types, those that are more sensitive to disturbance than most wetlands, those and that are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime, or those that provide a high level of function. Category I wetlands score 23 points or more out of 27 on the wetlands ratings system.*			
200.210(B)	*(2) Category II Wetlands. Category II wetlands are those regulated wetlands that score between 51-69 points out of 100 on the wetlands ratings system.*	*(2) Category II Wetlands. Category II wetlands are those regulated wetlands that are more difficult to replace and provide high levels of some functions. Category II wetlands score between20-22 points out of 27 on the wetlands ratings system.*		*(2) Category II Wetlands. Category II wetlands are those wetlands that are more difficult to replace and provide high levels of some functions. Category II wetlands score between20-22 points out of 27 on the wetlands ratings system.*	Staff recommendation: remove "regulated".
200.210(B)	*(3) Category III Wetlands. Category III wetlands are those regulated wetlands that score between 30-50 points on the wetlands rating systems. Activities affecting isolated, non-mosaic Category III wetlands that are less than 2,500 square feet may be allowed provided that the wetlands report identifies the specific wetland function affected or at risk, and the proposed mitigation to replace the wetland function, on a per function basis.*	*(3) Category III Wetlands. Category III wetlands are those wetlands with a moderate level of function and can often be adequately replaced with mitigation. Category III wetlands score between16-19 points on the wetlands ratings system. Activities affecting isolated, non-mosaic Category III wetlands that are less than 1,000 square feet may be allowed provided that the wetlands report identifies the specific wetland function affected or at risk, and the proposed mitigation to replace the wetland function, on a per function basis.*		*(3) Category III Wetlands. Category III wetlands are those wetlands with a moderate level of function and can often be adequately replaced with mitigation. Category III wetlands score between16-19 points on the wetlands ratings system. ~~Activities affecting isolated, non-mosaic Category III wetlands that are less than 1,000 square feet may be allowed provided that the wetlands report identifies the specific wetland function affected or at risk, and the proposed mitigation to replace the wetland function, on a per function basis.~~*	Staff recommendation: Move the deleted portion to a new sub-section regarding exemptions for small wetlands (below).
200.210(B)	*(4) Category IV Wetlands. Category IV wetlands are those regulated wetlands that score less than 30 points out of 100 on the wetlands ratings system. Activities affecting isolated, non-mosaic Category IV wetlands that are less than 7,500 square feet may be allowed*	*(4) Category IV Wetlands. Category IV wetlands have the lowest level of function and are often heavily disturbed. Category IV wetlands that score less than 16 points out of 27 on the wetlands ratings system. Activities affecting isolated, non-mosaic Category IV*		*(4) Category IV Wetlands. Category IV wetlands have the lowest level of function and are often heavily disturbed. Category IV wetlands ~~that~~ score less than 16 points out of 27 on the wetlands ratings system. ~~Activities affecting isolated, non-mosaic Category~~*	Staff recommendation: Move the deleted portion to a new sub-section regarding exemptions for small wetlands (below).

	provided that the wetlands report identifies the specific wetland function affected or at risk, and the proposed mitigation to replace the wetland function, on a per function basis.	*wetlands that are less than 4,000 square feet may be allowed provided that the wetlands report identifies the specific wetland function affected or at risk, and the proposed mitigation to replace the wetland function, on a per function basis.*		~~*IV wetlands that are less than 4,000 square feet may be allowed provided that the wetlands report identifies the specific wetland function affected or at risk, and the proposed mitigation to replace the wetland function, on a per function basis.*~~	
200.210(C) Non-Regulated Wetlands	*Non-Regulated Wetlands.* *Created Wetlands. Wetlands created intentionally from a non-wetland site that were not required to be constructed as mitigation for adverse wetland impacts. These may include, but are not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment ponds, farm ponds not contiguous, as defined in this title, and landscape amenities.*	Deleted.			These criteria are in the definition for wetland.
200.210(C) Exemptions for small wetlands-NEW	[See staff recommended deletions for 200.210(B)(3) and (4)]	N/A		*(C) Exemptions for small wetlands.* *Category III wetlands that are less than 2,500 square feet and Category IV wetlands that are less than 7,500 square feet, that do not contain federally listed species or their critical habitat are exempt from the buffer provisions in this Chapter when the following are met:* *(1) They are not associated with riparian areas or their buffers;* *(2) They are not associated with shorelines of the state or their associated buffers;* *(3) They do not score 5 or more points for habitat function based on the Washington*	To address public comment on the need to maintain current size of exempt small wetlands, site-specific flexibility, and consistency with KCC Title 12 (Stormwater); To address Ecology comment on need to provide conditions to these exemptions; retains current size thresholds.

				State Wetland Rating System for Western Washington: 2014 Update; and *(4) They do not contain a Class 1 Fish and Wildlife Habitat Conservation Area, identified by the Washington Department of Fish and Wildlife.*	
200.210 (D) Criteria for Determining Wetlands Divided by a Manmade Feature	*D. Criteria for Determining Wetlands Divided by a Manmade Feature.* *1. When a wetland is divided by a manmade feature (e.g., a road embankment), the wetland shall be rated as if it is not divided, if there is a perennial or intermittent surface water connection between the two wetlands and either of the following criteria is met:* *a. It can be demonstrated that the separate wetlands were one discrete wetland prior to construction of the manmade feature. This may be accomplished through an analysis of secondary information such as aerial photographs and soils maps; or* *b. The two separated wetlands can be shown to function as one wetland. This shall be determined based on normal conditions (i.e., in the absence of unauthorized activity, the wetlands possess similar vegetative or wildlife assemblages or hydrologic regime).*	Deleted/moved.			These criteria are in the Wetland Rating System.

	2. Separated wetland areas may be rated jointly in the absence of a perfectly level culvert where it can be demonstrated that a level surface water connection is present within the culvert that permits flow of water, fish, or other organisms in both directions. Separated wetland areas may also be rated jointly in the absence of a perfectly level culvert with two-way water flow if the bottom of the culvert is below the high water marks in the receiving wetland or if the high water marks on either side differ by six inches or less in elevation. *3. Connecting Mosaic Pattern Wetlands. In cases where the wetlands to be categorized are smaller than one acre in size and separated from each other by 100 feet or less (on average), the DOE mosaic methodology shall be used to determine the wetland category. The area of the wetlands must be greater than 50 percent of the total combined area of wetland and upland for the patchwork to be categorized as one wetland. The boundary of the mosaic wetlands must reflect the ecological interconnectedness of the wetlands within the mosaic. The county will not accept mosaic boundaries drawn to minimize the area of wetland within the mosaic.*				
200.215 Wetland review procedures (A)- Application Requirements	*(1) Application Procedures for New Development. Any new development, except as provided in subsection (C)(1) below, containing a regulated wetland*	*(A) Application requirements. . Except as <u>otherwise</u> provided <u>herein, all applications for development within a</u> wetland <u>or its</u> largest potential buffer width shall*			

	or its buffer, or proposed within the largest potential wetland buffer width, shall provide the special reports listed below, as required by the departments, prior to any development authorization by the department. Additional reports or information to further identify potential impacts to any part of the environment may also be required. *(a) Wetland delineation report (Section 19.700.710);* *(b) Wetland mitigation report (Section 19.700.715); and* *(c) Erosion and sedimentation control measures and/or site development activity permit as required by Title 12 of the Kitsap County Code (Stormwater Management).*	*include the following special reports at the time of application. This shall not prohibit the department from requesting reports or other information.* *1. Wetland delineation report (Section 19.700.710)* *2. Wetland mitigation report (Section 19.700.715)*			
200.215 Wetland review procedures (A)- Application Requirements	*(2) Time Limitations. Special reports submitted in accordance with this section shall be valid for a period of five years from the date of the report unless a longer or shorter period is specified by the department. An extension of an original report may be granted upon submittal of a written request to the department prior to expiration. Prior to granting any extension, the department may require updated studies if, in its judgment, the original intent of the application is altered, enlarged or if circumstances relevant to the review and issuance of the original permit have changed substantially, or if the applicant failed to abide by the terms of the original approval. Time extensions shall be granted in writing and documented in the file.*	Delete / Moved.			Moved to Special Reports.
200.215 (B)- Delineation of Wetland Boundaries	*(1) For regulatory purposes, wetland delineations shall be determined by using the Washington State Wetlands*	Delete.			To reduce Redundancy

	Identification and Delineation Manual, March 1997, or as hereafter amended.				
200.215 (B)-Delineation of Wetland Boundaries	*(2)…The regulated wetland boundary and regulated wetland buffer shall be identified….*	*(1)… The wetland boundary and wetland buffer established by this chapter shall be identified…*			
200.215 (C)-Wetland Review Process for Single-Family Dwellings	*(1)…. Administrative buffer reductions or variance will not apply.* *(2) Wetland Certification Process for Single-family Dwellings (No Encroachment into a Regulated Wetland or its Standard Buffer).* *(a)(1) No regulated wetlands….* *(b) If regulated wetland buffers extend onto the site….wetland buffer signs have been placed on the site.* *(c) A survey will not be required.* *(e)….should encroachment into a regulated wetland or buffer occur.* *(f) The applicant/property owner assumes responsibility for any and all errors of the single-family certification form and all associated mitigation imposed by the department.*	*(1) Administrative buffer reductions or variances will not apply. Expedited approval is not the same as expedited review, which is sometimes available for additional fees.* *(2) Wetland Certification Process for Single-family Dwellings (No Encroachment into a Wetland or its Standard Buffer).* *(a)(1) No wetlands….* *(b) If wetland buffers extend onto the site….wetland buffer signs have been placed on the site.* *(c) A survey will not be required with a single-family wetland certification form.* *(e)….should encroachment into a wetland or buffer occur.* *(f) The applicant/property owner assumes responsibility for any and all errors of the single-family certification form.*		*(2)(f) The applicant/property owner assumes responsibility for any and all errors of the single-family certification form, as well as responsibility for all associated mitigation required by the department.*	*(1) Clarified difference between expedited approval and expedited review* *(2) Deleted "regulated"; (c) added clarification of when survey not required; (f) the recommended change acknowledges a misinterpretation during drafting, but clarifies for future.*
200.220 Wetland buffer requirements	*For the purpose of this title, a wetland and its buffer are subject to the regulatory provisions of this chapter.*	Delete.			
200.220 Wetland buffer requirements (A)-Determining Buffer Widths.	*(A) Buffer widths shall be measured horizontally from a perpendicular line established at the wetland edge based on the base buffer width identified using the tables below. Identified in Table 19.200.220(A) and adjustments made from considerations contained in Table 19.200.220(B), Land Use Impact Intensity, below, and as applied in Tables 19.200.220(C) through (F).*	*A. Determining Buffer Widths. The following buffer widths are based on three factors: the wetland category, the intensity of the impacts, and the functions or special characteristics of the wetland that need to be protected as established through the rating system. These factors must be determined by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication*			

<table>
<tr><td></td><td></td><td><u>#14-06-029, or as revised and approved by Ecology). If a wetland meets more than one of the characteristics listed in tables 19.200.220(B) through (E), the greater of the buffers recommended to protect the wetland is applied.</u> <u>Buffers</u> shall be measured horizontally from a perpendicular line established at the wetland edge based on the buffer width identified using the tables below.</td><td></td><td></td><td></td></tr>
<tr><td>(B)- Width Tables of Buffers by Category of Wetland- Table 19.200.220(A) Base Buffer Widths</td><td><table><tr><th>Category of Wetland</th><th>Base Buffer Width</th></tr><tr><td>Category I</td><td>200 feet</td></tr><tr><td>Category II</td><td>100 feet</td></tr><tr><td>Category III</td><td>50 feet</td></tr><tr><td>Category IV</td><td>30 feet</td></tr></table></td><td>Delete.</td><td></td><td></td><td></td></tr>
<tr><td>(B)- Width Tables of Buffers by Category of Wetland- Table 19.200.220(C)- Width of Buffers Required to Protect Category IV Wetlands</td><td><table><tr><th>Category IV Wetland Characteristics</th><th>Buffer Width Adjustments to 30 ft. Base Width (By Impact of Land Use)</th></tr><tr><td>Score for functions < 30 points</td><td>Low — Decrease by 5 ft.
Moderate — Increase by 10 ft.
High — Increase by 20 ft.</td></tr></table></td><td><u>(A) Table…(B)</u> Width of Buffers <u>for</u> Category IV Wetlands<table><tr><th><u>Wetland Characteristics</u></th><th><u>Buffer Widths by Impact of Proposed Land Use</u></th><th><u>Other Measures Recommended for Protection</u></th></tr><tr><td><u>Score for all 3 basic functions is less than 16 points</u></td><td><u>Low- 25 feet
Moderate- 40 feet
High- 50 feet</u></td><td></td></tr></table></td><td></td><td></td></tr>
<tr><td>(B)- Width Tables of Buffers by Category of Wetland- Table 19.200.220(D)- Width of Buffers Required to Protect Category III Wetlands</td><td><table><tr><th>Category III Wetland Characteristics</th><th>Buffer Width- Adjustments to 50 ft. Base Width (By Impact of Land Use)</th></tr><tr><td>Moderate level of function for habitat</td><td>Low — Increase by 25 ft.</td></tr></table></td><td><u>(A) Table…(C)</u> Width of Buffers <u>for</u> Category III Wetlands
<u>Width of Buffers for Category III Wetlands</u><table><tr><th><u>Wetland Characteristics</u></th><th><u>Buffer Widths by Impact of Proposed Land Use</u></th><th><u>Other Measures Recommended for Protection</u></th></tr></table></td><td></td><td></td></tr>
</table>

(B)- Width Tables of Buffers by Category of Wetland- Table 19.200.220(E)- Width of Buffers Required to Protect Category II Wetlands						

(score for habitat is 20 — 28 pts.)	*Moderate — Increase by 60 ft. High — Increase by 100 ft.*
Category III wetlands not meeting above criteria	*Low — Decrease by 10 ft. Moderate — Increase by 10 ft. High — Increase by 30 ft.*

*Moderate level of function for habitat (5-7 points)**	*Low- 75 feet Moderate- 110 feet High- 150 feet*	
Score for habitat 3-4 points	*Low- 40 feet Moderate- 60 feet High- 80 feet*	

**If wetland scores 8-9 habitat points, use Table 19.200.220(D) for Category II buffers*

(A) Table….(D) Width of Buffers for Category II Wetlands

Category II Wetland Characteristics	***Buffer Width Adjustments to 100 ft. Base Width (By Impact of Land Use/Apply Most Protective)***
High level of function for habitat (score for habitat is 29 — 36 pts.)	*Low — Increase by 50 ft. Moderate — Increase by 125 ft. High — Increase by 100 ft.*
Moderate level of function for habitat (score for habitat is 20 — 28 pts.)	*Low — Decrease by 25 ft. Moderate — Increase by 10 ft. High — Increase by 50 ft.*

Wetland Characteristics	***Buffer Widths by Impact of Proposed Land Use*** *(most protective applies if more than one criterion met)*	***Other Measures Recommended for Protection***
High level of function for habitat score (8-9 points)	*Low- 150 feet Moderate- 225 feet High- 300 feet*	*Maintain connections to other habitat areas*
Moderate level of function for habitat (5-7 points)	*Low- 75 feet Moderate- 110 feet High- 150 feet*	

	High level of function for water quality improvement and low for habitat (score water quality is 24 — 32 pts. and habitat is less than 20)	*Low — Decrease by 50 ft. Moderate — Decrease by 25 ft. High — No change*	*<u>High level of function for water quality improvement (8-9 points) and low for habitat (less than 5 points)</u>*	*<u>Low- 50 feet Moderate- 75 feet High- 100 feet</u>*	*<u>No additional surface discharges of untreated runoff</u>*		
	Estuarine	*Low — Decrease by 25 ft. Moderate — Increase by 10 ft. High — Increase by 50 ft.*	*<u>Estuarine</u>*	*<u>Low- 75 feet Moderate- 110 feet High- 150 feet</u>*			
	Category II wetlands not meeting above criteria	*Low — Decrease by 50 ft. Moderate — Decrease by 25 ft. High — No Change*	*<u>Interdunal</u>*	*<u>Low- 75 feet Moderate- 110 feet High- 150 feet</u>*			
			<u>Not meeting above characteristics</u>	*<u>Low- 50 feet Moderate- 75 feet High- 100 feet</u>*			
(B)- Width Tables of Buffers by Category of Wetland- Table 19.200.220(F)- Width of Buffers Required to Protect Category I Wetlands	***Category I Wetland Characteristics***	***Buffer Width Adjustments to 200 ft. Base Width (By Impact of Land Use/Apply Most Protective)***	*(A) Table…(E) Width of Buffers for Category I Wetlands*				
	Natural Heritage Wetlands	*Low — Decrease by 75 ft. Moderate — Decrease by 10 ft. High — Increase by 50 ft.*	***<u>Wetland Characteristics</u>***	***<u>Buffer Widths by Impact of Proposed Land Use</u>*** *<u>(most protective applies if more than one criterion met)</u>*	***<u>Other Measures Recommended for Protection</u>***		
			<u>Wetlands of High Conservation Value</u>	*<u>Low- 125 feet</u>*	*<u>No additional surface discharges</u>*		

	Bogs	*Low — Decrease by 75 ft. Moderate — Decrease by 10 ft. High — Increase by 50 ft.*		*Moderate- 190 feet High- 250 feet*	*to wetland or its tributaries* *No septic systems within 300 feet of wetland* *Restore degraded parts of buffer*		
	Forested	*Buffer size to be based on score for habitat functions or water quality functions*	*Bogs*	*Low- 125 feet Moderate- 190 feet High- 250 feet*	*No additional surface discharges to wetland or its tributaries* *Restore degraded parts of buffer*		
	Estuarine	*Low — Decrease by 100 ft. Moderate — No Change High — Increase by 50 ft.*	*Forested*	*Buffer width to be based on score for habitat functions or water quality functions*	*If forested wetland scores high for habitat (8-9 points), need to maintain connections to other habitat areas* *Restore degraded parts of buffer*		
	Wetlands in Coastal Lagoons	*Low — Decrease by 100 ft. Moderate — No Change High — Increase by 50 ft.*	*Estuarine*	*Low- 100 feet Moderate- 150 feet High- 200 feet*			
	High level of function for habitat (score for habitat is 29 — 36 pts.)	*Low — Decrease by 50 ft. Moderate — Increase by 25 ft. High — Increase by 50 ft.*	*Wetlands in Coastal Lagoons*	*Low- 100 feet Moderate- 150 feet High- 200 feet*			
	Moderate level of function for habitat (score for habitat is 20 — 28 pts.)	*Low — Decrease by 125 ft. Moderate — Decrease by 90 ft.*					

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<tr><td></td><td>High — No change</td></tr>
<tr><td>High level of function for water quality improvement (WQI) (score is 24 — 32) and low for habitat (score for habitat is less than 20 points)</td><td>Low — Decrease by 150 ft.
Moderate — Decrease by 125 ft.
High — Decrease by 100 ft.</td></tr>
<tr><td>Category I wetlands not meeting any of the above criteria</td><td>Low — Decrease by 150 ft.
Moderate — Decrease by 125 ft.
High — Decrease by 100 ft.</td></tr>
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<tr><td>High level of function for habitat (8-9 points)</td><td>Low- 150 feet
Moderate- 225 feet
High- 300 feet</td><td>Maintain connections to other habitat areas

Restore degraded parts of buffer</td></tr>
<tr><td>Interdunal wetland with high level of function for habitat (8-9 points)</td><td>Low- 150 feet
Moderate- 225 feet
High- 300 feet</td><td>Maintain connections to other habitat areas

Restore degraded parts of buffer</td></tr>
<tr><td>Moderate level of function for habitat (5-7 points)</td><td>Low- 75 feet
Moderate- 110 feet
High- 150 feet</td><td></td></tr>
<tr><td>High level of function for water quality improvement (8-9 points) and low for habitat (less than 5 points)</td><td>Low- 50 feet
Moderate- 75 feet
High- 100 feet</td><td></td></tr>
<tr><td>Not meeting any of the above characteristics</td><td>Low- 50 feet
Moderate- 75 feet
High 100 feet</td><td></td></tr>
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<td>200.220 Wetland Buffer Requirements- (C) Modification of Buffer Widths</td>
<td>(C) Modification of Buffer Widths. Modification of buffer widths may be considered provided that mitigation sequencing is first demonstrated to first avoid, then minimize, and as a last resort, mitigate for unavoidable reductions or alterations to the required wetland buffers.</td>
<td>(B) Modification of Buffer Widths. The following modifications to buffer widths may be considered provided the applicant first demonstrates, using all available means, that reductions or alterations to the required wetland buffer cannot be avoided, minimized or mitigated (in that order).</td>
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<td>(B) Modification of Buffer Widths. The following modifications to buffer widths may be considered provided the applicant first demonstrates,<del> using all available means</del>, that reductions or alterations to the required wetland</td>
<td>To address comment.</td>
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	(1) Buffer Decrease Sequencing. Demonstration of unavoidable modifications to wetlands shall be implemented through the following methods:	*~~(1). Buffer Decrease Sequencing. Demonstration of unavoidable modifications to wetland buffers shall be implemented through the following methods:~~*		*buffer cannot be avoided, minimized or mitigated (in that order).*	
200.220 Wetland Buffer Requirements- (C) Modification of Buffer Widths- (1)(a) Buffer Averaging	*(1)(a) Buffer Averaging. Standard buffer widths may be modified by the department for a development proposal by averaging buffer widths, The total area contained within the buffer after averaging shall be no less than that contained within the standard buffer prior to averaging. The buffer shall not be reduced by more than 50 percent of the standard buffer width at any point. The department may allow wetland buffer averaging where it can be demonstrated that such averaging can clearly provide as great or greater functions and values as would be provided under the standard buffer requirement.-The following standards shall apply to buffer averaging:*	*(1) Buffer Averaging. Standard buffer widths may be modified by the department for a development proposal by averaging buffer widths, but only where the applicant can demonstrate that such averaging can clearly provide as great or greater functions and values as would be provided under the standard buffer. The following standards shall apply to buffer averaging:*		*(1) Buffer Averaging. Standard buffer widths may be modified by the department for a development proposal first by averaging buffer widths, but only where the applicant can demonstrate that such averaging can clearly provide as great or greater functions and values as would be provided under the standard buffer. The following standards shall apply to buffer averaging:*	*A portion of the underlined (added) section in the draft was actually not new, but moved up from existing language. The change is more accurately reflected in the staff recommendation.*
200.220 (C)(1)(a) Buffer Averaging	*(C)(1)(a)(5) The minimum buffer width will not be less than 25 percent of the widths established after the categorization is done and any buffer adjustments applied.* *(C)(1)(a)(6) If buffer width averaging is utilized and significant trees are identified, on the outer edge of the reduced buffer such that their drip line extends beyond the buffer edge, the following tree protection requirements must be followed:*	*(C)(1)(e) The minimum buffer width at any point will not be less than 75 percent of the widths established after the categorization is done and any buffer adjustments applied in accordance with this chapter.* *(C)(1)(f) If significant trees are identified, such that their drip line extends beyond the reduced buffer edge, the following tree protection requirements must be followed:*		*(e) For Category III and IV wetlands with habitat scores less than 5 points for habitat function based on the Washington State Wetland Rating System for Western Washington: 2014 Update, the minimum buffer width at any point will not be less than 50 percent of the widths established after the categorization is done and any buffer adjustments applied in accordance with this chapter.* *(f) For all other wetlands, ~~T~~the minimum buffer width at any point will not be less than 75 percent of the widths established after the categorization is*	To address public comment on need for flexibility on small wetlands and compatibility with stormwater rules.

				done and any buffer adjustments applied in accordance with this chapter. *(g) If significant trees are identified, such that their drip line extends beyond the reduced buffer edge, the following tree protection requirements must be followed:*	
200.220(C)(1)(a)(6)- Buffer Averaging – Tree protection	*(vi) No nails, cable, signs, or fencing shall be attached to any tree proposed for retention.*	*(7) No nails, cable, signs, or fencing shall be attached to any tree proposed for retention in the tree protection area.*			
200.220(C)(1)(b)- Administrative Buffer Reductions	*(C)(1)(b) Granting of a reduced buffer shall be the minimum necessary to accommodate the permitted use. In lieu of going through the formal variance process, an administrative reduction to the buffer widths may be granted subject to the following criteria:*	*(B)(2) Standard buffer widths may be modified by the department for a development proposal by reducing buffers, but only where the applicant can demonstrate that such is the minimum necessary to accommodate the permitted use and the reduction can clearly provide as great or greater functions and values as would be provided under the standard buffer requirement. The following standards shall apply to buffer reductions:*		*(2) Standard buffer widths may be modified by the department for a development proposal by reducing buffers, but only where buffer averaging is not feasible and the applicant can demonstrate that such is the minimum necessary to accommodate the permitted use and the reduction can clearly provide as great or greater functions and values as would be provided under the standard buffer requirement. This may be accomplished through enhancement of a degraded buffer. The following standards shall apply to buffer reductions:*	To address public comment; clarifies the order by which buffer reductions are to occur (averaging first, unless not feasible)
200.220(C)(1)(b)- Administrative Buffer Reductions	*(1) For proposed single-family dwellings, the department may administratively reduce the buffer by up to 25 percent, pursuant to the variance criteria listed in Section 19.100.135. Where an administrative buffer reduction is granted, fencing or signage of the buffer edge shall be required. The order of sequence for such buffer reductions shall be as follows:*	*(B)(2)(a) For proposed single-family dwellings, the department may administratively reduce the buffer by up to 25 percent, pursuant to the variance criteria listed in Section 19.100.135. Where an administrative buffer reduction is granted, fencing or signage of the buffer edge shall be required. The order of sequence for such buffer reductions shall be as follows:*		*(a) The department may administratively reduce the buffer pursuant to the variance criteria listed in Section 19.100.135.* *(b) For proposed single-family dwellings, the department may administratively reduce the buffer by up to 25 percent of the area required under the standard buffer requirement, but not less than thirty feet.*	To address public comment. Retains 25% , and not less than 30' for SFR (30' is the minimum wetland buffer for that land use), but adds 25% or 40' for all other uses (40' is the minimum wetland buffer for

	i. Use of buffer averaging maintaining 100 percent of the buffer area under the standard buffer requirement; *ii. Reduction of the overall buffer area by no more than 25 percent of the area required under the standard buffer requirement;* *iii. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area;* *iv. The use of alternative on-site wastewater systems in order to minimize site clearing;* *v. Infiltration of stormwater where soils permit; and* *vi. Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.* *(2) The minimum buffer shall be no less than thirty feet, except as allowed under a formal variance or reasonable use approval.*	*(1). Use of buffer averaging maintaining 100 percent of the buffer area under the standard buffer requirement;* *(2) Reduction of the overall buffer area by no more than 25 percent of the area required under the standard buffer requirement;* *(3). Enhancement of existing degraded buffer area and replanting of the disturbed buffer area;* *(4). The use of alternative on-site wastewater systems in order to minimize site clearing;* *(5). Infiltration of stormwater where soils permit; and* *(6). Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.* *(b) The minimum buffer shall be no less than 75 percent of the required width, except as allowed under a formal variance or reasonable use approval.*		*(c) For all other proposed uses, the department may administratively reduce the buffer by up to 25 percent of the area required under the standard buffer requirement, but not less than forty feet.* *(d) To minimize impacts and provide equivalent functions and values as required by this section, applicants may propose:* *(1) Enhancement of existing degraded buffer area and replanting of the disturbed buffer area;* *(2) The use of alternative on-site wastewater systems in order to minimize site clearing;* *(3) Infiltration of stormwater where soils permit; and* *(4) Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.* ~~*(b) The minimum buffer shall be no less than 75 percent of the required width, except as allowed under a formal variance or reasonable use approval.*~~	high-intensity land uses).; (d) describes how one may "provide equivalent function and values".
200.220(B)(2)(c)-NEW	N/A	*(c). The buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts under the following conditions:*		*(b) The buffer widths…..*	*(b) in draft is deleted; (c) becomes new (b)*

i. For wetlands that score moderate or high for habitat (5 points or more the habitat functions), the width of the buffer can be reduced if both of the following criteria are met:

- *A relatively undisturbed, vegetated corridor at least 100-feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.*
- *Measures to minimize the impacts of different land uses on wetlands, such as the examples summarized in Table 19.200.220(F).*

ii. For wetlands that score less than 5 points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying measures to minimize the impacts of the proposed land uses, such as the examples summarized in Table 19.200.220(F).

TABLE 19.200.220(F)

Examples of Measures to Minimize Impacts to Wetlands

Examples of Disturbance	***Activities and Uses that Cause Disturbances***	***Examples of Measures to Minimize Impacts***

		Lights	• *Parking lots* • *Warehouses* • *Manufacturing* • *Residential*	• *Direct lights away from wetland*			
		Noise	• *Manufacturing* • *Residential*	• *Locate activity that generates noise away from wetland*			
		Stormwater runoff	• *Parking lots* • *Roads* • *Manufacturing* • *Residential areas* • *Application of agricultural pesticides* • *Landscaping* • *Commercial* • *Landscaping*	• *Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered* • *Establish covenants limiting use of pesticides within 150 ft of wetland* • *Apply integrated pest management* • *Retrofit stormwater detention and treatment for roads and*			

				existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer			
		Change in water regime	• Impermeable surfaces • Lawns • Tilling	• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns			
		Pets and human disturbance	• Residential areas	• Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using			

				vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract			
		Dust	• *Tilled fields*	• *Use best management practices to control dust*			
200.220(D))- Fencing and Signs.	*(D)Fencing and Signs. This section applies to regulated wetlands and their buffers.* *(2)The department may require that permanent signs and/or fencing be placed on the common boundary between a wetland buffer and the adjacent land.*	*(C)Fencing and Signs. ~~This section applies to regulated wetlands and their buffers.~~* *(2)The department may require that permanent signs and/or fencing be placed on the common boundary between a wetland buffer and the adjacent land of the project site.*				
200.220(E)- Protection of Buffers	*(E)Protection of Buffers. Buffer areas shall be protected as required by the department. The buffer shall be identified on a site plan and filed as an attachment to the notice to title as required by Section 19.100.150 (Critical Area and Buffer Notice to Title).*	*(D) Protection of Buffers. Buffer areas shall be protected as required by the department. The buffer shall be identified on a site plan and filed as an attachment to the notice to title as required by Section 19.100.150 (Critical Area and Buffer Notice to Title). Refuse shall not be placed in buffers.*		*Protection of Buffers. ~~Buffer areas shall be protected as required by the department~~. The buffer shall be identified on a site plan and on site as required by the department and this Chapter. ~~and filed as an attachment to the notice to title as required by Section 19.100.150 (Critical Area and Buffer Notice to Title~~). Refuse shall not be placed in buffers.*	To address public comment
200.220(F)	*(F) Building or Impervious Surface Setback Lines. A building or impervious surface setback line of 15 feet is required from the edge of any wetland buffer. Minor structural or impervious*	*(E) Building…..*		*(E) Building or Impervious Surface Setback Lines. A building or impervious surface setback line of 15 feet is required from the edge of any wetland buffer. Minor structural or impervious*	

	surface intrusions into the areas of the setback may be permitted if the department determines that such intrusions will not adversely impact the wetland. The setback shall be identified on a site plan and filed as an attachment to the notice to title as required by Section 19.100.150 (Critical Area and Buffer Notice to Title).			*surface intrusions into the areas of the setback may be permitted if the department determines that such intrusions will not adversely impact the wetland. The setback shall be identified on a site plan. ~~and filed as an attachment to the notice to title as required by Section 19.100.150 (Critical Area and Buffer Notice to Title).~~*	
200.225 Additional development standards for regulated uses.	*200.225 Additional development standards for regulated uses.* *(A) Forest Practice……including the maintenance of buffers and regulated wetlands.*	*200.225 Additional development standards for uses.* *(A) Forest Practice……including the maintenance of buffers and wetlands.*			Deleted "regulated"
200.225(B) Agricultural Restrictions	***(B) In all development proposals which would permit introduction of agricultural uses damage to Category I, II, III, and IV regulated wetlands shall be avoided. These restrictions shall not apply to those regulated wetlands defined as grazed wet meadows, regardless of their classification only where grazing has occurred within the last five years. Wetlands shall be avoided by one of the following methods:*** ***(1) Implementation of a farm conservation plan agreed upon by the conservation district and the applicant to protect and enhance the water quality of the wetland; and/or*** ***(2) Fencing located not closer than the outer buffer edge.***	*(B) In all development proposals that would introduce or expand agricultural activities, a net loss of functions and values to wetlands shall be avoided. These restrictions shall not apply to those wetlands defined as grazed wet meadows, regardless of their classification, only where grazing has occurred within the last five years. Wetlands shall be avoided by at least one of the following methods:* *1. Locate fencing no closer than the outer buffer edge; and/or* *2. Implement a farm resource conservation and management plan agreed upon by the conservation district and the applicant to protect and enhance the water quality of the wetland.*		*(B) In all development proposals that would introduce or expand agricultural activities, a net loss of functions and values to wetlands shall be avoided. ~~These restrictions shall not apply to those wetlands defined as grazed wet meadows, regardless of their classification, only where grazing has occurred within the last five years.~~ Wetlands shall be avoided by at least one of the following methods:* *1. Locate fencing no closer than the outer buffer edge; ~~and/~~or* *2. Implement a farm resource conservation and management plan agreed upon by the conservation district and the applicant to protect and enhance the functions and values ~~water quality~~ of the wetland.*	To address comments regarding "grazed wet meadows", which are not defined as a regulated type of wetland and is inconsistent with resource protection; existing uses are still allowed, but this is addressing new or expanded activities. The farm resource conservation and management plans must address more than water quality (SWAPAH- soil, water, air, plants, animals, humans).
200.225 (C)- Road/Street Repair and Construction	*Road/Street Repair and Construction. Any private or public road or street repair, maintenance, expansion or*	*Road/Street Repair and Construction. Any private or public road or street repair, maintenance, expansion or*			

	construction which is allowed shall comply with the following minimum development standards: *1. No other reasonable or practicable alternative exists and the road or street serves multiple properties whenever possible;* *2. Publicly owned or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;*	*construction may be allowed within a critical area or its buffer only when all of the following are met:* *1. No other reasonable or practicable alternative exists and the road or street serves multiple properties whenever possible;* *2. For publicly owned or maintained roads or streets other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc., shall be allowed whenever possible.;*			
200.225(D) – Land Division and Land Use Permits	*All proposed divisions of land and land uses (including but not limited to the following: short plats, large lot subdivisions, master planned fully contained communities, master planned resorts, performance based developments, conditional use permits, site plan reviews, binding site plans) which include regulated wetlands, shall comply with the following procedures and development standards:* *1. Regulated wetlands, ~~e~~except the area with permanent open water, and wetland buffers may be included in the calculation of minimum lot area for proposed lots.* *2. Land division approvals shall be conditioned to require that regulated*	*All proposed divisions of land and land uses (including but not limited to the following: short plats, large lot subdivisions, performance based developments, conditional use permits, binding site plans) which include regulated wetlands, shall comply with the following procedures and development standards:* *1. Except the area with permanent open water, and the area of a wetland and its buffers may be included in the calculation of minimum lot area for proposed lots.* *2. Land division approvals shall be conditioned to require that wetlands and wetland buffers*			

	wetlands and regulated wetland buffers…				
200.225(E) Surface Water Management	*Surface Water Management. Surface water discharges from stormwater facilities or structures may be allowed they are in accordance with Title 12 of the Kitsap County Code (Stormwater Management) subject to the provisions of Section 19.200.230, Special Use Review.*	*Surface Water Management. Surface water discharges from stormwater facilities or structures may be allowed in wetlands and their buffers when they are in accordance with Title 12 of the Kitsap County Code (Stormwater Management) subject to the provisions of Section 19.100.145, Special Use Review, and this subsection.*			
200.225 (F) Trails and Trail-Related Facilities	*Construction of public and private trails and trail-related facilities, such as benches and viewing platforms, may be allowed in wetlands or wetland buffers pursuant to the following guidelines:* *1. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas.* *2. Trails and related facilities shall be planned to minimize removal of trees, soil disturbance and existing hydrological characteristics, shrubs, snags and important wildlife habitat.* *3. Viewing platforms and benches, and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected wetland.* *4. Trails and related facilities shall generally be located outside required buffers. Where trails are permitted*	*Construction of public and private trails and trail-related facilities, such as benches and viewing platforms, may be allowed in wetlands or wetland buffers pursuant to the following standards:* *1. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas.* *2. Trails and related facilities shall be planned to minimize removal of trees, soil disturbance and existing hydrological characteristics, shrubs, snags and important wildlife habitat.* *3. Viewing platforms, interpretive centers, benches, and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected wetland. Platforms shall be limited to one hundred square feet in size, unless demonstrated through a wetland mitigation plan that a larger structure will not result in a net loss of wetland funtions.* *4. Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers they shall be located in the outer 25% of*		*Construction of public and private trails and trail-related facilities, such as benches and viewing platforms, may be allowed in wetlands or wetland buffers pursuant to the following standards:* *1. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas.* *2. Trails and related facilities shall be planned to minimize removal of trees, soil disturbance and existing hydrological characteristics, shrubs, snags and important wildlife habitat.* *3. Viewing platforms, interpretive centers, benches, picnic areas, and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected wetland. Platforms shall be limited to one hundred square feet in size, unless demonstrated through a wetland*	To address public comment

	within buffers they shall be located in the outer portion of the buffer and a minimum of 30 feet from the wetland edge, except where wetland crossings or viewing areas have been approved by the Department. *5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails, have been specifically allowed and mitigation has been provided. Trail width shall not exceed five feet unless there is a demonstrated need, subject to review and approval by the department. Trails shall be constructed with pervious materials unless otherwise approved by the department.*	*the buffer, except where wetland crossings or <u>for direct access to</u> viewing areas have been approved by the Department.* *5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails, have been specifically allowed and mitigation has been provided. Trail width shall not exceed five feet unless there is a demonstrated need, subject to review and approval by the department. Trails shall be constructed with pervious materials <u>except where determined infeasible.</u>*		*<u>mitigation plan that a larger structure will not result in a net loss of wetland functions.</u>* *4. Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers they shall be located in the outer 25% of the buffer, except where wetland crossings or <u>for direct access to</u> viewing areas have been approved by the Department.* *5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails, have been specifically allowed and mitigation has been provided. Trail width shall not exceed five feet unless there is a demonstrated need, subject to review and approval by the department. Trails shall be constructed with pervious materials <u>(e.g., gravel, rock, bark)</u> <u>except where determined infeasible.</u>* *<u>6. Regional or public trails and trail-related facilities which have been publicly vetted with design considerations made to minimize impacts to critical areas and buffers shall not be subject to the platform, trail width, or trail material limitations above. Such trials and facilities shall be approved through Special Use Review (19.100.145), unless any underlying permit requires a public hearing.</u>*	

200.225(F) Utilities in Wetlands or Wetland Buffers.	*Utilities in Wetlands or Wetland Buffers.* *1. Utility development, authorized in Section 19.100.125(E), shall be allowed subject to best management practices in wetlands and wetland buffers.* *2. Construction of new utilities outside the road right-of-way or existing utility corridors may be permitted in wetlands or wetland buffers only when: no reasonable alternative location is available, and the utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined below, and as required in the filing and approval of applicable permit and special reports (Chapter 19.700) required by this title.* *3. Construction of sewer lines or on-site sewage systems may be permitted in regulated wetland buffers only when: (a) the applicant demonstrates it is necessary to meet state or local health code minimum design standards (not requiring a variance for either horizontal setback or vertical separation), and/or (b) there are no other practicable or reasonable alternatives available and construction meets the requirements of this section. Joint use of the sewer utility corridor by other utilities may be allowed.*	*Utilities. Placement of utilities within wetlands or their buffers may be allowed pursuant to the following standards:* *1. The utility maintenance or repair, as identified in Section 19.100.125(E), shall be allowed in wetlands and wetland buffers so long as best management practices are used.* *2. Construction of new utilities outside the road right-of-way or existing utility corridors may be permitted in wetlands or wetland buffers only when: (a) no reasonable alternative location is available, (b) the new utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined below, and (c) all requirements in any as required in the filing and approval of applicable permit or special report (Chapter 19.700) required by this title are satisfied.* *3. Construction of sewer lines or on-site sewage systems may be permitted in wetland buffers only when: (a) the applicant demonstrates that the location is necessary to meet state or local health code minimum design standards (not requiring a variance for either horizontal setback or vertical separation), and (b) there are no other practicable or reasonable alternatives available and (c) construction meets the requirements of this section. Joint use of the sewer utility corridor by other utilities may be allowed.* *4. New utility corridors shall not be allowed when the wetland or buffer has known locations…* *5. New utility corridor construction and maintenance shall protect the wetland and buffer environment by utilizing the following methods:*		*Utilities. Placement of utilities within wetlands or their buffers may be allowed pursuant to the following standards and any other required state and federal approvals:*	*To address Ecology comment that utility work in wetlands or in-water will require state and federal approval.*

	4. New utility corridors shall not be allowed when the regulated wetland or buffer has known locations… *5. New utility corridor construction and maintenance shall protect the regulated wetland and buffer environment by utilizing the following methods:* *a. New utility corridors shall be aligned when possible to avoid cutting trees greater than 12 inches in diameter at breast height (four and one-half feet), measured on the uphill side.* *b. New utility corridors shall be revegetated with appropriate native vegetation at preconstruction densities…* *c. Any additional utility corridor access for maintenance shall be provided as much as possible at specific points rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width but no greater than 15 feet,…* *d. The department may require other additional mitigation measures.* *6. Utility corridor maintenance shall include the following measures to*	*a. New utility corridors shall be aligned to avoid cutting trees greater than 12 inches in diameter at breast height (four and one-half feet), measured on the uphill side, unless no reasonable alternative location is available.* *b. New utility corridors shall be revegetated with appropriate native vegetation at not less than preconstruction densities…* *c. Any additional utility corridor access for maintenance shall be provided at specific points rather than by parallel roads, unless no reasonable alternative is available. If parallel roads are necessary, they shall be the minimum width necessary for access, but no greater than 15 feet,…* *d. The department may require other additional mitigation measures.* *6. Utility corridor maintenance shall include the following measures to protect the wetland and buffer environment:* *a. Painting of utility equipment, such as power towers, shall not be sprayed or sandblasted, unless appropriate containment measures are used. Lead-based paints shall not be used.* *b. No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers except those approved by the U.S. Environmental Protection Agency (EPA) and Washington Department of Ecology. Where approved, they must be applied by a licensed applicator in*			

	protect the regulated wetland and buffer environment: *a. Where feasible, painting of utility equipment, such as power towers, shall not be sprayed or sandblasted, unless appropriate containment measures are used. nor should lead-based paints be used.* *b. No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers except those approved by the U.S. Environmental Protection Agency (EPA) and Washington Department of Ecology. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.*	*accordance with the safe application practices on the label.*			
200.225 (G) Parks	*Development of public park and recreation facilities may be permitted subject to the provisions of Section 19.200.230, Special Use Review, below. For example, enhancement of wetlands and development of trails may be allowed in wetlands and wetland buffers subject to special use requirements and approval of a wetland mitigation plan.*	*Development of public park and recreation facilities may be permitted in wetlands or its buffer subject to the provisions of Section 19.100.145, Special Use Review, and other applicable chapters of the Kitsap County. For example, enhancement of wetlands and development of trails may be allowed in wetlands and wetland buffers subject to special use requirements and approval of a wetland mitigation plan.*		*Development of public park and recreation facilities may be permitted in wetlands or its buffer subject to the provisions of Section 19.100.145, Special Use Review, and other applicable chapters of the Kitsap County Code, and any state or federal approvals. For example, enhancement of wetlands and development of trails may be allowed in wetlands and wetland buffers subject to special use*	Staff recommendation to fix underline errors

				requirements and approval of a wetland mitigation plan.	
19.200.230 Special Use Review	[As in 19.200.230]	Moved to 19.100.145.			
19.200.250 Wetland mitigation requirements	*(A) Mitigation. All regulated development activities in wetlands or buffers shall be mitigated according to this title subject to the following order:* *…* *5. Combining any of the above measures to mitigate for individual actions.*	*(A) Mitigation Sequencing. All impacts to wetlands or buffers shall be mitigated according to this title in the following order: …* *[#5 deleted]*			
19.200.250(B)- Mitigation for Regulated Activities in Wetland Buffers	*Mitigation for Regulated Activities in Wetland Buffers. A specific mitigation plan is required and the requirements are provided in Section 19.700.715. Approval of the mitigation plan shall be signified by a notarized memorandum of agreement signed by the applicant and department director or designee, and recorded with the Kitsap County Auditor. The agreement shall refer to all requirements for the mitigation project.*	*Mitigation Report. Where mitigation is required under the sequencing in subsection (A), a mitigation report shall be provided in accordance with Section 19.700.715. Acceptance of the mitigation report shall be signified by a critical area Notice to Title signed by the applicant and department director or designee, and recorded with the Kitsap County Auditor (Appendix E, 19.800). The notice shall refer to all requirements for the mitigation project.*		*Mitigation Report. Where mitigation is required under the sequencing in subsection (A), a mitigation report shall be provided in accordance with Section 19.700.715. Acceptance of the mitigation report shall be signified by a notarized memorandum of agreement ~~critical area Notice to Title~~ signed by the applicant and department director or designee.~~, and recorded with the Kitsap County Auditor (Appendix E, 19.800).~~ The ~~notice~~ agreement shall refer to all requirements for the mitigation project.*	With removal of Notice to Title, recommend reverting back to original language.
19.200.250(C)- Mitigation for Wetlands	*Mitigation for Wetlands. Compensatory mitigation shall be required….*	Delete and moved to 19.700.715.			
19.200.250(D)	*(D) Wetland Replacement Ratios.*	*(C) Wetland Replacement Ratios.*			

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<tr>
<td></td>
<td>(1)…The first number specifies the amount of wetland area requiring replacement and the second number specifies the amount of wetland area altered.</td>
<td>(1)…The first number specifies the amount of wetland area <u>to be restored, rehabilitated, created or enhanced</u>, and the second number specifies the amount of wetland area <u>lost</u>.</td>
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<td>TABLE 19.200.250-Wetland Mitigation Replacement Ratios Table</td>
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<table>
<tr><th>Wetland Category</th><th>1:1 Reestablishment or Creation (R/C) and Enhancement (E)</th></tr>
<tr><td>All Category III</td><td>1:1 R/C and 2:1 E</td></tr>
<tr><td>All other Category II</td><td>1:1 R/C and 4:1</td></tr>
<tr><td>Category I Forested</td><td>1:1 R/C and 10:1</td></tr>
<tr><td>Category I other</td><td>1:1 R/C and 6:1</td></tr>
<tr><td>Category I Natural Heritage site</td><td>Case-by-case</td></tr>
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<tr><td>All other Category II</td><td>1:1 R/C and <u>8</u>~~4~~:1</td></tr>
<tr><td>Category I Forested</td><td>1:1 R/C and <u>20</u>~~10~~:1</td></tr>
<tr><td>Category I other</td><td>1:1 R/C and <u>12</u>~~6~~:1</td></tr>
<tr><td>Category I Wetlands of High Conservation Value <u>(based on functions)</u>~~Natural Heritage site~~</td><td>Case-by-case</td></tr>
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<td>200.250(D)(2)</td>
<td>(D)(2) The department may increase or decrease the ratios based on one or more of the following:

(a)….

(b)(1) Documentation by the applicant provides more certainty…

(b)(2) Documentation by the applicant demonstrates that….</td>
<td>(C)(2) <u>The above ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Accordingly, in the appropriate circumstances identified below,</u> the department my increase of decrease the ratios:

(a)….

(b)(1) Documentation by a qualified wetland specialist demonstrates certainty…

(b)(2) Documentation by <u>a qualified wetland specialist</u> demonstrates that….</td>
<td></td>
<td><u>(C)(2) The above ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Accordingly, in the appropriate circumstances identified below,</u> the department my increase of decrease the ratios <u>based on one or more of the following</u>:

(a)….

(b)(1) Documentation <u>by a qualified wetland specialist</u> demonstrates certainty…

(b)(2) Documentation by <u>a qualified wetland specialist</u> demonstrates that….</td>
<td>Typographical error, selection should have been underlined as new or were in the current code but left out of draft.</td>
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200.250(E)(1)- Off-Site Compensatory Mitigation	*(E)(1) Off-Site Compensatory Mitigation.* *1. Considerations for determining whether off-site mitigation is preferable include, but are not limited to:* *a. On-site conditions do not favor successful establishment of the required vegetation type, or lack the proper soil conditions, or hydrology, or may be severely impaired by the effects of the adjacent;* *b. On-site compensation would result in ~~an aquatic habitat that is~~ isolation~~ed~~ from other natural habitats ~~or severely impaired by the effects of the adjacent development~~;* *c. Off-site location is crucial to one or more species that is threatened, endangered, or otherwise of concern, and the on-site location is not;* *d. Off-site location is crucial to larger ecosystem functions, such as providing corridors between habitats, and the on-site location is not; and* *e. Off-site compensation has a greater likelihood of success or*	*(D) Alternative Mitigation Plans. (2) Off-Site Compensatory Mitigation.* *(a). Considerations for determining whether off-site mitigation is preferable include, but are not limited to:* *i. On-site conditions do not favor successful establishment of the required vegetation type, or lack the proper soil conditions, or hydrology, or may be severely impaired by the effects of the adjacent;* *ii. On-site compensation would result in isolation from other natural habitats;* *iii. Off-site location is crucial to one or more species that is threatened, endangered, or otherwise of concern, and the on-site location is not;* *iv. Off-site location is crucial to larger ecosystem functions, such as providing corridors between habitats, and the on-site location is not; and* *v. Off-site compensation has a greater likelihood of success or will provide greater functional benefits.* *(b). When determining whether off-site mitigation is preferable, the value of the site-specific wetland functions at the project site, such as flood control, nutrient retention, sediment filtering, and rare or unique habitats or species, shall be fully considered.* *(c). When conditions do not favor on-site compensation, off-site compensatory mitigation should be located as close to the impact site as possible, but at*		*(D)(2)(d)* *Off-site compensatory mitigation may include the use of a wetland mitigation bank or an in-lieu fee program.*	Draft: (E)(1) moved to (2), as a component of "Alternative Mitigation Plans".; Staff Recommendation to correct underline error in draft.

	will provide greater functional benefits. *2. When determining whether off-site mitigation is preferable, the value of the site-specific wetland functions at the project site, such as flood control, nutrient retention, sediment filtering, and rare or unique habitats or species, ~~should~~ shall be fully considered.* *3. When conditions do not favor on-site compensation, off-site compensatory mitigation should be located as close to the impact site as possible, but at least within the same watershed, while still replacing lost functions.*	*least within the same watershed, while still replacing lost functions.* *(d) Off-site compensatory mitigation may include the use of a wetland mitigation bank or an in-lieu fee program.* [See additions to 200.250(G) (d)(i) Mitigation Banking and (d)(ii) In-Lieu Fee Mitigation below.]			
200.250(D)(3)-Advanced Mitigation- NEW	N/A	*(3) Advance Mitigation. Mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal, state and local laws and guidance on advance mitigation, and state water quality regulations consistent with Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (Ecology Publication #12-06-15).*			
200.250(E)(1)-Alternative Mitigation Plans-NEW	N/A	*(1) The department may approve alternative wetland mitigation plans identified in this section that are based on best available science, such as priority restoration plans that achieve restoration goals identified in Title 22 KCC, Restoration Plan. Alternative mitigation proposals must provide an equivalent or better level of protection of wetland*			

		functions and values than would be provided by the strict application of this chapter. *The department shall consider the following for approval of an alternative mitigation proposal:* a. *The proposal uses a watershed approach consistent with Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Ecology Publication #09-06-32, Olympia, WA, December 2009).* b. *Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.* c. *Other on-site mitigation, as described above, are not feasible due to site constraints, such as parcel size, stream type, wetland category, or geologic hazards.* d. *There is clear potential for success of the proposed mitigation at the proposed mitigation site.* e. *The plan contains clear and measurable standards for achieving compliance with the specific provisions of the plan. A monitoring plan shall, at a minimum, meet the provisions of the Wetland Mitigation Plan (19.700,Special Reports).*			
200.250(G)-Mitigation Banking	*(G) Mitigation Banking. Kitsap County encourages the creation of a public or private mitigation banking system when feasible.*	*(D)(2)(d) [continuation of Off-Site Compensatory Mitigation, above]* *(i) Mitigation Banking. Kitsap County encourages the creation of a public or private mitigation banking system when feasible. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the*			

		mitigation bank instrument. Use of credits from a wetland mitigation bank certified under Chapter 173-700 WAC is allowed if: *(1). The approval authority determines that it would provide appropriate compensation for the proposed impacts;* *(2). The impact site is located in the service area of the bank;* *(3). The proposed use of credits is consistent with the terms and conditions of the certified mitigation bank instrument; and* *(4). Replacement ratios for projects using bank credits is consistent with replacement ratios specified in the certified mitigation bank instrument.* *(ii). In-Lieu Fee Mitigation. Credits from an approved in-lieu-fee program may be used when all of the following apply:* *(1). The approval authority determines that it would provide environmentally appropriated compensation for the proposed impacts.* *(2). The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.* *(3). Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland professional using the credit assessment method*			

		specified in the approved instrument of the in-lieu-fee program. *(4). The impacts are located within the service area specified in the approved in-lieu-fee instrument.*			
200.260 Incentives for wetland mitigation	*…Buffers dedicated as permanent open space tracts will qualify for the open space taxation program and will be offered the opportunity to be entered into this program. Kitsap County may offer to purchase these lands through the Conservation Futures Fund.*	*…Buffers dedicated as permanent open space tracts may qualify for the open space taxation program and will be offered the opportunity to be entered into this program. Kitsap County may offer to purchase these lands through the Conservation Futures Fund, as funding is available.*		*…Buffers dedicated as permanent open space tracts may qualify for the open space taxation program and will be offered the opportunity to be entered into this program. Kitsap County may offer to purchase these lands through the Conservation Futures Fund, as funding is available.*	Staff Recommendation to correct underline error in draft.
FISH AND WILDLIFE HABITAT CONSERVATION AREAS					
300.305 Purpose	*This chapter applies to all regulated uses included in this title, or uses within the largest potential buffer of areas designated as fish and wildlife habitat conservation areas,. as categorized in Section 19.300.310, below. The purpose of this chapter is to identify regulated fish and wildlife habitat conservation areas and establish habitat protection procedures and mitigation measures that are designed to achieve no net loss and maintain viable populations and habitat over the long term of fish and wildlife species and habitats due to new development or regulated activities. It is*	*This chapter applies to all uses within or adjacent to fish and wildlife habitat conservation areas, defined in 19.150.325, except those identified as exempt in 19.100.125. The intent of this chapter is to identify fish and wildlife habitat conservation areas and establish habitat protection procedures and mitigation measures designed to achieve a no net loss of critical area functions and values and to maintain viable fish and wildlife populations and habitat over the long term. Further, it is also the intent of this chapter to:* *…* *B. Prevent turbidity and pollution, control siltation, protect nutrient reserves, and maintain water flows and*		*This chapter applies to all uses within or adjacent to fish and wildlife habitat conservation areas, defined in 19.150.325, except those identified as exempt in 19.100.125. The intent of this chapter is to identify fish and wildlife habitat conservation areas and establish habitat protection procedures and mitigation measures designed to achieve a no net loss of critical area functions and values and to maintain viable fish and wildlife populations and habitat over the long term. Further, it is also the intent of this chapter to:* *…*	Staff Recommendation to correct underline error in draft.

	further stated that the intent of this chapter is to: *…* *B. Prevent turbidity and pollution, control siltation, protect nutrient reserves, and maintain water flows and quality for anadromous and resident fish, marine shellfish and forage fish; and* *….*	*quality for anadromous and resident fish, marine shellfish and forage fish;* *D. Avoid or minimize human and wildlife conflicts through planning and implementation of wildlife corridors where feasible.*		*B. Prevent turbidity and pollution, control siltation, protect nutrient reserves, and maintain water flows and quality for anadromous and resident fish, marine shellfish and forage fish;* *D. Avoid or minimize human and wildlife conflicts through planning and implementation of wildlife corridors where feasible.*	
300.310 (A) Fish and wildlife habitat conservation area categories- General	*A. General. Fish and wildlife habitat conservation areas are those areas that support regulated fish or wildlife species or habitats, typically identified by known point locations of specific species (such as a nest or den) or by habitat areas or both.*	*A. General. Fish and wildlife habitat conservation areas, are typically identified by known point locations of specific species (such as a nest or den) or by habitat areas or both and may occur on both public and private lands.*			
300.310(B)(1) – Fish and wildlife habitat conservation area categories- Streams	*Streams. All streams which meet the criteria for Type, F, Np or Ns waters as set forth in WAC 222-16-030 of the Washington Department of Natural Resources (DNR) Water Typing System, as now or hereafter amended, and Table 19.300.310 (See also Chapter 19.800, Appendix "B").*	*Streams. All streams which meet the criteria for Type, F, Np or Ns waters as set forth in WAC 222-16-030 of the Washington Department of Natural Resources (DNR) Water Typing System, as now or hereafter amended, and Table 19.300.310 (See also Chapter 19.800, Appendix "B"). Type S waters are regulated through the Shoreline Master Program (Kitsap County Code, Title 22). The DNR stream maps should not be the only source for identifying regulated areas or establishing buffers. Other modeled or field-verified stream type maps should also be used, and stream conditions, identification of*			

		flow alterations, and location of fish passage barriers shall be identified through a site-specific field visit. Field verification of all intermittent or non-fish bearing streams should occur during the wet season months of October to March if feasible, or as determined by the Department.			
300.310(B)(2)	*(a) Saltwater Shorelines, and Lakes 20 Acres and Greater in Surface Area. Those saltwater shorelines and lakes defined as shorelines of the state in the Shoreline Management Act of 1971 and the Kitsap County Shoreline Management Master Program, as now or hereafter amended. Shorelines include Type S waters as set forth in WAC 222-16-030 (DNR Water Typing System) as now or hereafter amended; commercial and recreational shellfish areas; kelp and eelgrass beds; and forage fish spawning areas.*	Delete.			
300.310(B)(2)	*(b) Lakes Less Than 20 Acres in Surface Area. Those lakes which meet the criteria for Type F, Np, and Ns waters as set forth in WAC 222-16-030, as now or hereafter amended. This includes lakes and ponds less than twenty acres in surface area and their submerged aquatic beds, and lakes and ponds planted with game fish by a governmental or tribal authority.*	*(2) Lakes Less Than 20 Acres in Surface Area……*			
300.310 (B)(3)- Wildlife Habitat Conservation Areas	*(a) Class I Wildlife Habitat Conservation Areas.*	*a) Class I Wildlife Habitat Conservation Areas.* *(1) Habitats recognized by federal or state agencies for federal and/or state listed*		*a) Class I Wildlife Habitat Conservation Areas.*	

	(1) Habitats recognized by federal or state agencies for federal and/or state listed endangered, threatened and sensitive species documented in maps or databases available to Kitsap County. *(2) Areas targeted for preservation by the federal, state and/or local government which provide fish and wildlife habitat benefits ¸such as important waterfowl areas identified by the U.S. Fish and Wildlife Service; or* *(3) Areas that contain habitats and species of local importance.* *b. Class II Wildlife Habitat Conservation Areas. Habitats for state listed candidate and monitored species documented in maps or databases available to Kitsap County and its citizens, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.*	*endangered, threatened and sensitive species documented in maps or databases available to Kitsap County, <u>including but not limited to the database on Priority Habitats and Species provided by the Washington Department of Fish and Wildlife.</u>* *(2) Areas targeted for preservation by the federal, state and/or local government which provide fish and wildlife habitat benefits, <u>including but not limited to,</u> important waterfowl areas identified by the U.S. Fish and Wildlife Service <u>and WDFW Wildlife Areas</u>; or* *(3) Areas that contain habitats and species of local importance.* *b. Class II Wildlife Habitat Conservation Areas. Habitats for state listed candidate and monitored species documented in maps or databases available to Kitsap County, and which, if altered, may reduce the likelihood that the species will maintain <u>a viable population</u> and reproduce over the long term.*		*(1) Habitats recognized by federal or state agencies for federal and/or state listed endangered, threatened and sensitive species documented in maps or databases available to Kitsap County, <u>including but not limited to the database on Priority Habitats and Species provided by the Washington Department of Fish and Wildlife.</u>* *(2) Areas targeted for preservation by the federal, state and/or local government which provide fish and wildlife habitat benefits, <u>including but not limited to,</u> important waterfowl areas identified by the U.S. Fish and Wildlife Service <u>and WDFW Wildlife Areas</u>; or* *(3) Areas that contain habitats and species of local importance, <u>if available when identified and vetted through a public process</u>.* *b. Class II Wildlife Habitat Conservation Areas. Habitats for state listed candidate and monitored species documented in maps or databases available to Kitsap County, and which, if altered, may reduce the likelihood that the species will maintain <u>a viable</u>*	

Proposed Code Revisions to Draft Title 19 KCC (Critical Areas Ordinance)

				population and reproduce over the long term.	
300.315 Development Standards	*Those regulated uses identified below within designated fish and wildlife habitat conservation areas shall comply with the performance standards outlined in this chapter.*	*Activities within a designated fish and wildlife habitat conservation area with its buffer are subject to the regulatory provisions of this chapter and shall comply with the performance standards outlined in this chapter.*			
300.315(A)Buffers and Building Setbacks. (1)-Buffers	*(1) Buffers. Buffers or setbacks shall remain undisturbed natural vegetation areas….*	*(1) Buffers. Buffers shall remain undisturbed natural vegetation areas….*			
TABLE 19.300.315	[As in 19.300.315]	[Deleted: Type S Water Type, Saltwater Shorelines and Lakes (and associated footnote); Added: Lakes less than 20 acres- 100 foot buffer width and 15 foot building setback]		*Wildlife Habitat Conservation Areas Class I: Buffer widths and setbacks will be determined through a mandatory Habitat Management Plan (HMP). In the case of Bald Eagles, a HMP will not be required, but certain conditions may be applied to the permit regarding construction.*	
300.315 (A)(3) Buffer Widths and Setbacks for Shorelines	*Buffer Widths and Setbacks for Shorelines. The building setback or buffer width for…*	Delete.			
300.315(A)(4)-Provision for Decreasing Buffer	*(4) Provision for Decreasing Buffer. In lieu of going through the formal variance process, an administrative reduction to buffer widths, except for urban, conservancy and natural shorelines, may be granted subject to the requirements of this section. Where an applicant demonstrates, pursuant to the variance criteria that buffer widths cannot be met,a habitat management plan (HMP) will be required that shall meet the requirements as described in*	*(3) Provision for Decreasing Buffer. The department may grant, an administrative reduction to buffer widths, in accordance with the requirements of this subsection. The applicant must demonstrate, pursuant to the variance criteria in 19.100.135, that buffer widths cannot be met, and submit a habitat management plan (HMP) that meets the requirements as described in Chapter 19.700 (Special Reports). Upon review of the HMP and after consultation with the Washington State Department of Fish and Wildlife, the department may grant a reduction if it determines a reduction is the minimum necessary for the permitted use and that the*		*(3) Provision for Decreasing Buffer. The department may grant, an administrative reduction to buffer widths, in accordance with the requirements of this subsection. The applicant must demonstrate, pursuant to the variance criteria in 19.100.135, that buffer widths cannot be met, and submit a habitat management plan (HMP) that meets the requirements as described in Chapter 19.700 (Special Reports). Upon review of the HMP and*	Staff recommendations clarify the intent of Type II for SFR being between 25-50%, and greater than 50% is a variance; based on comments, also clarified that all other uses requesting a buffer reduction greater than 25% require a variance.

	Chapter 19.700 (Special Reports). The department may decrease the buffer if, after consultation with the Washington State Department of Fish and Wildlife, and review of the HMP, the department determines that conditions are sufficient to protect the affected fish and wildlife habitat conservation area. *The department may reduce the buffer width by up to fifty percent for construction of a single-family dwelling or up to twenty-five percent for all other development, but the buffer shall not be less than twenty-five feet. Administrative buffer reductions may be allowed for rural, semi-rural shoreline environments and lakes less than 20 acres where a vacant parcel has a common property line with two or more lots which abut the ordinary high water line and which are developed with structures. In these cases, the standard buffer may be reduced to the greater of 50 feet or the average of the standard buffer and setbacks of the structures on the adjacent properties. All other reductions of greater than twenty-five percent for single-family dwellings will be a Type II decision and require notification (see Chapter 19.800, Appendix F). Granting of a reduced buffer shall be the minimum necessary for the permitted use. When applicable,*	*conditions are sufficient to assure no net loss of ecological functions of the affected fish and wildlife habitat conservation area.* *The department may reduce the buffer width by up to twenty-five percent in a Type I Permit under chapter 21.04. Reductions of greater than twenty-five percent for single-family dwellings will be a Type II decision and require notification (see Chapter 19.800, Appendix F). All other reductions shall be pursuant to a variance under 19.100.135. When applicable, the order of sequence for buffer reductions shall be as follows:* …		*after consultation with the Washington State Department of Fish and Wildlife, the department may grant a reduction if it determines a reduction is the minimum necessary for the permitted use and that the conditions are sufficient to assure no net loss of ecological functions of the affected fish and wildlife habitat conservation area.* *The department may reduce the buffer width by up to twenty-five percent in a Type I Permit under chapter 21.04. Reductions of greater than twenty-five percent but less than fifty percent for single-family dwellings will be a Type II decision and require notification (see Chapter 19.800, Appendix F). Buffer reductions for single-family residences greater than fifty percent, and reductions greater than twenty-five percent for aAll other uses ~~reductions~~ shall be pursuant to a variance under 19.100.135. When applicable, the order of sequence for buffer reductions shall be as follows:*	

	the order of sequence for buffer reductions shall be as follows: …				
300.315 (A)(6)- Buffers for Streams in Ravines	*(6) Buffers for Streams in Ravines…..*	*(5) Buffers for Streams in Ravines…..Building setbacks for geologically hazardous areas may still apply (19.400), if determined necessary.*			
300.315(A)(7)- Channel Migration Zones	*(7) Channel Migration Zones. In areas where channel migration zones occur outside of Urban Growth Areas (as of the date of the adoption of this title), the buffer distance shall be measured from the edge of the channel migration zone.).*	*(6) Channel Migration Zones. In areas where channel migration zones can be identified, the buffer distance shall be measured from the edge of the channel migration zone.). Building setbacks for geologically hazardous areas may also apply (19.400), if determined necessary.*			
300.315(A)(8)- Protection of buffers	*(8) Protection of Buffers. Buffer areas shall be protected as required by the department. The buffer shall be identified on a site plan and filed as an attachment to the notice as required by 19.100.150 (Critical Area and Buffer Notice to Title).*	*(7) Protection of Buffers…..*		*(7) Protection of Buffers. Buffer areas shall be protected as required by the department. The buffer shall be identified on a site plan and ~~filed as an attachment to the notice as required by 19.100.150 (Critical Area and Buffer Notice to Title).~~ and on site as required by the department and this Chapter.*	Staff Recommendation to reflect removal of Notice to Title and to be consistent with recommendation in Wetlands chapter.
300.315(A)(9)	*(9) Building or Impervious Surface Setback Lines. ….The setback shall be identified on a site plan and filed as an attachment to the notice as required by 19.100.150(Critial Area and Buffer Notice to Title).*	*(8) Building or Impervious Surface Setback Lines….*		*(8) Building or Impervious Surface Setback Lines. ….The setback shall be identified on a site plan. ~~and filed as an attachment to the notice as required by 19.100.150(Critial Area and Buffer Notice to Title).~~*	Staff Recommendation to reflect removal of Notice to Title and to be consistent with recommendation in Wetlands chapter.

300.315(A)(10)	*(10) Buffer and Building Setbacks for Water Dependent Activities…..*	Delete.			Special allowance for water dependent activities is from the Shoreline Management Act (SMA) and does not apply to CAO.
300.315 (B) Class I Wildlife Habitat Conservation Areas Development Standards	*(B) Class I Wildlife Habitat Conservation Areas Development Standards. All sites with known Class I wildlife habitat conservation areas will require, for all development permits, the submittal and approval of a habitat management plan (HMP) as specified in Chapter 19.700 (Special Reports). In the case of bald eagles, an approved bald eagle management plan by the Washington State Department of Fish and Wildlife (WDFW), meeting the requirements and guidelines of the bald eagle protection rules (WAC 232-12-292), as now or hereafter amended, shall satisfy the requirements for a habitat management plan (HMP). In the case of listed fish species, a HMP shall be required if a buffer reduction is proposed under the provisions of Section 19.300.315(A). An HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation.*	*(B) Class I Wildlife Habitat Conservation Areas Development Standards. All development permits within known Class I wildlife habitat conservation areas will require the submittal and approval of a habitat management plan (HMP) as specified in Chapter 19.700 (Special Reports). In the case of bald eagles, the HMP shall comply with the federal Bald and Golden Eagle Protection Act (16 USC 668) to avoid impacting eagles and their habitat. In the case of listed fish species, a HMP shall be required only if a buffer reduction is proposed under the provisions of Section 19.300.315(A). The HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation.*		*(B) Class I Wildlife Habitat Conservation Areas Development Standards. All development permits within known Class I wildlife habitat conservation areas will require the submittal and approval of a habitat management plan (HMP) as specified in Chapter 19.700 (Special Reports). In the case of bald eagles, an HMP will not be required, but conditions for construction may be applied to the permit to ensure compliance ~~the HMP shall comply~~ with the federal Bald and Golden Eagle Protection Act (16 USC 668) to avoid impacting eagles and their habitat. In the case of listed fish species, a HMP shall be required only if a buffer reduction is proposed under the provisions of Section 19.300.315(A). The HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation.*	Staff recommendation to address communications with US Fish and Wildlife Service to clarify compliance needs.
300.315(C)- Class II Wildlife Habitat Conservation Area	*(C) Class II Wildlife Habitat Conservation Area Development Standards. All development within designated Class II*	*(C) Class II Wildlife Habitat Conservation Area Development Standards. All development permits within known Class II wildlife conservation areas may require*			Draft moved the determination timing up to read more

Development Standards	*wildlife conservation areas may require the submittal of a habitat management plan (HMP). An HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation. The requirement for an HMP shall be determined during the SEPA/critical areas review on the project.*	*the submittal of a habitat management plan (HMP), as determined during the SEPA/critical areas review on the project. The HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation.*			sequentially. Not new.
300.315(D) Stream Crossings	*(D) Stream Crossings. Any private or public road expansion or construction which is allowed and must cross streams classified within this title, shall comply with the following minimum development standards.* *1. Bridges or bottomless culverts shall be required for all Type S or F streams that have salmonid breeding habitat…..* *2. Crossings shall not occur in salmonid spawning areas unless…* *3. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists.* *…*	*(D) Stream Crossings. Any private or public road expansion or construction proposed to cross streams classified within this title, shall comply with the following minimum development standards. All other state and local regulations regarding water crossing structures will apply, and the use of the Water Crossing Design Guidelines (WDFW, 2013) or as amended, is encouraged.* *2. Bridges or bottomless culverts shall be required for all Type F streams that have salmonid habitat…..* *1. Crossings shall not occur in salmonid streams unless…* *3. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists or to provide mid-span footing for the purpose of increased floodplain connectivity.*			
300.315(F) Pesticides, Fertilizers and Herbicides	*(F) Pesticides, Fertilizers and Herbicides. No pesticides, herbicides or fertilizers may be used in fish and wildlife habitat*	*(F) Pesticides, Fertilizers and Herbicides. No pesticides, herbicides or fertilizers may be used in fish and wildlife habitat conservation areas or their buffers, except those*			

	conservation areas or their buffers, except those approved by the U.S. E.P.A. or Washington Department of Ecology for use in fish and wildlife habitat conservation area environments. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.	*approved by the U.S. E.P.A. or Washington Department of Ecology for use in fish and wildlife habitat conservation area environments and ~~Where approved, herbicides must be~~ applied by a licensed applicator in accordance with the safe application practices on the label.*			
300.315(G) Land Divisions and Land Use Permits	*(G) Land Divsions and Land Use Permits. ….* *(1) The open water are of lakes, streams, and tidal lands shall not be permitted for use in calculating minimum lot area.*	*(G) Land Divsions and Land Use Permits. ….* *(1) The open water are of lakes, streams, and tidal lands shall not be used in calculating minimum lot area.*			Draft change to read better.
300.315(H) Agricultural Restrictions	*(H) Agricultural Restrictions. In all development proposals that would permit introduction of agriculture to fish and wildlife habitat conservation areas, damage to the area shall be avoided by the installation of fencing located not closer than the outer buffer edge.*	*(H) Agricultural Restrictions. In all development proposals that would introduce or expand agricultural activities , a net loss of functions and values to the critical area shall be avoided by at least one of the following methods:* 1. *Locate fencing no closer than the outer buffer edge; or* 2. *Implement a farm resource conservation and management plan agreed upon by the conservation district and the applicant to protect and enhance the fish and wildlife habitat conservation area.*		*(H) Agricultural Restrictions. In all development proposals that would introduce or expand agricultural activities, a net loss of functions and values to the critical area shall be avoided by at least one of the following methods:* 1. *Locate fencing no closer than the outer buffer edge; or* 2. *Implement a farm resource conservation and management plan agreed upon by the conservation district and the applicant to protect and enhance the fish and wildlife habitat conservation area.*	Staff Recommendation to correct underline and strikeout errors in draft and match restrictions for Agriculture in Wetlands chapter.

Proposed Code Revisions to Draft Title 19 KCC (Critical Areas Ordinance)

300.315(I) Trails and Trail-Related Facilities	*(I) Trails and Trail-Related Facilities….* *…* *(3). Viewing platforms, interpretive centers, benches and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected conservation area.* *(4). Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers they shall be located in the outer portion of the buffer and a minimum of twenty-five feet from the stream edge, except where stream crossings or viewing areas have been approved.* *(5). Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails have been specifically allowed and mitigation has been provided. Trail width shall not exceed five feet unless there is demonstrated need, subject to review and approval by the department. Trails shall be constructed with pervious materials unless otherwise approved by the department.*	*(I) Trails and Trail-Related Facilities….* *…* *(3). Viewing platforms, interpretive centers, benches and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected conservation area. Platforms shall be limited to one hundred square feet in size, unless demonstrated through a Habitat Management Plan that a larger structure will not result in a net loss of habitat and critical functions.* *(4). Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers they shall be located in the outer 25% of the buffer, except where stream crossings or for direct access to viewing areas have been approved by the Department.* *(5). Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails have been specifically allowed and mitigation has been provided. Trail width shall not exceed five feet unless there is demonstrated need, subject to review and approval by the department. Trails shall be constructed with pervious materials except where determined infeasible.*		*(I) Trails and Trail-Related Facilities….* *…* *(3)Viewing platforms, interpretive centers, benches, and picnic centers, and access to them,…. Platforms shall be limited to one hundred square feet in size, unless demonstrated through a Habitat Management Plan that a larger structure will not result in a net loss of habitat and critical functions.* *…* *(5). Trails shall generally be limited to pedestrian use… Trails shall be constructed with pervious materials (e.g., gravel, rock, bark) except where determined infeasible.* *6. Regional or public trails and trail-related facilities which have been publicly vetted with design considerations made to minimize impacts to critical areas and buffers shall not be subject to the platform, trail width, or trail material limitations above. Such trials and facilities shall be approved through Special Use Review (19.100.145), unless any underlying permit requires a public hearing.*	Draft changes for consistency with Title 22 and 19.200 Wetlands; Staff Recommendations to address public comment.

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300.315 (J) Utilities	*Utilities. Placement of utilities within designated fish and wildlife habitat conservation areas may be allowed pursuant to the following standards:* *…* *(3) Construction of sewer lines or on-site sewage systems may be permitted in fish and wildlife habitat conservation areas or their buffers when the applicant demonstrates it is necessary to meet state and/or local health code requirements; there are no other practicable alternatives available, and (c) construction meets…* *(5) Utility corridor construction and maintenance shall protect the environment of fish and wildlife habitat conservation areas and their buffers:* *(a) New utility corridors shall be aligned when possible to avoid cutting trees greater than twelve inches in diameter at breast height (four and one-half feet) measured on the uphill side.* *(b)New utility corridors shall be revegetated with appropriate native vegetation at not less than pre-construction vegetation densities or greater, immediately upon completion of construction, or as soon thereafter as possible due to seasonal growing*	*Utilities. Placement of utilities within designated fish and wildlife habitat conservation areas <u>and buffers</u> may be allowed pursuant to the following standards:* *…* *(3) Construction of sewer lines or on-site sewage systems may be permitted in fish and wildlife habitat conservation areas or their buffers <u>only</u> when<u>: (a)</u> the applicant demonstrates <u>that the location</u> is necessary to meet state or local health code requirements; <u>(b)</u>there are no other practicable alternatives available, and <u>(c)</u> construction meets…* *(5) Utility corridor construction and maintenance shall protect the environment of fish and wildlife habitat conservation areas and their buffers:* *(a) New utility corridors shall be aligned when possible to avoid cutting trees greater than twelve inches in diameter at breast height (four and one-half feet) measured on the uphill side.* *<u>(b) In order of preference, new utility corridors shall be located.</u>* *<u>i. On an existing road;</u>* *<u>ii. On an existing bridge;</u>* *<u>iii. Placed deep enough under the culvert to allow for future culvert replacement and to avoid grade barriers.</u>* *<u>(c)</u> New utility corridors…* *<u>(d)</u> Any additional corridor access for maintenance shall be provided at specific points rather than by parallel roads, <u>unless no reasonable alternative is available</u>. If parallel*		*(6)(b) No pesticides, herbicides or fertilizers may be used in <u>fish and wildlife conservation</u> ~~wetland~~ areas or their buffers except those approved by the U.S. <u>Environmental Protection Agency (EPA)</u> and Washington <u>State</u> Department of Ecology. Where approved, <u>they</u> must be applied by a licensed applicator in accordance with the safe application practices on the label.* *No pesticides, herbicides or fertilizers may be used in fish and wildlife conservation areas or their buffers, except those approved by the U.S. E.P.A. and the Washington State Department of Ecology. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.*	Staff recommendations only to correct underline/ strikeout errors in draft.

	constraints. The utility entity shall ensure that such vegetation survives. *(c) Any additional corridor access for maintenance shall be provided wherever possible at specific points rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width, but no greater than fifteen feet; and shall be contiguous to the location of the utility corridor on the side away from the conservation area.* *(6) Utility corridor maintenance shall include the following measures to protect the environment of regulated fish and wildlife habitat conservation areas.* *a. Utility towers shall be painted with brush, pad or roller and shall not be sandblasted or spray painted, unless appropriate containment measures are used, nor use lead-based paints.* *b. No pesticides, herbicides or fertilizers may be used in fish and wildlife conservation areas or their buffers, except those approved by the U.S. E.P.A. and the Washington State Department of Ecology. Where*	*roads are necessary, they shall be the minimum width necessary for access, but no greater than fifteen feet; and shall be contiguous to the location of the utility corridor on the side away from the conservation area. Mitigation will be required for any additional access through restoration of vegetation in disturbed areas.* *(6) Utility corridor maintenance shall include the following measures to protect the environment of fish and wildlife habitat conservation areas.* *a. Utility towers shall be painted with brush, pad or roller and shall not sandblasted or spray painted, unless appropriate containment measures are used. Lead-based paints shall not be used.* *b. No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers except those approved by the U.S. Environmental Protection Agency (EPA) and Washington Department of Ecology. Where approved, they must be applied by a licensed applicator in accordance with the safe application practices on the label.*			

	approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.				
300.315 (K)- Bank Stabilization	*(K) Bank Stabilization. A stream channel and bank, bluff and shoreline may be stabilized….imminent threat to existing structures, public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance….flood control , and improved water quality.* *(1) Bluff, bank and shoreline stabilization shall….Documentation of earth movement and/or stability is provided….* *(2) Where bank stabilization is determined to be necessary, soft-shore protective techniques may be required over other types of shoreline protection. Techniques include, but are not limited to beach nourishment, coarse beach fill, gravel berms….Special consideration shall be given to protecting the functions of feeder bluffs.* *(4) ……demonstrated expertise in hydraulic action of shorelines….Kitsap County site development activity permit*	*(K) Bank Stabilization. A stream channel and bank, <u>or</u> shoreline may be stabilized….imminent threat to existing <u>primary</u> structures, <u>to</u> public improvements, <u>to</u> unique natural resources, <u>to</u> public health, safety or welfare, <u>to</u> the only feasible access to property, <u>or</u>, in the case of streams, when such stabilization results in <u>the</u> maintenance….flood control <u>for the protection of primary structures and appurtenances</u> , <u>or</u> improved water quality.* *(1)<u>Channel</u>, bank and shoreline stabilization <u>may</u>….Documentation of earth movement and/or stability <u>shall be</u> provided….* *(2) Where bank stabilization is determined to be necessary, soft-shore protective techniques <u>shall be evaluated and</u> may be required over other types of <u>bank</u> protection. Techniques include, but are not limited to, gravel berms….Special consideration shall be given to protecting the functions of <u>channel migration zones</u>.* *(4) ……demonstrated expertise in hydraulic action of <u>rivers and streams</u>….Kitsap County site development activity permit <u>under</u> Title 12….<u>or</u> a Hydraulic Project Approval (HPA) from WDFW.*			

	per Title 12….and a Hydraulic Project Approval (HPA) from the WDFW.				
300.315 (N) Road/Street Repair and Construction	*(N) Road/Street Repair and Construction.* *…*	*(N) Road/Street Repair and Construction.* *…* *(5)Mitigation shall be performed in accordance with specific project mitigation requirements.*			
GEOLOGICALLY HAZARDOUS AREAS					
400.405 Purpose and applicability	*This section applies to all regulated uses included in this title within the largest buffer or setback in areas designated as geologically hazardous areas, as categorized in Section 19.400.410 below. The intent of this section is to:* *A. Provide standards to protect human life and property from potential risks;* *B. Regulate uses of land in order to avoid damage to structures and property being developed and damage to neighboring land and structures;* *C. Control erosion, siltation, and water quality to protect anadromous and resident fish and marine shellfish;* *D. Provide controls to minimize shoreline erosion caused by human activity;* *E. Use innovative site planning by placing geologically hazardous areas and buffers in open space and*	*(A) This chapter regulates uses and activities in those areas susceptible to erosion, sliding, earthquake, or other geologic events. Some geological hazards can be reduced or mitigated by engineering, design, or modified construction or mining practices so that risks to public health and safety are minimized.* *The intent of this section is to:* *1. Provide standards to protect human life and property from potential risks;* *2. Regulate uses of land in order to avoid damage to structures and property being developed and damage to neighboring land and structures;* *3. Control erosion, siltation, and water quality to protect anadromous and resident fish and shellfish.* *4. Provide controls to minimize erosion caused by human activity; and* *5. Use innovative site planning by placing geologically hazardous areas and buffers in open space and transferring development density to suitable areas on the site.* *(B) This chapter applies to development activities, actions requiring project permits, and clearing, except those identified as exempt in 19.100.125 and*			

	transferring development density to more suitable areas on the site.	*except those activities related to soils testing or topographic surveying of slopes for purposes of scientific investigation, site feasibility analysis, and data acquisition for geotechnical report preparation, provided it can be accomplished without road construction.*			
400.410 General Requirements (A)-NEW	N/A (H) Storm Water Standards. Storm water discharges shall be in compliance with Title 12 of this code (Storm Water Management).	*(A) Any development activity or action requiring a project permit or any clearing within an erosion or landslide area shall:* *1. Comply with the requirements in an approved geotechnical report when one is required, including application of the largest buffer and/or building setback;* *2. Utilize best management practices (BMPs) and all known and available technology appropriate for compliance with this chapter and typical of industry standards;* *3. Prevent collection, concentration or discharge of stormwater or groundwater within an erosion or landslide hazard area and be in compliance with Title 12 of this code (Stormwater Management);* *4. Minimize impervious surfaces and retain vegetation to minimize risk of erosion or landslide hazards;* ~~*5. Minimize vegetation removal.*~~			This section is new, but includes current regulations, as indicated in "Current" column.
400.410 General Requirements (B)-NEW					
400.410 General Requirements (C)-Field marking	*Field marking requirements. The proposed clearing for the project and all critical area buffers shall be marked in*	N/A			

requirements- NEW	*the field for inspection and approval by the department prior to beginning work. Field marking requirements for construction of a single-family dwelling will be determined on a case-by-case basis by the department. The field marking of all buffers shall remain in place until construction is completed, and final approval is granted by the department. Permanent marking may be required as determined necessary to protect critical areas or its buffer.*				
400.410 General Requirements (D)- Clearing, grading and vegetation removal- NEW ORGANIZATION	*.415(D)(2)- Vegetation Removal. Minor pruning of vegetation or tree removal for view enhancement, or elimination of danger trees to maintain slope integrity may be allowed, provided that such activity is approved by the department. The thinning of limbs on individual trees is preferred to the removal or topping of trees for view corridors. At a minimum, no more than thirty percent of the live tree crowns shall be removed. Total buffer thinning shall not exceed twenty-five percent.* *.415(E)-Seasonal restrictions. Clearing and grading shall be limited to the period between May 1 to October 1, unless the applicant provides an erosion and sedimentation control plan prepared by a professional engineer licensed in the state of Washington that specifically and realistically identifies*	*(D)Clearing, grading and vegetation removal.* *(1) Minor pruning of vegetation for view enhancement may be allowed through consultation with the department. … [.415(D)(2)]* *(2) Vegetation shall not be removed from a landslide hazard area, except for hazardous trees based on review by a qualified arborist or as otherwise provided for in a vegetation management and restoration plan.* *(3) Clearing and grading….[.415(E)]* *(4) Only the clearing and grading necessary…[.415(J)(1)]* *(5) The faces of cut and fill slopes shall be protected…[.415(G)]* *(6) Clearing for roads and utilities….[.415(J)(2)]* *(7) Clearing for overhead power lines..[.415(J)(3)]*			This section is new, but includes current regulations, as indicated.

	methods of erosion control for wet weather conditions. *.415(J)(1)- Only the clearing necessary to install temporary erosion control measures will be allowed prior to the clearing for roads and utilities construction.* *.415(G)- Cut and Fill Slopes. The faces of all cut and fill slopes shall be protected to prevent erosion as required by the engineered erosion and sedimentation control plan.* *.415(J)(2)- Clearing for roads and utilities shall be the minimum necessary and shall remain within marked construction limits.* *.415(J)(3)- Clearing for overhead power lines shall be the minimum necessary for construction and will provide the required minimum clearances of the serving utility corridor.*				
400.410 General Requirements (E)- Existing Logging Roads and (F)- NEW ORGANIZATION	*.415(K) Existing Logging Roads. Where existing logging roads occur in geologically hazardous areas, a geological or geotechnical report (See Section 19.700.725) may be required prior to use as a temporary haul road or permanent access road under a conversion or COHP forest practices application.*	*(E) Existing logging roads….[.415(K)]* *(F) The department may also require:* *(1) Clustering….[.415(L)]* *(2) Enhancement…[.415(M)]*			

	.415(L) Clustering Requirements. The department may require clustering to increase protection to geologically hazardous areas. *.415(M) Vegetation Enhancement. The department may require enhancement of buffer vegetation to increase protection to geologically hazardous areas*				
400.415 Designation of geologically hazardous areas- NEW	N/A	*The county has designated geologically hazardous areas pursuant to RCW 36.70A.170 by defining them and providing criteria for their identification. Project proponents are responsible for determining whether a geologically hazardous area exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of geologically hazardous areas identified by project proponents. Specific criteria for the designation of geologically hazardous areas are contained in this chapter. While the county maintain some maps of potentially geologically hazardous areas, they are for informational purposes only and may not accurately represent all such areas.*			
400.420 Erosion hazard areas (A)- General and (B)(1) Potential erosion hazard areas / Areas of high erosion hazard	*400.410 Geologically hazardous area categories.* *(1) Areas of High Geologic Hazard.* *(a)Areas with slopes greater than or equal to 30 percent and mapped by the Coastal Zone Atlas or Quaternary Geology and Stratigraphy of Kitsap County as "Unstable"(U), "Unstable Old Land Slides (UOS) or "Unstable Recent Slides" (URS).*	*(A). General. Erosion hazard areas include areas likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils. These include coastal erosion-prone areas and channel migration zones, and may be inclusive of landslide areas.* *(B). Potential erosion hazard areas. Potential erosion hazard areas are depicted on the Kitsap County Erosion Hazards map. These potential erosion hazard areas are identified using the following criteria:* *(1). Areas of high erosion hazard* *(a). Channel Migration Zones, as mapped by the Washington Department of Ecology;*			

	(b) Areas with slopes greater than or equal to 30 percent in grade and deemed by a qualified geologist or geotechnical engineer to meet the criteria of U, UOS, or URS.	*(b). Coastal erosion with a sediment source rating value of 0.6 to 1.0, per the Prioritization Analysis of Sediment Sources in Kitsap County;*			
400.420 Erosion hazard areas (A)- General; **(B)(2) Potential erosion hazard areas / Areas of moderate erosion hazard;** **(C) Erosion Hazard Indicators**	*(2) Areas of Moderate Geologic Hazard.* *(a) Areas designated U, UOS, or URS in the Coastal Zone Atlas or Quaternary Geology and Stratigraphy of Kitsap County, with slopes less than 30 percent; or areas found by qualified geologist to meet the criteria for U, URS, and UOS with slopes less than 30 percent; or* *(b) Slopes identified as "Intermediate"(I) in the Coastal Zone Atlas or Quaternary Geology and Stratigraphy of Kitsap County, or areas found by qualified geologist to meet the criteria of I; or* *(c) Slopes 15 percent or greater, not classified as I, U, UOS, or URS with soils classified by the U.S. Department of Agriculture Natural Resources Conservation Service as "highly erodible" or "potentially highly erodible"; or* *(d) Slopes of 15 percent or greater with springs or groundwater seepage not identified in subsections(a), (b) or (c) above; or*	*(B)(2) Areas of moderate erosion hazard* *(a). Areas identified as geologically hazardous for soil erosion (soil type and slope grade) by NRCS Kitsap County Soil Survey;* *(b). Slopes 15 percent or greater, not classified as I, U, UOS, or URS with soils classified by the U.S. Department of Agriculture NRCS as "highly erodible" or "potentially highly erodible";* *(c). Coastal erosion with a sediment source rating value of 0.3 to 0.6 per the Prioritization Analysis of Sediment Sources in Kitsap County.* *(C) Erosion Hazard Indicators. The project proponents are responsible for determining actual presence and location of an erosion hazard area. These areas may be indicated by, but not limited to, the following:* *(1). Any of the above criteria currently identified in subsection (B) or amended hereafter.* *(2). Coastal Erosion Hazards.* *(a). Areas with active bluff retreat that exhibit continuing sloughing or calving of bluff sediments, resulting in a vertical or steep bluff face with little or no vegetation;* *(b). Lands located directly adjacent to freshwater or marine waters that are identified as regressing, retreating, or potentially unstable as a result of undercutting by wave action or bluff erosion. The limits of the active shoreline erosion*		*(B)(2) Areas of moderate erosion hazard* ~~*(a). Areas identified as geologically hazardous for soil erosion (soil type and slope grade) by NRCS Kitsap County Soil Survey;*~~ *(a)* ~~*(b)*~~ *Slopes 15 percent or greater…. [Interpretation needed…are (a) and (b) the same?]*	

	(e) Seismic Areas subject to liquefaction from earthquakes (Seismic Hazard Areas) such as hydric soils as identified by the Natural Resources Conservation Service, and areas that have been filled to make a site more suitable. Seismic areas may include former wetlands which have been covered with fill.	*hazard area shall extend landward to include that land area that is calculated, based on the rate of regression, to be subject to erosion processes within the next ten year time period.* *(3). Channel Migration Zones. The lateral extent that a river or stream is expected to migrate over time due hydrologically and geomorphologically related processes, as indicated by historic record, geologic character, and evidence of past migration over the past one hundred years.*			
.400.425 Landslide hazard areas (A)- General and (B)(1) Potential landslide hazard areas / Areas of high erosion hazard	*[.410(A)(1)(b)]*	*(A). General. Landslide hazard areas include those areas at risk of mass movement due to a combination of geologic, topographic, and hydrologic factors, such as bedrock, soil, slope (gradient), slope aspect, structure, hydrology, and other factors. Landslide hazards are further classified as either shallow or deep-seated.* *(B). Potential Landslide Hazard Areas. Potential landslide hazard areas are depicted on the Kitsap County Landslide Hazards map. These potential landslide hazard areas are identified using the following criteria:* *(1). Areas of high landslide hazard.* *(a). Shallow landslide areas with Factor or Safety (FS) of 0.5 to 1.5. FS is a method (Harp, 2006) for slope stability based on the angle of the slope from LiDAR elevation data and strength parameters.* *(b). Areas with slopes greater to or equal to 30 percent in grade and deemed by a qualified geologist or geotechnical engineer to meet the criteria of U, UOS, or URS.* *(c). All deep-seated landslides areas.*			

400.425 Landslide hazard areas (A)- General; (B)(2) Potential landslide hazard areas / Areas of moderate landslide hazard;	*[.410(A)(2)(c) and (d)]*	*(B)(2) Areas of moderate landslide hazard.* *(a) Shallow landslide areas with FS of 1.5 to 2.5* *(b) Slopes of 15 percent or greater and not classified as I, U, UOS, or URS, with soils classified by the U.S. Department of Agriculture NRCS as "highly erodible" or "potentially highly erodible"; or slopes of 15 percent or greater with springs or groundwater seepage* *(c) Slopes in all areas equal to or greater than 40 percent.*		*(b) Slopes of 15 percent or greater and not classified as I, U, UOS, or URS, with soils classified by the U.S. Department of Agriculture NRCS as "highly erodible" or "potentially highly erodible"; or slopes of 15 percent or greater with springs or groundwater seepage*	Staff Recommendation: Should not have been underlined in draft.
400.425(C) Landslide Hazard Indicators- NEW	N/A	*(C)Landslide Hazard Indicators. Project proponents are responsible for determining the actual presence and location of a seismic hazard area. These areas may be indicated by, but not limited to the following:* *(1) Any of the above criteria currently identified in subsection (B) or amended hereafter;* *(2) Areas of historic failures, including areas of unstable, old and recent landslides or landslide debris within a head scarp;* *(3) Areas within active bluff retreat that exhibit continuing sloughing or calving of bluff sediments, resulting in a vertical or steep bluff face with little or no vegetation;* *(4) Hillsides that intersect geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock;* *(5) Slopes that are parallel or sub-parallel to planes of weakness, such as bedding planes, joint systems, and fault planes in subsurface materials;* *(6) Areas exhibiting geomorphological features indicative of past slope failure, such as hummocky ground, back-rotated benches on slopes, etc.;* *(7) Areas with tension cracks or ground fractures along and/or near the edge of the top of a bluff or ravine;* *(8) Areas with structures that exhibit structural damage such as settling and cracking of building foundations or separation of steps or porch from a main structure that is located near the edge of a bluff or ravine;*		*(C)Landslide Hazard Indicators. Project proponents are responsible for determining the actual presence and location of a landslide hazard area.* *...* *(14) Areas within ~~3~~200 feet of areas classified as U, UOS, ~~I~~, URS.*	

		(9) The occurrence of toppling, leaning, bowed, or jackstrawed trees that are caused by disruptions of ground surface by active movement; *(10) Areas with slopes containing soft or liquefiable soils;* *(11) Areas where gullying and surface erosion have caused dissection of the bluff edge or slope face as a result of drainage or discharge from pipes, culverts, ditches, and natural drainage courses;* *(12) Areas where seeps ,springs or vegetative indicators of a shallow groundwater table are observed on or adjacent to the face of the slope;* *(13) Areas that include alluvial or colluvial fans located at the base of steep slopes and drainages.* *(14) Areas within 300 feet of areas classified as U, UOS, I, URS.*			
400.430 Seismic hazard areas		*(A). General. Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake-induced landsliding, seismic ground shaking, dynamic settlement, fault rupture, soil liquefaction, or flooding caused by tsunamis and seiches.* *(B). Potential Seismic hazard areas. Potential seismic hazard areas are depicted on the Kitsap County Seismic Hazards map. These potential seismic hazard areas are identified using the following criteria:* *(1). Areas of high seismic hazard are those areas with faults that have evidence of rupture at the ground surface.* *(2). Areas of moderate seismic hazard* *(a). Areas susceptible to seismically induced soil liquefaction, such as hydric soils as identified by the NRCS, and areas that have been filled to make a site more suitable for development. This may include former wetlands that have been covered with fill.* *(b). Areas identified as Seismic Site Class D, E, and F.*		*(2). Areas of moderate seismic hazard* *(a). Areas susceptible to seismically induced soil liquefaction, such as hydric soils as identified by the NRCS, and areas that have been filled to make a site more suitable for development. This may include former wetlands that have been covered with fill.*	*Staff recommendation: Should not have been underlined in draft.*

		(c). Faults without recognized evidence of rupture at the ground surface.			
400.430 (C)-Seismic Hazard Indicators-NEW	N/A	*(C). Seismic Hazard Indicators. Project proponents are responsible for determining actual presence and location of a seismic hazard area. These areas may be indicated by, but not limited to, the following:* *(1) Any of the above criteria currently identified in subsection (B) or amended hereafter;* *(2) Areas identified as potential landslide areas. Includes slopes that can become unstable as a result of strong ground shaking, even though these areas may be stable under non-seismic conditions;* *(3) Areas identified as high and moderate liquefaction and dynamic settlement hazard areas by the Washington Department of Natural Resources, including areas underlain by unconsolidated sandy or silt soils and a shallow groundwater table (static groundwater depth <30 feet) capable of liquefying in response to earthquake shaking. Dynamic settlement hazard areas are those underlain by more than 10 feet of loose or soft soil not susceptible to liquefaction, but that could result in vertical settlement of the ground surface in response to earthquake shaking.* *(4) Tsunami and Seiche hazard areas. Generally, these are areas that are adjacent to Puget Sound marine waters and lakes that are designated as "A" or "V" zones as identified by FEMA and depicted on the FEMA maps or other maps adopted by Kitsap County.* *(5) Fault rupture hazard areas, including areas where displacement (movement up, down, or laterally) of the ground surface has occurred during past earthquake(s) in the Holocene Epoch, and areas adjacent that may be potentially subject to ground surface displacement in a future earthquake.*			

Proposed Code Revisions to Draft Title 19 KCC (Critical Areas Ordinance)

19.400.435(A) Development Standards-Erosion and Landslide Hazard Development Standards	*[.415(B) Minimum Buffer Requirement….native vegetation from the toe of the slope to twenty-five feet beyond the top of the slope unless otherwise allowed through a geological report or a site-specific determination.]* *[.415(C)(1) Building/Impervious Surface Setback Requirements- Areas of High Geologic Hazard. ….from the top of the slope shall be equal to the height of the slope (1:1 horizontal to vertical) plus the greater of one-third the vertical slope or twenty-five feet.]* *[.415(C)(2)…Areas of Moderate Geologic Hazard. ….shall be forty feet from the top of slope. As required in Section 19.400.410(B), above, the twenty-five feet adjacent to the top of the slope shall be retained as a native vegetation buffer, with an additional minimum 15-foot building and impervious surface setback. The department may decrease the setback when such a setback would result in a greater than 1:1 slope setback….]* *[.415(C)(3) Toe of Slope Building Setback…]*	1. *Development activities or actions requiring project permits or clearing shall not be allowed in landslide hazard areas unless the applicant demonstrates:* *(a). There is no alternate location for the structure on the subject property; and* *(b). a geotechnical report demonstrates that building within a landslide hazard area will provide protection commensurate to being located outside the landslide hazard area and meets the requirements of this section. This may include proposed mitigation measures.* 2. *Top of slope building setback. All development activities or actions that require project permits or clearing in erosion and landslide hazard areas shall provide native vegetation from the toe of the slope to twenty-five feet beyond the top of slope, with an additional minimum fifteen-foot building and impervious surface setback, unless otherwise allowed through a geologic assessment. The minimum building and setback shall be increased from the top of the slope as follows:* *(a) For high landslide hazard areas, the setback shall be equal to the height of the slope (1:1 horizontal to vertical) plus the greater of one-third of the vertical slope height or twenty-five feet.* *(b) For moderate landslide hazard areas, the setback shall be forty feet from the top of slope.* *3. Toe of slope building setback…..* *4. The department may require a larger native vegetation ~~buffer~~ width than the standard buffer distance as determined above, if any of the following are identified through the geological assessment process:* *(a) The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts; or*			

		(b)The area has a severe risk of slope failure or downslope stormwater drainage impacts. *5. The minimum native vegetation ~~buffer~~ width and/or building setback requirement may be decreased if a geotechnical report demonstrates that a lesser distance, through design and engineering solutions, will adequately protect both the proposed development and the erosion ~~and/~~or landslide hazard area. The department may decrease the setback when such a setback would result in a greater than 1:1 slope setback.* [in current code? Not underlined but not able to find in 19.400]			
400.435(B) – Seismic Hazard Development Standards	*[.415(N) Seismic Hazard Area Development Standards.* *(1) Proposed new development within a seismic hazard area shall be in accordance with Chapter 14.04 of this code, the Kitsap Kitsap County Building and Fire Code.* *(2) Applicants for public and commercial building proposals within seismic hazard areas shall submit a geotechnical report(See Section 19.700.725) addressing any fill or grading that has occurred on the subject parcel. Any fill placed for such development shall have documented construction monitoring as required by Title 14.04 of this code, the Kitsap County Building and Fire Code. …]*	*B. Seismic Hazard Development Standards.* *1. Development activities or actions requiring a project permit occurring within 200 feet of a seismic hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development and addresses any fill or grading that has occurred on the subject parcel.* *2. Development activities or actions requiring a project permit within in a seismic hazard area shall be in accordance with Chapter 14.04 of this code, the Kitsap County Building and Fire Code.*		*B. Seismic Hazard Development Standards.* *1. Development activities or actions requiring a project permit occurring within 200 feet of a "High Hazard" seismic hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development and addresses any fill or grading that has occurred on the subject parcel.*	Staff recommendation addresses the degree of certainty of known "high hazard" areas, versus those areas without evidence of surface fault rupture.

19.400.440 Review Procedures	*[400.410(2)(B)Site Specific Determinations. A geologic or geotechnical report is a site investigation process to evaluate the on-site geology affecting a subject property and proposed development. Should an applicant question the information the county must rely on to determine whether a location contains a geologically hazardous area or area of geologic concern, the county may ask the applicant to submit the appropriate geotechnical or geologic report to confirm or modify the existing information known about the area. The requirements for reports are contained in Special Reports, Chapter 19.700.* *The intent of this provision is to allow obviously non-geologically hazardous sites to be determined as such. Where there is any ambiguity about the potential for geologic hazards whatsoever, the department will require a geotechnical or geological report, rather than make a non-geologically hazardous determination.]* *[400.415(A) Development Standards-Review. Where applicable the department will approve, approve with conditions or deny the development proposal based on the department's evaluation of site-specific conditions.*	*(A) Map review. The Kitsap County Geologically Hazardous Areas Maps (Erosion, Landslide, and Seismic) provide an indication of where potential geologically hazardous areas are located within the County. The department will complete a review of the map to determine if the proposed activity is located within a hazard area.* *(B). A geological assessment shall be required when the proposed activity is located within a potential hazard area.* *(C). A geotechnical professional shall complete a field investigation and geological assessment to determine whether or not the site for the proposed activity is located within 200 feet of the geologic hazard. (Special Reports 19.700).* *(D). The geological assessment shall be submitted in the most applicable form as follows:* *(1). A geological letter. When the geologist or geotechnical professional finds that no hazard area exists within 200 feet of the site, a stamped letter may be submitted demonstrating those findings;* *(2). A geological report. When the geologist finds that a geologically hazardous area exists within 200 feet of the site, but will not impact the site or need engineering design recommendations;* *(3). A geotechnical report. When the geotechnical engineer finds that a geologically hazardous area exists within 200 feet of the site, and will require engineering design recommendations or other mitigation measures necessary in order to construct or develop within the geologically hazardous area.* *(E). The department shall review the geological assessment and either:* *(1). Accept the geological assessment and approve the application; or* *(2). Reject the geological assessment and require revisions or additional information.*			

	The department will also consider any proposed mitigation measures included in a geotechnical report, if one is required.]				
400.445 Independent consultant review	N/A	*If the department lacks the necessary expertise, the department may require an independent consultant review of the application by a qualified professional to assess compliance with this chapter. If independent consultant review is required, the applicant shall make a deposit with the department to cover the cost of the review. Unexpended funds will be returned to the applicant following final decision on the application.*		~~*If the department lacks the necessary expertise, the department may require an independent consultant review of the application by a qualified professional to assess compliance with this chapter. If independent consultant review is required, the applicant shall make a deposit with the department to cover the cost of the review. Unexpended funds will be returned to the applicant following final decision on the application.*~~	Staff recommendation: This section is recommended for deletion. It is duplicative of 21.04.140 KCC, Third Party Review. Add reference to this existing section in 19.100.120 Review Authority: *The department may require, or the applicant may request, at the applicant's expense, third party review in cases where additional professional or technical expertise is required due to scale or complexity and /or in cases where independent review is deemed necessary.*
400.4450 Recording and disclosure	N/A	*In addition to the required Critical Area Notice to Title for development activities within a critical area, the following shall be signed, notarized, recorded with the County Auditor prior to permit issuance for development in a geologically hazardous area requiring a geotechnical report:* *(A) An abstract and description of the specific types of risks identified in the geotechnical report;* *(B) A statement that the owner(s) of the property understands and accepts the responsibility for the risks associated with developments on the*		*In addition to the ~~required~~ Critical Area Notice to Title for development activities within a critical area, the following shall be signed, notarized, recorded with the County Auditor prior to permit issuance for development in a geologically hazardous area requiring a geotechnical report:* *(A) An abstract and description of the specific types of risks*	Staff recommendation: removes "required", assuming that Notice to Title is removed for all other critical area types.

		property given the described condition, and agrees to inform future purchasers and other successors and assignees of the risks; and *(C) A statement that the owner(s) of the property acknowledge(s) that this chapter does not create liability on the part of Kitsap County, any officer or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.*		*identified in the geotechnical report;* *(B) A statement that the owner(s) of the property understands and accepts the responsibility for the risks associated with developments on the property given the described condition, and agrees to inform future purchasers and other successors and assignees of the risks; and* *(C) A statement that the owner(s) of the property acknowledge(s) that this chapter does not create liability on the part of Kitsap County, any officer or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.*	
FREQUENTLY FLOODED AREAS					
500.505 Purpose	*The purpose of this section is to protect the public health, safety and welfare from harm caused by flooding. It is also the intent to prevent damage and/or loss to both public and private property. In addition, this section will give special consideration to anadromous fish habitat in combination with Chapter 19.300, Fish and Wildlife Habitat Conservation Areas. To fulfill this purpose, Kitsap County uses the Title 15 of this code (Flood Hazard Areas), adopted by reference, which designates special flood hazard areas and*	*...give special consideration to anadromous fish habitat in combination with Chapter 19.300, Fish and Wildlife Habitat Conservation Areas and Title 22 Shoreline Master Program….*			

	establishes permit requirements for these areas. *In addition, the Kitsap County Geographic Information System (GIS) database for critical drainage areas, as defined in Title 12 of the Kitsap County Code (Stormwater), will be included for areas of review under Frequently Flooded Areas.*				
CRITICAL AQUIFER RECHARGE AREAS					
600.605 Purpose	*Potable water is an essential life-sustaining element. The majority of Kitsap County drinking water comes from groundwater supplies in aquifers. Critical aquifer recharge areas are very important to shallow and deepwater aquifer recharge. The intent of this chapter is to identify and classify aquifer recharge areas in accordance with RCW 36.70A.170 and address land use activities that pose a potential to contaminate or otherwise threaten aquifer water quality. This section shall not affect any right to use or appropriate water as allowed under state or federal law. In addition, these requirements do not apply to those activities, which have potential contaminant sources below threshold amounts as set forth in applicable*	*Potable water is an essential life-sustaining element for people and many other species and because the majority of Kitsap County drinking water comes from groundwater supplies in aquifers, critical aquifer recharge areas are very important to ensure the quality and quantity of shallow and deepwater aquifers. Once groundwater is contaminated, it is difficult, costly, and sometimes impossible to clean up. Preventing contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people and ecosystems. In addition, without replenishment, the amount of water for potable use can be diminished or even depleted. The intent of this chapter is thus to identify and classify aquifer recharge areas in accordance with RCW 36.70A.170 and address land use activities that pose a potential to directly or indirectly contaminate or otherwise threaten aquifer water quality and quantity. This section does not affect any right to use or appropriate water as allowed under state or federal law. In addition, these requirements do not apply to those activities that have potential contaminant sources below threshold amounts ~~as~~ set*			

	statutes of the Revised Code of Washington or local regulations. *It is the policy of Kitsap County to accomplish the following:* *A. Identify, preserve and protect aquifer recharge areas, identify areas susceptible to contamination and prevent degradation of the quality of potable groundwater;* *B. Recognize the relationship between surface and groundwater resources; and* *C. Give priority to potable water resource areas per WAC 365-190-080(2) in the planning and regulation of land uses that may contaminate or degrade groundwater.* *D. Balance competing needs for water supply while preserving essential natural functions and processes.*	*forth in applicable statutes of the Revised Code of Washington or local regulations.* *It is the policy of Kitsap County to accomplish the following:* *A. Identify, preserve and protect aquifer recharge areas that are susceptible to contamination by preventing degradation of the quality and, if needed, the quantity of potable groundwater;* *B. Recognize the relationship between surface and groundwater resources; and* *C. Give priority to potable water resource areas per WAC 365-190-100 in the planning and regulation of land uses that may directly or indirectly contaminate or degrade groundwater.* *D. Balance competing needs for water supply while preserving essential natural functions and processes, especially for maintaining critical fish and wildlife habitat conservation areas.*			
600.610(A)(2) and (3) Critical aquifer recharge area categories- Category I Critical Aquifer Recharge Areas	*(2)Areas inside the ten-year time of travel zones in wellhead protection areas when the well draws its water from an aquifer that is at or above sea level and is overlain by permeable soils without an underlying protective impermeable layer.* *(3) Areas identified as significant recharge areas due to special*	*(2) Areas inside the ten-year time of travel zones in wellhead protection areas ~~when the well draws its water from an aquifer that is at or above sea level~~ and which are not separated from the underlying aquifers by an impermeable layer that provides adequate protections from contamination to the aquifer(s) below.* *(3) Areas identified as significant recharge areas due to special circumstances or identified in accordance with WAC 365-190-100(4)…*		*(2) Areas inside the ten-year time of travel zones in wellhead protection areas when the well draws its water from an aquifer that is at or above sea level and is overlain by permiable soils without an underlying protective impermeable layer. ~~which are not separated from the underlying aquifers by an impermeable layer that provides adequate protections from contamination to the aquifer(s) below.~~*	Staff Recommendation: Retain original language. The draft changes were a result of staff misinterpretation of the WAC. As the Aquifer Recharge map is not being updated, changes to how they are identified are also not appropriate.

	circumstances or identified in accordance with WAC 365-190-080…				
600.610(A)(4)	*The department may add, reclassify or remove critical aquifer recharge areas based on additional information about areas of significant potable water supply with susceptibility to groundwater contamination or based on changes to sole source aquifers or wellhead protection areas as identified in wellhead protection programs.*	*The department may add, reclassify or remove Category I critical aquifer recharge areas based on additional information about areas of significant potable water supply with susceptibility to groundwater contamination or supply reduction, …*			
600.610 (B)(5)	N/A	*The department may add, reclassify or remove Category II critical aquifer recharge areas based on additional information about areas of potential potable water supply with susceptibility to groundwater contamination or supply reduction, or based on changes to sole source aquifers or wellhead protection areas as identified in wellhead protection programs.*			
600.610(C) Mapping	*Mapping. Kitsap County, in coordination with water purveyors and other agencies, will produce maps indicating the location of critical aquifer recharge areas.*	*Mapping. Kitsap County, in coordination with water purveyors and other agencies, will produce maps indicating the location of critical aquifer recharge areas and their defining characteristics.*			
600.615 (A) Development Standards-Category I Critical Aquifer Recharge Areas	*(A). Category I Critical Aquifer Recharge Areas.* *(1). Land uses identified in Table 19.600.620 are prohibited in Category I critical aquifer recharge areas, unless a waiver is granted by the department; and* *(2). Requests for waivers for activities listed in Table 19.600.620 shall include a hydrogeological*	*(A). Category I Critical Aquifer Recharge Areas.* *(1). Land uses identified in Table 19.600.620 are prohibited in Category I critical aquifer recharge areas, unless a waiver is granted by the department;* *(2). Requests for waivers for activities listed in Table 19.600.620 shall include a hydrogeological report (See Chapter 19.700, Special Reports) that includes a detailed risk-benefit analysis that considers credible, worst-case scenarios. The*			

	report (See Chapter 19.700, Special Reports) that includes a detailed risk-benefit analysis that considers credible, worst-case scenarios. The hydrogeological report shall evaluate potential impacts of a proposed land use or activity on both groundwater and surface water quality. The waiver will be evaluated and treated as a special use review and be reviewed by the department, the health district, affected tribes, and the affected water purveyors.	*hydrogeological report shall evaluate potential impacts of a proposed land use or activity on both groundwater and surface water quality and quantity. The waiver will be evaluated and treated as a special use review (19.100.145) and be reviewed by the department, Kitsap Public Health, affected tribes, and the affected water purveyors.*			
600.615(B) Development Standards-Category II Critical Aquifer Recharge Areas	*(B). Category II Critical Aquifer Recharge Areas.* *(1). Applicants proposing operations that pose a potential threat to groundwater as listed in Table 19.600.620 in Category II aquifer recharge areas may be required to submit a hydrogeological report (See Chapter 19.700, Special Reports). The scope of the report shall be based on site-specific conditions.* *(2). The need for additional information will be determined by the department, the health district and the affected water purveyor. Based on the results of the report, controls, mitigation, and/or other*	*(B). Category II Critical Aquifer Recharge Areas.* *(1). Land uses identified in Table 19.600.620 in Category II aquifer recharge areas may be required to submit a hydrogeological report (See Chapter 19.700, Special Reports), as determined in subsection (2) below. The scope of the report shall be based on site-specific conditions.* *(2). The need for a hydrogeological report will be determined by the department, the health district and the affected water purveyor when the proposed land use or activity may impact groundwater and surface water qualify and quantity. Based on the results of the report, controls, mitigation, and/or other requirements will be established as a condition of approval.*			

	requirements will be established as a prerequisite for the development proposal being approved.				
600.615(C) Notification of Review	*(C). Notification and Review.* *(1). Affected water purveyors, tribes and the Kitsap County Health District will be notified and invited to comment during the preliminary phases of the county's review process on the proposed land use and potential impacts. The purveyor may recommend appropriate mitigation to reduce potential impacts. The department will consider these recommendations to develop appropriate permit conditions.* *(2). The department will also notify the health district and affected water purveyors through the environmental review process, when those development activities listed in Table 19.600.620 are proposed outside the areas designated critical aquifer recharge areas.* *(3). Land use decisions within Category I and II critical aquifer recharge areas may be appealed to the Kitsap County hearing examiner.*	*(C). Notification and Review.* *(1). Affected water purveyors, tribes and the Kitsap <u>Public</u> Health will be notified and invited to comment during the preliminary phases of the county's review <u>of any development application in a critical aquifer recharge area.</u> The purveyor may recommend appropriate mitigation to reduce potential impacts <u>and the</u> department will consider these recommendations to develop appropriate permit conditions.* *(2). The department will also notify <u>Kitsap Public Health</u> and affected water purveyors through the environmental review process when those development activities listed in Table 19.600.620 are proposed outside the areas designated critical aquifer recharge areas.*			

600.615(D) Stormwater	*(D). Stormwater. Stormwater infiltration best management practices shall be encouraged to the maximum extent possible as a first priority in stormwater management.*	*(D). Stormwater. Stormwater best management practices shall be accomplished in accordance with Title 12 KCC.*			
600.620 Activities with potential threat to groundwater	*19.600.620 Activities with potential threat to groundwater.* *TABLE 19.600.620* *ACTIVITIES WITH POTENTIAL THREAT TO GROUNDWATER*	*19.600.620 Activities with potential threat to groundwater quality.* *TABLE 19.600.620* *ACTIVITIES WITH POTENTIAL THREAT TO GROUNDWATER QUALITY*			
SPECIAL REPORTS					
700.705 Special Reports	*(A). Purpose. The following special reports may be required to provide environmental information and to present proposed strategies for maintaining, protecting and/or mitigating critical areas:* *(1). Wetland Delineation Report/Wetland Mitigation Plan (Sections 19.700.710 and 19.700.715).* *(2). Habitat Management Plan (Section 19.700.720).* *(3). Geotechnical Report /Geological Report (Section 19.700.725).* *(4). Hydrogeological Report (Section 19.700.730).*	*(A). Purpose. The following special reports may be required to provide environmental information and to present proposed strategies for maintaining, protecting and/or mitigating impacts to critical areas:* *(1). Wetland Delineation Report (Section 19.700.710)* *(2). Wetland Mitigation Plan (Sections 19.700.715).* *(3). Habitat Management Plan (Section 19.700.720).* *(4). Geotechnical Report /Geological Report (Section 19.700.725).* *(5). Hydrogeological Report (Section 19.700.730).*			

	(B). When Required. Special reports shall be submitted by the applicant and approved by the department for regulated uses when required by this title for the protection of a critical area. Refer to specific critical area protection standards for when special reports are required. *(C). Special Reports – Responsibility for Completion. The applicant shall… may appeal such decisions of the county pursuant to the procedures in Section 19.100.145 (Appeals).* *(D). Qualifications of Professionals. Any special report as described below shall be prepared by a professional and shall include his or her resume, or other list of qualifications, to aid the department in assessing these qualifications.*	*(B). When Required. Special reports shall be submitted by the applicant for approval by the department when required by this title.* *(C). Responsibility for Completion. The applicant shall… may appeal such decisions of the county pursuant to the procedures in Section 19.100.150 (Appeals) and KCC 21.04 of this code.* *(D). Qualifications of Professionals. Any special report required herein shall be prepared and signed by the professionals identified below and in chapter 19.500.), and shall include his or her resume, or other list of qualifications, to aid the department in assessing these qualifications.*			
700.710 Wetland delineation report. (A) NEW	N/A	*(A). Wetland delineation reports shall be valid for a period of five years from the date of the report unless a longer or shorter period is specified by the department. An extension of an original report may be granted upon submittal of a written request to the department prior to expiration. Prior to granting an extension, the department may require updated studies if, in its judgement, the original intent of the application is altered, enlarged or if circumstances relevant to the review and issuance of the original permit have changed substantially, or if the applicant failed to abide by the*			Draft: moved from Wetland chapter (19.200)

		terms of the original approval. Time extensions shall be granted in writing and documented in the file.			
700.710 (A)- (C)	*A wetland delineation report shall include, but not be limited to, the following:* *A. Vicinity map;* *B. When available, a copy of a National Wetland Inventory Map (U.S. Fish and Wildlife Service) and/or a Kitsap County Wetland Inventory Map identifying the wetlands on or within two hundred fifty feet of the site;* *C. A site map setting forth all of the following:* *1. Surveyed wetland boundaries based upon a delineation by a wetlands specialist;* *2. Site boundary property lines and roads;* *3. Internal property lines, right-of-way, easements, etc.;* *4. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc.;*	*(B) A wetland delineation report shall include, but not be limited to, the following:* *(1) Vicinity map;* *(2) When available:* *(a) A copy of a National Wetland Inventory Map (U.S. Fish and Wildlife Service) and/or a Kitsap County Wetland Inventory Map identifying the wetlands on or within two hundred fifty feet of the site;* *(b) A copy of any known previous delineation or investigations;* *(c) A copy of forms used to delineate the wetlands area (1987 Wetland Delineation Manual, Western Mountains, Valleys, and Coast Regional Supplement).* *(3) A site map setting forth all of the following:* *(a) Surveyed wetland boundaries based upon a delineation by a wetlands specialist;* *...* *(h). The most recent, dated air photo with overlays displaying the site boundaries and wetland delineation.*			

	5. Contours at the smallest readily available intervals, preferably at two-foot intervals; *6. Hydrologic mapping showing patterns of surface water movement and known subsurface water movement into, through, and out of the site area.* *7. Location of all test holes and vegetation sample sites, numbered to correspond with flagging in the field and field data sheets.* *8. The department may require an air photo with overlays displaying the site boundaries and wetland delineation.*				
700.710(D)- (L)	*D. Location information (legal description, parcel number and address);* *E. Discussion of wetland boundary. If the wetland extends outside the site, the delineation report shall discuss all wetland areas within two hundred fifty feet of the site, but need only delineate those wetland boundaries within the site;* *F. General site conditions including topography, acreage, and surface areas of all wetlands identified in the Kitsap County Wetland Inventory Map and*	*(B)…* *(4) Location information (legal description, parcel number and address);* *(5) Discussion of wetland boundary. <u>The delineation report shall delineate the entire wetland boundary.</u> If the wetland extends outside the site, the delineation report shall discuss <u>methods for delineation beyond the site if physical access was not granted. Remote mapping methods may be used, but this should be noted in the report;</u>* *<u>(6)</u> General site conditions <u>within one quarter mile of the subject wetland(s),</u> including topography, acreage, and surface areas of all wetlands identified in the Kitsap*			

	water bodies within one quarter mile of the subject wetland(s); *G. Hydrological analysis, including topography, of existing surface and known significant sub-surface flows into and out of the subject wetland(s);* *H. Analysis of functional values of existing wetlands, including vegetative, fauna, and hydrologic conditions;* *I. A summary of proposed activity and potential impacts to the wetland(s);* *J. Recommended wetland category using the Washington State Wetlands Rating System Categories (See Chapter 19.800, Appendix "A"), including rationale for the recommendation;* *K Recommended buffer boundaries, including rationale for boundary locations;* *L. Site plan of proposed activity, including location of all parcels, tracts, easements, roads, structures, and other modifications to the existing site. The location of all wetlands and buffers shall be identified on the site plan.*	*County Wetland Inventory Map and water bodies, including ditches and streams;* *(7) Hydrological analysis, including topography, of existing surface and known significant sub-surface flows into and out of the subject wetland(s), and location of the wetland within the watershed;* *(8) Analysis of the functional values of existing wetland(s), including vegetative, fauna, habitat, water quality, and hydrologic conditions;* *(9) A summary of proposed activity and potential impacts to the wetland(s);* *(10) Recommended wetland category using the Washington State Wetlands Rating System Categories (See Chapter 19.800, Appendix "A"), including rationale for the recommendation and a copy of the completed Wetland Rating Summary Form with associated figures;* *(11) Recommended buffer boundaries, including rationale for boundary locations;* *(12). Site plan of proposed activity, including location of all parcels, tracts, easements, roads, structures, and other modifications to the existing site. The location of all wetlands and buffers shall be identified on the site plan.*			
700.710(M)-Administrative Wetland Boundary and Ranking Evaluation	*(M). Administrative Wetland Boundary and Ranking Evaluation.*	*(C) Administrative Wetland Boundary and Ranking Evaluation.* *(1) The department….*			

	(1). The department may delineate and evaluate wetland areas for any proposed single-family dwelling project listed in Chapter 19.200 (Wetlands), unless the applicant wishes to employ a qualified wetland biologist at the applicant's expense, or if such a report is required by the department. Fees may be collected for this determination and evaluation, as specified in Title 21 of the Kitsap County Code. *(2). Methodology for delineation of the regulated wetland boundary shall be the "plant community assessment" procedure, which is described in the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter.* *(3). The wetland boundary shall be field-staked and this line shall be depicted on the building site plan application.* *(4). The regulated wetland boundary and regulated wetland buffer shall be identified on all grading, building site, utility or other development plans submitted on the project.*	*(2) ~~Methodology for delineation of the regulated wetland boundary shall be the "plant community assessment" procedure, which is described in the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter.~~* *(2)The wetland boundary shall be field-staked prior to department review…* *(3)The wetland boundary and buffer shall be identified….. Wetland delineation stakes shall remain in place for the duration of the application process and not removed until project completion / final inspection when wetland buffer signs have been reviewed and installed.*			

700.715 Wetland mitigation report-NEW (intro.)	N/A	*Compensatory mitigation shall be required for activities that result in the loss of wetland acreage or functions, in accordance with 19.200.250 (Wetland Mitigation Requirements) .* *1. A compensatory mitigation plan shall be completed. The applicant shall submit a detailed mitigation plan for compensatory mitigation to the department.* *2. The detailed mitigation plan shall be prepared, signed, and dated by the wetland specialist to indicate that the plan is in accordance with specifications as determined by the wetland specialist. A signed original mitigation plan shall be submitted to the department.* *3. Approval of the detailed mitigation plan shall be signified by a critical area Notice to Title, signed by the applicant and department director or designee, and recorded with the Kitsap County Auditor (Appendix E, 19.800). The Notice shall refer to all requirements for the mitigation project.* *4. The mitigation project shall be completed according to a schedule agreed upon between the department and the applicant.* *5. Wetland mitigation shall occur according to the approved wetland mitigation plan and shall be consistent with provisions of this chapter and title.* *6. The wetland specialist shall be onsite during construction and plant installation phases of all mitigation projects.* *7. Upon completion of construction for the wetland mitigation project, the wetland specialist shall submit an*		*(A) Compensatory mitigation shall be required for activities that result in the loss of wetland acreage or functions, in accordance with 19.200.250 (Wetland Mitigation Requirements) .* *1. A compensatory mitigation plan…*	

		as-built report to the department for review and approval.			
700.715 Wetland Mitigation Report (A)	*As required by Section 19.200.250 (Wetland Mitigation Requirements), a mitigation plan shall be prepared. A detailed mitigation plan shall contain the following:* *A. Executive summary which summarizes the project, its potential wetland related impacts, and the proposed mitigation to include the following information:* *1. Applicant Name/Address/Phone.* *2. Agent/Consultant.* *3. Description of land use proposal.* *4. Description of mitigation area.* *5. Description of impact avoidance and minimization measures.* *6. Description of unavoidable wetland impacts and mitigation measures:* *a. Size (acres);*	*As required by Section 19.200.250 (Wetland Mitigation Requirements), a mitigation report shall be prepared and shall contain the following:* *A. Cover / Title Page* *1. Project name.* *2. Reference numbers to other permit applications (Local, State and/or Federal).* *3. Date of publication.* *4. Who it was prepared for / contact information.* *5. Who is was prepared by / contact information.* *B. Table of Contents, including a list of figures and tables* *C. Responsible Parties. Provide the names, titles, addresses, phone numbers, and information regarding the professional experience (if applicable) for those involved in the development and mitigation projects. Provide the name of the company or agency, as well as the individuals involved.* *1. Applicant(s).* *2. Applicant's representative / agent.* *3. Preparer(s) of the wetland delineation report* *4. Preparer(s) of the mitigation report, mitigation construction plans and specifications.* *5. Parties responsible for monitoring, long-term maintenance, and contingency plans. If this is unknown at the time the mitigation report is*		*As required by Section 19.200.250 (Wetland Mitigation Requirements), a mitigation report shall be prepared and shall contain the following (see Appendix H for a Mitigation Plan Checklist):* *(A) Cover / Title Page/and Table of Contents as described in Appendix H, Mitigation Plan Checklist;* *~~(1) Project name.~~* *~~(2) Reference numbers to other permit applications (Local, State and/or Federal).~~* *~~(3) Date of publication.~~* *~~(4) Who it was prepared for / contact information.~~* *~~(5) Who is was prepared by / contact information.~~* *~~(B) Table of Contents, including a list of figures and tables~~* *(B) Responsible Parties…..*	Staff Recommendation: Option to retain most of current contents, with reference to *Wetland Mitigation in Washington State-Part 2, Version 1: Appendix C-Recommended Outline for Draft and Final Mitigation Plans, WA Department of Ecology Publication #06-06-011b, March 2006.*

	b. Wetland classification; *c. Hydrogeomorphic (HGM) classification;* *d. Wetland rating;* *e. Functions;* *f. Compensation ratios used.* *7. Explanation of other impacts to waters of the state.* *8. Goals, objectives and monitoring period.*	*submitted, provide this information with the monitoring reports.* *(D). Executive summary that summarizes the project, its potential wetland related impacts, and the proposed mitigation. The executive summary shall ~~to~~ include the following information:* *1. Applicant Name/Address/Phone.* *2. Agent/Consultant.* *3. Description of land use proposal and location.* *4. Description of the measures taken to avoid and minimize the impacts to the wetland and other aquatic resources.* *5. Description of unavoidable wetland impacts and the proposed compensatory mitigation measures:* *a. Size (acres);* *b. Cowardin Wetland classification;* *c. Hydrogeomorphic (HGM) classification;* *d. Wetland rating;* *e. Wetland functions;* *f. Compensation ratios used.* *6. Description of mitigation area.*			

		7. Explanation of other <u>unavoidable</u> impacts to <u>other aquatic resources</u>. *8. <u>Other relevant details, including but not limited to:</u>* *<u>a.</u> Goals <u>and</u> objectives.* *<u>b. Proposed improvements to the functions and environmental processes of the larger watershed.</u>* *<u>c. Proposed buffers for the compensatory mitigation site (minimum and maximum width and total area).</u>*			
19.700.715 (B) Project Description	*(B) Project Description.* *1. Type of development (existing and proposed land uses).* *2. Project size.* *3. Implementation schedule.* *4. Project location, maps.* *5. Project summary.*	*<u>(E)</u>Project Description.* *1. Type of development (existing and proposed land uses).* *2. <u>Development p</u>roject size.* *3. Implementation schedule <u>(start date and duration).</u>* *4. Project location <u>and</u> maps.* *<u>a. Section, Township, Range</u>* *<u>b. Water Resource Inventory Area (WRIA)</u>* *<u>c. Watershed and subwatershed</u>* *<u>d. Vicinity Map</u>* *5. <u>Description of the Development Site.</u>*			See previous.

		a. Historic and current land uses, zoning designations, and structures on development site and adjacent properties (if known). *b. A local area map (zoning, land use, wetlands, other aquatic resources, 100 year floodplain).* *c. Existing wetlands on or adjacent to the development site. Attach delineation report.* *d. Other aquatic resources on the site or adjacent properties, noting hydrologic connections. Describe any flooding that affects the development site and the location of the development within the floodplain, where applicable.* *e. Known historic or cultural resources on the development site.*			
700.715(C) Ecological Assessment of Impact	*(C) Ecological Assessment of Impact.* *(1). Impacts (acreage) and extent of disturbance to wetlands (wetland delineation).* *(2). Summary of historic and current on-site and nearby land uses (zoning designations).* *(3). Description of any known cultural resources on the site.* *(4). Description of the site in context of other wetlands/water bodies.* *(5). Description of the water regime.*	*(F) Ecological Assessment of Impact.* *1. Description of the impacts and extent of disturbance to wetlands (including acreage). This includes temporary, indirect, and direct impacts.* *2. Description of the site in context of other wetlands/water bodies.* *3. Description of the water regime.* *a. Describe the source of water to the wetland being affected by the development project. For multiple sources, estimate the percentage of each.*			See previous.

	(6). Description of the soils. *(7). Description of the plant communities.* *(8). Description of any fauna using the site.* *(9). Landscape position and geomorphology.* *(10). Description of functions provided.* *(11). Wetland category rating and buffer requirements.*	*b. Describe the hydrologic regime of the wetland being affected through qualitative estimates of duration and frequency of inundation / saturation.* *c. Map of the surface and groundwater flowing into the impacted areas with the directions of water flow indicated.* *4. Description of the soils.* *a. Description of the soil characteristics of the wetland being affected including; soil type and classification; and a description of texture, color, structure, permeability, and organic content.* *b. Soil survey map (indicate the source of the map).* *c. Map showing soil sampling locations (typically the location of the soil pits used for delineation).* *5. Description of the plant communities.* *a. Qualitative descriptions of the different Cowardin (1979) classes at the wetland being affected (including subclass and water regime modifiers). If a forested class is present, also estimate the average age of the canopy species.* *b. Estimate the relative abundance of dominant and subdominant plants within each Cowardin class (use information collected during routine delineation unless more detailed data are available).*			

		c. List of the wetland indicator status of dominant and subdominant species (obligate-OBL, facultative-FAC, facultative wet-FACW) *d. Description of the prevalence and distribution of non-native and/or invasive species, if any are present at the wetland being affected.* *e. General description of upland plant communities within 330 ft (100m) of the wetland being affected, if any.* *f. List of rare plants and plant communities that are known to occur on the development project site or adjacent properties. If any of these species are observed on the site, include descriptions of the occurrence and any potential impacts to them.* *6. Description of any fauna using the site. If a biological assessment was prepared for the project, the report may simply be referenced in this mitigation report.* *a. Description of any animals (including amphibians) using the wetland being affected or its buffer. Especially note evidence of past or present beaver use. In most cases, a list of species likely to use the habitats on the site is sufficient, with brief descriptions of the existing habitats.* *b. Include a description of endangered, threatened, sensitive, and candidate animal species that are known to occur in the general areas (distance depends on species) of the development site, as well as observations of such*			

		species. Also, include those listed as "Priority Species" or "Species of Concern" by the Washington Department of Fish and Wildlife. *7. Landscape position and geomorphology.* *a. Class of the wetland being affected by the development project. Use the hydrogeomorphic classification (class and subclass) to describe its position in the watershed.* *b. Qualitative description of the functions performed by the wetland affected relative to the position in the watershed. This may include its role in attenuating flooding, as a corridor for wildlife between different region of the watershed, as part of a regional flyway, or in improving water quality regionally.* *8. Description of functions provided.* *a. Description of the functions provided by the wetland being affected and to what level they are performed. The method used to assess functions, varies depending on the scale of the impact (size/type), the complexity of the wetland, etc. The same method must be used for assessing the impact site and the mitigation site, as well as for monitoring.* *b. Qualitative or quantitative description of the characteristics that enable the wetland being affected to perform specific functions, depending on the method used.* *c. Description of the sampling and assessment methods used.*			

		d. Documentation of the training of professionals assessing the functions. *e. List of the references consulted.* *9. Wetland category rating and buffer requirements.* *a. The category of the wetland being affected using the Washington State rating system for western Washington, as revised.* *b. Copies of the original data sheets used to rate the wetland.* *c. Size (width) of the undeveloped upland buffer within 330 feet (100m) of the wetland being affected by the development project.* *d. Qualitative description of the dominant vegetation in the buffer and the physical structure of the plants in it (e.g., deciduous forest, coniferous forest, and prevalence of snags and downed woody debris.)* *e. Maps of the buffer areas and the vegetation types.* *10. Information on water quality, where applicable.* *a. Description of any known or observable water quality problems at the development site and whether they will continue after the development project is completed. Basic water quality parameters that should be considered include dissolved oxygen (DO), pH and alkalinity, temperature, turbidity/suspended solids/sediment accretion, nutrients, fecal coliform, and heavy metals.*			

		b. Assessment of whether the development project is expected to worsen or improve existing water quality conditions.			
700.715(D) Mitigation Approach	*(D). Mitigation Approach* *(1). Mitigation sequencing followed.* *(2). Goals and objectives.* *(3). Performance standards to assess each objective.*	(G). Mitigation Approach. (1). Mitigation sequencing followed. a. Descriptions of the specific steps taken to avoid and minimize impacts to the maximum extent practicable. Larger projects may need to include an Alternatives Analysis in an appendix. b. Description of the specific steps to minimize wetland impacts to the site or reduce impacts over time (timing of project, redesign of project, orientation and/or location). Where applicable, note how proposed stormwater treatment facilities may reduce water quality impacts. c. Discussion of wetland rectification strategies. Where applicable note how temporary impacts, occurring during implementation of the development project, could be rectified through restoration and maintenance activities. d. Notation of the size and type of compensation being proposed. Include a description of the mitigation ratios and why they are adequate to compensate for the lost or degraded area and functions. A full description of the compensatory mitigation should be provided as described in the following sections. 2. Goals and objectives. Identify the goal or goals of the compensatory mitigation project.			See previous.

		3. Mitigation strategy. Describe in general terms the strategies (actions) that will be use to achieve the goals.			
19.700.715(E)-Proposed Compensation Site	*(E) Proposed Compensation Site.* *1. Site description (location, size, maps):* *a. Ownership;* *b. Total area of mitigation site (acres);* *c. Current/past land use.* *2. Site selection rationale.* *3. Existing/baseline ecological conditions of the compensation site:* *a. Acreage of existing wetlands and uplands;* *b. National Wetland Inventory or local jurisdiction wetland mapping of the site;* *c. Summary of historic and current on-site and nearby land uses (zoning designations);* *d. Description of any known cultural resources on the site;* *e. Description of the site in context of other wetlands/water bodies;*	*(H) Proposed Mitigation Site.* *1. Site description (location, size, maps):* *a. Ownership;* *b. Total area of mitigation site (acres);* *c. Current/past land use. Include, also, a description of the constraints at the mitigation site that could affect the success of the mitigation project, and strategies used to address each constraint.* *2. Site selection rationale. Discuss how the site fits with the environmental needs in the watershed. If watershed or regional planning efforts exist for the area, explain how the selection of the compensation site is consistent with those plans.* *3. Existing/baseline ecological conditions of the mitigation ~~compensation~~ site:* *a. Summary of historic and current on-site and nearby land uses ~~(zoning designations)~~;* *i. Historic land uses and structures on the mitigation site and adjacent properties, if known;* *ii. Current land uses and structures on the mitigation site;*		*(H) Proposed Mitigation Site.*	See previous.

	f. Description of the water regime; *g. Description of the soils;* *h. Description of the plant communities;* *i. Description of any fauna using the site;* *j. Landscape position and geomorphology;* *k. Description of functions provided;* *l. Wetland rating of any existing wetlands, buffer requirements.* *4. Site constraints.*	*iii. Current land uses and zoning designations of adjacent properties;* *iv. A local area map showing land uses and zoning designations.* *b. Description of any known cultural resources on the site. If a separate report on cultural/historic resources was prepared, it may be referenced in the mitigation report.* *i. List of structures listed or eligible for historic registers;* *ii. Brief description of resources having archaeological or cultural significance.* *c. Description of the site in context of other wetlands ~~/water bodies~~. Any existing wetland boundaries shall be summarized here, but may reference the delineation report.* *i. A topographic base map (scale 1 in. = 400 ft. or smaller) outlining the boundaries of the wetlands that are under state, federal, or local jurisdiction;* *ii. Name of the delineation manual and method used. Included date field work was performed, field data sheets documenting the data collected on the three criteria (hydrology, vegetation, soils);* *iii. Provide the total area of wetlands on the mitigation site, identifying the area (acres) of individual wetlands.*			

		d. Description of other aquatic resources on the mitigation site and adjacent properties. *i. Description of the other aquatic resources (e.g., streams, lakes, tidal waters) on the mitigation site and adjacent properties, noting hydrologic connections among them and with existing wetlands.* *ii. Include and/or reference a map showing the approximate location of all aquatic resources.* *iii. Description of any flooding that affects the mitigation site and location of the development within the floodplain, where applicable, indicating on a map whether the project is located within the mapped 100-year floodplain).* *f. Description of the water regime.* *i. Description of the source of water to the mitigation site. If several sources are present, estimate the percentage contribution from each;* *ii. Description of the existing water regimes at the mitigation site (ie., rough, qualitative estimate of duration and frequency of inundation and/or saturation.* *iii. Map of the surface and groundwater flowing into the mitigation area with the directions of water flow indicated.*		

		g. Description of the soils; *i. Description of the soil characteristics of the mitigation site including; soil type and classification; and a description of texture, color, structure, permeability, and organic content. Use soil surveys confirmed by representative soil samples:* *ii. Soil survey map (indicate source);* *iii. Map showing soil sampling locations (typically the location of the soil pits used for delineation).* *h. Description of the plant communities;* *i. Qualitative descriptions of the different Cowardin (1979) classes at the mitigation site (include subclass and water regime modifiers). If a forested class is present, also estimate the average age of the canopy species;* *ii. Estimate the relative abundance of dominant and subdominant plants within each Cowardin class (use information collected during routine delineation unless more detailed data are available);* *iii. List of the wetland indicatory status of dominant and subdominant species (obligate-OBL, facultative-FAC, facultative wet-FACW);*			

		iv. Description of the prevalence and distribution of non-native and/or invasive species, if any are present; *v. General description of upland plant communities within 330 ft (100m) of the mitigation site, if any;* *vi. List of rare plants and plant communities that are known to occur on the mitigation site or adjacent properties. If any of these species area observed on the site, include descriptions of the occurrence and any potential impacts to them.* *i. Description of any fauna using the site if a biological assessment was prepared for the project, the report may simply be referenced in this mitigation plan.* *i. Description of any animals (including amphibians) using the wetland being affected or its buffes. Especially note evidence of past or present beaver use. In most cases, a list of species likely to use the habitats on the site is sufficient, with brief descriptions of the existing habitats.* *ii. Include a description of endangered, threatened, sensitive, and candidate animal species that are known to occur in the general areas (distance depends on species) of the development site, as well as observations of such species. Also, include those listed as "Priority Species" or "Species of Concern" by the*			

		Washington Department of Fish and Wildlife. *j. Landscape position and geomorphology;* *i. Class of any existing wetlands on the mitigation site. Use hydrogeomorphic classification (class and subclass) to describe the position in the watershed;* *ii. Qualitative description of the functions performed by the mitigation site relative to the position in the watershed. This may include its role in attenuating flooding, as a corridor for wildlife between different regions of the watershed, as part of a regional flyway, or in improving water quality regionally.* *k. Description of functions provided.* *i. Description of the functions provided by the wetland being affected and to what level they are performed. The method used to assess functions, varies depending on the scale of the impact (size/type), the complexity of the wetland, etc. The same method must be used for assessing the impact site and the mitigation site, as well as for monitoring;* *ii. Qualitative or quantitative description of the characteristics that enable the wetland being affected to perform specific functions, depending on the method used;*		

		iii. Description of the sampling and assessment methods used; *iv. Documentation of the training of professionals assessing the functions; and* *v. List of the references consulted.* *l. Wetland rating of any existing wetlands, buffer requirements.* *i. The category of the wetland being affected using the Washington State rating system for western Washington, as revised;* *ii. Copies of the original data sheets used to rate the wetland;* *iii. Size (width) of the undeveloped upland buffer within 330 feet (100m) of the mitigation site. Note how much of the existing buffers extend off-site;* *iv. Qualitative description of the dominant vegetation in the buffer and the physical structure of the plants in it (e.g., deciduous forest, coniferous forest, and prevalence of snags and downed woody debris.); and* *v. Maps of the buffer areas and the vegetation types.* *m. Information on water quality, where applicable.* *i. Description of any known or observable water quality problems at the mitigation*		

		site and whether they will continue after the mitigation project is completed. Basic water quality parameters that should be considered include dissolved oxygen (DO), pH and alkalinity, temperature, turbidity/suspended solids/sediment accretion, nutrients, fecal coliform, and heavy metals. *ii. Assessment of whether the mitigation project is expected to worsen or improve existing water quality conditions.* *4. Site constraints.*			
700.715(F) Preliminary Site Plan	*(F) Preliminary Site Plan.* *(1). Explanation of how adequate hydrology will be provided.* *(2). Discussion of how project was designed to provide the proposed functions.* *(3). Schematic drawings: Change in topography:* *(a). Hydrologic structures;* *(b). Soils;* *(c). Vegetation distributions;* *(d). Habitat attributes;* *(e). Buffers.*	*(I)Preliminary Site Plan.* 1. *A qualitative description of the water regime and ~~Explanation~~ of how adequate hydrology will be provided to support a wetland over the long term.* *2. Discussion of how project was designed to provide the proposed functions, including description of the hydrologic data that will support the proposal. Provide a rationale for each proposed function and describe the design features that will contribute to providing the function.* *3. Schematic drawings:* *a. Change in topography:* *b. Hydrologic (water control) structures;* *c. Soils;* *d. Vegetation distributions;*			

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	(4). Section drawings showing relationship of topography to water regime and vegetation.	*e. Habitat attributes (structures) and their location;* *f. Existing and proposed buffers.* *4. Section drawings showing relationship of topography to water regime and vegetation.*			
19.700.715(G) Final Site Plan / Design	*(G). Final Site Plan/Design.* *(1). Site survey and topography.* *(2). Water regime including:* *(a). Engineering drawings of water control structures;* *(b). Source of water (volume, velocity, hydro period).* *(3). Soil amendments.* *(4). Landscape plans:* *(a). Drawing of proposed plant distribution;* *(b). Location of existing or proposed upland buffers;* *(c). Section drawings showing relationship of topography to vegetation;* *(d). Erosion control;* *(e). Location of habitat structure;* *(f). Location of upland buffers;*	*J. Final Site Plan/Design.* *1. Site survey and topography.* *a. Site surveys are needed when the mitigation project includes changes to ground elevations. If no changes to grade are proposed, then a simpler map of the site will be sufficient showing property and wetland boundaries, landmarks, scale, site features, and other existing conditions;* *b. Orientation and scale (north arrow; typically scales are 1 inch = 25 or 50 ft.);* *c. Existing and proposed elevation contours. Contours at one-foot intervals are typically sufficient for most mitigation reports. Contours at 6-inch intervals may be desirable in certain cases where the seasonal fluctuation of water levels is low or in specific areas on the mitigation site where it is critical to have a high level of accuracy;* *d. Spot elevations for low points, high points and structures (culverts, hydraulic controls, utilities, and roads);* *e. Property boundaries;*			See previous.

	g. Soil amendments. *5. Construction specifications.*	*<u>f. On-site wetland boundaries (including all wetlands existing and after mitigation);</u>* *<u>g. Survey benchmarks;</u>* *<u>h. Location and elevation of soil borings or test pits and water level sampling devices;</u>* *<u>i. Location of soils to be stockpiled, if any;</u>* *<u>j. Description of methods of erosion control and bank stabilization, if applicable;</u>* *<u>k. Buffer areas proposed for the mitigation site and their boundaries.</u>* *2. Water regime including:* *a. <u>Description of the proposed frequency and duration of flooding, inundation, or soil saturation;</u>* *<u>b. Description of the proposed groundwater and surface water sources and characteristics;</u>* *<u>c. Description of the elevation of the water table and dates when measured (note if table is perched).</u>* *<u>d.</u> Engineering drawings of <u>any proposed</u> water control structures;* *3. Soil amendments.* *<u>a. Soil logs from an on-site evaluation. Depending on proposed depth of grading, soil information may come from hand-dug shallow pits or from deeper samples that are typically</u>*			

		obtained with small drilling rigs. As a minimum, the shallow soil profile should be described even if no changes in site elevations are proposed. *b. Description of how the soil characteristics will be affected by the mitigation activities.* *4. Landscape plans. For most projects, planting plans should be prepared by a landscape architect with assistance from a wetland or plant ecologist. In some cases where very simple planting plans are proposed for small areas, the level of expertise provided by a landscape architect may not be needed. The list below includes the minimum information needed for planting plans.* *a. Section drawing of proposed plant distribution, density and spacing, in relation to topography and water levels. The projected average water level during winter wet season, early growing season, and late summer dry season should be displayed;* *b. List of plant materials (common and Latin names, sizes, sources, quantity, etc).* *c. Location of existing or proposed upland buffers;* *d. Description of the methods that will be used to control invasive and exotic plants if they exist in the vicinity;* *e. A plan for irrigating the plants until they are established including method, frequency, and amount of water;*		

		f. Erosion control; *g. Map of the location of habitat structures or habitat features;* *h. Location of upland buffers;* *i. Description of the soil amendments, including use and sources of mulch.* *5. Construction specifications.*			
700.715 (H) Monitoring Plan	*(H) Monitoring Plan.* *(1). Vegetation.* *(2). Water regime.* *(3). Soils.* *(4). Fauna.* *(5). Functions and values.* *(6). Development of habitat structure.* *(7). Water quality.* *(8). Buffers.* *(9). Timetable for reporting monitoring results.*	*K. Monitoring Plan. A monitoring plan describes the methods used to collect and analyze data needed to show that performance standards are being met. They are also used to track environmental changes at mitigation sites throughout the monitoring period. Monitoring plans will vary depending on mitigation objectives and performance standards, but all must be designed to assess the quantitative or qualitative performance standards. The methods used for monitoring specific variables generally need to be the same as those used in establishing baseline data at the wetland affected by the development project. Monitoring plans will typically include the elements described below.* *1. Variables to be measured (plant survival, canopy cover, plat diversity, water levels and duration or inundation/saturation);* *2. Sampling methods for each variable;* *3. A map of the sampling locations for each variable or a description of the methods that will be used to determine sampling locations for each monitoring event. Permanent sampling locations may be the best choice for some variables, but*		

		for others, such as percent cover of vegetation, sampling locations may be varied through random selection or other methods for each monitoring event. The map should include clearly identifiable markers on the ground to act as reference points for orientation. These may include roads, benchmarks, and permanent structures; *4. Laboratory methods to be used, if applicable;* *5. Provide a timetable for reporting monitoring results to the agencies. It is preferred to tie the specific dates to the start of construction;*			
700.715(I) Site Protection	*(I) Site Protection.* *1. Physical site protection.* *2. Legal protection.* *3. Buffers.*	*L. Site Protection.* *1. Physical site protection.* *2. Legal protection (deed restriction, conservation easement). Provide copies.* *3. Buffers.*			
700.715(J) Maintenance and Contingency Plans	*(J). Maintenance and Contingency Plans.* *(1). Maintenance schedule.* *(2). Contingency plan:* *(a). Initiating procedure;* *(b). Funding;* *(c). Responsible parties.*	*(M). Maintenance and Contingency Plans. The need for activities such as inspecting irrigation systems, replacing plants, weeding, preventing or managing herbivory, removing trash, and controlling erosion (and the funding to conduct them) should be anticipated based on the site characteristics, level of public access to the mitigation site, and typical uses of adjacent areas. Frequency of the activities may changes through the monitoring period, so maintenance plans should be written with room for flexibility. Contingency plans contain corrective measures that will be taken if*			

		monitoring indicates that performance standards are not being met. *(1). Maintenance schedule for each activity. Include a description of and reason for each maintenance activity planned.* *(2). Contingency plan:* *(a). Description of initiating procedures. If a performance standard is not met within the time specified in the mitigation plan the permitee will be required to complete the activities in the following list* *(i). An analysis of the causes of failure;* *(ii). Description of the proposed corrective actions;* *(iii). Timeframe for implementing these actions.* *(b). Description of a contingency fund;. A contingency fund should be established for use if any corrective actions are necessary. The description should include what funds will be available for planning, implementing and monitoring any contingency procedures that may be required to achieve the mitigation goals. Generally, the fund amount should equal 20% of the total cost of mitigation associated with the project.*			

		(c). Responsible parties.			
700.715(K) Implementation Schedule	*(K). Implementation Schedule.* *(1). Construction schedule.* *(2). Monitoring schedule.* *(3). Reporting schedule.* *(4). Financial assurance.*	*(N). Implementation Schedule.* *(1) Construction sequence and time schedule for project start, grading, water diversions, plantings, completion etc. The applicant must work with the department to develop an agreed construction schedule for the mitigation project. Delays in implementing the construction of the mitigation site may result in an increase in the mitigation required and enforcement actions.* (2) *Completion. Acknowledgement that the wetland specialist will submit an as-built report to the department for review and acceptance.*			
700.715(L) Permit Conditions	*(L) Permit Conditions. Any compensation project prepared pursuant to this section and approved by the department shall become part of the application for the permit. The department will require an additional growing season year for approval of mitigation plan unless the applicant requests an inspection for final monitoring year during the final monitoring year assessment.*	*(O) Permit Conditions. Any compensation…..*			
700.715(M) Performance Bods and Demonstration of Competence	*(M) Performance Bonds and Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific*	*P. Performance Bonds and Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing… A performance bond, assignment of savings, or other like*		*Typically, this amount is one and a half times the estimated cost of mitigation. This bond, assignment of savings, or the security will be released no earlier than five years after completion of the*	

	expertise of sufficient standing….. A performance bond, assignment of savings, or other like security will be required by the department in an amount necessary to provide for future site monitoring and possible corrective action required for compensatory mitigation projects. This bond, assignment of savings, or the security will be released no later than five years after completion of the mitigation project. If the approved mitigation is not completed or fails to meet its success standards, the property owner must agree to a property access release form, with forfeiture of funds after the specified monitoring period.	*security will be required by the department in an amount necessary to provide for future site monitoring and possible corrective action required for compensatory mitigation projects. Typically, this amount is one and a half times the estimated cost of mitigation. This bond, assignment of savings, or the security will be released no earlier than five years after completion of the mitigation project. If the approved mitigation is not completed or fails to meet its success standards, the property owner must agree to a property access release form, with forfeiture of funds after the specified monitoring period.*		*mitigation project. [different types… look over notes/comments]*	
700.715(N) Waiver	*(N). Waiver. The department may waive portions of this report if, in its opinion, there is adequate information available on the site to determine its impacts and appropriate measures.*	*Q. Waiver. The department may waive portions of a wetland mitigation ~~this~~ report if there is adequate information available on the site to determine its impacts and appropriate measures.*			
700.715 (O) List of Qualified Consultants	*(O). List of Qualified Consultants. The department shall establish a list of qualified consultants to prepare mitigation plans.*	*R. List of Qualified Consultants….*			
700.720 (A) Habitat management plan (HMP)	*(A). A HMP is a site investigation report to evaluate the potential presence or absence of a regulated fish or wildlife species or habitat affecting a subject property and proposed development. This report shall identify how development impacts to fish and*	*(A). A HMP is a site investigation report to evaluate the potential presence or absence of a regulated fish or wildlife species or habitat affecting a subject property and proposed development. This report shall identify how development impacts to fish and wildlife habitat from a proposed project will be mitigated. WDFW Priority Habitat and Species (PHS) management*			

	wildlife habitat from a proposed project will be mitigated. WDFW Priority Habitat and Species (PHS) management recommendations, dated May 1991, or bald eagle protection rules outlined in WAC 232-12-292, as now or hereafter amended, may serve as guidance for this report.	*recommendations, dated May 1991 and all applicable volumes and revisions, or the National Bald Eagle Management Guidelines may serve as guidance for this report.*			
700.720(B)	*(B). The HMP shall contain a map prepared at an easily readable scale, showing:* *….* *(4). A legend which includes a complete legal description, acreage of the parcel, scale, north areas, and date of map revision; and* *…*	*(B). The HMP shall contain a map prepared at an easily readable scale, showing:* *….* *(4). A legend that includes a complete legal description, acreage of the parcel, scale, north arrows, and date of map revision; and*			
700.720(C)(3)	*C. The habitat management plan shall also contain a report which describes:* *…* *3. A discussion on how the applicant proposes to mitigate any adverse impacts to wildlife habitats created by the proposed development. (See Sections 19.700.710 and 19.700.715, Wetland Report/Wetland Mitigation Plan requirements.).*	*C. The habitat management plan shall also contain a report which describes:* *…* *3. A discussion on how the applicant proposes to avoid, minimize and mitigate any adverse impacts to wildlife habitats created by the proposed development. (See Sections 19.700.710 and 19.700.715, Wetland Report/Wetland Mitigation Plan requirements.).*			

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700.720(D)	*(D). Examples of mitigation measures to be included in the HMP report, include, but are not limited to:* *(1). Establishment of Buffer Zones. When applicable, the order of sequence for buffer reductions shall be as follows methods for buffer reduction may include the following:* *(a). Use of buffer averaging maintaining one hundred percent of the buffer area under the standard buffer requirement;* *(b). Reduction of the overall buffer area by no more than twenty-five percent of the area required under the standard buffer requirement;* *(c). Enhancement of existing degraded buffer area and replanting of the disturbed buffer area;* *(d). The use of alternative on-site wastewater systems in order to minimize site clearing;* *(e). Infiltration of stormwater where soils permit; and* *(f). Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.*	*(D). Examples of mitigation measures to be included in the HMP report, include, but are not limited to:* *(1). Establishment of Buffer Zones. When applicable, the order of sequence for buffer reductions shall be as follows:* *(a). <u>Reduction of building setback;</u>* *<u>(b).</u> Use of buffer averaging… ;* *<u>(c)</u>. Reduction of the overall buffer area…;* *<u>(d)</u>. Enhancement of existing degraded buffer…;* *<u>(e)</u>. The use of alternative on-site…;* *<u>(f)</u>. Infiltration of stormwater where soils permit; and* *<u>(g)</u>. Retention of existing native vegetation….* *(2). Preservation of native plants and trees that is essential to maintaining habitat function, <u>including connection to existing wildlife corridors</u>;* …			

	(2). Preservation of native plants and trees that is essential to maintaining habitat function; *…*				
700.720(E)	*(E). A HMP shall be prepared by a fish or wildlife biologist, as defined at Sections 19.150.330 and 19.150.720. For proposed single-family dwelling construction, the department may complete the plan. Fees may be collected for this plan as specified in Title 21 of the Kitsap County Code. Where this plan is required for the protection of an eagle habitat, the eagle habitat management plan shall meet bald eagle management rules and will normally be prepared by the WDFW.*	*(E). A HMP shall be prepared by a fish or wildlife biologist, as defined at Sections 19.150.330 and 19.150.730. For proposed single-family dwelling construction, the department may complete the plan. Fees may be collected for this plan as specified in Title 21 of the Kitsap County Code.*			
700.725 Geological Assessments	*Whenever development is proposed in a geologically hazardous area or shoreline setback as defined in Chapters 19.300 and 19.400 of this title, or when the department determines that additional soils and slope analysis is appropriate on a particular site, the applicant is required to submit a geotechnical or geological report that evaluates the surface and subsurface soil conditions on the site.*	*Whenever development is proposed in a potentially geologically hazardous area or shoreline setback as defined in Chapters 19.300 and 19.400 of this title, or when the department determines that additional soils and slope analysis is appropriate on a particular site, the applicant is required to submit a geological assessment. This assessment may be in the form of a letter, a geological report, or geotechnical report, as determined in 19.400. These assessments evaluate the surface and subsurface soil conditions on the site.*			
700.725(A)(2) Qualifications	*(2). Geological reports may be prepared by a licensed geologist (Section 19.150.365), or geotechnical engineer (Section 19.150.370).*	*(2). Geological reports or letters may be prepared by a licensed geologist (Section 19.150.365), or geotechnical engineer (Section 19.150.370).*			

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APPENDICES					
Appendix A (A)- Category I Wetlands	*(A) Category I Wetlands are:* *…* *(2) Wetlands with high quality native or regionally rare wetland communities with irreplaceable ecological functions including, but not limited to, sphagnum bogs and fens, estuarine wetlands, mature forested wetlands, or wetlands which qualify for inclusion in the Natural Heritage Information System.* *(3). Wetlands scoring 70 points or more (out of 100) on the questions related to functions in the Washington State Wetland Rating System for Western Washington, Revised 2004.*	*(2). Wetlands with high quality native or regionally rare wetland communities with irreplaceable ecological functions including, but not limited to, sphagnum bogs and fens, estuarine wetlands, mature forested wetlands, or wetlands which qualify for inclusion as a Wetland of High Conservation Value.* *(3). Wetlands scoring 23 points or more (out of 27) on the questions related to functions in the Washington State Wetland Rating System for Western Washington, Revised 2014, or as hereafter amended.*			
Appendix A (B)- Category II Wetlands	*(B) Category II Wetlands are:* *…* *(3). Wetlands scoring between 51 – 69 points (out of 100) on the questions related to functions in the Washington State Wetland Rating System for Western Washington, Revised 2004.*	(B)Category II Wetlands are: … (3). Wetlands scoring between 20-22 points (out of 27) on the questions related to functions in the Washington State Wetland Rating System for Western Washington, Revised 2014, or as hereafter amended.			
Appendix A (C)- Category III Wetlands	*(C)Category III Wetlands area:* *…*	*(C)Category III Wetlands area:* *…*			

	(1). Wetlands that are 1) wetlands with a moderate level of functions (scores between 30 –50 points) and 2) interdunal wetlands between 0.1 and 1 acre in size. *(2). Wetlands scoring between 30 –50 points and have generally been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.*	*(1). Wetlands that are 1) wetlands with a moderate level of functions (scores between 16 – 19points) and 2) interdunal wetlands between 0.1 and 1 acre in size.* *(2). Wetlands scoring between 16 – 19 points and have generally been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.*			
Appendix A (D)- Category IV Wetlands	*(D) Category IV Wetlands are:* *(1). Wetland with the lowest levels of function (scores less than 30 points) and are often heavily disturbed.*	*(D) Category IV Wetlands are:* *(1). Wetland with the lowest levels of function (scores less than 16 points) and are often heavily disturbed.*			
Appendix B (B)- "Type F Streams"	*(B). **"Type F Streams"** are those surface waters, which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030(2) as now or hereafter amended, as Type F Water. Type F streams contain habitat for salmonid fish, game fish and other anadromous fish.*	*(B). **"Type F Streams"** are those surface waters, which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030(2) as now or hereafter amended, as Type F Water. Type F streams contain habitat for fish.*			
Appendix C- Kitsap County's GIS Database of Critical Areas Information		[Fish and Wildlife Habitat Conservation Areas-			

		Edit: ~~Non-game &~~ Priority Species Habitat Database; Add: Stream Typing of Select WRIA 15 Watersheds, Wild Fish Conservancy] [Geologically Hazardous Areas- Add: Geologically Hazardous Areas Map Update, Kitsap County (GRI Consulting)]			
Appendix E- Kitsap County Critical Area and Buffer Notice	[As in 19.800 Appendix E]	[Edited to remove the notary signature]		[Replace with template for Geologically Hazardous Areas Notice]	Staff Recommendation: If Notice to Title is otherwise removed from the CAO, it would only apply to 19.400 Geologically Hazardous Areas, which asks for additional information.
Appendix F- Critical Area Decision Types	[As in 19.800 Appendix F]	[Edited: Buffer Averaging <u>(<25%)</u> – Type I Administrative Buffer Reduction (<25%) – Type I]		[Edit per changes as proposed above].	
Appendix G – Checklist and Sample Outline for a Delineation Report- NEW	N/A	[See draft]			
Appendix G- Kitsap County Department of Community Development Wetland Buffer Alteration General Authorization Form	[As in 19.800 Appendix G]	Delete.			
Appendix H- Mitigation Plan Checklist - NEW	N/A	[See draft]			