Title 19
CRITICAL AREAS ORDINANCE

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Chapter 19.100
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19.100.105 Statement of purpose.
The purpose of the ordinance codified in this chapter is to identify and protect critical areas as required by the Growth Management Act of 1990 (Chapter 17, Laws of 1990). This chapter supplements the development requirements contained in the various chapters of the Kitsap County Zoning Ordinance by providing for additional controls and measures to protect critical areas. This chapter is adopted under the authority of Chapter 36.70A RCW, Chapter 36.70 RCW and the Kitsap County Code, as now or hereafter amended.

A. Goal Statement. It is the goal of Kitsap County that the beneficial functions of critical areas be preserved, and potential dangers or public costs associated with the inappropriate use of such areas be minimized by reasonable regulation of uses within, adjacent to or directly affecting such areas, for the benefit of present and future generations.

B. Policy Goals. To implement the purpose and goal stated above, it is the intent of this title to accomplish the following:

1. Conserve and protect the environmental factors that add to the quality of life for residents of both Kitsap County and the state of Washington.
2. Protect the public against avoidable losses from maintenance and replacement of public facilities, property damage, costs of publicly subsidizing mitigation of avoidable impacts, and costs for public emergency rescue and relief operations.
3. Identify critical areas and their environmental functions.
4. Protect critical areas and their functions by regulating use and management within these areas and adjacent lands.
5. Preserve the habitat, water quality, and water quantity functions and values of wetlands.
6. Protect water quality by controlling erosion and carefully siting uses and activities which can detrimentally affect stream flows or aquatic habitat quality.
7. Guide development proposals to the most environmentally suitable and stable portion of a development site.
8. Avoid potential damage due to geological hazards or flooding.
10. Maintain groundwater recharge and prevent the contamination of groundwater.
11. Prevent cumulative adverse environmental impacts to water, wetlands, fish and wildlife habitats, frequently flooded areas, geologically hazardous areas, and aquifer recharge areas.
12. Whenever mitigation is required, restoration and enhancement of previously impacted critical areas and their buffers is preferred.
(Ord. 217 (1998) § 3 (part), 1998)

19.100.110 Applicability.
A. Kitsap County shall not grant any permit, license or other development approval to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement, nor shall any person al-
ter the condition of any land, water or vegetation, or construct or alter any structure or improvement, for any development proposal regulated by this title, except in compliance with the provisions of this title. Failure to comply with the provisions of this title shall be considered a violation and subject to enforcement procedures as provided for in this title.

B. This section applies to all uses and activities within areas or adjacent to areas designated as regulated critical areas unless otherwise exempt. The following permits and approvals shall be subject to and coordinate with the requirements of this section: clearing and grading; site plan approval; subdivision or short subdivision; building permit; planned unit development; shoreline substantial development; variance; conditional use permit; certain forest practice permits (Class IV General, Class III Conversion Option Harvest Plans); other permits leading to the development or alteration of land; and rezones if not combined with another development permit.

C. Non-project actions including, but not limited to, rezones, annexations, and the adoption of plans and programs, shall be subject to critical area review.

D. This chapter does not require any permit in addition to those otherwise required by county ordinances. This title is an overlay to the Zoning Ordinance; while it does not require any additional permits, activities regulated by the Zoning Ordinance are also subject to critical area requirements.

E. The development standards and other requirements of this chapter shall be applied to uses and activities for any permit review or approval process otherwise required by county ordinances.

F. Uses and activities in critical areas or their buffers for which no permit or approval is required by any other county ordinance remain subject to the development standards and other requirements of this chapter. While this chapter does not require a review or approval process for such uses and activities, they remain subject to the title.

G. For the purpose of this title the area of review is defined as the critical area and area within two hundred feet of a critical area. This defines the area of review only. Refer to Chapters 19.200 through 19.600 for specific development standards.

(Ord. 217 (1998) § 3 (part), 1998)

19.100.115 Relationship to other county regulations.

When any provision of any other chapter of the Kitsap County Code conflicts with this title, that which provides the most protection to the critical area, as determined by the department, shall apply.

Applications for permits and approvals are subject to the provisions of this title and other ordinances and laws, which include, but are not limited to the following:

(A) The Kitsap County Building Code, Chapter 14.04 of this code, pursuant to RCW 19.27, 43.22, and portions of RCW 36.70A, 84.56 and 70.77. The Kitsap County Building Code regulates construction, essential elements of buildings, and site development such as grading and building location;

(B) Chapters 16.04 through 16.44 of this code, and RCW 58.17 concerning subdivisions;

(C) Chapter 16.48 of this code, concerning short-plats;

(D) RCW 90.58, the Shoreline Management Act; Title 22 of this code, the Kitsap County Shoreline Management Master Program; and Chapter 17.450 of this code, the View Blockage Requirements, concerning development on shorelines;

(E) Bremerton-Kitsap County Health District ordinances and regulations regarding sewage disposal, and other health matters;

(F) Title 21 of this code, the Land Use and Development Procedures Ordinance;

(G) RCW 36.70A, the Growth Management Act;

(H) Chapter 2.116 of this code, the Kitsap County Civil Enforcement Ordinance;

(I) Chapter 18.04 of this code, the Kitsap County SEPA Ordinance;
(J) Title 12 of this code, the Kitsap County Storm Water Management Ordinance;
(K) Title 17 of this code, the Kitsap County Zoning Ordinance; and
(L) Title 15 of this code, the Kitsap County Flood Damage Prevention Ordinance.
(Ord. 217 (1998) § 3 (part), 1998)

19.100.120 General exemptions.
The following activities are exempt from the requirements of this title:
A. Emergencies that threaten the public health, safety and welfare. An “emergency” is an unanticipated and immediate threat to public health, safety, or the environment which requires action within a time too short to allow compliance with this title.
B. 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 within the past five years.
C. Normal and routine maintenance and operation of pre-existing retention/detention facilities, biofilters and other storm water management facilities, irrigation and drainage ditches, farm ponds, fish ponds, manure lagoons, and livestock water ponds, provided that such activities shall not involve conversion of any wetland not currently being used for such activity.
D. Structural alterations to buildings, permitted under the underlying Kitsap County ordinance, that do not alter the structural footprint or introduce new adverse impacts to an adjacent critical area.
E. 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.
F. Forest practices conducted pursuant to RCW 76.09, except Class IV (general conversions) and Conversion Option Harvest Plans (COHP).
(Ord. 217 (1998) § 3 (part), 1998)

19.100.125 Review authority.
A. In evaluating a request for a development proposal regulated by this title, it shall be the responsibility of the department to determine the following:
1. The nature and type of critical area and the adequacy of any special reports required in applicable sections of this title;
2. Whether the development proposal is consistent with this title, by granting, denying or conditioning projects;
3. Whether proposed alterations to critical areas are appropriate under the standards contained in this title, or whether it is necessary for the applicant to seek a variance or other exception; and
4. If the protection mechanisms and the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety and welfare consistent with the goals, purposes and objectives of this title, and if so, condition the permit or approval accordingly.
B. The department shall have the administrative authority to adjust the standards for buffers and building setbacks as outlined in specific critical area sections of this title. The process to reduce standards will be based on site specific criteria determined through review of individual project circumstances and based on the same criteria as required for the granting of variances in Section 19.100.135.
C. Where projects have been approved with conditions to protect critical areas under previous protection policies in effect prior to the ordinance codified in this title (from either the “Strategies for Critical Area Designations and Interim Development Regulations” or Kitsap County subarea plans), those conditions will apply. This title shall apply in cases where the department determines, based on review of current information, that the prior conditions will result in a detrimental impact to a critical area.
(Ord. 217 (1998) § 3 (part), 1998)
19.100.130 Standards for existing development.

Existing development means a development that was lawfully constructed, approved or established prior to the effective date of this ordinance but does not conform to present regulations or standards of this title.

A. Shorelines. This section incorporates by reference the existing development standards applicable to development on shorelines of the state (WAC 173-27-080), as now or hereafter amended; and/or,

B. Existing Structures: Structures in existence on the effective date of the ordinance codified in this title that do not meet the setback or buffer requirements of this title may be remodeled or reconstructed provided that the new construction or related activity does not further intrude into the critical area or its associated buffers and is subject to the restrictions of the Kitsap County Flood Damage Prevention Ordinance (Title 15 of this code) for reconstruction; provided further, that new construction or related activity connected with an existing single family dwelling shall not be considered further intruding into an associated buffer so long as the footprint of the structure lying within the critical area or its buffer is not increased by more than twenty percent and no portion of the new structure is located closer to the critical area than the existing structure; and provided further that reconstruction or remodeling will only be allowed if it does not create or continue a circumstance where personal or property damage is likely due to the nature of the critical area.

C. Danger Tree Removal. Where a threat to human life or property is demonstrated, the department may allow removal of danger or hazard trees subject to the following criteria: (1) tree removal is the minimum necessary to balance protection of the critical area and its buffer with protection of life and property; and (2) the critical area or its buffer shall be replanted as determined by the department. The department shall coordinate review with the Washington State Department of Fish and Wildlife as determined necessary to assure habitat protection. The Department may require the applicant to consult with a professional forester or a certified arborist prior to tree removal. Danger tree abatement can sometimes be achieved by felling the tree or topping the tree. Habitat needs may require leaving the fallen tree in the riparian corridor or maintaining a high stump for wildlife habitat.

(Ord. 217 (1998) § 3 (part), 1998)

19.100.135 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 when it can be shown that the application meets all of the following criteria:

1. Because of special circumstances applicable to the subject property, including size, shape, or topography, the strict application of this title is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity; provided, however, the fact that those surrounding properties have been developed under regulations in force prior to the adoption of this ordinance shall not be the sole basis for the granting of a variance.

2. The special circumstances referred to in subsection (1) above are not the result of the actions of the current or previous owner.

3. The granting of the variance will not result in substantial detrimental impacts to the critical area, public welfare or injurious to the property or improvements in the vicinity and area in which the property is situated or contrary to the goals, policies and purpose of this title.

4. The granting of the variance is the minimum necessary to accommodate the permitted use.

5. No other practicable or reasonable alternative exists. (See Definitions, Section 19.100.170.)

6. A mitigation plan (where required) has been submitted and is approved for the proposed use of the critical area.
B. Kitsap County shall conduct a public hearing on all non-administrative variance applications pursuant to the review process established in Chapter 17.500 of the Kitsap County Zoning Ordinance, as now or hereafter amended.

C. The department shall provide notice of the public hearing by publishing in a newspaper of general circulation in the county at least once, not less than ten working days prior to the date set for the hearing. Notice shall also be sent by mail not less than ten working days prior to the date of the hearing on the variance application to the applicants proposing the variance request and to all owners of property within four hundred feet of the boundary of said property. Failure to send notice by mail to any such property owner where the address of a said owner is not a matter of a public record or because the ownership is not of a public record shall not invalidate any proceedings required in this title.

D. Except when application of this title would deny all reasonable use of the property, an applicant who seeks an exception from the standards and requirements of this title shall pursue relief by means of a variance as provided for in this title.

E. Requests for variances shall include the application requirements of Section 19.100.155 (General Application Requirements), Section 19.200.245 (Wetland Application Requirements), and Chapter 19.700 (Mitigation Plan and Wetland Mitigation Plan), whichever is applicable.

F. The department shall review administrative variances based on the criteria and standards referenced in this chapter.

G. The department may grant variances for public utilities to the substantive or procedural requirements of this title when:
   1. Application of this title to the utility’s activities would be inconsistent with the Comprehensive Plan or the utility’s public service obligations;
   2. The proposed utility activity does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site; and
   3. Any alterations permitted to these critical areas shall be the minimum necessary to reasonably accommodate the proposed utility activity and mitigate when feasible.

(Ord. 217 (1998) § 3 (part), 1998)

19.100.140 Reasonable use exception.

If the application of this title would deny all reasonable use of the property, the applicant may apply for a reasonable use exception pursuant to this section:

A. The applicant shall apply to the department, and the department shall prepare a recommendation to the hearing examiner. The applicant may apply for a reasonable use exception without first having applied for a variance if the requested exception includes relief from standards for which a variance cannot be granted pursuant to the provisions of the section. The property owner and/or applicant for a reasonable use exception has the burden of proving that the property is deprived of all reasonable use;

B. The examiner shall review the application and shall conduct a public hearing pursuant to the provisions of Title 21 of this code, the Land Use and Development Procedures Ordinance. The examiner shall make a final decision based on the following criteria:
   1. The application of this title would deny all reasonable use of the property;
   2. There is no other reasonable use which would result in less impact on the critical area;
   3. The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest, and does not conflict with the Endangered Species Act or other relevant state or federal laws; and
   4. Any alterations permitted to the critical area shall be the minimum necessary to allow for reasonable use of the property.

C. Any authorized alterations of a critical area under this section shall be subject to con-
ditions established by the examiner including, but not limited to, mitigation under an approved mitigation plan.
(Ord. 217 (1998) § 3 (part), 1998)

19.100.145 Appeals.
A. Appealable Actions. The following decisions or actions required by this title may be appealed:
   1. Any decision to approve, condition or deny a development proposal, or any disagreement on conclusions, methodology, rating systems, etc., between the department and such person or firm which prepares special reports pursuant to Chapter 19.700 may be appealed by the applicant or affected party to the Kitsap County hearing examiner.
   2. Any decision to approve, condition or deny an administrative variance application by the department may be appealed by the applicant or affected party to the Kitsap County hearing examiner.
   3. Any decision to require, or not require a special report pursuant to this title may be appealed by the applicant or affected party to the Kitsap County hearing examiner.

B. Appeal Process. The following process shall be followed in submitting an appeal and taking action:
   1. Any appeal regarding a decision to require, or not require a special report shall be made within ten working days of the decision. The appeal shall be in writing stating the basis that such reports should or should not be required for the proposed development. The hearing examiner may: (i) remand the decision back to the department requesting that specific issues be reconsidered; (ii) modify the decision of the department; or (iii) uphold the decision of the department.
   2. Any appeal regarding a decision to approve, condition or deny a development proposal based on this title, or any decision to approve, condition or deny a variance, shall be made within ten working days of the decision. A fee in an amount as established under the Kitsap County Code shall be paid to the department at the time an appeal is filed. The appeal shall be in writing and shall state specifically the issues that are the subject of the appeal, focusing on the specific inadequacies of the particular decision under dispute. The hearing examiner may: (i) remand the decision back to the department requesting that specific issues be reconsidered; (ii) modify the decision of the department; or (iii) uphold the decision of the department.
   3. Kitsap County shall not issue any permit, license or other development approval on the development proposal site pending the outcome of the appeal decision.
(Ord. 217 (1998) § 3 (part), 1998)

19.100.150 Critical area and buffer notice to title.
Project proponents shall file a “Critical Area and Buffer Notice to Title” (See Chapter 19.800, Appendix “E”) with the Kitsap County auditor on all development proposals subject to this title and containing any critical area or its buffer. After review of the development proposal, the department will condition critical area development in accordance with this title. These standards will be identified on the approved notice to title, which shall run with the land in perpetuity. This notice shall serve as an official notice to subsequent landowners that the land owner shall accept sole responsibility for any risk associated with land’s identified critical area.

Notice to title may not be required in cases where the clearing or building footprint for minor new development will not adversely impact a critical area or its buffer (i.e., normal repair and maintenance, not adjacent to a critical area). Lack of such notice on a specific parcel does not indicate that Kitsap County has determined critical areas or buffers do not exist on that parcel.
(Ord. 217 (1998) § 3 (part), 1998)

19.100.155 Application requirements, general.
A. All applicants for major new development are required to meet with the department prior to submitting an application subject to
the Kitsap County Zoning Ordinance; all applicants for minor new development are encouraged to do so. The purpose of this meeting is to discuss Kitsap County’s zoning and applicable critical area requirements, to review any conceptual site plans prepared by the applicant and to identify potential impacts and mitigation measures. Such conference shall be for the convenience of the applicant and any recommendations shall not be binding on the applicant or the county.

B. The applicant must comply with the standards and requirements of this chapter as well as standards relating to storm water management set forth by the department of public works, as now or hereafter amended. To expedite the permit review process, the department shall be the lead agency on all work related to critical areas. Development may be prohibited in a proposed development site based on criteria set forth in this title; the applicant should first determine whether this is the case before applying for permits from the public works department.

C. Application for development proposals, reasonable use exceptions or variances regulated by this title or for review of special reports shall be made with the department by the property owner, lessee, contract purchaser, other person entitled to possession of the property, or by an authorized agent as listed in Chapter 19.700 (Special Reports).

D. A filing fee in an amount established under the Kitsap County Zoning Ordinance shall be paid to the department of community development at the time an application for a permit relating to a critical area or a special report review is filed.

E. Applications for any development proposal subject to this title shall be reviewed by the department for completeness and consistency or inconsistency with this title.

F. At every stage of the application process, the burden of demonstrating that any proposed development is consistent with this title is upon the applicant.

G. All site plan applications for development proposals subject to this title shall include a site plan drawn to scale identifying locations of critical areas, location of proposed structures and activities, including clearing and grading and general topographic information as required by the department. If the department determines that additional critical areas are found on the subject property, the applicant shall amend the site plan to identify the location of the critical area.

H. Zone Reclassification or Comprehensive Plan Amendment. Prior to taking action on a zone reclassification or a Comprehensive Plan amendment, the proponent shall complete an environmental review to confirm the nature and extent of any critical areas on or adjacent to the property; determine if the subsequent development proposal would be consistent with this title; and determine whether mitigation or other measures would be necessary if the proposal were approved. Such review shall occur prior to any SEPA threshold determination. Findings of such review may be used to condition or mitigate the impact through the SEPA threshold determination or to deny the proposal if the impacts are significant and cannot be mitigated. (Ord. 217 (1998) § 3 (part), 1998)

19.100.160 Inventory provisions.

The approximate location and extent of mapped critical areas within Kitsap County are shown on the maps adopted as part of this title, and incorporated herein by this reference. These maps shall be used only as a general guide for the assistance of the department and the public; the type, extent and boundaries may be determined in the field by a qualified specialist or staff person according to the requirements of this title. In the event of a conflict between a critical area location shown on the county’s maps and that of an on-site determination, the on-site determination will apply.

Future Inventory Provisions. Kitsap County will review map inventory information of all critical areas as it becomes available or on a quarterly basis. Mapping will include critical areas that are identified through site-specific
analysis by local, state and federal agencies, the Kitsap Conservation District, tribal governments, citizen groups and other sources. (Ord. 217 (1998) § 3 (part), 1998)

19.100.165 Enforcement.

Authorization. The director is authorized to enforce this title, and to designate county employees as authorized representatives of the department to investigate suspected violations of this title, and to issue orders to correct violations and notices of infraction.

Right of Entry. When it is necessary to make an inspection to enforce the provisions of this title, or when the director or his/her designee has reasonable cause to believe that a condition exists on property which is contrary to or in violation of this chapter, the director or his/her designee may enter the property to inspect, provided that if the property is occupied that the inspector's credentials be presented to the occupant and entry requested. If the property is unoccupied, the director or his/her designee shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the director or his/her designee shall have recourse to the remedies provided by law to secure entry.

Stop Work Orders. Whenever any work or activity is being done contrary to the provisions of this chapter the director or his/her designee may order the work stopped by notice in writing, served on any persons engaged in the doing or causing such work to be done, or by posting the property, and any such persons shall forthwith stop such work or activity until authorized by the director or his/her designee to proceed.

Penalties. The violation of any provision of this title shall constitute a Class I civil infraction. Each violation shall constitute a separate infraction for each and every day or portion thereof during which the violation is committed, continued, or permitted. Infractions shall be processed in accordance with the provisions of Chapter 2.116 of this code, the Kitsap County Civil Enforcement Ordinance, as now or hereafter amended.

Imminent and Substantial Dangers. Notwithstanding any provisions of these regulations, the director or his/her designee may take immediate action to prevent an imminent and substantial danger to the public health, welfare, safety or the environment by the violation of any provision of this chapter.

Other Legal or Equitable Relief. Notwithstanding the existence or use of any other remedy, the director or his/her designee may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of the provisions of this chapter. (Ord. 217 (1998) § 3 (part), 1998)

19.100.170 Definitions.

Adjacent. For the purpose of this title, "adjacent" is defined as the area within two hundred feet of a critical area.

Agricultural Practices. Activities related to vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization as well as animal husbandry.

Alteration. A human-induced action which changes the existing condition of a critical area. Alterations include but are not limited to: grading; grubbing; dredging; channelizing; cutting, clearing, relocating or removing vegetation, except noxious weeds identified by the Washington State Department of Agriculture or the Kitsap County Cooperative Extension; applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants; grazing domestic animals; modifying for surface water management purposes; or any other human activity that changes the existing vegetation, hydrology, wildlife or wildlife habitat.

Applicant. The person, party, firm, corporation or legal entity, or agent thereof, that proposes a development of property in Kitsap County.

Aquaculture Practices. 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.

Aquifer. A saturated body of rock, sand, gravel or other geologic material that is capable of storing, transmitting and yielding water to a well.

Aquifer Recharge. The process by which water is added to an aquifer. It may occur naturally by the percolation (infiltration) of surface water, precipitation, or snowmelt from the ground surface to a depth where the earth materials are saturated with water. The aquifer recharge can be augmented by “artificial” means through the addition of surface water (e.g., land application of wastewater or storm water) or by the injection of water into the underground environment (e.g., drainfields and drywells).

Aquifer Recharge Area. Those areas overlying aquifer(s) where natural or artificial sources of water can move downward to an aquifer(s).

Aquifer Susceptibility. The ability of the natural system to transmit contaminants to and through the groundwater system.

Aquifer Vulnerability. The likelihood that the natural system will transmit contaminants to and through a groundwater system, based on natural geological and hydrogeological characteristics and land use practices.

Bank Stabilization. Lake, stream and open water shoreline modification including vegetation enhancement, used for the purpose of retarding erosion, protecting channels or shorelines, and retaining uplands.

Bench (geologic). A relatively flat and wide landform along a valley wall.

Best Management Practices. 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 pat-
terns, and to the chemical, physical, and biological characteristics of critical areas.

Biologist. A person who has a minimum of a bachelor of science degree in biological sciences or a related field from an accredited college or university and two or more years of experience; or a person who has five or more years of experience as a practicing biologist.

Bog. Wetlands which have the following characteristics: peat soils sixteen inches or more in depth; any depth over bedrock; and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges. Bogs may have an overstory of spruce, shore pine and may be associated with open water.

Buffer. A non-clearing native vegetation area which is intended to protect the functions and values of critical areas.

Candidate Species (state-listed). Species under review by the Department of Fish and Wildlife for possible listing as endangered, threatened or sensitive. A species will be considered for state-candidate designation if sufficient scientific evidence suggests that its status may meet criteria defined for endangered, threatened, or sensitive in WAC 232-12-297. Currently listed state-threatened or state-sensitive species may also be designated as a state-candidate species if their status is in question. State-candidate species will be managed by the Department of Fish and Wildlife, as needed, to ensure the long-term survival of populations in Washington. They are listed in WDFW, Policy 4802.

Clearing. The destruction, disturbance or removal of vegetation by physical, mechanical, chemical or other means.

Compensation. Replacement of project-induced critical area (e.g., wetland) losses of acreage or functions, including but not limited to restoration, creation, or enhancement.

Creation. Actions performed to intentionally establish a critical area at a site where it did not formerly exist.

Critical Area Buffer. An area of protection around a critical area.
Critical Aquifer Recharge Areas. Those land areas which contain hydrogeologic conditions which facilitate aquifer recharge and/or transmitting contaminants to an underlying aquifer.

Critical Areas. Those areas identified as: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) geologically hazardous areas; and (e) frequently flooded areas.

Critical Facilities. Those facilities necessary to protect the public health, safety and welfare which are defined under the occupancy categories of Essential Facilities, Hazardous Facilities and Special Occupancy Structures in the Uniform Building Code, Table No. 23-K (1988). These facilities include but are not limited to schools, hospitals, police stations, fire departments and other emergency response facilities, and nursing homes. Critical facilities also include sites of hazardous material storage or production.

Danger Trees. 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 296-54-529(28).

Debris. See "Refuse."

Department. The Kitsap County department of community development.

Detention Facilities. Storm water facilities designed to store runoff while gradually releasing it at a pre-determined controlled rate. "Detention facilities" shall include all appurtenance associated with their designed functions, maintenance and security.

Development Proposal Site. For purposes of this title, the legal boundaries of the parcel or parcels of land on which an applicant has applied for authority from Kitsap County to carry out a development proposal.

Director. The director of the Kitsap County department of community development or a duly authorized designee in the "department."

Draining (related to wetland). Any human activity that diverts or reduces wetland groundwater and/or surface water sources.

Easement or Critical Area Protection Easement. Agreement conveyed through a deed, or shown on the face of a plat or site plan for the purpose of perpetual or long-term conservation.

Endangered Species (state listed). A species native to the state of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state. Endangered species are legally designated in WAC 232-12-014.

Enhancement. 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.

Erosion. The process whereby the land surface is worn away by the action of water, wind, ice or other geologic agents, by processes such as gravitational creep or events such as landslides caused by natural or man-made impacts.

Erosion Hazard Areas. Land characterized by any of the soil types identified by the Natural Resources Conservation Service as "highly erodible land." This designation pertains to water erosion and not wind erosion. These areas may not be highly erodible until or unless the soil is disturbed by activities such as clearing or grading.

Excavation. Removal of earth material.

Existing and Ongoing Agriculture. Those activities conducted within the last five years on lands defined in RCW 84.34.020(2) or defined as agricultural practices 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 irrigation laterals, canals, or irrigation drainage ditches, changes between agricultural activities, such as rotating crops or grasses used for grazing, and normal maintenance, repair, or operation of
existing serviceable structures, facilities, or improved areas; provided, that 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. The regulatory flood hazard areas, floodplains and floodways
are depicted on the Federal Emergency Management Agency (FEMA) Flood Insurance
Rate Maps for Kitsap County.

Exotic. Any species of plant or animal that
is not indigenous (native) to an area.

Extraordinary Hardship. Where the strict
application of this title and/or other programs
adopted to implement this title by the regula-
tory authority would prevent all reasonable
use of the parcel.

Farm and Agricultural Conservation Land:
A. Land that was previously classified
under RCW 84.34.020(2) (“Farm and agricul-
tural land”) that no longer meets the criteria
of said subsection (2) and that is reclassified
under RCW 84.34.020(1) (“Open space
land”); or
B. Land that is traditional farmland that is
not classified under Chapters 84.33 or 84.34
RCW that has not been irrevocably devoted to
a use inconsistent with agricultural uses, and
that has a high potential of returning to com-
mercial agriculture.

Farm Pond. An open-water habitat of less
than five acres and not contiguous with a
stream, river, lake or marine water created
from a non-wetland site in connection with ag-
ricultural activities.

Fen. 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.

Filling or Fill. A deposit of earth or other
natural or manmade material placed by artifi-
cial means, including, but not limited to, soil
materials, debris, or dredged sediments.

Floodplain. The floodway and associated
special flood hazard areas having the potential
to flood once every one hundred years, or
having a one percent chance of being equaled
or exceeded in any given year.

Floodway. The channel of a river or other
watercourse and the adjacent land areas that
must be reserved in order to discharge the
base flood without cumulatively increasing the
water surface elevation more than one foot.

Forest Practices. As defined in WAC 222-
16-010(21), as amended, any activity con-
ducted on or directly pertaining to forest land
that is related to growing, harvesting, or pro-
cessing timber, including but not limited to:
A. Road and trail construction,
B. Harvesting, final and intermediate,
C. Pre-commercial thinning,
D. Reforestation,
E. Fertilization,
F. Prevention and suppression of diseases
and insects,
G. Salvage of trees, and
H. Brush control.

“Forest practices” shall not include pre-
paratory work such as tree marking, surveying
and road flagging; or removal or harvest of in-
cidental vegetation from forest lands such as
berries, ferns, greenery, mistletoe, herbs,
shrooms, and other products which cannot
normally be expected to result in damage to
forest soils, timber or public resources.

The following definition relates to types of
forest practices:

Conversion Option Harvest Plan (COHP).
A plan for landowners who want to harvest
their land but wish to maintain the option for
conversion pursuant to WAC 222-20-050.
“Conversion” to a use other than commercial
timber operation shall mean a bona fide con-
version to an active use which is incompatible
with timber growing.

Frequently Flooded Areas. All Kitsap
County lands, shorelands and waters which
are within the one-hundred-year floodplain
(floodway) as designated by the Federal Emer-
gency Management Agency in Flood In-
urance Rate and Boundary Maps (FIRM).

Geologic Hazard Areas. Areas that because
of their susceptibility to erosion, sliding,
earthquake, or other geological events, are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns. Source: WAC 365-190-030(8).

Geologist. A person who has a bachelor of science degree in geologic sciences from an accredited college or university and has a minimum of four years’ experience in soil or slope evaluation under the direct supervision of a practicing geologist or licensed geotechnical engineer.

Geotechnical Engineer. A practicing geotechnical/civil engineer licensed as a professional civil engineer with the state of Washington, with professional training and experience in geotechnical engineering, including at least four years’ professional experience in evaluating geologically hazardous areas.

Geotechnical Report and Geological Report. A study of potential site development impacts related to retention of natural vegetation, soil characteristics, geology, drainage, groundwater discharge, and engineering recommendations relating to slope and structural stability. The geotechnical report shall be prepared by or in conjunction with a licensed geotechnical engineer meeting the minimum qualifications as defined by this title. Geological reports may contain the above information with the exception of engineering recommendations, and may be prepared by a geologist (See Chapter 19.700, Special Reports, for minimum qualifications).

Grading (construction). Any excavating, filling, grubbing, recontouring or removal of earth materials on the surface layer or any combination thereof.

Grazed Wet Meadows. Wetlands whose vegetative cover has been greatly modified as a result of grazing, seeding, or cutting for hay. Grazed wet meadows are typically dominated by a pasture species (such as blue grass, orchard grass, fescue, clovers, reed canary grass, etc.) as well as non-native wetland species such as soft rush and buttercup. They are saturated or have standing water during the wet season and part of the growing season but are dry during the summer months. Grazed wet meadows have been (within the last five years) or are being used for livestock grazing, seeding, or cutting for hay.

Grubbing. The removal of vegetative matter from underground, such as sod, stumps, roots buried logs, or other debris, and shall include the incidental removal of topsoil to a depth not exceeding twelve inches.

Habitat. The specific areas or environments in which a particular type of plant or animal lives. An organism’s primary and secondary habitat provides all the basic requirements for life of the organism.

Habitat of Local Importance. 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 habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or areas of high vulnerability to alteration, such as cliffs, talus, and wetlands.

Hazardous Substance(s). Any liquid, solid, gas or sludge, including any materials, substance, product, commodity or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste, including waste oil and petroleum products.

Hearing Examiner. A person appointed to hear or review certain land use decisions pursuant to RCW 36.70.970.

Hydric Soils. Soils which are wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of hydrophobic plants.

Hydrologist or Hydrogeologist. A person who has a bachelor of science degree in geologic sciences with an emphasis in hydrogeology or related field from an accredited college or university and has a minimum of five years’ experience in groundwater investigations, modeling and remediation.
Hydrophytes. Those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. Source: WAC 173-22-030.

Infiltration Rate. A general description of how quickly or slowly water travels through a particular soil type.

Investigation. Work necessary for land use application submittals such as surveys, soil logs, percolation tests or other related activities.

Landslide Hazard Areas. Areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

Liquefaction. A process in which a water-saturated soil, upon shaking, suddenly loses strength and behaves as a fluid (See Chapter 19.200, Wetlands).

Lot. A single parcel of land, legally severed from a larger parcel, which is described and delineated in a long or short plat or which is described in a real estate conveyance. Source: Kitsap County Zoning Ordinance, amended 1994.

Low Impact Activities. Activities that do not require a development permit and/or do not result in any alteration of hydrology or adversely impact the environment.

Major New Development. Any new development, as defined below, within or within two hundred feet of a critical area:

A. Subdivisions of land;
B. Clearing, grading or filling one acre or greater in area;
C. Any new commercial development in excess of 750 square feet in area authorized in the Kitsap County Zoning Ordinance;
D. Development requiring conditional use permits required under the Kitsap County Zoning Ordinance;
E. Planned unit developments authorized under the Kitsap County Zoning Ordinance;
F. Any structure footprint in excess of 4,000 square feet in area, except for single family residences;

G. Any residential development except as exempted below.

Minor New Development. Any new development, as defined below, within or within two hundred feet of a critical area:

A. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;
B. Emergency construction necessary to protect property from damage by the elements;
C. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities, construction of an agricultural building less than 3,000 square feet in size used exclusively for agricultural activities and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities and irrigation channels: provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of wetlands or streams by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities;
D. Construction of one single family residence and normal appurtenances necessarily connected to the use and enjoyment of a single-family residence and may include a garage; deck; driveway; utilities; fences; grading less than one acre in area; and home occupations pursuant to the Kitsap County Zoning Ordinance, as now or hereafter amended;
E. Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of a single-family residence;
F. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing prior to the date of adoption of this title, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.
G. Development authorized by Section 19.100.120 (General Exemptions) and/or by
Section 19.100.130 (Standards for Existing Development).

Mitigation. Avoiding, minimizing or compensating for adverse critical area impacts. Mitigation includes the following specific categories:

- **Mitigation, compensatory:** replacing project-induced critical area losses or impacts, including, but not limited to, restoration, creation, or enhancement.

- **Mitigation, creation:** mitigation performed to intentionally establish a critical area (e.g., wetland) at a site where it does not currently exist.

- **Mitigation, enhancement:** 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.

- **Mitigation, restoration:** 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.

Native Vegetation. Vegetation indigenous to the Puget Sound coastal lowlands.

Non-conforming Use or Structure. A use of land or structure which was lawfully established or built and which has been lawfully continued but which does not conform to the current regulations of the zone in which it is located as established by the Kitsap County Zoning Ordinance relating to repair of damaged structures, this title, or amendments thereto.

Normal Maintenance. Includes those usual acts to prevent a decline, lapse or cessation from a lawfully established condition. Normal maintenance includes removing debris from and cutting or manual removal of vegetation in crossing and bridge areas. Normal maintenance does not include:

1. Use of fertilizer or pesticide application in wetlands, fish and wildlife habitat conservation areas, or their buffers;
2. Re-digging ditches in wetlands or their buffers to expand the depth and width beyond the original ditch dimensions;
3. Re-digging existing drainage ditches in order to drain wetlands on lands not classified as existing and ongoing agriculture under Section 19.100.120 (General Exemptions).

Open Space. This is land used for outdoor recreation, critical area or resource land protection, amenity, safety or buffer, including structures incidental to these open space uses, but excluding yards required by this title and land occupied by dwellings or impervious surfaces not related to the open space uses.

Ordinary High Water Mark. That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change 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.

Organic Debris. Includes, but is not limited to, stumps, logs, branches, leaves and other organic materials.

Out-of-Kind Compensation. Means to replace a critical area (e.g., wetland) with a substitute critical area (e.g., wetland) whose characteristics do not closely approximate those destroyed or degraded by a regulated activity. It does not refer to replacement “out-of-category,” such as replacement of wetland loss with new stream segments.
Permit. Any development, variance, conditional use permit, or revision authorized under RCW 90.58 or Kitsap County regulations.

Planned Unit Development (PUD). Development characterized by comprehensive planning of the total project, though it may contain a variety of individual lots and/or uses. Typically a project may include clustering of structures and preservation of open space with a number of flexible and customized design features specific to the natural features of the property and the uses sought to be implemented. Specific lot area and setback requirements are reduced or deleted in order to allow maximization of open space, critical areas, and other components of the project.

Pond. A naturally existing or artificially created body of standing water less than twenty acres in size and not defined as "Shorelines of the State" by Chapter 90.58 RCW (Shoreline Management Act).

Practicable Alternative. An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

Priority Habitat. 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, 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.

Priority Species. Priority species include those which are state-listed endangered, threatened, sensitive, candidates and monitor species as well as priority game and non-game species.

Public Facilities. Facilities which are owned, operated and maintained by a public agency.

Public Project of Significant Importance. A project funded by a public agency, department or jurisdiction which is found to be in the best interests of the citizens of Kitsap County and is so declared by the Kitsap County board of commissioners in a resolution.

Public Right-of-Way. Any road, alley, street, avenue, arterial, bridge, highway, or other publicly owned ground or place used or reserved for the free passage of vehicular and/or pedestrian traffic or other services, including utilities.

Public Utility. A business or service, either governmental or having appropriate approval from the state, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need, such as, electricity, gas, sewer and/or wastewater, water, transportation or communications.

Ravine. A V-shaped landmark generally having little to no floodplain and normally containing steep slopes, which is deeper than ten vertical feet as measured from the centerline of the ravine to the top of the slope. Ravines are typically created by the wearing action of streams.

Refuse. Material placed in a critical area or its buffer without permission from any legal authority. Refuse includes, but is not limited to, stumps, wood and other organic debris, as well as tires, automobiles, construction and household refuse. This does not include large woody debris used with an approved enhancement plan.

Reasonable Alternative. An activity that could feasibly attain or approximate a proposal’s objectives, but at a lower environmental cost or decreased level of environmental degradation.

Reasonable Use. A property 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; and which is attributable to the implementation of the Critical Areas Ordinance.

Reasonable Use Exception. The process by which Kitsap County determines allowable use of a property which cannot conform to the requirements set forth in this title, including the variance criteria. (See Section 19.100.140 for Reasonable Use Exception procedures.)

Regulated Use or Activity. Any development proposal which includes or directly affects a critical area or its buffer or occurring within two hundred feet of a critical area (See definition of "adjacent" and "development").

Restoration. 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.

Retention Facilities. Drainage facilities designed to store runoff for gradual release by evaporation, plant transpiration, or infiltration into the soil. Retention facilities shall include all such drainage facilities designed so that none or only a portion of the runoff entering the facility will be eventually discharged as surface water. Retention facilities shall include all appurtenances associated with their designed function, maintenance and security.

Riparian Area. An area that includes the land which supports riparian vegetation and may include some upland, depending on site conditions. These generally occur adjacent to water bodies where specific measures are needed to protect fish and wildlife habitat needs and watershed functions.

Salmonid. A member of the fish family salmonidae. This family includes chinook coho, chum, sockeye and pink salmon; rainbow, steelhead, cutthroat, brook and brown trout; and Dolly Varden char, kokanee, and whitefish.

Sensitive Species (state listed). A species, native to the state of Washington, that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or the removal of threats. Sensitive species are legally designated in WAC-232-12-011.

Shorelines. All of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) 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 (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

Shorelines of Statewide Significance. Those areas designated under RCW 90.58.030(e) (See Chapter 22.24 of this code, the Shoreline Management Master Program).

A. Marine shorelines designated as shorelines of statewide significance:

1. Hood Canal – from Foulweather Bluff to the southwestern corner of the boundary of Kitsap County, near Chinum Point (includes tidelands and associated wetlands).

2. Puget Sound – line waterward from line of extreme low tide.

Single-Family Dwelling. A building or structure which is intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes by one family and including accessory structures and improvements.

Special Flood Hazard Areas. 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.

Species of Concern. These are species that have been classified as endangered, threatened, sensitive, candidate, or monitored by the Washington State Department of Fish and Wildlife.

State Environmental Policy Act or SEPA. The state environmental law (Chapter 43.21C
RCW) and rules (Chapter 197-11 WAC) as implemented by Kitsap County Code, Chapter 18.04.

Streams. Those areas in Kitsap County where the surface water flow is sufficient to produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other artificial watercourses unless they are used by fish or used to convey streams naturally occurring prior to construction.

Susceptibility (groundwater). The potential an aquifer has for groundwater contamination, based on factors which include but are not limited to depth of aquifer, soil permeability, topography, hydraulic gradient and conductivity, and precipitation.

Swale. A shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot.

Threatened Species (state listed). A species, native to the state of Washington, that is likely to become endangered in the foreseeable future throughout a significant portion of its range within the state without cooperative management or the removal of threats. Threatened species are legally designated in WAC 232-12-011.

Toe of Slope. A distinct topographic break in a slope. Where no distinct break exists, this point shall be the lowermost limits of the landslide hazard area as defined and classified in Chapter 19.600.

Top of Slope. A distinct topographic break in a slope. Where no distinct break in a slope exists, this point shall be the uppermost limit of the geologically hazardous area as defined and classified in Chapter 19.400.

Unavoidable and Necessary Impacts. 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.

Utilities. Facilities and/or structures which produce or carry electric power, gas, sewage, water, communications, oil, publicly maintained storm water facilities, etc.

Utility Corridor. Areas identified in the Comprehensive Plan for utility lines, including electric, 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 the right to operate and maintain utility facilities on private property.

Vulnerability (groundwater). The likelihood that an aquifer could be contaminated, based on both susceptibility and land use. High vulnerability generally means an aquifer which has high susceptibility to contamination, and is located in a land use area conducive to contamination, such as industrial or residential. High vulnerability includes high potential areas for overdrafting and/or saltwater intrusion.

Wetlands. Those areas that are inundated or saturated by surface or ground water 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, but are not limited to swamps, marshes, estuaries, bogs, and ponds less than twenty acres, including their submerged aquatic beds and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, storm water facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.
Isolated Wetlands. Wetlands which: (1) are outside of and not contiguous to any one-hundred-year floodplain of a lake, river, or stream; and (2) have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water or other wetland.

Wetland Determination. An on-site determination as to whether a wetland exists on a specific parcel, conditioned by either a wetland specialist or the department. A wetland determination does not require a formal delineation.


Wetland Edge. The line delineating the outer edge of a wetland established in Section 19.200.215.

Wetlands of Regional Significance. Those regulated wetlands determined by the department, or otherwise determined, to have characteristics of exceptional resource value which should be afforded the highest levels of protection.

Wetlands Specialist. A person who has earned a bachelor's degree in biological sciences with specific course work concerning the functions and values of wetlands from an accredited college or university with a minimum of two years of related work experience; or a qualified consultant or professional person who has equivalent education and training or with equivalent experience acceptable to the department. The county will maintain a list of approved wetland specialists.

Wetlands of Statewide Significance. Those regulated wetlands recommended by the Washington State Department of Ecology and determined by the department to have characteristics of exceptional resource value which should be afforded the highest levels of protection.

Wetpond. An artificial water body constructed as a part of a surface water management system.

Wildlife Biologist. A person who has earned a minimum of a bachelor's degree in wildlife biology and has a minimum of five years of field experience in wildlife biology and habitat evaluation.

Wildlife Nesting Structure. Structure erected for the sole purpose of providing a wildlife nesting site.

(Ord. 217 (1998) § 3 (part), 1998)

Chapter 19.200

WETLANDS

Sections:
19.200.205 Purpose.
19.200.230 Regulated uses and activities.
19.200.240 Special use review.
19.200.245 Application requirements.
19.200.250 Determination of wetland boundaries.
19.200.255 Wetland mitigation requirements.

19.200.205 Purpose.

This chapter applies to all regulated uses within or adjacent to areas designated as wetlands, as categorized in Section 19.200.215 below. The intent of this chapter is to:
A. Achieve no net loss and increase the quality and function of wetland acreage, functions and values within Kitsap County. Mitigation measures, as conditions of permits, must have a reasonable expectation of success. Under the conditions of this chapter, the department may deny development proposals that would irreparably impact regulated wetlands;
B. Protect the public's health, safety and welfare, while preventing public expenditures that could arise from improper wetland uses and activities;
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.

D. Preserve natural flood control, storm water storage and drainage or stream flow patterns; and

E. Prevent turbidity and pollution of wetlands, and fish or shellfish-bearing waters and to maintain the wildlife habitat.

(Ord. 217 (1998) § 3 (part), 1998)

Wetlands are those areas that are inundated or saturated by surface or ground water 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 using the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter.


(Ord. 217 (1998) § 3 (part), 1998)


A. Regulated Wetlands. (See definition in Chapter 19.800).

1. Category I Wetlands. All.
2. Category II Wetlands. All.
3. Category III Wetlands. 2,500 square feet or greater.
4. Category IV Wetlands. 10,000 square feet or greater.

5. Wetlands intentionally created from non-wetland areas to mitigate conversion of other wetlands.

6. Groups of isolated wetlands, any one or more of which may be smaller than any of the above categories, but which in aggregate may be as valuable as any of the above categories.

B. Non-Regulated Wetlands.

1. Category III Wetlands. Isolated wetlands less than 2,500 square feet.
2. Category IV Wetlands. Isolated wetlands less than 10,000 square feet.
3. 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. The applicant shall bear the burden of proving that the wetland was intentionally created from a non-wetland site. Where enhancements or restorations are made to non-regulated, or Category III or IV wetlands for purposes other than mitigation, the original rating shall be maintained even if the changes would otherwise result in a higher classification.

(Ord. 217 (1998) § 3 (part), 1998)


For the purpose of this title a regulated wetland and its buffer is a critical area.

A. There shall be no activity allowed within a regulated wetland or its buffer unless specifically allowed under this title in Table 2. Any regulated uses not specifically listed in Table 2 shall be considered unclassified and may be allowed if granted a special use review in accordance with this title (See Section 19.200.240, Special Use Review).

B. Buffers. Buffers shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Any buffer enhancement and/or limited view clearing activity must be
reviewed and approved by the department. No refuse shall be placed in the buffer.

C. Buffer Widths. All regulated wetlands shall be surrounded by a buffer zone as follows:

<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>Buffer Width Standard</th>
<th>Minimum Building Setback</th>
<th>Other Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>200 feet</td>
<td>15 feet beyond buffer</td>
<td>See subsections E, F, and G below for criteria relating to buffer averaging, decreased buffer provisions and increased buffer provisions.</td>
</tr>
<tr>
<td>II</td>
<td>100 feet</td>
<td>15 feet beyond buffer</td>
<td></td>
</tr>
<tr>
<td>III</td>
<td>50 feet</td>
<td>15 feet beyond buffer</td>
<td></td>
</tr>
<tr>
<td>IV</td>
<td>25 feet</td>
<td>15 feet beyond buffer</td>
<td></td>
</tr>
</tbody>
</table>

D. Buffer Measurement. All buffers shall be measured on a horizontal plane from the regulated wetland edge as marked in the field.

E. 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 fifty 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. Averaging of buffer widths may be allowed where the applicant demonstrates one or more of the following:

1. That the wetland contains variations in sensitivity due to existing physical characteristics;

2. That low intensity uses would be located within two hundred feet of areas where buffer width is reduced, and that such low intensity uses are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism;

3. That averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property.

F. Decreased Buffer Provisions. The department may decrease buffer widths upon granting of a variance, according to the procedures of this title or through buffer averaging as outlined above. 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 buffer widths may be granted subject to the following criteria:

1. For minor new development, the department may administratively reduce the buffer by up to twenty-five 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. 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 storm water 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.

2. For major new development, the department may reduce the buffer by up to
twenty-five percent, where it can be demonstrated in a special report that enhancement of the existing low quality buffer can clearly provide as great or greater functions and values, as would be provided under the standard buffer requirement.

3. A buffer enhancement plan must utilize native vegetation.

4. The minimum buffer shall be no less than twenty-five feet, except as allowed under a formal variance or reasonable use approval.

G. Increased Buffer Provisions. The department may increase buffer zone widths for a development project on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values. Such determination shall be based on site-specific and project-related conditions which include, but are not limited to:

1. Wetland sites with known locations of endangered or threatened species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species;

2. The adjacent land is susceptible to severe erosion and erosion control measures alone will not effectively prevent adverse wetland impacts;

3. The adjacent land on the development proposal site has minimal vegetative cover or slopes greater than thirty percent; or

4. The proposed development within two hundred feet of the regulated wetland would be a high intensity use.

H. Fencing and Signs. This subsection applies to those wetlands and their buffers that are within two hundred feet of regulated development activities.

1. Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required by the department, between the area where the construction activity occurs and the buffer. Fences shall be made of a durable protective barrier and shall be highly visible. Silt fences and plastic construction fences may be used to prevent encroachment on wetlands or their buffers by construction. Temporary fencing shall be removed after the site work has been completed and the site is fully stabilized per county approval.

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. Such signs will identify the wetland buffer. The department may approve an alternate method of wetland and buffer identification, if it provides adequate protection to the wetland and buffer.

I. Building or Impervious Surface Setback Lines. A building or impervious surface setback line of fifteen 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 (Notice to Title).

(Ord. 217 (1998) § 3 (part), 1998)

19.200.230 Regulated uses and activities.

Major and minor new development activities on properties containing regulated wetlands and buffers are subject to the development standards in this section, as permitted in the underlying zoning designation. Requirements for additional activities are specified in Table 2. Kitsap County may grant exceptions to these uses and activities according to the intent and specifications of this title. All authorized uses and activities in a regulated wetland or its buffer shall be subject to conditions established by the department and may be subject to mitigation as required by this title.

Development shall be classified as “allowed,” “permitted,” “special use” (Section 19.200.240) or “prohibited” according to this chapter. Any regulated uses not specifically listed in Table 2 shall be considered unclassified and may be allowed if granted a special use review in accordance with this title. The wetland categories in Table 2 are defined in the appendices. For the purpose of Table 2, “W” and “B” refer to the terms “wetland” and “buffer.”
<table>
<thead>
<tr>
<th>[W = Wetland • B = Buffer]</th>
<th>Category I</th>
<th>Category II</th>
<th>Category III</th>
<th>Category IV</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>W</td>
<td>B</td>
<td>W</td>
<td>B</td>
</tr>
<tr>
<td>1. Agriculture – Existing &amp; ongoing</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>2. Agriculture – Building (Grazed Wet Meadows)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>S</td>
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<tr>
<td>3. Agriculture conversion A. (Wetland dependent)</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>B. (Non-wetland dependent)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>4. Bank stabilization</td>
<td>X</td>
<td>X</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>5. Boat ramp</td>
<td>X</td>
<td>X</td>
<td>S</td>
<td>S</td>
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<tr>
<td>6. Dock/float</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>7. Draining wetlands (associated with no other permitted use, except as allowed under Section 19.100.120(C))</td>
<td>X</td>
<td>N/A</td>
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<td>N/A</td>
</tr>
<tr>
<td>8. Education and scientific research (no permanent structures)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>10. Excavation (not associated with enhancement)</td>
<td>X</td>
<td>X</td>
<td>S</td>
<td>S</td>
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<tr>
<td>11. Fill (associated with no other use)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<td>12. Fish hatchery</td>
<td>X</td>
<td>X</td>
<td>S</td>
<td>S</td>
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<tr>
<td>13. Flooding (associated with no other use)</td>
<td>X</td>
<td>X</td>
<td>S</td>
<td>S</td>
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<tr>
<td>14. Forest practice – Class IV General or COHP</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>S</td>
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<tr>
<td>15. Golf course</td>
<td>X</td>
<td>X</td>
<td>S</td>
<td>S</td>
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<tr>
<td>16. Land division</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>17. Mineral extraction</td>
<td>X</td>
<td>X</td>
<td>S</td>
<td>S</td>
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<tr>
<td>18. Mooring buoy</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>20. Parks – Public &amp; private</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<td>22. Public Facility</td>
<td>X</td>
<td>X</td>
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<td>23. Public project of significant importance</td>
<td>S</td>
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<td>24. Radio/TV towers</td>
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<td>S</td>
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<td>[W = Wetland • B = Buffer]</td>
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<td>W</td>
<td>B</td>
<td>W</td>
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<td>26. Road/street – Public/private access</td>
<td>S</td>
<td>S</td>
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<td>A. Expand within existing ROW</td>
<td>X</td>
<td>X</td>
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<tr>
<td>B. New facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>27. Signs – (Interpretation, hazard, critical area boundary, survey markers)</td>
<td>X</td>
<td>X</td>
<td>S</td>
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<td>28. Site investigation</td>
<td>A</td>
<td>A</td>
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<tr>
<td>29. Storm water, private R/D facility</td>
<td>X</td>
<td>X</td>
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<tr>
<td>30. Storm water, regional R/D facility</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>S</td>
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<tr>
<td>31. Trails and trail-related facilities</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>32. Utility facility</td>
<td>X</td>
<td>X</td>
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<td>33. Utility – On-site sewage facility</td>
<td>X</td>
<td>X</td>
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<td>34. Utility line – Overhead</td>
<td>S</td>
<td>S</td>
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<td>S</td>
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<tr>
<td>35. Utility line – Underground</td>
<td>X</td>
<td>S</td>
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</table>

(Ord. 217 (1998) § 3 (part), 1998)


In addition to meeting the development standards above (Section 19.200.225), those regulated uses identified below shall also comply with the standards of this section and other applicable state, federal and local ordinances.

A. Docks. Construction of a dock, pier, moorage, float or launch facility may be permitted subject to criteria in the Kitsap County Shoreline Management Master Program and where no existing buffer or wetland vegetation would be significantly altered.

B. Forest Practice, Class IV General, and Conversion Option Harvest Plans (COHP’s). All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this title, including the maintenance of buffers around regulated wetlands.

C. Agricultural Restrictions. In all development proposals which would permit introduction of agricultural uses, damage to Category I, II and III 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.
D. 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 crossing 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.; and

3. The road or street repair and construction are the minimum necessary to provide safe roads and streets.

4. Mitigation shall be performed in accordance with specific project mitigation plan requirements.

E. Land Divisions and Land Use Permits. All proposed divisions of land and land uses (including but not limited to the following: boundary or lot line adjustments, short plats, large lot subdivisions, master planned fully contained communities, master planned resorts, planned unit 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, except the area with permanent open water, and wetland buffers may be included in the calculation of minimum lot area for proposed lots provided that other standards, including subdivision (3) below, are met.

2. Land division approvals shall be conditioned to require that regulated wetlands and regulated wetland buffers be dedicated as open space tracts, or an easement or covenant encumbering the wetland and wetland buffer. Such dedication, easement or covenant shall be recorded together with the land division and represented on the final plat, short plat or binding site plan, and title.

3. In order to implement the goals and policies of this title, to accommodate innovation, creativity, and design flexibility, and to achieve a level of environmental protection that would not be possible by typical lot-by-lot development, the use of the clustered development or similar innovative site planning is strongly encouraged for projects with regulated wetlands on the site.

4. After preliminary approval and prior to final land division approval, the department may require that the common boundary between a regulated wetland or associated buffer and the adjacent land be identified using permanent signs and/or fencing. In lieu of signs and/or fencing, alternative methods of wetland and buffer identification may be approved when such methods are determined by the department to provide adequate protection to the wetland and buffer.

F. Surface Water Management. The following storm water management activities within wetland or buffer areas may be allowed only if they meet the following requirements, in addition to the development standards in this chapter and in conformance with the Storm Water Management Ordinance (Title 12 of this code):

Surface water discharges from storm water facilities or structures may be allowed provided that the new surface water discharges to regulated wetlands from retention/detention facilities, pre-settlement ponds, or other surface water management structures may be allowed provided that the discharge does not significantly increase or decrease the rate of flow and/or hydro-period, nor decrease the water quality of the wetland. Water quality treatment best management practices will be required prior to discharge. Pre-treatment of surface water discharge through biofiltration or other means shall be required.

G. 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 within buffers they shall be located in the outer portion of the buffer and a minimum of twenty-five feet from the wetland edge, except where wetland 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.

H. Utilities in Wetlands or Wetland Buffers.

1. The utility development authorized in Section 19.100.120 shall be allowed, subject to best management practices in wetlands and wetland buffers in accordance with Table 1.

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 permits and special reports (Chapter 19.700) required by this title.

3. Sewer or On-Site Sewage Utility. Construction of sewer lines or on-site sewage systems may be permitted in regulated wetland buffers only when: (1) The applicant demonstrates it is necessary to meet state and/or local health code minimum design standards (not requiring a variance for either horizontal setback or vertical separation); and/or (2) 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. Special Use Review (Section 19.200.240) will be required when such activities occur in wetland buffers.

4. New utility corridors shall not be allowed when the regulated wetland or buffer has known locations of federal or state listed endangered, threatened or sensitive species, heron rookeries or nesting sites of raptors which are listed as state candidate or state monitor, except in those circumstances where an approved habitat management plan indicates that the utility corridor will not significantly impact the wetland or wetland buffer.

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 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 preconstruction densities or greater, immediately upon completion of construction, or as soon thereafter as possible, if due to seasonal growing constraints. The utility shall ensure that such vegetation survives.

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 fifteen feet; and shall be contiguous to the location of the utility corridor on the side away from the wetland. Mitigation will be required for any additional access through restoration of vegetation in disturbed areas.

d. The department may require other additional mitigation measures.

6. Utility corridor maintenance shall include the following measures to protect the regulated wetland and buffer environment:
a. Where feasible, painting of utility equipment such as power towers shall not be sprayed or sandblasted, 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 EPA and the Department of Ecology. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.

J. Parks. Development of public park and recreation facilities may be permitted provided that the following standards are followed:

No alteration of wetlands or wetland buffers is allowed except for such uses which are allowed in Table 2. 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.

(Ord. 217 (1998) § 3 (part), 1998)

19.200.240 Special use review.

Development identified as a special use review in Table 2 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.

A. The department is authorized to take action on permits as required by this title.

1. The department may approve a permit after review of the application and a wetland mitigation plan submitted in accordance with this title. The department shall determine whether the use or activity cannot be avoided because no reasonable or practicable alternative exists, the proposed use is consistent with the spirit and intent of this title and it will not cause adverse impacts to the wetland or the wetland buffer which cannot be mitigated. In taking action to approve a special use review, the department may attach reasonable conditions as necessary to minimize impacts, rectify impacts or compensate for impacts to the wetland or wetland buffer.

2. The department shall deny a special use review request when it finds that the proposed use or activity is inconsistent with this title and/or will cause adverse impacts to the wetland or wetland buffer, which cannot be adequately mitigated and/or avoided.

3. Special use review determinations are appealable to the hearing examiner pursuant to Section 19.100.145 (Appeals).

(Ord. 217 (1998) § 3 (part), 1998)

19.200.245 Application requirements.

Application Procedures for New Development. Any new development containing a regulated wetland or its buffer, or within two hundred feet of a regulated wetland or its buffer, shall provide the following special reports, as required by the department, prior to any development authorization by Kitsap County. The department may require additional reports or information to further identify potential impacts to any part of the environment:

1. Wetland report;
2. Wetland mitigation plan; and
3. Erosion and sedimentation control measures and/or a site development activity permit as required by the Kitsap County Storm Water Management Ordinance.

(Ord. 217 (1998) § 3 (part), 1998)

19.200.250 Determination of wetland boundaries.

A. The determination of the wetland edge or boundary shall be done in accordance with the delineation methodology specified in the currently accepted county manual.

B. The applicant shall be responsible for hiring a qualified wetlands specialist to determine the wetland boundaries through a field survey. This specialist shall stake or flag the wetland boundary. For all new development, as required by the department, this line shall be surveyed by a professional land surveyor licensed in the state of Washington. The regulated wetland boundary and regulated wetland buffer shall be identified on all grading, landscaping, site, on-site septic system
designs (BSA’s), utility or other development plans submitted in support of the project.

C. The department may perform a delineation of a wetland boundary on parcels where no more than one single-family dwelling unit is allowed.

D. Where the applicant has provided a delineation of a wetland boundary, the department may verify the wetland boundary at the cost of the applicant and may request that adjustments to the boundary be made by a wetland specialist.

(Ord. 217 (1998) § 3 (part), 1998)

19.200.255 Wetland mitigation requirements.

A. Mitigation Sequence.

1. Projects permitted under this title will be reviewed in the following order of preference with regard to regulated wetlands or their buffers:
   a. Avoid the impact by not performing a certain action or parts of an action;
   b. Minimize the impact by limiting the degree or magnitude of the action and its implementation;
   c. Mitigate through one of the following methods:
      i. Restore the impact by repairing or rehabilitating the affected environment;
      ii. Reduce or eliminate the adverse impact over time; and/or
      iii. Compensate for the impact by replacing, enhancing or providing alternative resources or environments within the same drainage basin that substitute as closely as possible for the affected resources or environments (See subsection (B) of this section).

2. Mitigation for individual projects may include any combination of the above measures.

B. Scope of Compensatory Mitigation. In making a determination of the extent to which mitigation shall be required, the department will consider all of the following:

1. The functional characteristics of the wetland and its resource value within the watersheds or sub-basin in which the wetland is located;

2. The short and long-term adverse impacts of the action upon the wetland and associated ecosystem, and the potential for repair of the impairment or loss;

3. The category, size, and location of the wetland altered, and the effect it may have upon the surrounding system, watershed or wetland;

4. Observed or predicted trends of gains or losses of this category of wetland in the watershed, considering qualitative and/or quantitative information about natural and human processes; and

5. The likely success of the possible mitigation measures.

C. Mitigation Plan Requirements. Any applicant required to perform compensatory mitigation contributing to a mitigation plan as a condition of approval for a development project shall submit a wetlands mitigation plan to the department. (See Chapter 19.700, Special Reports, for wetland mitigation requirements.)

D. On-Site Compensatory Mitigation – General Requirements.

Compensatory mitigation shall be required for projects in regulated Category I, II, III or IV wetlands or buffers when alteration of the wetland or buffer results in a loss to either wetland or buffer. The preferred compensation is on-site, in-kind; the least preferred compensation is off-site, out-of-kind compensation. For exceptions to this requirement, see Section 19.200.225. The following requirements apply to compensatory mitigation plans:

1. Any person who alters wetlands, such that they require compensatory mitigation, shall restore or enhance equivalent areas or greater areas of those wetlands in order to compensate for the loss (See Table 3).

2. Where feasible, restored or enhanced wetlands shall be a higher category than the altered wetland.

3. Compensation areas shall be determined according to function, size, type, location, time factors, ability to be self-sustaining
and likelihood of mitigation success. Wetland functions shall be determined by a qualified wetland specialist using the best available information and technology.

4. Compensation (mitigation) plans shall be completed and approved by the department prior to wetland alteration. Compensation shall be completed concurrent with the development activity unless a delay of the compensation project will reduce adverse impacts to the wetlands or improve the likelihood of success.

5. Construction of compensation projects shall be timed to reduce adverse impacts to the wetlands. Grading and related earthwork should normally be limited to the period between May 1 and September 30. Planting of vegetation shall be specifically timed to the needs of these plants. This may require the construction of the compensation area over several seasons.

6. Areas that are used for compensatory mitigation must be protected from development and degradation. The applicant shall provide for long-term preservation of the compensation area through such protective mechanisms as conservation easements, critical area tracts, deed restrictions, or dedication to a local jurisdiction or a private or public land trust.

7. The applicant shall demonstrate sufficient scientific expertise, supervisory and financial ability to fully implement the compensation measures. 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.

8. Site Selection. Compensation sites shall be selected in the following order of preference:

   a. Filled, drained, or cleared sites which were formerly viable wetlands and where appropriate hydrology exists;

   b. Upland sites within two hundred feet of wetlands, if the upland is significantly disturbed and does not contain a mature forested or shrub community of native species, and where appropriate natural sources of water exist.

E. Wetland Replacement Ratios.

1. The following ratios, as well as consideration of the factors listed in subsection (B) of this section and subdivision (2), below, of this subsection, shall be used to determine the appropriate amounts of on-site created, restored or enhanced wetland that will be required to replace impacted wetlands. The first number specifies the amount of wetland area requiring replacement and the second specifies the amount of wetland area altered.

<table>
<thead>
<tr>
<th>TABLE 3. WETLAND REPLACEMENT RATIOS</th>
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<tbody>
<tr>
<td>Category I:</td>
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<tr>
<td>Enhancement</td>
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<td>6:1</td>
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<td>Category II and III:</td>
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<tr>
<td>Forsted Class</td>
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<tr>
<td>Scrub/Shrub Class</td>
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<tr>
<td>Emergent Class</td>
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<tr>
<td>Open Water</td>
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<tr>
<td>Category IV:</td>
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<td>2:1</td>
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</tbody>
</table>

* Open water may be enhanced by replacing structure that may have been removed in the past (large woody material, rocks, reefs, etc.).

2. The department may increase or decrease the ratios based on one or more of the following:

   a. The probable success of the proposed restoration or enhancement;

   b. The period of time between destruction and replication of wetland functions;

   c. Projected losses in functions and value;

   d. Replacement as a result of an illegal action.

F. Off-Site Compensatory Mitigation.

1. The department may allow off-site compensation mitigation if on-site compensa-
Chapter 19.300
FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Sections:
19.300.305 Purpose.
19.300.310 Fish and wildlife habitat conservation area categories.
19.300.315 Development standards.

19.300.305 Purpose.
This section applies to all regulated uses included in this title, or uses within two hundred feet of areas designated as fish and wildlife habitat conservation areas, as categorized in Section 19.300.310. The intent of this chapter is to:

A. Preserve natural flood control, storm water storage and drainage or stream flow patterns;
B. Control siltation, protect nutrient reserves and maintain stream flows and stream quality for fish and marine shellfish;
C. Prevent turbidity and pollution of streams and fish or shellfish-bearing waters;
D. Preserve and protect habitat adequate to support viable populations of native wildlife in Kitsap County; and
E. Encourage non-regulatory methods of habitat retention whenever practical, through education, and the open space tax program.
(Ord. 217 (1998) § 3 (part), 1998)

19.300.310 Fish and wildlife habitat conservation area categories.

A. Classification. The following categories shall be used in classifying fish and wildlife habitat conservation areas:
1. Streams. All streams which meet the criteria for Type 1, 2, 3, 4 and 5 waters as set forth in WAC 222-16-030 of the DNR Water Typing System (See Chapter 19.800, Appendix "B").
2. 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 1 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 herring and smelt spawning areas.
3. Lakes Less Than 20 Acres in Surface Area. Those lakes which meet the criteria for Type 2, 3, 4 and 5 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.
   a. Class I Wildlife Conservation Areas.
      i. 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 and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.
      ii. 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.
   b. Class II Wildlife Conservation Areas.
      i. 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.
      ii. Habitats which include attributes such as comparatively high wildlife density; high wildlife species richness; significant wildlife breeding habitat, seasonal ranges or movement corridors of limited availability and/or high vulnerability. These habitats may include caves, cliffs, islands, meadows, old-growth/mature forest, snag-rich areas, talus slopes, and urban natural open space.

19.300.315 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.
A. Buffers and Building Setbacks. Buffers or setbacks shall be maintained along the perimeter of fish and wildlife habitat conservation areas, as listed in Table 4. Distances shall be measured from the ordinary high water mark (OHM) or from the top of the bank where the OHM cannot be identified. Buffers shall be retained in their natural condition. It is acceptable, however to enhance the buffer by planting indigenous vegetation, as approved by the department. Alteration of buffer areas may be allowed for water-dependent and water-related activities subject to subsection (D) below, and for development authorized by Section 19.100.140 (Reasonable Use Exception), Section 19.100.120 (General Exemptions), Section 19.100.130 (Standards for Existing Development) or Section 19.100.135 (Variances). The buffer width shall be increased to include streamside wetlands which provide overflow storage for storm waters, feed water back to the stream during low flows or provide shelter and food for fish. In braided channels, the ordinary high water mark or top of bank shall be defined so as to include the entire stream feature. Refuse shall not be placed in buffers.

| TABLE 4, “FISH AND WILDLIFE HABITAT CONSERVATION AREA DEVELOPMENT STANDARDS” IS SHOWN ON THE NEXT PAGE |

19-32
### Table 4. Fish and Wildlife Habitat Conservation Area Development Standards

<table>
<thead>
<tr>
<th>Category</th>
<th>Buffer Width Standard</th>
<th>Minimum Building Setback</th>
<th>Other Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streams</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Water Type</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>100 feet</td>
<td>15 feet beyond buffer</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>100 feet</td>
<td>15 feet beyond buffer</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>100 feet</td>
<td>15 feet beyond buffer</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>50 feet</td>
<td>15 feet beyond buffer</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>25 feet</td>
<td>15 feet beyond buffer</td>
<td></td>
</tr>
<tr>
<td>Saltwater Shorelines, Lakes – 20 Acres and Greater</td>
<td>(Defined as Type 1 Waters of the State)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shoreline Designation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban</td>
<td>None</td>
<td>25 feet</td>
<td></td>
</tr>
<tr>
<td>Semi-Rural</td>
<td>None</td>
<td>35 feet</td>
<td></td>
</tr>
<tr>
<td>Rural</td>
<td>None</td>
<td>35 feet</td>
<td></td>
</tr>
<tr>
<td>Conservancy</td>
<td>None*</td>
<td>50 feet</td>
<td></td>
</tr>
<tr>
<td>Natural</td>
<td>100 feet</td>
<td>15 feet beyond buffer</td>
<td></td>
</tr>
<tr>
<td>* The buffer width for all major new development shall be 100 feet, with a 15 foot minimum building setback.</td>
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<td></td>
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<tr>
<td>Lakes – Less than 20 Acres</td>
<td>(Non-Type 1 Waters of the State)</td>
<td></td>
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<tr>
<td>Zoning Designation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban Residential</td>
<td>None</td>
<td>50 feet</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>None</td>
<td>50 feet</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>None</td>
<td>50 feet</td>
<td></td>
</tr>
<tr>
<td>Rural Residential</td>
<td>None</td>
<td>35 feet</td>
<td></td>
</tr>
<tr>
<td>Wildlife Habitat Conservation Areas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class I</td>
<td>Buffer widths and setbacks will be determined through mandatory habitat plan.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class II</td>
<td>Site-specific conditions will determine the need for the preparation of a habitat plan for buffer widths and setbacks.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Buffer Widths and Setbacks for Shorelines. The building setback or buffer width for new development shall be based on the Kitsap County Shoreline Management Master Program environment designation, or as required by Chapter 17.450, the View Blockage Requirements, as now or hereafter amended, whichever is greater. *(Note: Setbacks for conservation public lands to be determined by the Kitsap County Shoreline Management Master Program.)*
2. Provision for Decreasing Buffer. For minor new development the department may decrease the buffer in consultation with the Washington State Department of Fish and Wildlife, and after review of a mitigation plan when required, if the county determines that conditions are sufficient to protect the affected habitat. A habitat management plan (Chapter 19.700) may be required. The department may reduce the buffer width by up to twenty-five percent, but the buffer shall not be less than twenty-five feet. Granting of reduced buffer shall be the minimum necessary for the permitted use. The order of sequence for such buffer reductions shall be as follows:
   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 storm water 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.

3. Provision for Increasing Buffer. The department may increase the buffer width whenever a development proposal has known locations of endangered or threatened species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species; or when the buffer is located within a landslide or erosion hazard area.

4. Streams in Ravines — Buffers. For streams in ravines with ravine sides ten feet or greater in height, the minimum buffer width shall be the minimum buffer required for the stream type, or a buffer width which extends twenty-five feet beyond the top of the slope, whichever is greater.

5. Conditional Buffer Alterations. Water-dependent structures and utilities may alter the required buffer when no other reasonable or practicable alternative exists and the development is consistent with the Kitsap County Shoreline Management Master Program. Any alteration of a buffer shall be the least necessary and shall require, except for approved water dependent uses for minor new development, an approved habitat management plan which adequately protects habitat values.

6. Dedication of Buffers. Buffer areas shall be dedicated as permanent open space tracts, functioning as critical areas buffers or as required by the department.

B. Class I Wildlife Conservation Areas Development Standards. All development as described within this title or within two hundred feet of designated Class I wildlife conservation areas shall adhere to the following standards:

1. All sites with known locations of Class I wildlife conservation areas or sites within two hundred feet to known locations of Class I wildlife conservation areas will require, for all development permits, the submittal and approval of a habitat management plan as specified in Chapter 19.700 (Special Reports) by the department. In the case of bald eagles, an approved bald eagle management plan by the Washington State Department of Fish and Wildlife, 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). 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.

2. All new development within ranges and habitat elements with which Class I wildlife have a critical habitat may require the submittal of a habitat management plan (HMP) as specified in Chapter 19.700 (Special
Reports). 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.

C. Class II Wildlife Conservation Area Development Standards. All development within designated Class II wildlife conservation areas shall adhere to the following standards:

All major new development within Class II 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.

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 1, 2 and 3 streams which have salmonid breeding habitat. Other alternatives may be allowed upon submittal of a habitat management plan which demonstrates that other alternatives would not result in significant impacts to the fish and wildlife conservation area, as determined appropriate through the Washington State Department of Fish and Wildlife, hydraulics project approval process. The plan must demonstrate that salmon habitat will be replaced on a 1:1 ratio.

2. Crossings shall not occur in salmonid spawning areas unless no other feasible crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be located as determined necessary through coordination with the Washington State Department of Fish and Wildlife.

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.

4. Crossings shall not diminish flood carrying capacity.

5. Crossings shall serve multiple properties whenever possible.

6. Where there is no reasonable alternative to providing a conventional culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity.

E. Stream Relocations. Stream relocations for the purpose of flood protection and/or fisheries restoration shall only be permitted when adhering to the following minimum performance standards and when consistent with Washington State Department of Fish and Wildlife hydraulic project approval:

1. The channel, bank and buffer areas should be replanted with native vegetation that replicates a natural, undisturbed riparian condition; and

2. For those shorelands and waters designated as frequently flooded areas pursuant to Chapter 19.500, a professional engineer licensed in the state of Washington shall provide information demonstrating that the equivalent base flood storage volume and function will be maintained.

3. Relocated stream channels shall be designed to meet or exceed the functions and values of the stream to be relocated.

F. Pesticides, Fertilizers and Herbicides. No pesticides, herbicides or fertilizers may be used in fish and wildlife conservation areas or their buffers, except those approved by the EPA and approved under a DOE Water Quality Modification Permit 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.
G. Land Divisions and Land Use Permits. All proposed divisions of land and land uses (subdivisions, short subdivisions, short plats, long and large lot plats, planned unit developments, conditional use permits, site plan reviews, binding site plans) which include fish and wildlife habitat conservation areas shall comply with the following procedures and development standards:

1. The open water area of lakes, streams, and tidal lands shall not be permitted for use in calculating minimum lot area.

2. Land division approvals shall be conditioned so that all required buffers are dedicated as open space tracts, or an easement or covenant encumbering the buffer. Such dedication, easement or covenant shall be recorded together with the land division and represented on the final plat, short plat or binding site plan.

3. In order to avoid the creation of non-conforming lots, each new lot shall contain at least one building site that meets the requirements of this title, including buffer requirements for habitat conservation areas. This site must also have access and a sewage disposal system location that are suitable for development and does not adversely impact the fish and wildlife conservation area.

4. After preliminary approval and prior to final land division approval, the department may require that the common boundary between a required buffer and the adjacent lands be identified using permanent signs. In lieu of signs, alternative methods of buffer identification may be approved when such methods are determined by the department to provide adequate protection to the aquatic buffer.

5. In order to implement the goals and policies of this title, to accommodate innovation, creativity, and design flexibility, and to achieve a level of environmental protection that would not be possible by typical lot-by-lot development, the use of the planned unit development process is strongly encouraged for projects within designated fish and wildlife habitat conservation areas.

H. Agricultural Restrictions. In all development proposals which would permit introduction of agriculture to fish and wildlife habitat conservation areas, damage to the area shall be avoided by one of the following methods:

1. Implementation of the farm conservation plan agreed upon by the Kitsap Conservation District and the applicant, to protect and enhance the water quality of the aquatic area; and/or

2. Fencing located not closer than the outer buffer edge.

I. Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as benches, interpretive centers, and viewing platforms, may be allowed in fish and wildlife habitat conservation areas or their 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 other such previously disturbed areas;

2. Trails and related facilities shall be planned to minimize removal of trees, 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 conservation area;

4. Trails, in general, shall be set back from streams so that there will be no or minimal impact to the stream from trail use or maintenance. Trails shall be constructed with pervious surfaces when feasible.

J. Utilities. Placement of utilities within designated fish and wildlife habitat conservation areas may be allowed pursuant to the following standards:

1. The minor utility development authorized in Section 19.100.120 shall be allowed within designated fish and wildlife habitat conservation areas, subject to best management practices.

2. Construction of utilities may be permitted in fish and wildlife habitat conservation
areas or their buffers, only when no practicable or 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 special reports (Chapter 19.700) which may be required by this title.

3. Sewer or On-site Sewage Utility. 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 construction meets the requirement of this section. Joint use of the sewer utility corridor by other utilities may be allowed.

4. New utility corridors shall not be allowed in fish and wildlife habitat conservation areas with known locations of federal or state listed endangered, threatened or sensitive species, heron rookeries or nesting sites of raptors which are listed as state candidate or state monitor, except in those circumstances where an approved habitat management plan indicates that the utility corridor will not significantly impact the conservation area;

5. New Utility Corridor Construction. 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 constraints. The utility 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 should be painted with brush, pad or roller and should not be sandblasted or spray painted, nor should lead base paints be used.

b. Pesticides, Fertilizers and Herbicides. No pesticides or fertilizers may be used in fish and wildlife conservation areas or their buffers, except those herbicides approved by a licensed applicator in accordance with the safe application practices on the label.

K. Bank Stabilization. A stream channel and bank, bluff, and shore may be stabilized when naturally occurring earth movement threatens existing structures (defined as requiring a building permit pursuant to the Uniform Building Code), 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 of fish and wildlife habitat, flood control and improved water quality. Bluff, bank and shoreline stabilization shall also be subject to the standards of the Kitsap County Shoreline Management Master Program, and any floodplain management plan adopted by the board of commissioners.

Where bank stabilization is determined to be necessary, bioengineering or other non-structural methods should be the first option for protection. Bulkheads and retaining walls may only be utilized as an engineering solution where it can be demonstrated that an existing residential structure cannot be safely maintained without such measures, and that the resulting retaining wall is the minimum length necessary to provide a stable building area for the proposed structure. A variance
pursuant to Section 19.100.135, must be obtained in all other cases. The department may require that bank stabilization be designed by a professional engineer licensed in the state of Washington with demonstrated expertise in hydraulic actions of shorelines. Bank stabilization projects may also require a Kitsap County site development activity permit and hydraulic project approval from the Washington Department of Fish and Wildlife.

Nonstructural shoreline protective techniques are preferred to bulkheads or other types of shoreline armoring. Nonstructural techniques include but are not limited to: beach nourishment; coarse beach fill; gravel berms; vegetation plantings and bioengineering.

L. Fencing and Signs. Prior to approval or issuance of permits for land divisions and new development, the department may require that the common boundary between a required buffer and the adjacent lands be identified using fencing or permanent signs. In lieu of fencing or signs, alternative methods of buffer identification may be approved when such methods are determined by the department to provide adequate protection to the buffer.

M. Forest Practice, Class IV General and Conversion Option Harvest Plans (COHP’s). All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this title, and the Storm Water Management Ordinance, including the maintenance of buffers, where required.

N. Road/Street Repair and Construction. Any private or public road or street expansion or construction which is allowed in a fish and wildlife habitat conservation area or its buffer shall comply with the following minimum development standards:

1. No other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;
2. Expansion or construction of any private or public road shall only be allowed when adverse impacts cannot be avoided;

3. Public and private roads should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.; and

4. The road or street construction is the minimum necessary, as required by the department of public works, and shall comply with the department of public works’ guidelines to provide public safety and mitigated storm water impacts.

5. Construction time limits shall be determined in consultation with the Washington Department of Fish and Wildlife in order to ensure habitat protection.

(Ord. 217 (1998) § 3 (part), 1998)

Chapter 19.400

GEOLOGICALLY HAZARDOUS AREAS

Sections:

19.400.405 Purpose.
19.400.410 Geologically hazardous area categories.
19.400.415 Development standards.

19.400.405 Purpose.

This section applies to all regulated uses included in this title within two hundred feet of 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. Control erosion, siltation, and water quality to protect fish and marine shellfish;
C. Provide controls to minimize shoreline erosion caused by human activity;
D. Use innovative site planning by placing geologically hazardous areas and buffers in open space and transferring density to more suitable areas on the site.

(Ord. 217 (1998) § 3 (part), 1998)

19.400.410 Geologically hazardous area categories.

A. Classification. The following categories shall be used in classifying geologically hazardous areas:
1. Geologically Hazardous Areas.
   a. Areas with slopes greater than thirty 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).
   b. Areas with slopes greater than thirty percent in grade and deemed by a qualified geologist or geotechnical engineer to meet the criteria of U, UOS, or URS.

2. Areas of Geologic Concern.
   a. Areas designated U, UOS, or URS in the Coastal Zone Atlas or Quaternary Geology and Stratigraphy of Kitsap County, with slopes less than thirty percent; or areas found by a qualified geologist to meet the criteria for U, URS, and UOS with slopes less than thirty 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 a qualified geologist to meet the criteria of I; or
   c. Slopes fifteen percent or greater, not classified as I, U, UOS, or URS, with soils classified by the Natural Resources Conservation Service as “highly erodible” or “potentially highly erodible;” or
   d. Slopes of fifteen percent or greater with springs or groundwater seepage not identified in Items 1 and 2, above; or
   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.

B. Site Specific Determinations.

Geological and Geotechnical Report Provisions: Should the 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.

(Ord. 217 (1998) § 3 (part), 1998)

19.400.415 Development standards.

This chapter applies to all regulated uses in this title or within two hundred feet of areas designated as geologically hazardous or areas of concern. The department will coordinate permit applications with the Kitsap County department of public works. Permit applications include submittals for clearing, grading and building on property containing geologically hazardous areas. Submittal documents prepared by a licensed engineer may also be required by the department of public works, pursuant to the Kitsap County Storm Water Management Ordinance.

A. Geologically Hazardous Areas and Areas of Geologic Concern.

1. Approval. Where applicable the department will approve, approve with conditions or deny the development proposal based on the department’s evaluation of specific site conditions. The department will also consider any proposed mitigation measures included in a geotechnical report, if one is submitted.

2. Public Works Requirements. The Applicant shall submit a site development activity permit application to the department of public works. The application and supporting documents shall be completed by a professional engineer licensed in the state of Washington. The submittal documents shall be determined on a site-specific basis. The documents may include any combination of, but not be limited to, construction plans, details and specifications for clearing, grading, erosion and sedimentation control, and storm
water drainage and detailed hydrological, geotechnical, soils, and drainage reports and analyses.

3. Minimum Buffer Requirement. The buffer for all geologically hazardous areas and areas of geologic concern shall include 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 (Refer to Section 19.400.410(B)).

   a. Geologically Hazardous Areas. The minimum building and impervious surface setback from the top of slope shall be equal to the height of the slope (1:1 horizontal to vertical) plus the greater of 1/3 of the vertical slope height or twenty-five feet.
   b. Areas of Geologic Concern. A minimum forty foot building and impervious surface setback shall be maintained from the top of slope. As required in subsection (3) above, the twenty-five feet adjacent to the top of the slope shall be retained as a native vegetation buffer, with an additional minimum fifteen-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 or as may be allowed under Section 19.400.410(B) (Site Specific Determinations).
   c. Toe of Slope Building Setback. A geotechnical report may be required for any new construction within two hundred feet of a geologically hazardous area. The department will make a determination based on slope height and stability indicators. Where slope hazard indicators are not identified, the requirements of the Uniform Building Code, Section 1806 will apply.

5. Buffer and Building Setback Modifications.
   a. Report Recommendations. The minimum native vegetation buffer 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 hazard and/or landslide hazard area (see Chapter 19.700, Special Reports, for geological and geotechnical report requirements). Should the geotechnical report indicate that a greater buffer and/or building setback is required than specified in subsections (A)(3) and/or (A)(4) above, the greater buffer and/or building setback shall be required. The department may determine through a site visit, a special report or mapping, that an increased buffer and/or building setback is required from the critical area.

b. 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.

6. Time Limitations. For major new development, and where required for minor new development, 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 methods of erosion control for wet weather conditions.

7. Field Marking Requirements. For major new development the proposed clearing for the project and all critical area buffers, shall be marked in the field for inspection and approval by either the department of community development or the department of public works prior to beginning work. Field marking requirements for minor new development 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 Kitsap County department of community development and the public works department. Permanent marking may be required as deter-
mended necessary to protect critical areas or its buffer.

8. 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.

9. Development Impact Standards. All discharge of runoff from the development site shall be of like quality, flow rate, and velocity as that which flowed from the site prior to development. In addition, all storm water flows shall be accepted onto, and shall be discharged from, the development site at the natural or otherwise legally existing locations. The proposed development shall not decrease the slope stability of any area within two hundred feet of the property boundary.

10. Development Risk Standard. In cases where a special report indicates a significant risk to public health, safety and welfare, the department shall deny or require revision of the site development proposal.

11. Additional Clearing Standards.
   a. Only the clearing necessary to install temporary erosion control measures will be allowed prior to the clearing for roads and utilities construction.
   b. Clearing for roads and utilities shall be the minimum necessary and shall remain within marked construction limits.
   c. Clearing for overhead power lines shall be the minimum necessary for construction and will provide the required minimum clearances of the serving utility.

12. Existing Logging Roads. Where existing logging roads occur in geologically hazardous areas or areas of geologic concern, a geological or geotechnical report may be required prior to use as a temporary haul road or permanent access road under a conversion or COHP forest practices application.

13. Clustering Requirements. The department may require clustering to increase protection to geologically hazardous areas or areas of geologic concern.

14. Vegetation Enhancement. The department may require enhancement of buffer vegetation to increase protection to geologically hazardous areas or areas of geologic concern.

15. Seismic Hazard Area Development Standards.
   a. Proposed new development within a seismic hazard area shall be in accordance with the Uniform Building Code (UBC) Earthquake Design Standards for Seismic Risk Zone 3 of Washington State.
   b. Applicants for public and commercial building proposals within seismic hazard areas shall submit a geotechnical report 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 the Uniform Building Code.
   c. All major new development in seismic hazard areas shall require a geotechnical report. Minor new development may also require a geotechnical report, as determined by the department.
   d. The development proposal may be approved, approved with conditions or denied based on the departments' evaluation of the proposed mitigation measures to reduce seismic risk.

B. Prohibitions.
   1. Critical facilities, as defined in Section 19.100.170, are prohibited in geologically hazardous areas.
   2. In geologically hazardous areas with slopes greater than eighty percent, no development will be allowed either on or within the defined buffer area, unless approved by the department after review of a geotechnical report. The defined buffer zone for geologically hazardous areas is defined in subsection (A)(4) of this section.
   3. On-site sewage disposal should be avoided in geologically hazardous areas and their buffers. In cases where such areas cannot be avoided, review by a geologist or a geotechnical engineer licensed in the state of Washington will be required in coordination with the Bremerton-Kitsap County Health District.

(Ord. 217 (1998) § 3 (part), 1998)
Chapter 19.500
FREQUENTLY FLOODED AREAS

Sections:
19.500.505 Purpose.

19.500.505 Purpose.
The purpose of this chapter 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. Pursuant to this purpose, Kitsap County uses Title 15 of this code, the Kitsap County Flood Damage Prevention Ordinance, adopted by reference, which designates special flood hazard areas and establishes permit requirements for these areas.

In addition, the Kitsap County department of public works storm water division GIS database for critical drainage areas, as defined in Chapter 12.28 of this code, will be included for areas of review under frequently flooded areas.

(Ord. 217 (1998) § 3 (part), 1998)

Chapter 19.600
CRITICAL AQUIFER RECHARGE AREAS

Sections:
19.600.605 Purpose.
19.600.610 Critical aquifer recharge area categories.
19.600.615 Development standards.

19.600.605 Purpose.
The intent of this chapter is to provide water quality protection associated with aquifer recharge areas through the regulation of land use activities that pose a potential contaminant threat or could increase the vulnerability of the aquifer. It is the policy of Kitsap County to accomplish the following:

1. Identify, preserve and protect aquifer recharge areas and prevent degradation of the quality of potable groundwater;
2. Recognize the relationship between surface and groundwater resources; and
3. Balance competing needs for water while preserving essential natural functions/processes.

(Ord. 217 (1998) § 3 (part), 1998)

19.600.610 Critical aquifer recharge area categories.

A “critical aquifer recharge area” is a geographical area which provides the recharge to an aquifer(s) which is a current or potential potable water source and, due to its geological properties, is highly susceptible to the introduction of pollutants, or because of special circumstances, has been designated as a critical aquifer recharge area in accordance with WAC 365-190-080 by the county. Critical aquifer recharge areas under this title may be established based on general criteria or specifically designated due to special circumstances.

A. Category I – Critical Aquifer Recharge Areas.
   1. The following general criterion is established to designate critical aquifer recharge areas:

   Wellhead Protection Zones Around Group A Water System Supply Wells:
   a. Areas inside the one-year time of travel zone for Group A water system wells, calculated in accordance with the Washington State Well Head Protection Program.
   b. Five-year time of travel zones in wellhead protection areas are included as critical aquifer recharge areas under the following condition: The five-year time of travel zone is included when the well draws its water from an aquifer that is at or above sea level and is overlain by permeable soils listed in subsection (B)(1) of this section without an underlying protective impermeable layer (see below).

   2. The following has been designated a critical aquifer recharge area due to special circumstances:

   Hansville Aquifer Recharge Area.

   The Hansville aquifer recharge area has been designated as a critical recharge area under the county’s SEPA Ordinance (Chapter 18.04 of this code). The Hansville aquifer re-
charge area is a significant potable water supply that has been deemed to be highly susceptible to the introduction of pollutants.

In the future, additional areas such as the ten-year time of travel zones for wells or other aquifer recharge areas of concern, as identified through the county groundwater management plan, Wellhead protection analysis or other studies which identify areas of special circumstances, will be considered for designation as critical aquifer recharge areas.

B. Category II – Aquifer Recharge Areas of Concern. Areas which provide recharge to aquifers that provide current or potential potable water supplies and are vulnerable to contamination, and meet any one of the following general criteria:

1. Highly Permeable Soils. Locations where surface soil layers are highly permeable. Soils that have relatively high permeability high infiltration potential may provide for groundwater recharge, but also may enhance transfer of contaminants from the surface to ground water. For these reasons the locations where surface soils are highly permeable are considered aquifer recharge areas of concern.

The general location and characteristics of soils in Kitsap County is given in the Soil Survey of Kitsap County by the U.S. Department of Agriculture, Natural Resources Conservation Service (SCS). The soil survey information is available on the Kitsap County geographic information system (GIS). The following soil types are considered to have relatively high permeability and are aquifer recharge areas of concern.

The following soils have relatively high infiltration:

<table>
<thead>
<tr>
<th>SCS Soil Name</th>
<th>SCS Soil Map Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grove</td>
<td>11, 12, 13</td>
</tr>
<tr>
<td>Indianola</td>
<td>18, 19, 20, 21</td>
</tr>
<tr>
<td>Neilton</td>
<td>34, 35, 36</td>
</tr>
<tr>
<td>Norma</td>
<td>37, 38</td>
</tr>
<tr>
<td>Poulsbo/Ragnar</td>
<td>41, 42, 43, 44, 45, 46, 47</td>
</tr>
</tbody>
</table>

2. Areas above Shallow Principal Aquifers. Surface areas above shallow, principal aquifer(s) (See Appendix “F,” Chapter 19.800) which are not separated from the underlying aquifers by an impermeable layer that provides adequate protections to preclude the proposed land use from contaminating the shallow aquifer(s) below, are considered aquifer recharge areas of concern. This generally includes principal aquifers in subsurface hydrogeologic units Og1, Og1a, Og2 and portions of Og3 that are within three hundred feet of the ground surface.

3. Areas with high concentration of Group B water system well and private domestic wells. Locations with well concentrations of thirty-six map units or more within a one-half mile radius of the proposed land use are considered aquifer recharge areas of concern.

(Ord. 217 (1998) § 3 (part), 1998)

19.600.615 Development standards.

Standards for development shall be in accordance with the provisions below and the requirements of the underlying zoning.

A. A hydrogeological report will be required on sites that have been identified as having characteristics with high infiltration rates, or having a high aquifer recharge or infiltration potential for land uses identified in Table 5, unless determined unnecessary upon coordination with agencies with jurisdiction (Bremerton-Kitsap County Health District and/or affected water purveyors). This evaluation shall apply to impacts on both groundwater and surface water, as it relates to recharge areas (See requirements in Special Reports, Chapter 19.700).

B. Affected water purveyors will be notified and requested 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.
C. 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 statutes of the Revised Code of Washington, or local regulations.

In addition to the general standards above, the following will apply:

1. Category I – Critical Aquifer Recharge Areas. Land uses identified in Table 5 are prohibited in critical aquifer recharge areas. Requests for waivers shall include a hydrogeological report which includes a detailed risk-benefit analysis that considers credible, worst-case scenarios. The waiver will be evaluated and treated as a special use review, similar to the process in Chapter 19.200 (Wetlands), by the review department, the health district, and the affected water purveyors.

2. Category II – Aquifer Recharge Areas of Concern. Applicants proposing operations that pose a potential threat to groundwater as defined in Table 5 in aquifer recharge areas of concern may be required to submit a hydrogeological report. The scope of the report shall be based on site-specific conditions. 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 requirements will be established as a prerequisite for the development proposal being approved.

3. The department will also notify the health district and affected water purveyors through the environmental review process, when those development activities listed in Table 5 are proposed outside the areas designated critical aquifer recharge areas and aquifer recharge areas of concern.

(Ord. 217 (1998) § 3 (part), 1998)

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**TABLE 5, "OPERATIONS WITH POTENTIAL THREAT TO GROUNDWATER" IS SHOWN ON THE NEXT PAGE**
<table>
<thead>
<tr>
<th>Table 5. Operations With Potential Threat to Groundwater</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Above &amp; Below ground storage tanks</td>
</tr>
<tr>
<td>1. Hazardous and industrial waste treatment</td>
</tr>
<tr>
<td>2. Hazardous and industrial waste storage</td>
</tr>
<tr>
<td>3. Hazardous material storage</td>
</tr>
<tr>
<td>B. Animal feedlots</td>
</tr>
<tr>
<td>C. Commercial operations</td>
</tr>
<tr>
<td>1. Gas stations/service stations/truck terminals</td>
</tr>
<tr>
<td>2. Petroleum distributors/storage</td>
</tr>
<tr>
<td>3. Auto body repairs shops/rustproofers</td>
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<tr>
<td>4. Auto chemical supply storers/retailers</td>
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<tr>
<td>5. Truck, automobile, and combustion engine repair shops</td>
</tr>
<tr>
<td>6. Dry cleaners</td>
</tr>
<tr>
<td>7. Photo processors</td>
</tr>
<tr>
<td>8.* Auto washes</td>
</tr>
<tr>
<td>9.* Laundromats</td>
</tr>
<tr>
<td>10.* Beauty Salons</td>
</tr>
<tr>
<td>11. Research or chemical testing laboratories which handle significant quantities of hazardous materials</td>
</tr>
<tr>
<td>12. Food processors/meat packers/slaughter houses</td>
</tr>
<tr>
<td>13. Airport maintenance/fueling operation areas</td>
</tr>
<tr>
<td>14. Junk and salvage yards</td>
</tr>
<tr>
<td>15. Storing or processing manure, feed, or other agriculture by products by commercially permitted businesses</td>
</tr>
<tr>
<td>16. Large scale storage or use of pesticides, insecticides, herbicides, or fertilizer by commercial or agricultural operations.</td>
</tr>
<tr>
<td>D. Deep injection wells</td>
</tr>
<tr>
<td>1. Waste-water disposal wells</td>
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<tr>
<td>2. Oil and gas activity disposal wells</td>
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<tr>
<td>3. Mineral extraction disposal wells</td>
</tr>
<tr>
<td>E. De-icing salts storage piles</td>
</tr>
<tr>
<td>F. Industrial operations</td>
</tr>
<tr>
<td>1. Furniture strippers/painters/finishers</td>
</tr>
<tr>
<td>2. Concrete/asphalt/tar/coal companies</td>
</tr>
<tr>
<td>3. Industrial manufacturers: chemicals, pesticides/herbicides, paper, leather products, textiles, rubber, plastic/fiberglass, silicone/glass, pharmaceuticals, electrical equipment</td>
</tr>
<tr>
<td>4. Metal platers/heat treaters/smelters/annealers/descalers</td>
</tr>
<tr>
<td>5. Wood preserves</td>
</tr>
<tr>
<td>6. Chemical reclamation facilities</td>
</tr>
<tr>
<td>7. Boat refinishers</td>
</tr>
<tr>
<td>G. Land application</td>
</tr>
<tr>
<td>1. Waste-water application (spray irrigation)</td>
</tr>
<tr>
<td>2. Waste-water byproduct (sludge) application</td>
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<tr>
<td>3. Petroleum refining waste application</td>
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<tr>
<td>4. Hazardous waste applications</td>
</tr>
<tr>
<td>H. Landfills</td>
</tr>
<tr>
<td>1. Industrial hazardous and non-hazardous landfill</td>
</tr>
<tr>
<td>2. Municipal sanitary landfill</td>
</tr>
<tr>
<td>I. Material transfer operations</td>
</tr>
<tr>
<td>1. Hazardous and industrial waste transfers</td>
</tr>
<tr>
<td>2. Hazardous material transfers</td>
</tr>
<tr>
<td>J. Materials stockpiles</td>
</tr>
<tr>
<td>K. Mining and mine drainage</td>
</tr>
<tr>
<td>L. On-site Septic Systems (LOSS category) of greater than 14,500 G.P.D. capacity without pre-treatment</td>
</tr>
<tr>
<td>M. Pipelines</td>
</tr>
<tr>
<td>1. Hazardous and industrial waste transfer</td>
</tr>
<tr>
<td>2. Hazardous material transfer</td>
</tr>
<tr>
<td>N. Radioactive disposal sites</td>
</tr>
<tr>
<td>O. Sand and gravel mining operations</td>
</tr>
</tbody>
</table>

* If not on a sewer system with a treatment plant.

(Ord. 217 (1998) § 3 (part), 1998)
Chapter 19.700
SPECIAL REPORTS

Sections:
19.700.010 Special reports.
   I. Wetland Report/Wetland Mitigation Plan
   II. Habitat Management Plan
   III. Geotechnical Report /Geological Report
   IV. Hydrogeological Report

19.700.010 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:
      I. Wetland Report/Wetland Mitigation Plan.
      II. Habitat Management Plan.
      IV. Hydrogeological Report.
   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 when special reports are required.

   C. Special Reports – Responsibility for Completion. The applicant shall pay for or reimburse the county for the costs incurred in the preparation of special reports or tests and for the costs incurred by the county to engage technical consultants or staff for review and interpretation of data and findings submitted by or on behalf of the applicant. The applicant shall pay permit fees or technical assistance fees as required by the Kitsap County Zoning Ordinance, as now or hereafter amended. In such circumstances where a conflict in the findings of a special report and the findings of the county in review of the special report exists, the applicant or affected party 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 prepared by a professional (as described in Chapter 19.100), shall include his or her resume, or other list of qualifications, to aid the department in assessing these qualifications.

(Ord. 217 (1998) § 3 (part), 1998)

SPECIAL REPORTS START ON THE NEXT PAGE
I. WETLAND REPORT/WETLAND MITIGATION PLAN

Wetland Delineation Report.

A wetland report shall include, but not necessarily 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 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.;
   5. Contours at the smallest readily available intervals, preferably at two-foot intervals;
   6. Hydrologic mapping showing patterns of surface water movement and known sub-surface 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.
D. A report which includes the following:
   1. Location information (legal description, parcel number and address);
   2. Delineation Report. The wetland boundaries on the site established by the delineation shall be staked and flagged in the field. If the wetland extends outside the site, the delineation report shall discuss all wetland areas within one hundred fifty feet of the site, but need only delineate those wetland boundaries within the site;
   3. General site conditions including topography, acreage, and surface areas of all wetlands identified in the Kitsap County Wetland Atlas and water bodies within one quarter mile of the subject wetland(s);
   4. Hydrological analysis, including topography, of existing surface and known significant sub-surface flows into and out of the subject wetland(s);
   5. Analysis of functional values of existing wetlands, including vegetative, fauna, and hydrologic conditions;
   6. A summary of proposed activity and potential impacts to the wetland(s);
   7. Recommended wetland category, including rationale for the recommendation;
   8. Recommended buffer boundaries, including rationale for boundary locations;
   9. 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.

Administrative Wetland Boundary and Ranking Evaluation.

A. An informal determination of the regulated wetland boundary and an evaluation of any unranked regulated wetland may be completed by the department for any minor new development 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 the Kitsap County Zoning Ordinance.

B. 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.

C. The wetland boundary shall be field staked and this line shall be depicted on the building site plan application.

D. 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.

**Wetland Mitigation Report.**

A. Whenever the department has determined that losses of regulated wetlands are necessary and unavoidable, or a review of a regulated wetland or its buffer is proposed, or an exception to uses is allowed or a variance to standards is granted, a mitigation plan shall be prepared which is considered in the following order of preference:

1. Avoiding the impact altogether by not taking a certain action or parts of actions. This may be accomplished by selecting a reasonable alternative that does not involve wetlands or wetland impacts; applying reasonable mitigation measures, such as drainage and erosion control, alternative site planning, and/or using best available technology. In reviewing development proposals required to submit a wetlands mitigation plan, the department shall first determine if the impact can be avoided (e.g., impacts cannot be avoided if denial of the development proposal or parts thereof or mitigation measures would result in an extraordinary hardship and denial of reasonable use of property).

2. 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. This may be accomplished by selecting a reasonable alternative that avoids most wetland impacts, applying reasonable mitigation measures, such as drainage and erosion control, alternative site planning, and/or using best available technology. In reviewing development proposals required to submit a wetlands mitigation plan, the department shall determine if the impact can be first avoided and secondly minimized. Impacts cannot be avoided or minimized if denial of the development proposal or parts thereof or mitigation measures would result in an extraordinary hardship and denial of reasonable use of property.

3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment. This may be done by re-establishing wetland and wetland buffer characteristics on a site which have been lost by alterations or activities. Rectifying shall be accomplished in accordance with the requirements in the subsection (D) below and has been approved by the department. In reviewing development proposals required to submit a wetlands mitigation plan, the department shall determine if the impact should be rectified. Impacts can be rectified if mitigation measures would not result in an extraordinary hardship and denial of reasonable use of the property.

4. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments. This may be done by intentionally creating wetlands and wetland buffers at another location where none currently exist, improving existing wetlands and wetland buffers at another location, or otherwise providing a substitute wetland resource at another location as compensation for any unavoidable adverse wetland impacts. Compensating shall be accomplished in accordance with a mitigation plan, which has been prepared in accordance with the requirements in subsection (D) below and has been approved by the department. In reviewing development proposals required to submit a wetlands mitigation plan, the department shall determine if the impact should be compensated. Impacts can be compensated if compensation and mitigation measures would not result in an extraordinary hardship and denial of reasonable use of property. Compensation of wetland impacts may be waived by the department for development authorized by Section 19.100.140 (Reasonable Use Exception).

B. The overall goal of any mitigation plan shall be no net loss of regulated wetland functions and acreage.

C. Those persons proposing wetland compensatory projects shall show that the compensation project is associated with an activity or development otherwise permitted and that the restored, created, or enhanced
wetland will be as persistent as the wetland it replaces by accomplishing the following:

1. Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the project;

2. Demonstrate the capability for monitoring the site and for making corrections during this period, if the project fails to meet projected goals; and

3. Protect and manage or provide for the protection and management of the compensation area to avoid further development or degradation.

D. Wetland mitigation plans shall be implemented by the project applicant, and include the following components:

1. Baseline Information. A written assessment and accompanying maps of the impacted wetland shall be produced by the applicant or applicant’s consultant and shall include, at a minimum: Existing wetland acreage; vegetative, faunal and hydrologic characteristics; soil and substrate conditions; and topographic elevations.

2. If the compensation site is off-site from the impacted wetland site, baseline information about it, in addition to the above information about the impacted wetland, shall be provided by the applicant and shall include all those items listed in subsection (D)(1) above as well as: The relationship of the compensation site within the watershed and to existing water bodies; existing and proposed existing compensation site conditions; buffers; and ownership.

3. Environmental Goals and Objectives. The report shall identify goals and objectives and include:

a. The purposes of the compensation measures including a description of site selection criteria, identification of compensation goals, identification of target evaluation species and resource functions, dates for beginning and completion of compensation measures, and a complete description of the structure and functional relationships sought in the new wetland. The goals and objectives shall be related to the functions of the original wetland or, if out-of-kind, the type of wetland to be emulated; and

b. A review of the available literature and/or experience to date in restoring or creating the type of wetland proposed shall be provided. An analysis of the likelihood of success of the compensation project at duplicating the original wetland shall be provided based on the experiences of comparable projects, if any. An analysis of the likelihood of persistence of the created or restored wetland shall be provided based on such factors as: surface and groundwater supply and flow patterns; dynamics of the wetland ecosystem; sediment or pollutant influx and/or erosion; periodic flooding and drought, etc.; presence of invasive flora or fauna; potential human or animal disturbance; and previous comparable projects, if any.

4. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the mitigation plan are being achieved at various stages in the project and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.

5. Detailed Construction Plans. Written specifications and descriptions of compensation techniques shall be provided including the proposed construction sequence, grading and excavation details, erosion, sediment and storm water recharge control features needed for wetland construction and long-term survival, a planting plan specifying plant species, quantities, locations, size, spacing, and density; the source of plant materials, propagules, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrate stockpiling techniques and planting instructions; descriptions of water control structures and water-level maintenance practices needed to achieve the necessary hydrocycle/hydroperiod characteristics, etc. These
written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations which are appropriate for the desired habitat type(s) and which provide sufficient tidal prism and circulation data.

6. Monitoring Program. A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring must include sufficient information to adequately assess the progress of a project. Monitoring may include, but is not limited to:

a. Establishing vegetation plots to track changes in plant species composition and density over time;

b. Using photo stations to evaluate vegetation community response;

c. Sampling surface and subsurface waters to determine pollutant loading and changes from the natural variability of background conditions (pH, nutrients, heavy metals);

d. Measuring base flow rates and storm water runoff to model and evaluate water quantity predictions by a licensed engineer in the state of Washington, where required;

e. Measuring sedimentation rates, if applicable; and

f. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity. A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted annually, and at a minimum, documenting milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period of less than three years.

7. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken, when monitoring or evaluating indicates project performance standards are not being met.

8. Permit Conditions. Any compensation project prepared pursuant to this section and approved by the department shall become part of the application for the permit.

E. Performance Bonds and Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the compensation project shall be provided. A compensation project manager shall be named, and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. In addition, bonds ensuring fulfillment of the compensation project, monitoring program, and any contingency measure shall be posted in the amount of one hundred fifty percent of the expected cost of compensation and shall be effective for a period of no less than three years and no greater than ten years after completion of the mitigation plan.

F. 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.

G. List of Qualified Consultants. The department shall establish a list of qualified consultants to prepare mitigation plans.

(Ord. 217 (1998) § 3 (part), 1998)
II. HABITAT MANAGEMENT PLAN

A. This report shall identify how the development impacts from the proposed project will be mitigated. The Washington Department of Fish and Wildlife, *Priority Habitat and Species 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. The recommendation in the Washington Department of Fish and Wildlife, *Priority Habitat and Species Management Recommendations*, dated May 1991, shall not serve as mandatory standards or policy of this title, until such time as the Department of Fish and Wildlife holds public hearings on the recommendations and the State Wildlife Commission endorses the recommendations following the public hearings.

B. The habitat management plan shall contain a map prepared at an easily readable scale, showing:
   1. The location of the proposed development site;
   2. The relationship of the site to surrounding topographic, water features, and cultural features;
   3. Proposed building locations and arrangements;
   4. A legend which includes a complete legal description, acreage of the parcel, scale, north areas, and date of map revision.

C. The habitat management plan shall also contain a report which describes:
   1. The nature and intensity of the proposed development;
   2. An analysis of the effect of the proposed development, activity or land use change upon the wildlife species and habitat identified for protection; and
   3. A plan which identifies how the applicant proposes to mitigate any adverse impacts to wildlife habitats created by the proposed development. (See, in this chapter; Report I, “Wetland Report/Wetland Mitigation Plan” requirements.)

D. Possible mitigation measures to be included in the report, or required by the department, could include, but are not limited to:
   1. Establishment of buffer zones;
   2. Preservation of critically important plants and trees;
   3. Limitation of access to habitat areas;
   4. Seasonal restriction of construction activities; and
   5. Establishing phased development requirements and/or a timetable for periodic review of the plan.

E. This plan shall be prepared by a person who has been educated in this field and has professional experience as a fish or wildlife biologist. For minor new development, land divisions of fourteen lots or less and low income housing, the department shall complete the plan unless the applicant wishes to employ a qualified professional at the applicant’s expense. Fees may be collected for this plan as specified in Kitsap County’s Zoning Ordinance. Where this plan is required for the protection of an eagle habitat, the eagle habitat management plan shall normally be prepared by the Department of Fish and Wildlife, as required under the bald eagle management rules. (Ord. 217 (1998) § 3 (part), 1998)
III. GEOTECHNICAL REPORT AND GEOLOGICAL REPORT

A. A geotechnical report shall include a description of the site geology, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, opinions and recommendations of the adequacy of the site to be developed, the effects of groundwater interception and infiltration, seepage, potential slip planes, and changes in soil bearing strength, and the impacts of the proposed development and appropriate mitigating measures. A geotechnical report may contain information obtained with subsurface investigative measures such as test pit digging, soil boring, water well installation or Dutch Cone penetrometer investigations. Reports containing engineering design recommendations, i.e., recommendations for foundations (loading, sizing, depth, or settlement estimates), pile or pier design, retaining structures, or recommendations for construction on slopes steeper than thirty, must be prepared by or in conjunction with a licensed geotechnical engineer as defined below.

A geological report shall include the above, with the exception of engineering design recommendations, and need not make use of subsurface investigative measures. As the report will not include engineering recommendations, a geological report may be prepared by a geologist or engineering geologist as defined below.

B. Geotechnical reports shall be prepared by a geotechnical engineer (a civil engineer licensed by the state of Washington who is knowledgeable of regional geologic conditions and who has at least four years professional experience in landslide and/or seismic hazard evaluation). Geological reports may be prepared by a geologist, engineering geologist or geotechnical engineer knowledgeable in regional geologic conditions and having at least four years' professional experience in site evaluation and development studies, and landslide and/or seismic hazard evaluation.

C. Report recommendations for siting structures in high-risk areas shall be based on existing site conditions rather than measures that have not yet been successfully approved, designed or constructed (e.g., slope recontouring, slope retaining walls, vegetation improvements, bulkheads, etc.). Shoreline bulkheads and retaining walls may only be utilized as an engineering solution where it can be demonstrated that an existing residential structure cannot be safely maintained without such measures, and that the resulting retaining wall is the minimum necessary to provide a stable building area for the structure.

(Ord. 217 (1998) § 3 (part), 1998)
IV. HYDROGEOLOGICAL REPORT

A hydrogeological report shall be required for certain proposed operations based on a consultation with the appropriate local and state agencies. The report shall address the impact the proposed land use will have on both the quality and quantity of the water transmitted to the aquifer. The report shall also address the types of pesticides and herbicides and fertilizers that can safely be used for the care of landscaping proposed by the applicant.

1. The report shall be submitted to the reviewing authority and address, at a minimum, the following criteria:
   a. Surficial soil type and geologic setting;
   b. Location and identification of wells within 1,000 feet of the site;
   c. Location and identification of surface water bodies and springs within 1,000 feet of the site with recharge potential;
   d. Description of underlying aquifers and aquitards, including water level, gradients and flow direction;
   e. Available surface water and groundwater quality data;
   f. Effects of the proposed development on water quality;
   g. Sampling schedules required to assure water quality;
   h. Discussion of the effects of the proposed development on the groundwater resource;
   i. Recommendations on appropriate BMP's (Best Management Practices) or mitigation to assure no significant degradation of groundwater quality; and
   j. Other information as required by the Bremerton-Kitsap County Health District.

2. The hydrogeologic report shall be prepared by a professional geologist/hydrologist or by a soil scientist with a strong background in geology as demonstrated by course work from an accredited college or university and/or has a minimum of five years' experience.

3. Applications for development or operations with underground storage of petroleum products will be processed using the appropriate procedure as specified in existing Kitsap County ordinances.

4. Analysis for a specific parcel(s), using the criteria outlined below, will be employed to determine if the soils present require a recharge area designation. Data collection will include, at a minimum: Six soil logs to a depth of ten feet (or to a depth four feet below the lowest proposed excavation point whichever is greater) for each acre in the parcel(s) being evaluated. At least one well which is two hundred feet or greater in depth with an adequate drilling report must be available within one mile. The associated data shall be analyzed and included in the hydrogeologic report to determine the presence of highly permeable soils with the recharge area designation.

   For development proposals within aquifer recharge areas of concern, the hydrogeological report may be based on quarter-quarter section basis locations where the number of wells within a half-mile radius is thirty-six or more, and are designated aquifer recharge areas. To facilitate computer analysis, the evaluation may be done on a quarter-quarter section basis using the quarter-quarter section in which a parcel of interest is located and all the surrounding quarter-quarter sections, in place of the half-mile circle.

(Ord. 217 (1998) § 3 (part), 1998)
Chapter 19.800

APPENDICES

The purpose of the appendices is to provide supporting documentation to assist in the imple-
mentation of the ordinance codified in this title.

Contents:

Appx. C Kitsap County's GIS Database of Critical Areas Information.
Appx. D Site Development Figures.
Appx. E Kitsap County Critical Area and Buffer Notice.
Appx. F Kitsap County Shallow Principal Aquifer Listing.
APPENDIX A

WASHINGTON STATE WETLANDS RATING SYSTEM CATEGORIES

This system utilizes a four-tier process. The following text includes an additional categorization system for wetlands.

A. Category I Wetlands.

1. Habitat for endangered or threatened fish or animal species or for potentially eradicated plant species recognized by state or federal agencies;

2. 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; or

3. Wetlands of exceptional local significance. The criteria for determining exceptional local significance shall include, but not be limited to the following factors: rarity; high aquifer recharge function; a significant habitat or unique educational site, including but not limited to unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or consideration of other specific functional values.

B. Category II Wetlands.

These wetlands satisfy no Category I criteria and are:

1. Wetlands with significant habitat value of 22 or more points from the State Rating System; or

2. Habitats for sensitive plant, fish or animal species recognized by federal or state agencies; or

3. Rare wetland communities listed in subsection (A)(2) (under Category I) which are not high quality; or

4. Wetland types with significant functions which cannot be adequately replicated through creation or restoration. These are demonstrated by the following characteristics:
   a. Significant peat systems;
   b. Forested wetlands that have three canopy layers, excluding single species stands of red alder averaging eight inches in diameter at breast height or less; or
   c. Significant spring fed systems; or

5. Wetlands with significant habitat value based on diversity and size; or

6. Wetlands five acres or greater in size, and containing open water at any time during a normal year, and two or more subclasses of vegetation in a dispersed pattern; or

7. Wetlands contiguous with salmonid fish-bearing water, including streams where flow is intermittent; or

8. Wetlands with significant use by fish and wildlife.

19-55
C. Category III Wetlands.
Wetlands that do not contain features outlined in Category I or II, but have one or more of the following features:

1. Wetlands with a habitat value of 21 points or less from the State Rating System;
2. Wetlands that are contiguous with a stream, river, pond, lake or marine water; or
3. Isolated wetlands larger than one acre; or
4. Wetlands (isolated or contiguous) that provide a critical Aquifer recharge function; or
5. Wetlands more than .5 acre that have less than eighty percent cover of hardhack, soft rush or alder at least twenty years of age; or
6. Wetlands more than .5 acre that have less than eighty percent cover of non-native species, including, but not limited to, reed canary grass and common pasture grasses.

D. Category IV Wetlands.
Wetlands which do not meet the criteria of a Category I, II or III wetland; and

1. Isolated wetlands that are less than or equal to one acre in size, are hydrologically isolated, have only one wetland class, and have only one dominant plant species (>80% area cover of monotypic vegetation); or
2. Isolated wetlands that are less than or equal to two acres in size, are hydrologically isolated, have only one wetland class and a predominance of exotic species (>90% area cover.)

E. Additional Categorization Standards.
Portions of a Category I or II wetland may be classified as a Category II or III wetland based upon its functional characteristics if it meets the following criteria:

1. The portion of the wetland subject to Category III distinction meets the minimum threshold of 2,500 sq. ft. required for regulatory purposes;
2. The portion of the wetland subject to Category II or III distinction meets the technical criteria required for a Category II or III wetland, as determined in the Wetland Rating System;
3. The portion of the wetland rated lower in category that functions as a buffer for the portion of the wetland rated higher in category;
4. The portion of the wetland rated lower in category which has a width of at least twice the required buffer width of that portion of the wetland immediately within two hundred feet of it that is rated higher in category.
APPENDIX B

WASHINGTON STATE
DEPARTMENT OF NATURAL RESOURCES
STREAM TYPING SYSTEM

A. "Type 1 Streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-30(1) as amended, as a Type 1 Water and are inventoried as "Shorelines of the State" under the Shoreline Management Master Program for Kitsap County, pursuant to RCW Chapter 90.58. Type 1 waters contain salmonid fish habitat.

B. "Type 2 Streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-6-030(2) as amended, as a Type 2 Water. Type 2 streams contain habitat for salmonid fish, game fish and other and anadromous fish.

C. "Type 3 Streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-6-030(3) as amended, as a Type 3 Water. Type 3 streams contain habitat for salmonid fish, game fish and other and anadromous fish.

D. "Type 4 Streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-6-030(4) as amended, as a Type 4 Water. Type 4 waters do not contain salmonid fish habitat.

E. "Type 5 Streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-6-030(5) as amended, as a Type 5 Water. These streams are areas of perennial or intermittent seepage, ponds, and drainage ways having short periods of spring or storm runoff. Type 5 waters do not contain salmonid fish.
## APPENDIX C

### KITSAP COUNTY'S GIS DATABASE OF CRITICAL AREAS INFORMATION

<table>
<thead>
<tr>
<th>CRITICAL AREA*</th>
<th>DATA</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetlands</td>
<td>National Wetlands Inventory</td>
<td>U.S. Fish and Wildlife Service</td>
</tr>
<tr>
<td></td>
<td>Hydric Soils, Soil Survey of Kitsap County Area, Washington</td>
<td>U.S. Dept. of Agriculture, Soil Conservation Service</td>
</tr>
<tr>
<td>Aquifers</td>
<td>Critical Aquifer Recharge Areas</td>
<td>Kitsap PUD #1</td>
</tr>
<tr>
<td></td>
<td>Aquifer Recharge Areas of Concern</td>
<td>Kitsap PUD #1</td>
</tr>
<tr>
<td></td>
<td>Principle Aquifers</td>
<td>Kitsap PUD #1</td>
</tr>
<tr>
<td></td>
<td>Permeable Soils, Soil Survey of Kitsap County Area, Washington</td>
<td>U.S. Dept. of Agriculture, Soil Conservation Service</td>
</tr>
<tr>
<td>Fish &amp; Wildlife Habitat Conservation Areas</td>
<td>National Wetlands Inventory</td>
<td>U.S. Fish and Wildlife Service</td>
</tr>
<tr>
<td></td>
<td>Non-Game &amp; Priority Habitat and Species Database</td>
<td>State Dept. of Fish &amp; Wildlife</td>
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<tr>
<td></td>
<td>Washington Rivers Information System Database</td>
<td>State Dept. of Fish &amp; Wildlife</td>
</tr>
<tr>
<td></td>
<td>Commercial and Recreational Shellfish Area Inventory</td>
<td>State Dept. of Health</td>
</tr>
<tr>
<td></td>
<td>Waters of the State</td>
<td>State Dept. of Natural Resources</td>
</tr>
<tr>
<td>Frequently Flooded Areas</td>
<td>Flood Insurance Rate Map</td>
<td>Federal Emergency Management Agency</td>
</tr>
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<td></td>
<td>Quaternary Geology and Stratigraphy of Kitsap County</td>
<td>Jerald Deeter, 1979</td>
</tr>
<tr>
<td></td>
<td>Soil Survey of Kitsap County Area, Washington</td>
<td>U.S. Dept. of Agriculture, Soil Conservation Service</td>
</tr>
</tbody>
</table>

* Critical Areas as identified under RCW 36.70A.030(5).
Protecting Critical Areas in Residential Sites

Site Characteristics Before Development
The site drawing above shows the location and types of critical areas and the required buffers.

Site Plan Showing Development
You must identify specific items on your site plan development proposal:
- Location of known critical areas
- Location of the proposed building
- Distance of proposed building from critical areas
- Required vegetated buffer widths on critical areas (Make a note on the plan which reads, "Natural vegetation buffer; existing natural vegetation to remain.")
- North arrow and plan scale
APPENDIX D (Cont'd.)

SITE DEVELOPMENT FIGURES (Cont'd.)

\[
\text{Percent Slope Calculation}
\]

Slope is calculated by dividing the vertical distance by the horizontal distance, then multiplying the result by 100. Example:

\[
\frac{\text{Vertical Distance of 20 feet}}{\text{Horizontal Distance of 100 feet}} = \frac{20}{100} = 20\% \text{ slope}
\]

The 25-foot minimum vegetated buffer and building setback for slopes over 30%. Building setbacks are determined by the slope height or information from a geotechnical report.

Geologically Hazardous Areas
APPENDIX E
KITSAP COUNTY CRITICAL AREA AND BUFFER NOTICE

Return Address:
________________________________________
________________________________________
________________________________________

KITSAP COUNTY
CRITICAL AREA AND BUFFER NOTICE

Legal Description
Sec_________ Twn_________ Rge_________

Present Owner (Please Print):
________________________________________
________________________________________
________________________________________

Tax Account #: ____________________________

NOTICE: The subject property contains a critical area and/or its required buffer as defined by the Kitsap County Department of Community Development’s Critical Area Ordinance. The property was the subject of a development proposal for _____ [type of permit] [application #] ______, filed on ______ [date] ______, 19______. Restrictions on use or alteration of the critical area and/or its buffer may exist due to natural conditions of the property and resulting regulations. Review of such application has provided information on the location of the critical area and/or its buffer and restrictions on their use through setback areas. A copy of the plan showing such setback areas is included in the above-referenced permit file. Any alterations to the critical area and/or its buffer will be subject to further review for compliance with the Kitsap County Critical Areas Ordinance.

EXECUTED this _______ day of _________, 19_____.

STATE OF WASHINGTON )
)
COUNTY OF KITSAP )

On this day personally appeared before me ________________________, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the ______ day of _________, 19_____.

__________________________
Notary Seal

NOTARY PUBLIC in and for the State of Washington, residing at ____________________________

19-61
APPENDIX F
KITSAP COUNTY SHALLOW PRINCIPAL AQUIFER LISTING

The following is a list of shallow principal aquifers that have been designated by an overlay as “aquifer recharge areas of concern.”

**Approximate Elevations**

<table>
<thead>
<tr>
<th>Aquifer</th>
<th>Location</th>
<th>Elevation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Og1a</td>
<td>Hansville</td>
<td>+250</td>
</tr>
<tr>
<td></td>
<td>Gorst</td>
<td>+50</td>
</tr>
<tr>
<td></td>
<td>North Lake (McCormick Woods)</td>
<td>+300</td>
</tr>
<tr>
<td></td>
<td>Port Gamble</td>
<td>+100</td>
</tr>
<tr>
<td>Og2</td>
<td>Island Lake (upper)</td>
<td>+150</td>
</tr>
<tr>
<td></td>
<td>Port Gamble South</td>
<td>-50</td>
</tr>
<tr>
<td></td>
<td>Wilson Creek</td>
<td>+150</td>
</tr>
<tr>
<td>Og3</td>
<td>Bangor (upper)</td>
<td>+100</td>
</tr>
<tr>
<td></td>
<td>Clam Bay</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Edgewater</td>
<td>+130</td>
</tr>
<tr>
<td></td>
<td>Island Lake</td>
<td>+150</td>
</tr>
<tr>
<td></td>
<td>Kingston (upper)</td>
<td>-25</td>
</tr>
<tr>
<td></td>
<td>Poulsbo</td>
<td>+225</td>
</tr>
<tr>
<td></td>
<td>Manette-Bremerton North</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Seabeck</td>
<td>+100</td>
</tr>
<tr>
<td></td>
<td>Suquamish-Miller Bay</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Yukon</td>
<td>0</td>
</tr>
</tbody>
</table>
Kitsap County Department of Community Development
Departmental Interpretation: Habitat Management Plans
for Threatened Salmon Species
Kitsap County Critical Areas Ordinance KCC 18.16.310-315, Section 700.II

I. Purpose

The purpose of this Departmental Policy is to provide guidance for those provisions of the Kitsap County Critical Areas Ordinance (CAO) regarding Class I Wildlife Conservation Areas, as defined in Section 18.16.310.A.

This Departmental interpretation identifies areas considered to be Class I Wildlife Conservation Areas due to the May 24, 1999 federal listing of Hood Canal summer chum salmon and Puget Sound chinook salmon as threatened species under the Endangered Species Act (ESA). Under the CAO, any development activity within a Class I Wildlife Conservation Area requires the approval of a Habitat Management Plan (HMP) by the Department.

The Department provides two ways for applicants to comply with the HMP requirements. Option A provides a set of standards that, when applied, will automatically meet the requirements for an HMP. Applicants may choose Option B and propose habitat protection measures other than those measures prescribed in Option A. Applicants choosing to follow Option B should consult Sections 300 and 700 of the CAO. The County retains the authority to approve or disapprove development activities subject to KCC 18.16.315.

This policy is subject to change as more information becomes available regarding the species and/or as the National Marine Fisheries Service (NMFS) and state agencies promulgate critical habitat and other regulations concerning these salmon species.

II. Applicability

All applications for development on sites that are within a Class I Wildlife Conservation Area are subject to the requirements of the CAO pertaining to Class I Wildlife Conservation Areas.

For the purposes of this Policy, Class I Wildlife Conservation Areas are as follows:

1. Areas within 200 feet of all stream and shoreline segments (and associated lakes and category I wetlands) located within Kitsap County mapped by WDFW in the Washington Rivers Information System (WARIS) as having Puget Sound chinook salmon present AND any stream segments mapped by DNR as Type 1, 2 or 3 streams (WAC 222-16-030) as tributaries to such streams. Within these areas an HMP is mandatory.

2. Areas within 200 feet of all stream and shoreline segments (and associated lakes and category one wetlands) located within the Kitsap County which are named as Hood Canal summer chum habitat in the Hood Canal/Eastern Strait of Juan de Fuca Summer Chum Habitat Recovery Plan, (WDFW, PNPTC, March 1999) AND which are mapped by WDFW in WARIS as having chum salmon present AND any stream segments mapped by DNR as Type 1, 2 or 3 streams (WAC 222-16-030) which are tributaries to these streams. Within these areas an HMP is mandatory.

3. For the purpose of this Policy, Section 18.16.315.B.2 of the CAO shall include areas within 200 feet of all stream segments mapped by DNR as Type 4 or 5 or untyped streams (WAC 222-16-030) which are tributaries to stream segments identified in...
subsection 1 or 2, above. Within these areas an HMP may be required at the discretion of the Director.

Maps showing the Class I Wildlife Conservation Areas are on file with the Kitsap County Department of Community Development.

III. Habitat Management Plans

1. General

   A. Sections 18.16.315 and 700.II of the Kitsap County CAO require a Habitat Management Plan for any development within a Class I Wildlife Conservation Area.

   B. Section 700.II ("Special Reports—Habitat Management Plans"), specifies the requirements for an HMP.

Option A provides a package of mitigation measures and restrictions, which, if applied, will demonstrate sufficient protection of the functions and values of the fish and wildlife habitat conservation area. An applicant will be deemed to have met the requirements of the CAO Section 700.II. if the applicant applies those mitigation measures and restrictions to his or her project.

Option B allows an applicant to propose protection measures that are different from the standard requirements in Option A, where it can be demonstrated that the deviation will produce equivalent or greater protection of the ecosystem functions and values of the fish and wildlife habitat conservation area. Option B requires the preparation of a site-specific HMP prepared pursuant to Section 700 of the CAO.

   C. For applicants selecting Option B, the HMP is to be prepared by a professional, experienced fish or wildlife biologist.

2. Option A—Standard Requirements.

In addition to any other provisions contained in the CAO, the following protection measures shall apply in the Class I Wildlife Conservation Areas.
| Buffer                        | Minimum thirty-five feet (35') along saltwater shoreline areas and along lakes that are considered shorelines of the state  
|                              | Minimum two hundred feet (200') along freshwater stream areas  
| Setback for Structures       | Minimum fifty feet (50') along saltwater shoreline areas and along lakes that are considered shorelines of the state, unless danger tree(s) exist within the buffer in which case structures will be placed so as not to require removal of the danger tree(s).  
|                              | Minimum two hundred-fifteen feet (215') along freshwater stream areas, unless danger tree(s) exist within the buffer in which case structures will be placed so as not to require removal of the danger tree(s).  
| Land Use Intensity           | Subject to underlying zoning  
| Allowed Impervious Surface Area | 5,000 square feet or 5% of parcel area, whichever is greater  
| Seasonal Construction Limits & Erosion Control | All clearing and grading shall be limited to the period between May 1 to October 1, unless the applicant provides an erosion and sediment control plan prepared by a professional engineer that specifically and realistically identifies methods of erosion control for wet weather conditions, EXCEPT that for summer chum streams the period shall be from May 1 to September 1.  
| Native Vegetation           | For lots greater than one acre, a minimum 60% of the parcel shall be retained in forest cover unless greater than 40% of the forest cover on the lot has been legally cleared, in which case there will be no further loss of forest cover. Native vegetation retention areas shall be field-marked prior to beginning work and shall remain marked until final permit approval.  
| Monitoring                  | Applicant agrees to allow monitoring of the site  

Bruce Freeland, Director  
Kitsap County Department of Community Development

This interpretation is for the administration of the Kitsap County Critical Areas Ordinance and is not intended to establish a precedent for listings under the Endangered Species Act.
II. HABITAT MANAGEMENT PLAN

A. This report shall identify how the development impacts from the proposed project will be mitigated. The Washington Department of Fish and Wildlife Priority Habitat and Species 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. The recommendation in the Washington Department of Fish and Wildlife, Priority Habitat and Species Management Recommendations, dated May 1991, shall not serve as mandatory standards or policy of this Ordinance, until such time as the Department of Fish and Wildlife holds public hearings on the recommendations and the State Wildlife Commission endorses the recommendations following the public hearings.

B. The Habitat Management Plan shall contain a map prepared at an easily readable scale, showing:
   1. The location of the proposed development site;
   2. The relationship of the site to surrounding topographic, water features, and cultural features;
   3. Proposed building locations and arrangements;
   4. A legend which includes a complete legal description, acreage of the parcel, scale, north areas, and date of map revision.

C. The Habitat Management Plan shall also contain a report which describes:
   1. The nature and intensity of the proposed development;
   2. An analysis of the effect of the proposed development, activity or land use change upon the wildlife species and habitat identified for protection; and,
   3. A plan which identifies how the applicant proposes to mitigate any adverse impacts to wildlife habitats created by the proposed development. (See Mitigation Plan requirements, this Section.)

D. Possible mitigation measures to be included in the report, or required by the Department, could include, but are not limited to:
   1. Establishment of buffer zones;
   2. Preservation of critically important plants and trees;
   3. Limitation of access to habitat areas;
   4. Seasonal restriction of construction activities; and,
   5. Establishing phased development requirements and/or a timetable for periodic review of the plan.

E. This plan shall be prepared by a person who has been educated in this field and has professional experience as a fish or wildlife biologist. For minor new development, land divisions of 14 lots or less and low income housing, the Department shall complete the plan unless the applicant wishes to employ a qualified professional at the applicant's expense. Fees may be collected for this plan as specified in Kitsap County's Zoning Ordinance. Where this plan is required for the protection of an eagle habitat, the eagle habitat management plan shall normally be prepared by the Department of Wildlife, as required under the Bald Eagle Management Rules.