

2024 CAO Periodic Update

Staff Identified list of Title 19 updates and clarifications.

Note: This list includes potential amendments to Title 19 that are identified by County staff and are not a result of State Law or Best Available Science Requirements. No amendments have been drafted at this point as a result of this list, nor has it been reviewed by the Planning Commission.

Priority	Code Section	Issue	Potential Change
	GENERAL 19.100		
	19.100.110.	Buffer Breaks	Add language about “buffer breaks”- applicability of buffer if roadway is between proposed development and stream/wetland and it can be demonstrated no hydrologic connection (culverts), then no report/mitigation needed.
X	19.100.120(D)(1)(a).	Duration of Permit Approval	<i>Administrative Change.</i> Clarify /verify 3-years is appropriate. Most reports are for 5-years. Need clear language on critical area buffers on plats and when new information is needed.
	19.100.125	Exemptions	<i>Administrative Change.</i> “Emergencies” may still require After-the-fact permitting and compliance; Also review maintenance and repair of “utilities”.
X	19.100.130(A)(3).	Expansions of Existing Single-Family Home in Buffer	Clarification needed about whether the 20% applies to only the portion of the footprint in the buffer, or the overall footprint of the structure.
X	19.100.130(A)(4)	Date of Demolition of Structure	<i>Administrative Change.</i> Recent interpretation states that ‘date’ used to determine when a home is ‘destroyed’ by a demolition permit will be the date of final inspection.
	19.100.135	Variance Criteria	Review “vicinity” language in variance criteria. Legal to review case law.

	19.100.140	Reasonable Use Exception Application	<i>Administrative Change.</i> Clarify that this process is completed under a Variance permit, or if a separate Type III permit application form is needed.
X	19.100.155(D)	Special Review Permit	<i>Administrative Change.</i> Suggest new permit type for: <ul style="list-style-type: none"> • special report review, • habitat projects that we cannot charge fees for, • PSE projects that do not require grading permit but may still be in critical areas.
	KCC 19.100.125(C)	Agricultural exemption	<i>Administrative Change.</i> State Permitting (HPA) may be required.
	19.100.165	Covenant for Critical Areas/Buffers	<i>Administrative Change.</i> Require Covenant when mitigation is required through enforcement.
	DEFINITIONS 19.150		
		Definition of “utility”	<i>Administrative Change.</i> Consider adding solar panels.
		Definition of “Hydraulic Project Approval”	<i>Administrative Change.</i> Add definition consistent with WDFW
	19.150.435	Definition for “Monitoring”	<i>Administrative Change.</i> Suggested language: “Monitoring” means evaluating the impacts of development proposals over time on the biological, hydrological, and geological elements of ecosystem functions and processes, and/or assessing the effectiveness of required mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in

			<i>natural ecosystems and features compared to baseline or pre-project conditions and/or reference sites. An important objective of monitoring mitigation projects is to verify the impact of the project on the environment predicted in submitted/approved mitigation plans.</i>
	WETLANDS 19.200		
X	19.200.210(A).	Wetland Report Requirement	<i>Administrative Change.</i> Need to add that 'hydric soils' layer are potential wetlands <i>may</i> require review and request for additional information.
	19.200.210(C).	Exceptions for Small Wetlands	Add that exemption from buffers does not exempt from 15-foot building setback.
X	19.200.215(B)(2). and 19.700.710(C)	County Staff performing wetland delineations	<i>Administrative Change.</i> Consider deleting. If need to keep, clarify 'as resources allow'.
X	19.200.215(C)(2)(b).	Wetland Certification	<i>Administrative Change.</i> Add to form an affidavit that the wetland specialist has placed buffer signs at edge of wetland. Clearly state in code that wetland specialist shall provide a site plan showing wetland location, buffer and setback as well as current rating forms.
	19.200.220	Modification of buffer widths.	Buffer averaging should point to variance criteria and mitigation sequencing.
	19.200.220(B)(2).	Process for Administrative Wetland Buffer Reductions	Consider adding a Type II process for buffer reductions between 26-50%, similar to streams. Compare with Ecology's guidance in BAS for removing buffer reductions.
XX	19.200.225(D).	Land Use and Subdivision.	Clarify based on current interpretation that buffer reductions, including averaging, shall not be

			permitted for subdivision if the project will be able to meet minimum density without a reduction (may result in fewer parcels created). Averaging <i>may</i> be required for utilities or roads.
	19.200.225(G)	Clarify 'new utility corridor'	<i>Administrative Change.</i> The ROW or easement may exist, but the work is new disturbance and should be reviewed for critical areas. This may require a new permit option.
X	19.200.230	Wetland buffer mitigation	Section does not specifically address buffer mitigation. Need to address direct wetland impacts as well as buffer. Should have statement, even if general minimum 1:1 .
X	19.200.230(B)	Memo of Agreement for Mitigation Report	<i>Administrative Change.</i> Remove language with this requirement.
X	19.200.230	Mitigation Compliance/Monitoring Permit	Create new "mitigation compliance" section to implement new monitoring permit.
	19.200.235	Open Space Plan	<i>Administrative Change.</i> Review Section.
	FWHCA 19.300		
X	19.300.310(B)(2)	Lakes less than 20-acres	Smaller lakes are mapped as wetlands. Lakes less than 20-acres have 100' buffers, but some wetlands may be greater. Add statement of may require wetland delineation and rating and the greater of the buffers shall apply (100' or wetland buffer, if greater)
X	19.300.315(A)(2)	Planting within buffer	<i>Administrative Change.</i> Add statement about removal of invasive plant species in a buffer prior to planting <u>may</u> require review and approval of a mitigation plan through a Site Evaluation or Grading permit.

			Also need to update our 'planting lists'.
	KCC 19.300.315 (A)(2)	Buffers measured from Channel Migration Zones	For consistency, buffer widths shall be measured from edge of CMZ
	19.300.315 (A)(8)	Intrusion into building setback	<i>Administrative Change.</i> Clarify when intrusions into setback need to be addressed by habitat biologist or when County can make determination.
X	19.300.315(D)	Stream Crossings.	<ul style="list-style-type: none"> • Revise "salmon streams" to Type F streams, and 'adversely impact salmon spawning or passage areas' to something more general regarding undersized culverts. • Add language about wildlife corridor crossing considerations (also applies to wetlands) • Add language regarding upgrading logging roads at time of development application. This would be consistent with T12 requirements as well. <p><i>Work with DFW on this.</i></p>
XX	19.300.315(G)	Buffer reductions during land subdivision.	Clarification needed in this section that buffer reductions not permitted for subdivisions unless minimum density for the zone cannot be met.
	19.300.315(H)(2)	Farm Plans	Currently Farm Plans are developed between KCD and the applicant, however Farm Plans may ignore buffer requirements. Consider including a habitat biologist or coordination with DFW.
X	19.300.315(L)	Fencing and Signs	<i>Administrative Change.</i> Create standards for fences within buffers.

	19.400 Geologically Hazardous Areas		
X	19.400.410(B) and 19.700	Monitoring of landslide/erosion risk	Add statement in (B) regarding statements in reports which indicate there is a landslide or erosion risk that will require annual or periodic monitoring.
X	19.400.410(D)(2)	Vegetation removal from landslide hazard area	<i>Administrative Change.</i> Section should apply to landslide AND erosion hazard areas.
X	19.400.435(A)	Development standards applicability	<i>Administrative Change.</i> Section should apply to landslide AND erosion hazard areas.
	19.400.435(B)	Seismic hazard development standards	Currently reports are required only for high seismic hazard areas, should it also apply to moderate? Check with building division on IRC requirements and how verified.
	19.400.445	Recording and disclosure	Clarify to be consistent with how applied? Only doing NTT if Geotech has recommendations which will require on-going actions (slope setbacks, etc.);
	19.700 Special Reports		
X	General 19.700.705	Expiration of report	<i>Administrative Change.</i> Consider adding statement that all reports are valid for 5-years unless otherwise specified by the author for a shorter period, or DCD believes there have potentially been enough changes to the site or surrounding area which may alter the recommendations of the report, OR the adopted methods are updated. We currently only have this statement in code for wetland delineations. Add statement that addendum letter can 're-new' an expired report.

	General 19.700.705	Special reports	<i>Administrative Change.</i> Consider requesting shape files or other GIS data with reports.
	General 19.700.705	Special reports	<i>Administrative Change.</i> Consider requiring a recorded covenant for critical area buffers similar to what stormwater does
X	19.700.710	Flagging of wetlands	Require verification in report (and certification) that the wetland boundary is flagged and at least wetland buffer flagging installed. Clarify that if conditioned, they will need to post signs prior to final inspection.
X	19.700.715.B.16	Monitoring	<p><i>Administrative Change.</i> (Matt Medina Suggestion). [...] The maintenance bond, as determined by the wetland specialist, will be released upon success of the project, as determined by the metrics in the mitigation plan, and no earlier than five years after completion of the mitigation project <u>or until mitigation success is demonstrated through at least two consecutive monitoring reports.</u> 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.</p> <p><i>This is conflicting with current 19.200.230(E).</i></p>
X	19.700.725	Showing top/toe of setback on site plan.	<i>Administrative Change.</i> Needs to include a site plan with top/toe of slope, setback, buffer (unless a geologist letter is provided).

	19.700.725 (D)	Geotechnical Report submittal standards	<i>Administrative Change.</i> Add statement about needing report for consistency with T12 and stormwater requirements in a Geotech report.
X	19.700.730	Hydrogeological report	Consider adding a “spill response plan”/ BMP narrative, as an abbreviated hydrogeological study when a full study may not be required.
	19.800	Appendixes	<i>Administrative Change.</i> Include rating sheets, Certification forms.