

Kitsap County Critical Areas Ordinance

Title 19 Kitsap County Code

Second Draft



May 17, 2005

**Kitsap County
Department of Community Development**

Title 19
CRITICAL AREAS ORDINANCE

Chapters:

- 19.100** Introduction and Approval Procedures
- 19.150** Definitions
- 19.200** Wetlands
- 19.300** Fish and Wildlife Habitat Conservation Areas
- 19.400** Geologically Hazardous Areas
- 19.500** Frequently Flooded Areas
- 19.600** Critical Aquifer Recharge Areas
- 19.700** Special Reports
- 19.100** Appendices

Formatted: Bullets and Numbering

Chapter 19.100
INTRODUCTION AND APPROVAL PROCEDURES

- 19.100.125** Statement of purpose.
- 19.100.130** Applicability.
- 19.100.135** Relationship to other county regulations.
- 19.100.120** Review authority
- 19.100.145** Exemptions
- 19.100.150** Standards for existing development.
- 19.100.155** Variances.
- 19.100.160** Reasonable use exception.
- 19.100.165** Appeals.
- 19.100.150** Critical area and buffer notice to title.
- 19.100.155** Application requirements, general.
- 19.100.160** Inventory provisions.
- 19.100.165** Enforcement.

Formatted: Bullets and Numbering

Deleted: P

Deleted: General exemptions

Deleted: Review authority

Formatted: Bullets and Numbering

Deleted: U

Deleted: E

19.100.105 Statement of purpose.

The purpose of the ordinance codified in this title is to identify and protect critical areas as required by the Growth Management Act of 1990 (Chapter 17, Laws of 1990). This title supplements the development requirements contained in the Kitsap County Zoning Ordinance (Title 17 Kitsap County Code) 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.

Deleted: chapter

Deleted:

Deleted: various chapters of the

Deleted:

A. **Goal Statement.** It is the goal of Kitsap County that the beneficial functions and values 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.

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

- 3
- 4 1. Conserve and protect the environmental factors that add to the quality of life for **current and**
5 **future** residents of ~~Kitsap County and the state of Washington.~~
- 6
- 7 2. Protect the public against avoidable losses from maintenance and replacement of public
8 facilities, property damage, costs of publicly subsidizing mitigation of avoidable impacts, and
9 costs for public emergency rescue and relief operations.
- 10
- 11 3. Identify critical areas and their environmental functions and values .
- 12
- 13 4. Protect critical areas and their functions and values by regulating use and management within
14 these areas and adjacent lands.
- 15
- 16 5. Preserve the habitat, water quality, and water quantity functions and values of wetlands.
- 17
- 18 6. Protect water quality by controlling erosion and carefully siting uses and activities that can
19 detrimentally affect stream flows or aquatic habitat quality.
- 20
- 21 7. Guide development proposals to the most environmentally suitable and stable portion of a
22 development site.
- 23
- 24 8. Avoid potential damage due to geological hazards or flooding.
- 25
- 26 9. Preserve natural flood control and **stormwater** storage.
- 27
- 28 10. Maintain groundwater recharge and prevent the contamination of groundwater.
- 29
- 30 11. Prevent cumulative adverse environmental impacts to water, wetlands, fish and wildlife
31 habitats, frequently flooded areas, geologically hazardous areas, and aquifer recharge areas.
- 32
- 33 12. Whenever mitigation is required, **pursue as a preferred option**, restoration and enhancement
34 of previously impacted critical areas and their buffers ~~.~~
35 (Ord. 217 (1998) § 3 (part), 1998)
- 36

Deleted: both

Deleted: storm water

Deleted:

Deleted: is preferred

37 **2.8.1 Applicability.**

38

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

46

1 B. This title applies to all uses and activities within areas or adjacent to areas designated as
2 regulated critical areas unless otherwise exempt. The following permits and approvals shall be
3 subject to and coordinate with the requirements of this ~~title~~: site development activity permit;
4 site plan approval; subdivision or short subdivision; building permit; performance based
5 development; shoreline substantial development; variance; conditional use permit; certain
6 forest practice permits (Class IV General, Class III Conversion Option Harvest Plans); other
7 permits leading to the development or alteration of land; and rezones if not combined with
8 another development permit.

Deleted: section

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

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

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

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

Deleted: chapter

Deleted: c

26 G. For the purpose of this title, the area of review is defined as the critical area and the area within
27 two hundred ~~fifty~~ feet of a critical area. This defines the area of review only. Refer to Chapters
28 19.200 through 19.600 for specific development standards.
29 (Ord. 217 (1998) § 3 (part), 1998)

31 **19.100.115 Relationship to other county regulations.**

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

36 Applications for permits and approvals are subject to the provisions of this title as well as to other
37 provisions of state and county law, which include, but are not limited to, the following:

38 A. Title 2 Government

39 B. Title 9 Health, Welfare and Sanitation

40 C. Title 12 ~~Stormwater~~ Management

Deleted: Stormwater

41 ~~A.~~ Title 14 Buildings and Construction

42 ~~A.~~ Title 15 Flood Hazard Areas

43 ~~A.~~ Title 16 Land Division and Development

44 ~~A.~~ Title 17 Zoning

45 ~~A.~~ Title 18 Environment

46 ~~A.~~ Title 21 Land Use and Development Procedures

- 1 J. Title 22 Shoreline Management Master Program
- 2 K. RCW 36.70A, Growth Management Act
- 3 L. RCW 90.58, Shoreline Management Act
- 4 M. RCW 43.21C, State Environmental Policy Act

6 ~~stormwater~~ **19.100.120 Review authority.**

8 **S.** In evaluating a request for a development proposal regulated by this title, it shall be the
9 responsibility of the department to determine the following:

11 **200.** The nature and type of critical area and the adequacy of any special reports required in
12 applicable sections of this title;

14 **201.** Whether the development proposal is consistent with this title, by granting, denying or
15 conditioning projects;

17 **202.** Whether proposed alterations to critical areas are appropriate under the standards
18 contained in this title, or whether it is necessary for the applicant to seek a variance or
19 other exception; and

21 **203.** Whether ~~the protection mechanisms and the mitigation and monitoring plans and~~
22 ~~bonding measures proposed by the applicant are sufficient to protect the public health,~~
23 ~~safety and welfare consistent with the goals, purposes and objectives of this title, and if~~
24 ~~not, condition the permit or approval accordingly.~~

26 B. The department shall have the administrative authority to adjust the standards for buffers and
27 building setbacks as outlined in specific critical area sections of this title.

28 **A.** ~~Where projects have been approved with conditions to protect critical areas under previous~~
29 ~~protection policies in effect prior to the ordinance codified in this title, those conditions will apply.~~
30 ~~Nevertheless, this title may apply in cases where the department determines, based on review of~~
31 ~~current information, that the prior conditions will result in a detrimental impact to a critical area.~~

33 **D. Time Limitations.**

34 **1. Expiration of Approval.**

35 ~~a. Approvals granted under this title shall be valid for the same time period as the~~
36 ~~underlying permit (e.g. preliminary plat, site development, building permit). If the~~
37 ~~underlying permit does not contain a specified expiration date, then approvals granted~~
38 ~~under this Title shall be valid for a period of three years from the date of issue, unless a~~
39 ~~longer or shorter period is specified by the department.~~

40 ~~b. The approval shall be considered null and void upon expiration, unless a time~~
41 ~~extension is requested and granted as set forth in subsection 2 below.~~

42 **2. Time Extensions.**

43 ~~a. The applicant or owner(s) may request in writing a one-year extension of the original~~
44 ~~approval.~~

45 ~~b. Knowledge of the expiration date and initiation of a request for a time extension is the~~
46 ~~responsibility of the applicant or owner(s).~~

Deleted: <#>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 that 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 stormwater

Deleted: 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 Kitsap County Code, 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.¶ [1]

Formatted: Bullets and Numbering

Deleted: ¶

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Deleted:

Deleted: The process to reduce standards will be based on site-specific criteria determined through review [2]

Deleted: C. .

Formatted: Bullets and Numbering

Deleted: (from either the "Strategies for Critical Area Designations and Interim Development Regulations [3]

Deleted: shall

Deleted: .

- 1 c. A written request for a time extension shall be filed with the department at least 60
2 days prior to the expiration of the approval.
- 3 d. Upon filing of a written request for a time extension, a copy shall be sent to each party
4 of record together with governmental departments or agencies that were involved in
5 the original approval process. By letter, the department shall request written comments
6 be delivered to the department within 30 days of the date of the letter.
- 7 e. Prior to the granting of a time extension, the Department may require a new
8 application(s), updated study(ies), and fee(s) if:
9 (1) The original intent of the approval is altered or enlarged by the renewal;
10 (2) If the circumstances relevant to the review and issuance of the original approval
11 have changed substantially; or
12 (3) If the applicant failed to abide by the terms of the original approval.
- 13 f. If approved, the one-year time extension shall be calculated from the date of granting
14 said approval.
- 15 g. The department has the authority to grant or deny any requests for time extensions
16 based upon demonstration by the applicant of good cause for the delay.

Deleted: d [

17
18 (Ord. 217 (1998) § 3 (part), 1998)

19
20 **19.100.125 General Exemptions.**

21
22 The following activities are exempt from the requirements of this title:

- 23
24 A. Emergencies that threaten the public health, safety and welfare. An "emergency" is an
25 unanticipated and immediate threat to public health, safety, or the environment which that requires
26 action within a time too short to allow compliance with this title.
- 27
28 B. Pre-existing and ongoing agricultural activities on lands containing critical areas. For the purpose
29 of this title, "existing and ongoing" means that the activity has been conducted and/or maintained
30 within the past five years.
- 31
32 C. Normal and routine maintenance and operation of pre-existing retention/detention facilities,
33 biofilters and other stormwater management facilities, irrigation and drainage ditches, farm ponds,
34 fish ponds, manure lagoons, and livestock water ponds, provided that such activities shall not
35 involve conversion of any wetland not currently being used for such activity.
- 36
37 D. Structural alterations to buildings, permitted under the Kitsap County Code that do not alter the
38 structural footprint or introduce new adverse impacts to an adjacent critical area.
- 39
40 E. Normal and routine maintenance or repair of existing utility structures within a right-of-way or
41 existing utility corridor or easements, including the cutting, removal and/or mowing of vegetation
42 above the ground.
- 43
44 F. Forest practices conducted pursuant to RCW 76.09, except Class IV (general conversions) and
45 Conversion Option Harvest Plans (COHP).
- 46

Deleted: .

1 G. Maintenance or reconstruction of existing private roads, driveways, onsite septic systems, and
2 wells, provided that reconstruction does not involve expansion of facilities, widening, or relocation.

3
4 H. Reconstruction, remodeling, or maintenance of existing single-family residential structures and
5 accessory structures that are located outside a flood hazard area and active landslide hazard area,
6 provided that a one-time only expansion of the building footprint does not increase by more than
7 25 percent and that the new construction or related activity extends away from the critical area or
8 related buffer. The exemption shall not apply to reconstruction which is proposed as a result of
9 structural damage associated with a critical area, such as slope failure in a landslide hazard area or
10 flooding in a flood hazard area. Expansion up to 25 percent may also occur in a direction parallel
11 to the critical area or related buffer if the expansion takes place upon existing impervious surfaces.

12
13 I. Reconstruction, remodeling, or maintenance of structures, other than single-family structures and
14 accessory structures that are located outside a flood hazard area and active landslide hazard area,
15 provided that such reconstruction, remodeling, or maintenance does not increase the floor area nor
16 extend beyond the existing ground coverage. The exemption shall not apply to reconstruction
17 which is proposed as a result of site or structural damage associated with a critical area, such as
18 slope failure in a landslide hazard area or flooding in a flood hazard area.

19
20 (Ord. 217 (1998) § 3 (part), 1998)

21
22 **1.1.1 Standards for existing development.**

Formatted: Bullets and Numbering

23
24
25
26 A. **Shorelines.** This section incorporates by reference the existing development standards provided in
27 Title 22 Kitsap County Code Shoreline Management Program applicable to development on
28 shorelines of the state (WAC 173-27-080), as now or hereafter amended.

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

29
30 B. **Existing Nonconforming Structures**

Deleted: :

- 31
32 1. Existing nonconforming development means a development that was lawfully constructed,
33 approved or established prior to the effective date of the ordinance codified in this title, but
34 does not conform to present regulations or standards of this title
35 2. Structures in existence on the effective date of the ordinance codified in this title that do not
36 meet the setback or buffer requirements of this title may be remodeled or reconstructed
37 provided that the new construction or related activity does not further intrude into the
38 critical area or its associated buffers.
39 3. Existing nonconforming structures shall not be expanded or altered in any manner that will
40 increase the nonconformity without a permit issued pursuant to the provisions of this title,
41 except as allowed through the provisions of 19.100.125 G, H and I.
42 4. Nonconforming structures which are damaged or destroyed by fire, explosion, or other
43 casualty, may be restored or replaced if reconstruction is commenced within one year of
44 such damage and is substantially completed within 18 months of the date such damage
45 occurred. The reconstruction or restoration shall not serve to expand, enlarge or increase
46 the nonconformity except as allowed through the provisions in 19.100.125 G, H and I.

Formatted: Bullets and Numbering

Deleted: ¶

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

11 (Ord. 217 (1998) § 3 (part), 1998)

14 **19.100.135 Variances.**

16 A. A variance in the application of the regulations or standards of this title to a particular piece of
17 property or a variance to the use prohibitions of this title may be granted by Kitsap County when it
18 can be shown that the application meets all of the following criteria:

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

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

29 20. The granting of the variance will not result in substantial detrimental impacts to the critical
30 area, ~~to the~~ public welfare ~~nor be~~ injurious to the property or improvements in the vicinity, ~~nor~~
31 ~~be~~ contrary to the goals, policies and purpose of this title.

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

35 22. No other practicable or reasonable alternative exists. (See Definitions, Section 19.150.520 and
36 19.150.560.)

38 23. A mitigation plan (where required) has been submitted and is approved for the proposed use of
39 the critical area.

41 B. Kitsap County shall conduct a public hearing on all non-administrative variance applications
42 pursuant to the review process and notice requirements established in Chapter 17.500 of the Kitsap
43 County Zoning Ordinance, as now or hereafter amended.

Formatted: Bullets and Numbering

Deleted: and area in which the property is situated

Deleted:

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Deleted: 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 fourteen calendar days prior to the date set for the hearing. Notice shall also be sent by mail not less than fourteen calendar 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

1 D. Except when application of this title would deny all reasonable use of the property (19.100.140), an
2 applicant who seeks an exception from the standards and requirements of this title shall pursue
3 relief by means of a variance as provided for in this title.
4

5 E. Requests for variances shall include the application requirements of Section 19.100.155 (General
6 Application Requirements), or [?] Section 19.200.240 (Wetland Application Requirements),
7 whichever is applicable.
8

9 F. The department shall review administrative buffer reductions based on the criteria and standards
10 referenced in this chapter.
11

12 G. The department may grant variances for public utilities to the substantive or procedural
13 requirements of this title when:
14

15 19. Application of this title to the utility's activities would be inconsistent with the Comprehensive ← Formatted: Bullets and Numbering
16 Plan or the utility's public service obligations;

17
18 20. The proposed utility activity does not pose an unreasonable threat to the public health, safety or ← Formatted: Bullets and Numbering
19 welfare on or off the development proposal site; and
20

21 3. Any alterations permitted to these critical areas shall be the minimum necessary to reasonably
22 accommodate the proposed utility activity and shall be mitigated when feasible.
23 (Ord. 217 (1998) § 3 (part), 1998)
24

25 19.150.190 Reasonable use exception. ← Formatted: Bullets and Numbering
26

27 If the application of this title would deny all reasonable use of the property, the applicant may apply
28 for a reasonable use exception pursuant to this section:
29

30 A. The applicant shall apply to the department, and the department shall prepare a ← Formatted: Bullets and Numbering
31 recommendation to the hearing examiner. The applicant may apply for a reasonable use exception
32 without first having applied for a variance if the requested exception includes relief from standards
33 for which a variance cannot be granted pursuant to the provisions of the section. The property
34 owner and/or applicant for a reasonable use exception has the burden of proving that the property is
35 deprived of all reasonable use. ~~The examiner shall review the application and shall conduct a~~ Deleted: ¶
36 public hearing pursuant to the provisions of Title 21 of this code, the Land Use and Development
37 Procedures Ordinance. The examiner shall make a final decision based on the following criteria:
38

- 39 1. The application of this title would deny all reasonable use of the property;
- 40 2. There is no other reasonable use which would result in less impact on the critical area;
- 41 3. The proposed development does not pose an unreasonable threat to the public health, safety or
42 welfare on or off the development proposal site and is consistent with the general purposes of
43 this title and the public interest, and does not conflict with the Endangered Species Act or other
44 relevant state or federal laws; and,
45
46
47

1 4. Any alterations permitted to the critical area shall be the minimum necessary to allow for
2 reasonable use of the property.

3
4 C. Any authorized alterations of a critical area under this section shall be subject to conditions
5 established by the examiner including, but not limited to, mitigation under an approved mitigation
6 plan.

7 (Ord. 217 (1998) § 3 (part), 1998)

8
9 **19.150.180 Appeals.**

← - - - Formatted: Bullets and Numbering

10
11 A. **Appealable Actions.** The following decisions or actions required by this title may be appealed:

- 12
13 1. Any decision to approve, condition or deny a development proposal, or any disagreement on
14 conclusions, methodology, rating systems, etc., between the department and such person or
15 firm which prepares special reports pursuant to Chapter 19.700 may be appealed by the
16 applicant or affected party to the Kitsap County hearing examiner.
- 17
18 2. Any decision to approve, condition or deny an administrative variance application by the
19 department may be appealed by the applicant or affected party to the Kitsap County hearing
20 examiner.
- 21
22 3. Any decision to require, or not require a special report pursuant to this title may be appealed by
23 the applicant or affected party to the Kitsap County hearing examiner.

24
25 B. **Appeal Process.** The following process shall be followed in submitting an appeal and taking
26 action:

- 27
28 1. Any appeal regarding a decision to require, or not require a special report shall be made within
29 ten working days of the decision. The appeal shall be in writing stating the basis that such
30 reports should or should not be required for the proposed development. The hearing examiner
31 may: (i) remand the decision back to the department requesting that specific issues be
32 reconsidered; (ii) modify the decision of the department; or (iii) uphold the decision of the
33 department.
- 34
35 2. Any appeal regarding a decision to approve, condition or deny a development proposal based
36 on this title, or any decision to approve, condition or deny a variance, shall be made within ten
37 working days of the decision. A fee in an amount as established under the Kitsap County Code
38 shall be paid to the department at the time an appeal is filed. The appeal shall be in writing and
39 shall state specifically the issues that are the subject of the appeal, focusing on the specific
40 inadequacies of the particular decision under dispute. The hearing examiner may: (i) remand
41 the decision back to the department requesting that specific issues be reconsidered; (ii) modify
42 the decision of the department; or (iii) uphold the decision of the department.
- 43
44 3. Kitsap County shall not issue any permit, license or other development approval on the
45 development proposal site pending the outcome of the appealed decision.

46 (Ord. 217 (1998) § 3 (part), 1998)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

19.100.150 Critical area and buffer notice to title.

Project applicants shall sign a "Critical Area and Buffer Notice to Title" (See Chapter 19.800, Appendix "E") that shall be filed 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 referenced 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 landowner 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 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)

Deleted: minor new development

19.100.155 Application requirements, general.

A. All applicants are required to meet with the department prior to submitting an application subject to the Kitsap County Zoning Ordinance; all applicants for construction of a single family dwelling 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.

Deleted: for major new development

Deleted: minor new development

B. The applicant must comply with the standards and requirements of this title as well as standards relating to Title 12 Stormwater Management set forth by the department, 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 department.

Deleted: Stormwater

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 at the time an application for a permit relating to a critical area or a special report review is filed.

Deleted: of community development

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

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

3
4 G. All site plan applications for development proposals subject to this title shall include a site plan
5 drawn to scale identifying locations of critical areas, location of proposed structures and activities,
6 including clearing and grading and general topographic information as required by the department.
7 If the department determines that additional critical areas are found on the subject property, the
8 applicant shall amend the site plan to identify the location of the critical area. When it is
9 determined that regulated activities subject to SEPA (Title 18 Kitsap County Code) are likely to
10 cause a significant, adverse environmental impact to the critical areas identified in this title that
11 cannot be adequately mitigated through compliance with this title, environmental assessment and
12 mitigation measures may be imposed consistent with the procedures established in Title 18 Kitsap
13 County Code.

Deleted:

Deleted: T

Deleted: T

14
15 H. Zone Reclassification or Comprehensive Plan Amendment. Prior to taking action on a zone
16 reclassification or a Comprehensive Plan amendment, the proponent shall complete an
17 environmental review to confirm the nature and extent of any critical areas on or adjacent to the
18 property; determine if the subsequent development proposal would be consistent with this title; and
19 determine whether mitigation or other measures would be necessary if the proposal were approved.
20 Such review shall occur prior to any SEPA threshold determination. Findings of such review may
21 be used to condition or mitigate the impact through the SEPA threshold determination or to deny
22 the proposal if the impacts are significant and cannot be mitigated.

23 (Ord. 217 (1998) § 3 (part), 1998)

24 25 **19.100.160 Inventory provisions.**

26
27 The approximate location and extent of mapped critical areas within Kitsap County are shown on the
28 maps adopted as part of this title, and incorporated herein by this reference. These maps shall be used
29 only as a general guide for the assistance of the department and the public; the type, extent and
30 boundaries may be determined in the field by a qualified specialist or staff person according to the
31 requirements of this title. In the event of a conflict between a critical area location shown on the
32 county's maps and that of an on-site determination, the on-site determination will apply.

33
34 Kitsap County will review map inventory information of all critical areas as it becomes available or on
35 a quarterly basis. Mapping will include critical areas that are identified through site-specific analysis
36 by local, state and federal agencies, the Kitsap Conservation District, tribal governments, citizen
37 groups and other sources.

38 (Ord. 217 (1998) § 3 (part), 1998)

39 40 **19.100.165 Enforcement.**

41
42 A. **Authorization.** The director is authorized to enforce this title, and to designate county employees
43 as authorized representatives of the department to investigate suspected violations of this title, and
44 to issue orders to correct violations and notices of infraction.

45
46 B. **Right of Entry.** When it is necessary to make an inspection to enforce the provisions of this title,
47 or when the director or his/her designee has reasonable cause to believe that a condition exists on

1 property which is contrary to or in violation of this chapter, the director or his/her designee may
2 enter the property to inspect, provided that if the property is occupied that the inspector's
3 credentials be presented to the occupant and entry requested. If the property is unoccupied, the
4 director or his/her designee shall first make a reasonable effort to locate the owner or other person
5 having charge or control of the premises and request entry. If entry is refused, the director or
6 his/her designee shall have recourse to the remedies provided by law to secure entry.

7
8 **C. Stop Work Orders.** Whenever any work or activity is being done contrary to the provisions of this
9 title the director or his/her designee may order the work stopped by notice in writing, served on any
10 persons engaged in the doing or causing such work to be done, or by posting the property, and any
11 such persons shall forthwith stop such work or activity until authorized by the director or his/her
12 designee to proceed.

13
14 **D. Penalties.** The violation of any provision of this title shall constitute a Class I civil infraction. Each
15 violation shall constitute a separate infraction for each and every day or portion thereof during
16 which the violation is committed, continued, or permitted. Infractions shall be processed in
17 accordance with the provisions of Chapter 2.116 of this code, the Kitsap County Civil Enforcement
18 Ordinance, as now or hereafter amended.

19
20 **E. Imminent and Substantial Dangers.** Notwithstanding any provisions of these regulations, the
21 director or his/her designee may take immediate action to prevent an imminent and substantial
22 danger to the public health, welfare, safety or the environment by the violation of any provision of
23 this chapter.

24
25 **F. Other Legal or Equitable Relief.** Notwithstanding the existence or use of any other remedy, the
26 director or his/her designee may seek legal or equitable relief to enjoin any acts or practices or
27 abate any conditions which constitute or will constitute a violation of the provisions of this chapter.
28 (Ord. 217 (1998) § 3 (part), 1998)

30 Chapter 19.150 31 DEFINITIONS

33	19.150.050	Generally
34	19.150.100	Adjacent
35	19.150.105	Agricultural activities
36	19.150.110	Alteration
37	19.150.115	Anadromous fish
38	19.150.120	Applicant
39	19.150.125	Aquaculture Practices
40	19.150.130	Aquifer
41	19.150.135	Aquifer Recharge
42	19.150.140	Aquifer Recharge Area
43	19.150.145	Aquifer Vulnerability
44	19.150.150	Bank Stabilization
45	19.150.155	Best Available Science
46	19.150.160	Best Management Practices
47	19.150.165	Bog

1	19.150.170	Buffer
2	19.150.175	Candidate Species
3	19.150.180	Channel Migration Zone
4	19.150.185	Clearing
5	<u>1.0.0</u>	Compensation
6	19.150.195	Creation
7	19.150.200	Conversion Option Harvest Plan
8	19.150.205	Critical Area Buffer
9	19.150.210	Critical Aquifer Recharge Areas
10	19.150.215	Critical Areas
11	19.150.220	Critical Area Protection Easement
12	19.150.225	Critical Facilities
13	19.150.230	Danger Trees
14	19.150.235	Debris
15	19.150.240	Department
16	19.150.245	Detention Facilities
17	19.150.250	Development Proposal Site
18	19.150.255	Director
19	19.150.260	Draining
20	19.150.265	Endangered Species
21	19.150.270	Enhancement
22	19.150.275	Erosion
23	19.150.280	Erosion Hazard Areas
24	19.150.285	Excavation
25	19.150.290	Existing and Ongoing Agriculture
26	19.150.295	Exotic
27	19.150.300	Extraordinary Hardship
28	19.150.305	Farm Pond
29	19.150.310	Feeder Bluff
30	19.150.315	Fen
31	19.150.320	Filling or Fill
32	19.150.325	Fish and wildlife habitat
33	19.150.330	Fisheries biologist
34	19.150.335	Floodplain
35	19.150.340	Floodway
36	19.150.345	Forage Fish
37	19.150.350	Forest Practices
38	19.150.355	Frequently Flooded Areas
39	19.150.360	Geologically Hazardous Areas
40	19.150.365	Geologist
41	19.150.370	Geotechnical Engineer
42	19.150.375	Geotechnical Report and Geological Report
43	19.150.380	Grading
44	19.150.385	Grazed Wet Meadows
45	19.150.390	Grubbing
46	19.150.395	Groundwater
47	19.150.400	Habitat Management Plan
48	19.150.405	Habitat of Local Importance

- 1 19.150.410 Hazardous Substance
- 2 19.150.415 Hearing Examiner
- 3 19.150.420 Hydric Soils
- 4 19.150.425 Hydrologist or Hydrogeologist
- 5 19.150.430 Infiltration Rate
- 6 19.150.435 Landslide Hazard Areas
- 7 19.150.440 Liquefaction
- 8 19.150.445 Lot
- 9 19.150.450 Low Impact Activities
- 10 19.150.465 Mitigation
- 11 19.150.470 Native Vegetation
- 12 19.150.475 Non-conforming Use or Structure
- 13 19.150.480 Normal Maintenance
- 14 19.150.485 Open Space
- 15 19.150.490 Ordinary High Water Mark
- 16 19.150.495 Out-of-Kind Compensation
- 17 19.150.500 Performance Based Development
- 18 19.150.505 Permeability
- 19 19.150.510 Permit
- 20 19.150.515 Pond
- 21 19.150.520 Practicable Alternative
- 22 19.150.525 Priority Habitat
- 23 19.150.530 Priority Species
- 24 19.150.535 Public Facilities
- 25 19.150.540 Public Project of Significant Importance
- 26 19.150.545 Public Right-of-Way
- 27 19.150.550 Public Utility
- 28 19.150.555 Ravine
- 29 19.150.560 Reasonable Alternative
- 30 19.150.565 Reasonable Use
- 31 19.150.570 Reasonable Use Exception
- 32 19.150.575 Refuse
- 33 19.150.580 Regulated Use or Activity
- 34 19.150.585 Restoration
- 35 19.150.590 Retention Facilities
- 36 19.150.595 Riparian Area
- 37 19.150.600 Salmonid
- 38 19.150.605 Sensitive Species
- 39 19.150.610 Shorelines
- 40 19.150.615 Single-Family Dwelling
- 41 1.0.0 Special Flood Hazard Areas
- 42 19.150.625 Species of Concern
- 43 19.150.630 State Environmental Policy Act or SEPA
- 44 19.150.635 Streams
- 45 19.150.640 Swale
- 46 19.150.645 Threatened Species
- 47 19.150.650 Toe of Slope

Deleted: 19.150.455 Major New Development¶
 19.150.460 Minor New Development¶

Formatted: Bullets and Numbering

- 1 **19.150.655** **Top of Slope**
- 2 **19.150.660** **Unavoidable and Necessary Impacts**
- 3 **19.150.665** **Utilities**
- 4 **1.0.0** **Utility Corridor**
- 5 **18.149.669** **Wellhead Protection**
- 6 **19.150.675** **Wetland Determination**
- 7 **19.150.680** **Wetland Edge**
- 8 **19.150.685** **Wetlands**
- 9 **19.150.690** **Wetlands, Isolated**
- 10 **19.150.695** **Wetlands, Mosaic**
- 11 **19.150.700** **Wetlands of Regional Significance**
- 12 **19.150.705** **Wetlands of Statewide Significance**
- 13 **19.150.710** **Wetlands Report**
- 14 **19.150.715** **Wetlands Specialist**
- 15 **19.150.720** **Wildlife Biologist**

Deleted: 19.150.670

Formatted: Bullets and Numbering

16
17 **19.150.050** **Generally.** As used in this title, the following terms have the meanings given in this
18 chapter.

19
20 **19.150.100** **Adjacent.** "Adjacent" means an area within two hundred feet of a critical area.

21
22 **19.150.105** **Agricultural activities.** "Agricultural activities" means activities related to vegetation
23 and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect
24 pests, soil maintenance and fertilization as well as animal husbandry.

Deleted: Practices

25
26 **19.150.110** **Alteration.** "Alteration" means a human-induced action which changes the existing
27 condition of a critical area. Alterations include but are not limited to: grading; grubbing; dredging;
28 channelizing; cutting, clearing, relocating or removing vegetation, except noxious weeds identified by
29 the Washington State Department of Agriculture or the Kitsap County Cooperative Extension;
30 applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants; grazing
31 domestic animals; modifying for surface water management purposes; or any other human activity that
32 changes the existing vegetation, hydrology, wildlife or wildlife habitat.

Deleted:

33
34 **19.150.115** **Anadromous fish.** "Anadromous fish" means fish whose life cycle includes time spent
35 in both fresh or salt water.

36
37 **19.150.120** **Applicant.** "Applicant" means the person, party, firm, corporation or legal entity, or
38 agent thereof, that proposes a development of property in Kitsap County.

39
40 **19.150.125** **Aquaculture Practices.** "Aquaculture practices" means the harvest, culture or farming
41 of food fish, shellfish, or other aquatic plants and animals including fisheries enhancement and the
42 mechanical harvesting of shellfish and hatchery culture.

43
44 **19.150.130** **Aquifer.** "Aquifer" means a saturated body of rock, sand, gravel or other geologic
45 material that is capable of storing, transmitting and yielding water to a well or spring.

Deleted: storm water

1 **19.150.135 Aquifer Recharge.** “Aquifer recharge” means the process by which water is added to
2 an aquifer. It may occur naturally by the percolation (infiltration) of surface water, precipitation, or
3 snowmelt from the ground surface to a depth where the earth materials are saturated with water. The
4 aquifer recharge can be augmented by "artificial" means through the addition of surface water (e.g.,
5 land application of wastewater or stormwater) or by the injection of water into the underground
6 environment (e.g., drainfields and drywells).

7
8 **19.150.140 Aquifer Recharge Area.** “Aquifer recharge areas” means those areas overlying
9 aquifer(s) where natural or artificial sources of water can move downward to an aquifer(s).

10
11 **19.150.145 Aquifer Vulnerability.** “Aquifer vulnerability” means the combined effect of
12 hydrogeological susceptibility to contamination and the contamination loading potential as indicated
13 by the type of activities occurring on a project area.

14
15 **19.150.150 Bank Stabilization.** “Bank stabilization” means lake, stream and open water shoreline
16 modification including vegetation enhancement, used for the purpose of retarding erosion, protecting
17 channels or shorelines, and retaining uplands.

18
19 **19.150.155 Best Available Science.** “Best available science” means scientifically valid
20 information in accordance with WAC 365-195-905, now or as amended hereafter, that is used to
21 develop and implement critical areas policies or regulations.

22
23 **19.150.160 Best Management Practices (BMPs).** For the purposes of this title, “best management
24 practices” or “BMPs” means conservation practices (physical, structural and/or managerial) or systems
25 of practices and management measures that:

- 26
27 A. Control soil loss and reduce water quality degradation caused by nutrients, pathogens, bacteria,
28 toxic substances, pesticides, oil and grease, and sediment; and,
29
30 B. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the
31 chemical, physical, and biological characteristics of critical areas.

32
33 **19.150.165 Bog.** “Bogs” are a type of wetland typically composed of acidic, low nutrient soils and
34 waters, high organic matter and that support plants specifically adapted to such conditions that are not
35 commonly found elsewhere. Bogs may have an overstory of spruce, shore pine and may be associated
36 with open water.

Deleted:

37
38 **19.150.170 Buffer.** “Buffer” means a non-clearing native vegetation area which is intended to
39 protect the functions and values of critical areas.

40
41 **19.150.175 Candidate Species (state-listed).** “Candidate species (state listed)” means species
42 under review by the Department of Fish and Wildlife for possible listing as endangered, threatened or
43 sensitive. A species will be considered for state-candidate designation if sufficient scientific evidence
44 suggests that its status may meet criteria defined for endangered, threatened, or sensitive in WAC 232-
45 12-297. Currently listed state-threatened or state-sensitive species may also be designated as a state-
46 candidate species if their status is in question. State-candidate species will be managed by the

1 Department of Fish and Wildlife, as needed, to ensure the long-term survival of populations in
2 Washington. They are listed in WDFW Policy 4802.

Deleted:

4 **1.0.0 Channel Migration Zone (CMZ).** “Channel migration zones” as defined by WAC 173-26-
5 020(6), as now or hereafter amended, means the area along a river within which the channel(s) can be
6 reasonably predicted to migrate over time as a result of natural and normally occurring hydrological
7 and related processes when considered with the characteristics of the river and its surroundings.

9 **19.150.185 Clearing.** “Clearing” means the destruction, disturbance or removal of vegetation by
10 physical, mechanical, chemical or other means.

12 **19.150.190 Compensation.** “Compensation” means replacement of project-induced critical area
13 (e.g., wetland) losses of acreage or functions, including but not limited to restoration, creation, or
14 enhancement.

16 **19.150.195 Creation.** “Creation” means actions performed to intentionally establish a critical area
17 at a site where it did not formerly exist.

Deleted:

19 **19.150.200 Conversion Option Harvest Plan (COHP).** As it relates to forest practices, a COHP
20 means a plan for landowners who want to harvest their land but wish to maintain the option for
21 conversion pursuant to WAC 222-20-050. "Conversion" to a use other than commercial timber
22 operation shall mean a bona fide conversion to an active use that is incompatible with timber growing.

24 **19.150.205 Critical Area Buffer.** “Critical area buffer” means an area of protection around a
25 critical area.

27 **19.150.210 Critical Aquifer Recharge Areas.** “Critical Aquifer Recharge Areas” means those
28 land areas that contain hydrogeologic conditions that facilitate aquifer recharge and/or transmitting
29 contaminants to an underlying aquifer.

31 **19.150.215 Critical Areas.** “Critical areas” means those areas identified as: (a) wetlands; (b)
32 areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat
33 conservation areas; (d) geologically hazardous areas; and (e) frequently flooded areas.

Deleted:

35 **19.150.220 Critical Area Protection Easement.** “Critical Area Protection Easement” means an
36 agreement conveyed through a notice to title, or shown on the face of a plat or site plan, for the
37 purpose of perpetual or long-term conservation.

Deleted:

39 **19.150.225 Critical Facilities.** “Critical facilities” means those facilities necessary to protect the
40 public health, safety and welfare and which are defined as essential facilities or Category III and IV
41 buildings in accordance with Title 14 Kitsap County Building and Fire Code. These facilities include
42 but are not limited to schools, hospitals, police stations, fire departments and other emergency response
43 facilities, and nursing homes. Critical facilities also include sites of hazardous material storage or
44 production.

1 **19.150.230 Danger Trees.** “Danger trees” means any tree of any height, dead or alive, that
2 presents a hazard to the public because of rot, root stem or limb damage, lean or any other observable
3 condition created by natural process or man-made activity consistent with WAC 296-54-529(28).
4

5 **19.150.235 Debris.** See "Refuse."

6
7 **19.150.240 Department.** “Department” means the Kitsap County department of community
8 development.

Deleted:

9 **19.150.245 Detention Facilities.** "Detention facilities" means stormwater facilities designed to
10 store runoff while gradually releasing it at a predetermined controlled rate. "Detention facilities" shall
11 include all appurtenances associated with their designed function, maintenance and security.
12 stormwater.

Deleted: ¶

Deleted: "Detention facilities" means stormwater

Deleted: facilities, including all the appurtenances associated with their designed functions, maintenance and security, that are designed to store runoff while gradually releasing it at a predetermined controlled rate.

13
14 **19.150.250 Development Proposal Site.** “Development proposal site” means for purposes of this
15 title, the legal boundaries of the parcel or parcels of land on which an applicant has applied for
16 authority from Kitsap County to carry out a development proposal.

17
18 **19.150.255 Director.** “Director” means the director of the Kitsap County department of community
19 development or a duly authorized designee in the department.

20
21 **19.150.260 Draining (related to wetland).** “Draining” means any human activity that diverts or
22 reduces wetland groundwater and/or surface water sources.

Deleted:

23
24 **19.150.265 Endangered Species (state listed).** “Endangered species” means a species native to the
25 state of Washington that is seriously threatened with extinction throughout all or a significant portion
26 of its range within the state. Endangered species are legally designated in WAC 232-12-014.

27
28 **19.150.270 Enhancement.** “Enhancement” means actions performed to improve the condition of
29 an existing degraded critical area (e.g., wetlands or streams) such that the functions or values are of a
30 higher quality, provided that this activity does not significantly degrade another existing function or
31 value.

32
33 **19.150.275 Erosion.** “Erosion” means the process whereby the land surface is worn away by the
34 action of water, wind, ice or other geologic agents, by processes such as gravitational creep or events
35 such as landslides caused by natural or manmade impacts.

36
37 **19.150.280 Erosion Hazard Areas.** “Erosion hazard areas” means land characterized by any of the
38 soil types identified by the Natural Resources Conservation Service as "highly erodible land." This
39 designation pertains to water erosion and not wind erosion. These areas may not be highly erodible
40 until or unless the soil is disturbed by activities such as clearing or grading.

41
42 **19.150.285 Excavation.** “Excavation” means the removal of earth material.

43
44 **19.150.290 Existing and Ongoing Agriculture.** “Existing and ongoing agriculture” means those
45 activities conducted within the last five years on lands defined in RCW 84.34.020(2) or defined as
46 “agricultural practices” in this title. For example, the operation and maintenance of existing farm and
47 stock ponds or drainage ditches, operation and maintenance of ditches, irrigation systems including

Deleted: The regulatory flood hazard areas, floodplains and floodways are depicted on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for Kitsap County.

1 irrigation laterals, canals, or irrigation drainage ditches, changes between agricultural activities, such as
2 rotating crops or grasses used for grazing, and normal maintenance, repair, or operation of existing
3 serviceable structures, facilities, or improved areas can be existing and ongoing agriculture, provided
4 that alteration of the contour of wetlands or streams by leveling or filling other than that which results
5 from normal cultivation, or draining of wetlands shall not be considered normal or necessary farming
6 or ranching activities.

7 **19.150.295 Exotic.** “Exotic” means any species of plant or animal that is not indigenous (native) to
8 an area.

9
10 **19.150.300 Extraordinary Hardship.** “Extraordinary hardship” means where the strict application
11 of this title and/or other programs adopted to implement this title by the regulatory authority would
12 prevent all reasonable use of the parcel.

13
14 **19.150.305 Farm Pond.** “Farm pond” means an open-water habitat of less than five acres and not
15 contiguous with a stream, river, lake or marine water created from a non-wetland site in connection
16 with agricultural activities.

17
18 **19.150.310 Feeder Bluff.** “Feeder bluff” means an eroding and/or retreating shore bluff that is part
19 of natural coastal processes yielding sediment to area beaches.

20
21 **19.150.315 Fen.** “Fen” means a wetland with peat soils sixteen inches or more in depth, or any
22 depth of organic soil over bedrock, and vegetation such as certain sedges, hardstem bulrush and
23 cattails. Fens may have an overstory of spruce and may be associated with open water.

24
25 **19.150.320 Filling or Fill.** “Filling or fill” means a deposit of earth or other natural or manmade
26 material placed by artificial means, including, but not limited to, soil materials, debris, or dredged
27 sediments.

28
29 **19.150.325 Fish and wildlife habitat.** “Fish and wildlife habitat” means those areas identified as
30 being of critical importance to the maintenance of fish, wildlife, and plant species, including: areas
31 with which endangered, threatened, and sensitive species have a primary association; habitats and
32 species of local importance; commercial and recreational shellfish areas; kelp and eelgrass beds, forage
33 fish spawning areas; naturally occurring ponds and their submerged aquatic beds that provide fish or
34 wildlife habitat; waters of the State; lakes, ponds, streams or rivers planted with game fish by a
35 government or tribal entity, or private organization; State natural area preserves and natural resource
36 conservation areas.

37
38 **19.150.330 Fisheries biologist.** “Fisheries biologist” means a person with experience and training
39 in fisheries who is able to submit substantially correct reports on fish population surveys, stream
40 surveys and other related data analyses of fisheries resources. *Substantially correct* is interpreted to
41 mean that technical or scientific errors, if any, will be minor and do not delay or affect the site plan
42 review process. Qualifications of a fisheries biologist include:

- 43 i) certification by the American Fisheries Society;
- 44 i) a Bachelor of Science degree in fisheries or the biological sciences from an accredited
45 institution and two years of professional fisheries experience; or,
- 46 i) five or more years professional experience as a practicing fisheries biologist with a
47 minimum three years professional field experience.

1
2 **19.150.335 Floodplain.** “Floodplain” means the floodway and associated special flood hazard areas
3 having the potential to flood once every one hundred years, or having a one percent chance of being
4 equaled or exceeded in any given year. The regulatory flood hazard areas, floodplains and floodways
5 are depicted on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for
6 Kitsap County.

7
8 **19.150.340 Floodway.** “Floodway” means the channel of a river or other watercourse and the
9 adjacent land areas that must be reserved in order to discharge the base flood without cumulatively
10 increasing the water surface elevation more than one foot.

11
12 **19.150.345 Forage Fish.** “Forage fish” means anchovy, herring, sand lance and smelt.

13
14 **19.150.350 Forest Practices.** “Forest practices” means, as defined in WAC 222-16-010(21), as
15 now or hereafter amended, any activity conducted on or directly pertaining to forest land that is related
16 to growing, harvesting, or processing timber, including but not limited to:

- 17
18 A. Road and trail construction;
19
20 B. Harvesting, final and intermediate;
21
22 C. Pre-commercial thinning;
23
24 D. Reforestation;
25
26 E. Fertilization;
27
28 F. Prevention and suppression of diseases and insects;
29
30 G. Salvage of trees; and,
31
32 H. Brush control.

33
34 "Forest practices" shall not include preparatory work such as tree marking, surveying and road
35 flagging, or the removal or harvest of incidental vegetation from forest lands such as berries, ferns,
36 greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to
37 result in damage to forest soils, timber or public resources.

Deleted: ;

38
39 **19.150.355 Frequently Flooded Areas.** “Frequently flooded areas” means all Kitsap County lands,
40 shorelands and waters that are within the one-hundred-year floodplain as designated by the Federal
41 Emergency Management Agency on Flood Insurance Rate and Boundary Maps (FIRM).

42
43 **19.150.360 Geologically Hazardous Areas.** “Geologically hazardous areas” means, as defined by
44 WAC 365-190-030(8), as now or hereafter amended, areas, that because of their susceptibility to
45 erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential
46 or industrial development consistent with public health or safety concerns.

Deleted: in

Deleted: by Washington State and has a bachelor of science degree in geologic sciences from an accredited college

Deleted: or university and has a minimum of four years experience in soil or slope evaluation.

Deleted: '

1 | **19.150.365 Geologist.** “Geologist” means a person who is licensed in the State of Washington, and
2 | meets all experience and training requirements in accordance with Washington Administrative Code
3 | 308-15, as now or hereafter amended.

5 | **19.150.370 Geotechnical Engineer.** “Geotechnical engineer” means a practicing geotechnical/civil
6 | engineer licensed as a professional civil engineer with the state of Washington, with professional
7 | training and experience in geotechnical engineering, including at least four years of professional
8 | experience in evaluating geologically hazardous areas.

10 | **19.150.375 Geotechnical Report and Geological Report.** “Geotechnical report and geological
11 | report” means a study of potential site development impacts related to retention of natural vegetation,
12 | soil characteristics, geology, drainage, groundwater discharge, and engineering recommendations
13 | related to slope and structural stability. The geotechnical report shall be prepared by or in conjunction
14 | with a licensed geotechnical engineer meeting the minimum qualifications as defined by this title.
15 | Geological reports may contain the above information with the exception of engineering
16 | recommendations, and may be prepared by a geologist (See Chapter 19.700, Special Reports, for
17 | minimum qualifications).

19 | **19.150.380 Grading (relating to construction).** “Grading” means any excavating, filling,
20 | grubbing, recontouring or removal of earth materials on the surface layer or any combination thereof.

22 | **19.150.385 Grazed Wet Meadows.** “Grazed wet meadows” means wetlands whose vegetative
23 | cover has been greatly modified as a result of grazing, seeding, or cutting for hay. Grazed wet
24 | meadows are typically dominated by a pasture species (such as blue grass, orchard grass, fescue,
25 | clovers, reed canary grass, etc.) as well as non-native wetland species such as soft rush and buttercup.
26 | They are saturated or have standing water during the wet season and part of the growing season but are
27 | dry during the summer months. Grazed wet meadows are used, or have been used within the last five
28 | years, for livestock grazing, seeding or cutting for hay.

30 | **19.150.390 Grubbing.** “Grubbing” means the removal of vegetative matter from underground, such
31 | as sod, stumps, roots buried logs, or other debris, and includes the incidental removal of topsoil to a
32 | depth not exceeding twelve inches.

34 | **19.150.395 Groundwater.** “Groundwater” means water in a saturated zone or stratum beneath the
35 | surface of land or water.

37 | **19.150.400 Habitat Management Plan.** “Habitat Management Plan” means a report prepared by a
38 | professional wildlife biologist or fisheries biologist which discusses and evaluates critical fish and
39 | wildlife habitat functions and evaluates the measures necessary to maintain, enhance and improve
40 | habitat conservation on a proposed development site.

42 | **19.150.405 Habitat of Local Importance.** “Habitat of local importance” means a seasonal range or
43 | habitat element with which a given species has a primary association, and which, if altered, may
44 | reduce the likelihood that the species will maintain and reproduce over the long-term. These might
45 | include areas of high relative density or species richness, breeding habitat, winter range, and
46 | movement corridors. These might also include habitats that are of limited availability or areas of high
47 | vulnerability to alteration, such as cliffs, talus, and wetlands.

Deleted: 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 years² experience in groundwater investigations, modeling and remediation.

Deleted: ¶

Deleted: “Lot” means a fractional part of divided lands, having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area.¶

Deleted: 19.150.455 Major New Development. For the purposes of this title, “major new development” means the following activities if proposed 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 Title 17 the Kitsap County Zoning Ordinance;¶

¶ E. Performance Based developments authorized under Title 17 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 under 19.150.460 minor new development.¶

19.150.460 Minor New Development. For the purposes of this title, minor new development means the following activities if proposed 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 ... [4]

1
2 **19.150.410 Hazardous Substance(s).** “Hazardous substance” means any liquid, solid, gas or
3 sludge, including any materials, substance, product, commodity or waste, regardless of quantity, that
4 exhibits any of the characteristics or criteria of hazardous waste described in WAC 173-303-090 and
5 WAC 173-303-100 including waste oil and petroleum products.

6
7 **19.150.415 Hearing Examiner.** “Hearing examiner” means a person appointed to hear or review
8 certain land use decisions pursuant to RCW 36.70.970.

9
10 **19.150.420 Hydric Soils.** “Hydric soils” means soils which are wet long enough to periodically
11 produce anaerobic conditions, thereby influencing the growth of hydrophitic plants.

12
13 **19.150.425 Hydrologist or Hydrogeologist.** “Hydrologist or hydrogeologist” means a person, who
14 is qualified to engage in the practice of hydrogeology, has met the qualifications in hydrogeology
15 established under RCW 18.220, and has been issued a license in hydrogeology by the Washington
16 State Geologist Licensing Board.

17 **19.150.430 Infiltration Rate.** “Infiltration rate” means a general description of how quickly or
18 slowly water travels through a particular soil type.

19
20 **19.150.435 Landslide Hazard Areas.** “Landslide hazard areas” means areas potentially subject to
21 risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

22
23 **19.150.440 Liquefaction.** “Liquefaction” means a process in which a water-saturated soil, upon
24 shaking, suddenly loses strength and behaves as a fluid.

25
26 **19.150.445 Lot.** “Lot” shall mean a platted or unplatted parcel of land which has the minimum
27 area, setbacks, widths and open space required by Title 17 Kitsap County Code – Zoning, for
28 occupancy by a principal use and meets the access requirements of Title 17 Kitsap County Code -
29 Zoning

30 **19.150.450 Low Impact Activities.** “Low impact activities” means activities that do not require a
31 development permit and/or do not result in any alteration of hydrology or adversely impact the
32 environment.

33
34
35 **19.150.465 Mitigation.** “Mitigation” means avoiding, minimizing or compensating for adverse
36 critical area impacts. Mitigation includes the following specific categories:

- 37
38 A. Compensatory mitigation: replacing project-induced critical area losses or impacts, including,
39 but not limited to, restoration, creation, or enhancement.
40
41 B. Creation mitigation: mitigation performed to intentionally establish a critical area (e.g.,
42 wetland) at a site where it does not currently exist.
43
44 C. Enhancement mitigation: mitigation performed to improve the condition of existing degraded
45 critical areas (e.g., wetlands) so that the functions they provide are of a higher quality.
46

1 D. Restoration mitigation: mitigation performed to reestablish a critical area (e.g., wetland), or its
2 functional characteristics and processes, which have been lost by alterations, activities or
3 catastrophic events within an area which no longer meets the definition of a critical area.

4
5 **19.150.470 Native Vegetation.** “Native vegetation” means vegetation indigenous to the Puget
6 Sound coastal lowlands.

7
8 **19.150.475 Non-conforming Use or Structure.** “Non-conforming use or structure” means a use of
9 land or structure which was lawfully established or built and which has been lawfully continued, but
10 which does not conform to the current regulations of the zone in which it is located as established by
11 the provisions of Title 17 the Kitsap County Zoning Ordinance.

Deleted: ,

12
13 **19.150.480 Normal Maintenance.** “Normal maintenance” means those usual acts to prevent a
14 decline, lapse or cessation from a lawfully established condition. Normal maintenance includes
15 removing debris from and cutting or manual removal of vegetation in crossing and bridge areas.
16 Normal maintenance does not include:

- 17
18 A. Use of fertilizer or pesticide application in wetlands, fish and wildlife habitat conservation
19 areas, or their buffers;
20
21 B. Re-digging ditches in wetlands or their buffers to expand the depth and width beyond the
22 original ditch dimensions;
23
24 C. Re-digging existing drainage ditches in order to drain wetlands on lands not classified as
25 existing and ongoing agriculture under Section 19.100.120 (General Exemptions).

26
27 **19.150.485 Open Space.** “Open space” means land used for outdoor recreation, critical area or
28 resource land protection, amenity, safety or buffer, and includes structures incidental to these open
29 space uses, but excludes yards required by this title and land occupied by dwellings or impervious
30 surfaces not related to the open space uses.

31
32 **19.150.490 Ordinary High Water Mark.** “Ordinary high water mark” means that mark that will
33 be found by examining the bed and banks and ascertaining where the presence and action of waters are
34 so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character
35 distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1,
36 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits
37 issued by a local government or the department. This definition is further guided by the additional
38 criteria to clarify this mark in salt and fresh water environments, as contained in WAC 173-22-030,
39 now or hereafter amended.

Deleted: ,

40 **19.150.495 Out-of-Kind Compensation.** “Out-of-kind compensation” means to replace a critical
41 area (e.g., wetland) with a substitute critical area (e.g., wetland) whose characteristics do not closely
42 approximate those destroyed or degraded by a regulated activity. It does not refer to replacement “out-
43 of-category” such as replacement of wetland loss with new stream segments.

Deleted: 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.¶

44
45 **19.150.500 Performance Based Development (PBD)** “Performance Based Development” means
46 development characterized by comprehensive planning of the total project, though it may contain a
47 variety of individual lots and/or uses. Typically a project may include clustering of structures and

1 preservation of open space with a number of flexible and customized design features specific to the
2 natural features of the property and the uses sought to be implemented. Specific lot area and setback
3 requirements may be reduced or deleted in order to allow maximization of open space, critical areas
4 and other components of the project.

5
6 **19.150.505 Permeability.** “Permeability” means the capacity of an aquifer or confining bed to
7 transmit water.

8
9 **19.150.510 Permit.** “Permit” means any development, variance, conditional use permit, or revision
10 authorized under RCW 90.58 or Kitsap County regulations.

11
12 **19.150.515 Pond.** “Pond” means a naturally existing or artificially created body of standing water
13 less than twenty acres in size and not defined as "Shorelines of the State" by Chapter 90.58 RCW
14 (Shoreline Management Act).

15
16 **19.150.520 Practicable Alternative.** “Practicable alternative” means an alternative that is available
17 and capable of being carried out after taking into consideration cost, existing technology, and logistics
18 in light of overall project purposes, and having less impacts to critical areas. It may include an area not
19 owned by the applicant which can reasonably be obtained, utilized, expanded, or managed in order to
20 fulfill the basic purpose of the proposed activity.

21
22 **19.150.525 Priority Habitat.** “Priority habitat” means a seasonal range or habitat element with
23 which a given species has a primary association, and which, if altered may reduce the likelihood that
24 the species will maintain and reproduce over the long term. These might include areas of high relative
25 density or species richness; breeding, nesting, feeding, foraging, and migratory habitat; winter range,
26 movement corridors; and/or habitats that are of limited availability or high vulnerability to alteration.
27 Priority habitats are established by the Washington State Department of Fish and Wildlife within their
28 Priority Habitats and Species Database.

29
30 **19.150.530 Priority Species.** “Priority species “ means species requiring protective measures
31 and/or management to ensure their persistence at genetically viable population levels. Priority species
32 include state-listed or state proposed endangered, threatened or sensitive species and candidate and
33 monitored species.

34
35 **19.150.535 Public Facilities.** “Public facilities” means facilities which are owned, operated and
36 maintained by a public agency.

37
38 **19.150.540 Public Project of Significant Importance.** “Public project of significant importance”
39 means a project funded by a public agency, department or jurisdiction that is found to be in the best
40 interests of the citizens of Kitsap County and is so declared by the Kitsap County board of
41 commissioners in a resolution.

42
43 **19.150.545 Public Right-of-Way.** “Public right-of-way” means any road, alley, street, avenue,
44 arterial, bridge, highway, or other publicly owned ground or place used or reserved for the free passage
45 of vehicular and/or pedestrian traffic or other services, including utilities.

1 **19.150.550 Public Utility.** “Public utility” means a business or service, either governmental or
2 having appropriate approval from the state, which is engaged in regularly supplying the public with
3 some commodity or service which is of public consequence and need, such as, electricity, gas, sewer
4 and/or wastewater, water, transportation or communications.
5

6 **19.150.555 Ravine.** “Ravine” means a V-shaped landform, generally having little to no floodplain
7 and normally containing steep slopes, which is deeper than ten vertical feet as measured from the
8 centerline of the ravine to the top of the slope. Ravines are typically created by the wearing action of
9 streams.
10

11 **19.150.560 Reasonable Alternative.** “Reasonable alternative” means an activity that could feasibly
12 attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of
13 environmental degradation.
14

15 **19.150.565 Reasonable Use.** “Reasonable use” means a property that is deprived of all reasonable
16 use when the owner can realize no reasonable return on the property or make any productive use of the
17 property. Reasonable return does not mean a reduction in value of the land, or a lack of a profit on the
18 purchase and sale of the property, but rather, where there can be no beneficial use of the property; and
19 which is attributable to the implementation of the Critical Areas Ordinance.
20

21 **19.150.570 Reasonable Use Exception.** “Reasonable use exception” means an exception to the
22 standards of this title that allows for the use of a property that cannot otherwise conform to the
23 requirements set forth in this title, including the variance criteria. (See Section 19.100.140 for
24 Reasonable Use Exception procedures.)
25

26 **19.150.575 Refuse.** “Refuse” means material placed in a critical area or its buffer without
27 permission from any legal authority. Refuse includes, but is not limited to, stumps, wood and other
28 organic debris, as well as tires, automobiles, construction and household refuse. This does not include
29 large woody debris used with an approved enhancement plan.
30

31 **19.150.580 Regulated Use or Activity.** “Regulated use or activity” means any development
32 proposal which includes or directly affects a critical area or its buffer, or occurs within two hundred
33 and fifty feet of a critical area (See definition of "adjacent" and "development").
34

35 **19.150.585 Restoration.** “Restoration” means the return of a critical area (e.g., stream or wetland)
36 to a state in which its functions and values approach its unaltered state as closely as possible.
37

38 **19.150.590 Retention Facilities.** “Retention facilities” means drainage facilities designed to store
39 runoff for gradual release by evaporation, plant transpiration, or infiltration into the soil. Retention
40 facilities shall include all such drainage facilities designed so that none or only a portion of the runoff
41 entering the facility will be eventually discharged as surface water. Retention facilities shall include all
42 appurtenances associated with their designed function, maintenance and security.
43

44 **19.150.595 Riparian Area.** “Riparian area” means an area of land that supports riparian vegetation
45 and may include some upland areas, depending on site conditions. These generally occur adjacent to
46 water bodies where specific measures are needed to protect fish and wildlife habitat and watershed
47 functions.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

19.150.600 Salmonid. “Salmonid” means 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.

19.150.605 Sensitive Species (state listed). “Sensitive species” means 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.

19.150.610 Shorelines. For the purposes of this title, “shorelines” means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) 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 (ii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

19.150.615 Single-Family Dwelling. “Single family dwelling” means 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.

19.150.620 Special Flood Hazard Areas. “Special flood hazard area” means the area adjoining the floodway which is subject to a one percent or greater chance of flooding in any year, as determined by engineering studies acceptable to Kitsap County. The coastal high hazard areas are included within special flood hazard areas.

19.150.625 Species of Concern. “Species of concern” means those species that have been classified as endangered, threatened, sensitive, candidate, or monitored by the Washington State Department of Fish and Wildlife.

19.150.630 State Environmental Policy Act or SEPA. “State Environmental Policy Act or SEPA” means the state environmental law (Chapter 43.21C RCW) and rules (Chapter 197-11 WAC) as implemented by Kitsap County Code, Title 18 Environment.

19.150.635 Streams. “Streams” means those areas in Kitsap County where the surface water flows are sufficient to produce a defined channel or bed. A defined channel or bed is an area that 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.

19.150.640 Swale. “Swale” means a shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot.

19.150.645 Threatened Species (state listed). “Threatened species” means a species, native to the state of Washington, that is likely to become endangered in the foreseeable future throughout a

1 significant portion of its range within the state without cooperative management or the removal of
2 threats. Threatened species are legally designated in WAC 232-12-011.

3
4 **19.150.650 Toe of Slope.** “Toe of slope” means a distinct topographic break in a slope. Where no
5 distinct break exists, this point shall be the lowermost limits of the landslide hazard area as defined and
6 classified in Chapter 19.400.

Deleted: 6

7
8 **19.150.655 Top of Slope.** “Top of slope” means a distinct topographic break in a slope. Where no
9 distinct break in a slope exists, this point shall be the uppermost limit of the geologically hazardous
10 area as defined and classified in Chapter 19.400.

11
12 **19.150.660 Unavoidable and Necessary Impacts.** “Unavoidable and necessary impacts” means an
13 impact to a critical area that remains after an applicant proposing to alter such an area has
14 demonstrated that no practicable alternative exists for the proposed project.

15
16 **19.150.665 Utilities.** “Utilities” means facilities and/or structures that produce or carry electric
17 power, gas, sewage, water, communications, oil, publicly maintained stormwater facilities, etc.

Deleted: storm water

18
19 **1.0.0 Utility Corridor.** “Utility corridor” means areas identified in the Comprehensive Plan for
20 utility lines, including electric, gas, sewer, water lines; and public right-of-way and other dedicated
21 utility right-of-way on which one or more utility lines are currently located. The term "other dedicated
22 utility right-of-way" means ownership, easements, permits, licenses or other authorizations affording
23 utilities the right to operate and maintain utility facilities on private property.

Deleted: 19.150.670

Formatted: Bullets and Numbering

24
25 **2.0.0 Wellhead Protection Area.** “Wellhead protection area” means the surface and
26 subsurface area surrounding a well or well field that supplies a public water system.

Formatted: Bullets and Numbering

27
28 **19.150.675 Wetland Determination.** “Wetland determination” means an on-site determination as
29 to whether a wetland exists on a specific parcel, conditioned by either a wetland specialist or the
30 department. A wetland determination does not require a formal delineation.

31
32 **19.150.680 Wetland Edge.** “Wetland edge” means the line delineating the outer edge of a wetland
33 established in Section 19.200.210.

34
35 **19.150.685 Wetlands.** “Wetlands” means those areas that are inundated or saturated by surface or
36 ground water at a frequency and duration sufficient to support, and that under normal circumstances do
37 support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands
38 generally include, but are not limited to swamps, marshes, estuaries, bogs, and ponds less than twenty
39 acres, including their submerged aquatic beds and similar areas. Wetlands do not include those
40 artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation
41 and drainage ditches, grass-lined swales, canals, stormwater facilities, wastewater treatment facilities,
42 farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were
43 unintentionally created as a result of the construction of a road, street, or highway. Wetlands include
44 those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of
45 wetlands.

Deleted: storm water

1 **19.150.690 Wetlands, Isolated.** “Wetlands, isolated” or “isolated wetlands” means wetlands that
2 (1) are outside of and not contiguous to any one-hundred-year floodplain of a lake, river, or stream;
3 and (2) have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface
4 water or other wetland within a 100 foot radius.
5

6 **19.150.695 Wetlands, Mosaic.** “Wetlands, mosaic” or “mosaic wetlands” means groups of isolated
7 wetlands, any one or more of which may be smaller than any of the regulated categories, but which in
8 aggregate may be as valuable as any of the regulated categories.
9

10 **19.150.700 Wetlands of Regional Significance.** “Wetlands of regional significance” means those
11 regulated wetlands determined by the department, or otherwise determined, to have characteristics of
12 exceptional resource value which should be afforded the highest levels of protection
13

14 **19.150.705 Wetlands of Statewide Significance.** “Wetlands of statewide significance” means
15 those regulated wetlands recommended by the Washington State Department of Ecology and
16 determined by the department to have characteristics of exceptional resource value which should be
17 afforded the highest levels of protection.
18

19 **19.150.710 Wetlands Report.** “Wetlands report” means a wetland delineation characterization and
20 analysis of potential impacts to wetlands consistent with applicable provisions of Chapter 19.200
21 (Wetlands) and 19.700.7100.
22

23 **19.150.715 Wetlands Specialist.** “Wetlands specialist” means a person with experience and
24 training in wetland issues who is able to submit substantially correct reports on wetland delineations,
25 classifications, functional assessments and mitigation plans. Substantially correct is interpreted to
26 mean that errors, if any, will be minor and do not delay or affect the site plan review process.
27 Qualifications of a wetlands specialist include:

- 28 A. certification as a Professional Wetland Scientist (PWS) or Wetland Professional In Training
29 (WPIT) through the Society of Wetland Scientists;
- 30 B. a Bachelor of Science degree in the biological sciences from an accredited institution and two
31 years of professional field experience; or,
- 32 C. five or more years professional experience as a practicing wetlands biologist with a minimum
33 three years professional experience delineating wetlands.
34

35 **19.150.720 Wildlife Biologist.** “Wildlife biologist” means a person with experience and training in
36 the principles of wildlife management and with practical knowledge in the habits, distribution and
37 environmental management of wildlife. Qualifications include:

- 38 A. Certification as Professional Wildlife Biologist through The Wildlife Society;
- 39 B. Bachelor of Science or Bachelor of Arts degree in wildlife management, wildlife biology,
40 ecology, zoology, or a related field, from an accredited institution and two years of professional field
41 experience; or,
- 42 C. Five or more years of experience as a practicing wildlife biologist with a minimum of three
43 years of practical field experience.
44
45
46
47

Chapter 19.200
WETLANDS

- 19.200.205 Purpose.**
- 19.200.210 Wetland Identification and Functional Rating.**
- 19.200.215 Wetland Review Procedures.**
- 19.200.220 Development Standards for Wetland Buffers.**
- 19.200.225 Regulated Uses and Activities.**
- 19.200.230 Additional Development Standards for Regulated Uses.**
- 19.200.235 Special Use Review.**
- 19.200.240 Application Requirements.**
- 19.200.245 Delineation of Wetland Boundaries.**
- 19.200.250 Wetland Mitigation Requirements.**
- 19.200.255 Incentives for Wetlands Protection.**

1.1.1 Purpose.

← --- Formatted: Bullets and Numbering

This chapter applies to all regulated uses within or adjacent to areas designated as wetlands, as defined in Section 19.150.685. The intent of this chapter is as follows :

A. Achieve no net loss and increase the quality and function and values of wetland acreage, within Kitsap County and maintain and enhance the biological and physical functions and values of wetlands with respect to water quality maintenance, stormwater and floodwater storage and conveyance, fish and wildlife habitat, primary productivity, recreation, and education.

← --- Formatted: Bullets and Numbering

B. Protect the public's health, safety and welfare, while preventing public expenditures that could arise from improper wetland uses and activities;

← --- Formatted: Bullets and Numbering

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;

← --- Formatted: Bullets and Numbering

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

← --- Formatted: Bullets and Numbering

(Ord. 217 (1998) § 3 (part), 1998)

1.0.0 Wetland Identification and Functional Rating

← --- Formatted: Bullets and Numbering

A. General.

1. Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

2. The County will require the use of the following documents “as now or hereafter amended”. Wetlands shall be generally designated as follows:

1 **B. Regulated Wetlands.** (See Chapter 19.800 Appendix A for more detailed description).
2

3 1. Category I Wetlands: Category I wetlands are those regulated wetlands that include but
4 are not limited to rare, unique wetland types that are more sensitive to disturbance than
5 most wetlands and that contain ecological attributes that are impossible to replace
6 within a human lifetime. Category I wetlands score 70 points or more out of 100 on the
7 wetlands ratings systems.

8
9 2. Category II Wetlands: Category II wetlands are those regulated wetlands that score
10 between 51-69 points out of 100 on the wetlands ratings system.

11
12 3. Category III Wetlands: Category III wetlands are those regulated wetlands, 2,500
13 square feet or greater, that score between 30-50 points on the wetlands ratings system.

14
15 4. Category IV Wetlands: Category IV wetlands are those regulated wetlands, 5,000
16 square feet or greater, that score less than 30 points out of 100 on the wetlands ratings
17 system.

18
19 5. Wetlands intentionally created from non-wetland areas to mitigate conversion of other
20 wetlands.

21
22 6. Mosaic wetlands as defined at 19.150.695.

23
24 **C. Non-Regulated Wetlands.**

25
26 a. Category III Wetlands: Isolated wetlands less than 2,500 square feet.

27
28 b. Category IV Wetlands: Isolated wetlands less than 5,000 square feet.

29
30 c. Created Wetlands: Wetlands created intentionally from a non-wetland site that were
31 not required to be constructed as mitigation for adverse wetland impacts. These may
32 include, but are not limited to, irrigation and drainage ditches, grass-lined swales,
33 canals, detention facilities, wastewater treatment ponds, farm ponds not contiguous, as
34 defined in this title, and landscape amenities.

35
36 **D. Criteria for Determining Wetlands Divided by a Manmade Feature.**

37
38 1. When a wetland is divided by a manmade feature (e.g., a road embankment), the wetland
39 shall be rated as if it is not divided if there is a perennial or intermittent surface water
40 connection between the two wetlands and either of the following criteria are met:

41 a. It can be demonstrated that the separate wetlands were one discrete wetland prior to
42 construction of the manmade feature. This may be accomplished through an analysis
43 of secondary information such as aerial photographs and soils maps; or

44 b. The two separated wetlands can be shown to function as one wetland. This shall be
45 determined based on normal conditions (i.e., in the absence of unauthorized activity,
46 the wetlands possess similar vegetative or wildlife assemblages or hydrologic regime).

1 c. Separated wetland areas may be rated jointly in the absence of a perfectly level culvert
2 where it can be demonstrated that a level surface water connection is present within the
3 culvert that permits flow of water, fish, or other organisms in both directions.
4 Separated wetland areas may also be rated jointly in the absence of a perfectly level
5 culvert with two-way water flow if the bottom of the culvert is below the high water
6 marks in the receiving wetland or if the high water marks on either side differ by six
7 inches or less in elevation.

8 2. **Connecting Mosaic Pattern Wetlands.** In cases where the wetlands to be categorized are
9 smaller than one acre in size and separated from each other by 100 feet or less (on
10 average), the DOE mosaic methodology shall be used to determine the wetland category.
11 The area of the wetlands must be greater than 50 percent of the total combined area of
12 wetland and upland for the patchwork to be categorized as one wetland. The boundary of
13 the mosaic wetlands must reflect the ecological interconnectedness of the wetlands within
14 the mosaic. The County will not accept mosaic boundaries drawn to minimize the area of
15 wetland within the mosaic. (refer to 19.800.XXX Appendix X for more detail)

16
17 (Ord. 217 (1998) § 3 (part), 1998)

18
19 **19.200. 215 Wetland Review Procedures**

20
21 **A. Wetland Certification Process for Single-family Dwellings (No Encroachment into a Regulated**
22 **Wetland or its Standard Buffer).**

Deleted:

Deleted:

- 23
24 1. a. Prior to issuance of a building permit, site development permit, or on-site sewage
25 system permit, the applicant shall submit a single-family wetland certification form
26 completed by a wetland specialist that certifies either:
27 (1) No regulated wetlands are present within 250 feet of the project area; or
28 (2) Wetlands are present within 250 feet of the project area, but all regulated activities
29 associated with the dwelling (i.e., landscaped areas, septic facilities, outbuildings,
30 etc.) will occur outside of the standard buffer of the identified wetland.
31 b. If regulated wetland buffers extend onto the site, the wetland specialist shall place
32 permanent, clearly visible, wetland buffer signs at the edge of the buffer. A wetland
33 buffer sign affidavit, signed by the wetland specialist, shall be submitted to the
34 department as verification that the wetland buffer signs have been placed on the site.
35 c. A survey will not be required.
36 d. The single-family certification form may be used only to authorize single-family
37 dwellings and associated homesite features such as driveways, gardens, fences, wells,
38 lawns, and on-site septic systems. It may not be used for new agricultural activities,
39 expansion of existing agricultural activities, forest practice activities, commercial
40 projects, land divisions, buffer width modifications, or violations.
41 e. The single-family certification process will be monitored by the department for
42 accuracy, and enforcement actions will be initiated should encroachment into a
43 regulated wetland or buffer occur.
44 f. The applicant/property owner assumes responsibility for any and all errors of the
45 single-family certification form and all associated mitigation imposed by the
46 department.
47 g. Single-family certification forms shall be filed with the Kitsap County Auditor's
48 Office.

1
2 **19.200.220 Development Standards for Wetland Buffers.** For the purpose of this title, a
3 regulated wetland and its buffer are a critical area.
4

5 **A. Determining Buffer Widths.** Buffer widths shall be measured horizontally from a
6 perpendicular line established at the wetland edge based on the Base Buffer Width identified
7 in Table 1 and adjustments made from considerations contained in Table 2, below, and in
8 Section C, Tables 1 through 4.
9

10 Table 1

<u>Generalized Category of Wetland</u>	<u>Base Buffer Width</u>
<u>Category I</u>	<u>200 feet</u>
<u>Category II</u>	<u>100 feet</u>
<u>Category III</u>	<u>50 feet</u>
<u>Category IV</u>	<u>30 feet</u>

12 Table 2: Land use impact "intensity" based on development types
13

<u>Rating of impact from proposed changes in land use</u>	<u>Examples of land uses that cause the impact based on common zoning categories</u>
<u>High</u>	<u>Commercial, Urban, Industrial, Institutional, Retail Sales, Residential with more than 1 unit/acre, New agriculture (high-intensity processing such as dairies, nurseries and green houses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), New transportation corridors, High intensity recreation (golf courses, ball fields), hobby farms</u>
<u>Moderate</u>	<u>Residential with 1unit/acre or less, Moderate -Intensity Open Space (parks), New agriculture (moderate- intensity such as orchards and hay fields), Transportation enhancement projects</u>
<u>Low</u>	<u>Forestry, Open space (low-intensity such as passive recreation and natural resources preservation, minor transportation improvements)</u>

14 **A. Modification of Buffer Widths.** The standard buffer widths of this section may be decreased
15 through the averaging or reduction mechanisms of this section. The standard buffer width may
16 also be increased as contained in item number 3, below.

Formatted: Bullets and Numbering

17 **1. Standard Conditions.** The buffer widths recommended for land uses with "high
18 intensity" impacts to wetlands can be reduced to those recommended for "moderate intensity"
19 impacts under the conditions identified below.

20 **a.** For wetlands that score moderate or high for habitat (20 points or more), the width of the
21 buffer around the wetland can be reduced if both the following conditions are met:
22 (1) A relatively undisturbed vegetated corridor at least 100 feet wide is protected
23 between the wetland and any other Priority Habitats as defined by the Washington
24 State Department of Fish and Wildlife. The corridor must be protected for the entire
25

1 distance between the wetland and the Priority Habitat through some type of legal
 2 protection such as a conservation easement; and
 3 (2) Measures to minimize the impacts of different land uses on wetlands, as
 4 summarized in the following table, are applied.
 5

<u>Examples of Disturbance</u>	<u>Examples of Measures to Minimize Impacts</u>	<u>Examples of Activities that Cause the Disturbance</u>
<u>Lights</u>	<u>Direct lights away from wetland and/or replant with dense evergreen native vegetation</u>	<u>Parking Lots, Warehouses, Manufacturing, High Density Residential</u>
<u>Noise</u>	<u>Place activity that generates noise away from the wetland and/ or replant with dense evergreen native vegetation.</u>	<u>Manufacturing, High Density Residential</u>
<u>Toxic runoff</u>	<u>Route all new untreated runoff away from wetland,</u> <u>Covenants limiting use of pesticides within 150 ft of wetland</u> <u>Integrated pest management programs</u>	<u>Parking Lots, Roads, Manufacturing, Residential Areas, Application of Agricultural Pesticides, Landscaping</u>
<u>Change in water regime</u>	<u>Infiltrate or treat, detain & disperse into buffer new runoff from surfaces</u>	<u>Any impermeable surface, Lawns, Tilling</u>
<u>Pets and Human disturbance</u>	<u>Fence around buffer</u> <u>Plant buffer with "impenetrable" natural vegetation appropriate for region</u>	<u>Residential areas</u>
<u>Dust</u>	<u>BMP's for dust</u>	<u>Tilled fields</u>

6
 7 b. For wetlands that score less than 20 points for habitat, the buffer width can be reduced
 8 to those required for moderate land use impacts if measures to minimize the impacts of
 9 different land uses on wetland as summarized in the table above.

10 2. **Buffer Averaging.** Buffer width averaging may be allowed only where the applicant
 11 demonstrates all of the following:

- 12 a. The decrease in buffer width is minimized by limiting the degree or magnitude of the ← - - - - **Formatted: Bullets and Numbering**
 13 regulated activity.
 14 . For wetlands and/or required buffers associated with documented habitat for
 15 endangered, threatened, or sensitive fish, or wildlife species, a habitat assessment
 16 report has been submitted that demonstrates that the buffer modification will not result
 17 in an adverse impact to the species of study.
 18 . Width averaging will not adversely impact the wetland.
 19 . The total buffer area after averaging is no less than the buffer area prior to averaging.
 20 . The minimum buffer width will not be less than 50 percent of the widths established
 21 after the categorization is done and any buffer adjustments applied.

22 f. If buffer width averaging is utilized and significant trees are identified on the outer
 23 edge of the reduced buffer such that their drip line extends beyond the buffer edge, the
 24 following tree protection requirements must be followed:

25 1. A tree protection area shall be designed to protect each tree or tree stand during
 26 site development and construction. Tree protection areas may vary widely in shape, but

1 must extend a minimum of five feet beyond the existing tree canopy area along the
2 outer edge of the dripline of the tree(s), unless otherwise approved by the department.

3 2. Tree protection areas shall be added and clearly labeled on all applicable site
4 development and construction drawings, submitted to the department.

5 3. Temporary construction fencing at least 30 inches tall shall be erected around the
6 perimeter of the tree protection areas prior to the initiation of any clearing or grading. The
7 fencing shall be posted with signage clearly identifying the tree protection area. The
8 fencing shall remain in place through site development and construction.

9 4. No clearing, grading, filling or other development activities shall occur within the tree
10 protection area, except where approved in advance by the department and shown on the
11 approved plans for the proposal.

12 5. No vehicles, construction materials, fuel, or other materials shall be placed in tree
13 protection areas. Movement of any vehicles within tree protection areas shall be
14 prohibited.

15 6. No nails, rope, cable, signs, or fencing shall be attached to any tree proposed for retention.

16 7. The department may approve the use of alternate tree protection techniques if an equal or
17 greater level of protection will be provided.

18 3. **Buffer Increases.** The Department may require increased buffer width(s) when any of the
19 following are identified:

20 a. A larger buffer is necessary to maintain viable populations of existing species;

21 b. The wetland is used by, or associated with, species listed by the Federal government or
22 the State as endangered, threatened, sensitive, or as documented priority species or
23 habitats, or essential or outstanding potential sites such as heron rookeries or raptor
24 nesting areas;

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

27 d. The adjacent land has minimal vegetative cover or slopes greater than 20 percent.

28
29
30 **C. Width Tables of Buffers by Category of Wetland**

31
32 **Table 1: Width of buffers required to protect Category IV wetlands.**

<u>Category IV Wetland Characteristics</u>	<u>Buffer Width Adjustment to 30 ft base width (based on impact of land use)</u>
<u>Score for functions < 30 points</u>	<u>Low – Decrease by 5 ft.</u> <u>Moderate – Increase by 10 ft.</u> <u>High – Increase by 20 feet</u>

33
34 **Table 2: Width of buffers required to protect Category III wetlands.**

<u>Category III Wetland Characteristics</u>	<u>Buffer Width Adjustments to 50 ft base width (by impact of land use)</u>
<u>Moderate level of function for habitat (score for habitat is 20 - 28 pts.)</u>	<u>Low - Increase by 25 ft</u> <u>Moderate – Increase by 60 ft</u> <u>High – Increase by 100 ft</u>

<u>Category III wetlands not meeting above criteria</u>	<u>Low - Decrease by 10 ft</u> <u>Moderate – increase by 10 ft.</u> <u>High – Increase by 30 ft</u>
---	---

Table 3: Width of buffers required to protect Category II wetlands.

<u>Category II Wetland Characteristics</u>	<u>Buffer Widths Adjustments to 100 ft base width (by impact of land use/apply most protective)</u>
<u>High level of function for habitat (score for habitat is 29-36 pts.)</u>	<u>Low - Increase by 50 ft</u> <u>Moderate – Increase by 125 ft</u> <u>High – Increase by 100 ft</u>
<u>Moderate level of function for habitat (score for habitat is 20 - 28 pts.)</u>	<u>Low - Decrease by 25 ft</u> <u>Moderate – Increase by 10 ft</u> <u>High – Increase by 50 ft</u>
<u>High level of function for water quality improvement and low for habitat (score water quality is 24-32 pts and habitat is less than 20)</u>	<u>Low - Decrease by 50 ft</u> <u>Moderate – Decrease by 25 ft</u> <u>High – No change</u>
<u>Estuarine</u>	<u>Low - Decrease by 25 ft</u> <u>Moderate – Increase by 10 ft</u> <u>High – Increase by 50 ft</u>
<u>Category II wetlands not meeting above criteria</u>	<u>Low - Decrease by 50 ft</u> <u>Moderate – Decrease by 25 ft</u> <u>High – No Change</u>

Table 4: Width of buffers required to protect Category I wetlands.

<u>Category I Wetland Characteristics</u>	<u>Buffer Widths Adjustments to 200 ft base width (by impacts of land use/apply most protective)</u>
<u>Natural Heritage Wetlands</u>	<u>Low - Decrease by 75 ft</u> <u>Moderate – Decrease by 10 ft</u> <u>High – Increase by 50 ft</u>
<u>Bogs</u>	<u>Low - Decrease by 75 ft</u> <u>Moderate – Decrease by 10 ft</u> <u>High – Increase by 50 ft</u>
<u>Forested</u>	<u>Buffer size to be based on score for habitat functions or water quality functions</u>
<u>Estuarine</u>	<u>Low - Decrease by 100 ft</u> <u>Moderate – No Change</u> <u>High – Increase by 50 ft</u>
<u>Wetlands in Coastal Lagoons</u>	<u>Low - Decrease by 100 ft</u> <u>Moderate – No Change</u> <u>High – Increase by 50 ft</u>

<u>Category I Wetland Characteristics</u>	<u>Buffer Widths Adjustments to 200 ft base width (by impacts of land use/apply most protective)</u>
<u>High level of function for habitat (score for habitat is 29-36 pts.)</u>	<u>Low – Decrease by 50 ft.</u> <u>Moderate – Increase by 25 ft</u> <u>High – Increase by 50 ft</u>
<u>Moderate level of function for habitat (score for habitat is 20 - 28 pts.)</u>	<u>Low – Decrease by 125 ft</u> <u>Moderate – Decrease by 90 ft</u> <u>High – No change</u>
<u>High level of function for water quality improvement (score for WQI is 24-32) and low for habitat (score for habitat is less than 20 points)</u>	<u>Low – Decrease by 150 ft</u> <u>Moderate – Decrease by 125 ft</u> <u>High – Decrease by 100 ft</u>
<u>Category I wetlands not meeting any of the above criteria</u>	<u>Low – Decrease by 150 ft</u> <u>Moderate – Decrease by 125 ft</u> <u>High – Decrease by 100 ft</u>

NOTE: If the wetland meets more than one of the criteria listed in each table, the buffer needed to protect the wetland is the widest one.

D. Administrative Buffer Reductions. The department may decrease buffer widths 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:

- a. For proposed single family dwellings, 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:
 - i. Use of buffer averaging maintaining one hundred percent of the buffer area under the standard buffer requirement;
 - ii. Reduction of the overall buffer area by no more than twenty-five percent of the area required under the standard buffer requirement;
 - iii. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area with native vegetation;
 - iv. The use of alternative on-site wastewater systems in order to minimize site clearing;
 - v. Infiltration of stormwater where soils permit; and
 - vi. Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.

1 b. The minimum buffer shall be no less than thirty feet, except as allowed under a formal
2 variance or reasonable use approval.

3
4 **E. Variance.** In cases where proposed development cannot meet the administrative buffer reduction
5 criteria described in this section, a variance shall be required as described in 19.100.135.

6
7 **F. Fencing and Signs.** This subsection applies to those wetlands and their buffers that are within two
8 hundred fifty feet of regulated development activities.

9
10 1. Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required
11 by the department, between the area where the construction activity occurs and the
12 buffer. Fences shall be made of a durable protective barrier and shall be highly visible.
13 Silt fences and plastic construction fences may be used to prevent encroachment on
14 wetlands or their buffers by construction. Temporary fencing shall be removed after the
15 site work has been completed and the site is fully stabilized per county approval.

16
17 2. The department may require that permanent signs and/or fencing be placed on the
18 common boundary between a wetland buffer and the adjacent land. Such signs will
19 identify the wetland buffer. The department may approve an alternate method of
20 wetland and buffer identification, if it provides adequate protection to the wetland and
21 buffer.

22
23 **G. Dedication of Buffers.** Buffer areas shall be dedicated as permanent open space tracts,
24 functioning as critical areas buffers or as required by the department. The buffer shall be
25 identified on a site plan and filed as an attachment to the notice to title as required by section
26 19.100.150 (Notice to Title).

27
28 **H. Building or Impervious Surface Setback Lines.** A building or impervious surface setback
29 line of fifteen feet is required from the edge of any wetland buffer. Minor structural or
30 impervious surface intrusions into the areas of the setback may be permitted if the department
31 determines that such intrusions will not adversely impact the wetland. The setback shall be
32 identified on a site plan and filed as an attachment to the notice to title as required by Section
33 19.100.150 (Notice to Title).

34
35 **19.200.225 Regulated uses and activities.**

36
37 A. There shall be no activity allowed within a regulated wetland or its buffer unless specifically
38 allowed under this title in 19.200.225 C. “Regulated Uses and Activities Table” , below . Kitsap
39 County may grant exceptions to these uses and activities according to the intent and
40 specifications of this title.

41
42 B. Any regulated uses not specifically listed in “Regulated Uses and Activities Table” shall be
43 considered unclassified and may be allowed if granted a special use review in accordance with
44 this title (See Section 19.200.240 235, Special Use Review). All authorized uses and activities in
45 a regulated wetland or its buffer shall be subject to conditions established by the department and
46 may be subject to mitigation as required by this title.

C. Regulated uses and activities shall be classified as "allowed," "permitted," "special use" (Section 19.200.235) or "prohibited" according to this title. The wetland categories in "Regulated Uses and Activities Table" below are defined in the appendices (19.800 Appendices). For the purpose of the table below, "W" and "B" refer to the terms "wetland" and "buffer."

Table 1 Key:

<u>A</u>	=	<u>Allowed Outright</u>
<u>P</u>	=	<u>Permitted Use Subject to Development Standards</u>
		<u>Underlying Permit</u>
<u>S</u>	=	<u>Special Use Review Required</u>
<u>X</u>	=	<u>Prohibited</u>

<u>Regulated Uses and Activities Table</u>								
<u>Wetland Category</u>	<u>Category I</u>		<u>Category II</u>		<u>Category III</u>		<u>Category IV</u>	
	<u>W</u>	<u>B</u>	<u>W</u>	<u>B</u>	<u>W</u>	<u>B</u>	<u>W</u>	<u>B</u>
<u>Regulated Uses and Activities</u>								
<u>1. Agriculture-existing & ongoing</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>2. Agriculture-Building (Grazed Wet Meadows)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>S</u>	<u>P</u>
<u>3. A. Agriculture Conversion (Wetland dependent)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>B. (Non-wetland dependent)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>4. Bank stabilization</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>
<u>5. Boat ramp</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>6. Dock/float</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>
<u>8. Education and Scientific Research (no permanent structures)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>AP</u>
<u>9. Enhancement</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>10. Excavation (not associated with enhancement)</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>11. Fill (associated with no other use)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

Regulated Uses and Activities Table								
<u>Wetland Category</u>	<u>Category I</u>		<u>Category II</u>		<u>Category III</u>		<u>Category IV</u>	
	<u>W</u>	<u>B</u>	<u>W</u>	<u>B</u>	<u>W</u>	<u>B</u>	<u>W</u>	<u>B</u>
<u>Regulated Uses and Activities</u>								
<u>12. Fish Hatchery</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>13. Flooding (associated with no other use)</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>14. Forest Practice-Class IV General or COHP</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>15. Golf Course</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>16. Land Division</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>17. Mineral extraction</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>20. Parks-Public & Private</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>
<u>21. Ponds-Stock Watering</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>P</u>
<u>22. Public Facility</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>23. Public Project of Significant Importance</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>24. Radio/TV Towers</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>25. Restoration/Revegetation of Site</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>26. Road/Street-Public/Private Access</u>								
<u>A. Expand within existing ROW</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>
<u>B. New Facilities</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>
<u>27. Signs-(Interpretation, Hazard, Critical Area Boundary, Survey Markers)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>28. Site Investigation</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>29. Stormwater, Private R/D Facility</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>31. Trails and Trail Related Facilities</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>
<u>32. Utility Facility</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>

Regulated Uses and Activities Table								
<u>Wetland Category</u>	<u>Category I</u>		<u>Category II</u>		<u>Category III</u>		<u>Category IV</u>	
	<u>W</u>	<u>B</u>	<u>W</u>	<u>B</u>	<u>W</u>	<u>B</u>	<u>W</u>	<u>B</u>
<u>Regulated Uses and Activities</u>								
<u>33. Utility-On-Site Sewage Facility</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>S</u>
<u>34. Utility Line-Overhead</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>
<u>35. Utility Line-Underground</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>

19.200.230 Additional development standards for regulated uses.

In addition to meeting the development standards above (Section 19.200.2250), 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 all 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 protected by installation of 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 may be permitted, subject to the following 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.

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

3
4 **E. Land Divisions and Land Use Permits.** All proposed divisions of land and land uses
5 (including but not limited to the following: short plats, large lot subdivisions, master planned
6 fully contained communities, master planned resorts, performance based developments,
7 conditional use permits, site plan reviews, binding site plans) which include regulated wetlands,
8 shall comply with the following procedures and development standards:

9
10 1. Regulated wetlands, except the area with permanent open water, and wetland buffers
11 may be included in the calculation of minimum lot area for proposed lots provided that
12 other standards, including subsection (3) below, are met.

13
14 2. Land division approvals shall be conditioned to require that regulated wetlands and
15 regulated wetland buffers be dedicated as open space tracts, or as an easement or
16 covenant encumbering the wetland and wetland buffer. Such dedication, easement or
17 covenant shall be recorded together with the land division and represented on the final
18 plat, short plat or binding site plan, and title.

19
20 3. In order to implement the goals and policies of this title, to accommodate innovation,
21 creativity, and design flexibility, and to achieve a level of environmental protection that
22 would not be possible by typical lot-by-lot development, the use of the clustered
23 development or similar innovative site planning is strongly encouraged for projects with
24 regulated wetlands on the site.

25
26 4. After preliminary approval and prior to final land division approval, the department
27 may require that the common boundary between a regulated wetland or associated
28 buffer and the adjacent land be identified using permanent signs and/or fencing. In lieu
29 of signs and/or fencing, alternative methods of wetland and buffer identification may be
30 approved when such methods are determined by the department to provide adequate
31 protection to the wetland and buffer.

32
33 **F. Surface Water Management.**

34
35 1. Surface water discharges from stormwater facilities or structures may be allowed when ← --- **Formatted: Bullets and Numbering**
36 they are in accordance with Title 12 Stormwater Management Ordinance. The discharge
37 shall not significantly increase or decrease the rate of flow and/or hydro-period, nor
38 decrease the water quality of the wetland. Pre-treatment of surface water discharge
39 through biofiltration or other best management practices (BMPs) shall be required.

40
41 2. Stormwater facilities may be allowed in wetland buffers as specified in Table 1, above. ← --- **Formatted: Bullets and Numbering**

42
43 **G. Trails and Trail-Related Facilities.** Construction of public and private trails and trail-related
44 facilities, such as benches and viewing platforms may be allowed in wetlands or wetland
45 buffers pursuant to the following guidelines:
46

- 1 1. Trails and related facilities shall, to the extent feasible, be placed on existing road
2 grades, utility corridors, or any other previously disturbed areas.
- 3
- 4 2. Trails and related facilities shall be planned to minimize removal of trees, soil
5 disturbance and existing hydrological characteristics, shrubs, snags and important
6 wildlife habitat.
- 7
- 8 3. Viewing platforms and benches, and access to them, shall be designed and located to
9 minimize disturbance of wildlife habitat and/or critical characteristics of the affected
10 wetland.
- 11
- 12 4. Trails and related facilities shall generally be located outside required buffers. Where
13 trails are permitted within buffers they shall be located in the outer portion of the buffer
14 and a minimum of ~~twenty-five~~ thirty feet from the wetland edge, except where wetland
15 crossings or viewing areas have been approved.
- 16
- 17 5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such
18 as bike or horse trails, have been specifically allowed and mitigation has been provided.
19 Trail width shall not exceed five feet unless there is a demonstrated need, subject to
20 review and approval by the department. Trails shall be constructed with pervious
21 materials unless otherwise approved by the department.
- 22

H. Utilities in Wetlands or Wetland Buffers.

- 23
- 24
- 25 1. The utility development authorized in Section 19.100. .130(G) shall be allowed, subject
26 to best management practices in wetlands and wetland buffers..
- 27
- 28 2. Construction of new utilities outside the road right-of-way or existing utility corridors
29 may be permitted in wetlands or wetland buffers only when no reasonable alternative
30 location is available and the utility corridor meets the requirements for installation,
31 replacement of vegetation and maintenance outlined in (5) and (6), below, and as
32 required in the filing and approval of applicable permits and special reports (Chapter
33 19.700) required by this title.
- 34
- 35 3. Sewer or On-Site Sewage Utility. Construction of sewer lines or on-site sewage systems
36 may be permitted in regulated wetland buffers only when: (1) The applicant
37 demonstrates it is necessary to meet state and/or local health code minimum design
38 standards (not requiring a variance for either horizontal setback or vertical separation);
39 and/or (2) There are no other practicable or reasonable alternatives available and
40 construction meets the requirements of this section. Joint use of the sewer utility
41 corridor by other utilities may be allowed. Special Use Review (Section 19.200.240 35)
42 will be required when such activities occur in wetland buffers.
- 43
- 44 4. New utility corridors shall not be allowed when the regulated wetland or buffer has
45 known locations of federal or state listed endangered, threatened or sensitive species,
46 heron rookeries or nesting sites of raptors which are listed as state candidate or state
47 monitor, except in those circumstances where an approved habitat management plan

1 indicates that the utility corridor will not significantly impact the wetland or wetland
2 buffer.

3
4 5. New utility corridor construction and maintenance shall protect the regulated wetland
5 and buffer environment by utilizing the following methods:

6
7 a. New utility corridors shall be aligned when possible to avoid cutting trees
8 greater than twelve inches in diameter at breast height (four and one-half feet),
9 measured on the uphill side.

10
11 b. New utility corridors shall be revegetated with appropriate native vegetation at
12 preconstruction densities or greater; immediately upon completion of
13 construction, or as soon thereafter as possible; if due to seasonal growing
14 constraints. The utility shall ensure that such vegetation survives.

15
16 c. Any additional utility corridor access for maintenance shall be provided as much
17 as possible at specific points, rather than by parallel roads. Mitigation will be
18 required for any additional access through restoration of vegetation in disturbed
19 areas.

20
21 d. The department may require other additional mitigation measures.

22
23 6. Utility corridor maintenance shall include the following measures to protect the
24 regulated wetland and buffer environment:

25
26 a. Where feasible, painting of utility equipment such as power towers shall not be
27 sprayed or sandblasted, nor should lead-based paints be used.

28
29 b. No pesticides, herbicides or fertilizers may be used in wetland areas or their
30 buffers except those approved by the EPA and the Department of Ecology.
31 Where approved, herbicides must be applied by a licensed applicator in
32 accordance with the safe application practices on the label.

33
34 I. **Parks.** Development of public park and recreation facilities may be permitted provided that no
35 alteration of wetlands or wetland buffers occurs except for such uses which are allowed in 19.200.225
36 Table 1 . For example, enhancement of wetlands and development of trails may be allowed in wetlands
37 and wetland buffers subject to special use requirements and approval of a wetland mitigation plan.
38 19.200.235 Special use review.

Deleted: ¶

39
40 Development identified as requiring a Special Use Review in 19.200.225 Table 1 may be approved,
41 conditioned, or denied according to the procedures and criteria outlined in this section. Special use
42 review is an administrative process unless the underlying permit requires a public hearing.
43 The department is authorized to approve or deny permits as required by this title.

44
45 A. The department may approve a permit after review of the application and a wetland mitigation
46 plan submitted in accordance with this title. The department shall determine whether the use or
47 activity cannot be avoided because no reasonable or practicable alternative exists, whether the

1 proposed use is consistent with the spirit and intent of this title, and whether the use or activity
2 will cause adverse impacts to the wetland or the wetland buffer which cannot be mitigated. In
3 taking action to approve a special use review, the department may attach reasonable conditions
4 as necessary to minimize impacts, rectify impacts or compensate for impacts to the wetland or
5 wetland buffer.

6
7 B. The department shall deny a special use review request when it finds that the proposed use or
8 activity is inconsistent with this title and/or will cause adverse impacts to the wetland or
9 wetland buffer, that cannot be adequately mitigated and/or avoided.

10
11 C. Special use review determinations are appealable to the hearing examiner pursuant to Section
12 19.100.145 (Appeals).

13 **19.200.240 Application requirements.**

14
15 A. Application Procedures for New Development. Any new development containing a regulated
16 wetland or its buffer, or within two hundred feet of a regulated wetland or its buffer, shall
17 provide the special reports listed below, as required by the department, prior to any
18 development authorization by the department. Additional reports or information to further
19 identify potential impacts to any part of the environment may also be required.

20
21 1. Wetland delineation report (19.700.710);

22
23 2. Wetland mitigation report (19.700.715); and,

24
25 3. Erosion and sedimentation control measures and/or a site development activity permit
26 as required by Title 12 Kitsap County Stormwater Management Ordinance.

27
28 B. Time Limitations. Special reports submitted in accordance with this section shall be valid for a
29 period of three years from the date of issue unless a longer or shorter period is specified by the
30 department. An extension of an original report may be granted upon submittal of a written
31 request to the department prior to expiration. Prior to the granting of any extension, the
32 department may require updated studies if, in its judgment, the original intent of the application
33 is altered, enlarged or if circumstances relevant to the review and issuance of the original
34 permit have changed substantially, or if the applicant failed to abide by the terms of the original
35 approval.

36
37 **19.200.245 Delineation of wetland boundaries.**

38
39 A. For regulatory purposes, wetland delineations shall be determined by using the Washington
40 State Wetlands Identification and Delineation Manual, March 1997, or as hereafter amended.

41
42 B. The applicant shall be responsible for hiring a qualified wetlands specialist to determine the
43 wetland boundaries through a field survey. This specialist shall stake or flag the wetland
44 boundary. When required by the department, the applicant shall be responsible for hiring a
45 professional land surveyor licensed by the state of Washington to survey the wetland boundary
46 line. The regulated wetland boundary and regulated wetland buffer shall be identified on all

1 grading, landscaping, site, on-site septic system designs, utility or other development plans
2 submitted in support of the project.

3
4 C. The department may perform a delineation of a wetland boundary on parcels where no more
5 than one single-family dwelling unit is allowed.

6
7 D. Where the applicant has provided a delineation of a wetland boundary, the department may
8 verify the wetland boundary at the cost of the applicant and may require that a wetland
9 specialist make adjustments to the boundary.

10
11 **1.0.0 Wetland mitigation requirements.**

← --- Formatted: Bullets and Numbering

12
13 A. **Mitigation.** All regulated development activities in wetlands or buffers shall be mitigated
14 according to this title subject to the following order:

- 15 1. **Avoiding the impact altogether by not taking a certain action or parts of actions;**
- 16 2. **Minimizing impacts by limiting the degree or magnitude of the action and its**
17 **implementation by using appropriate technology or by taking affirmative steps to reduce**
18 **impacts;**
- 19 3. **The following types of mitigation (in the following order of preference):**
 - 20 a. **Rectifying the impact by reestablishing, rehabilitating, or restoring the affected**
21 **environment;**
 - 22 b. **Compensating for the impact by replacing or providing substitute resources or**
23 **environments;**
 - 24 a. **Compensating for the impact by improving the environmental processes that support**
25 **wetland systems and functions**
- 26 4. **Monitoring the impact and compensation and taking appropriate corrective measures; and**
- 27 5. **Mitigation for individual actions may include a combination of the above measures.**

← --- Formatted: Bullets and Numbering

← --- Formatted: Bullets and Numbering

28
29 T. **Mitigation for Regulated Activities in Wetland Buffers.** Specific mitigation plan
30 requirements are provided in 19.700.715. Approval of the mitigation plan shall be signified by
31 a notarized memorandum of agreement signed by the applicant and Department Director or
32 designee, and recorded with the Kitsap Pierce County Auditor. The agreement shall refer to all
33 requirements for the mitigation project.

← --- Formatted: Bullets and Numbering

34
35 C. **Mitigation for Regulated Activities in Wetlands.** Compensatory mitigation shall be required for
36 regulated activities that result in the loss of wetland acreage. Specific mitigation plan
37 requirements are provided in 19.700.715.

- 38 1. **A compensatory mitigation plan shall be completed. The applicant shall submit a detailed**
39 **mitigation plan for compensatory mitigation to the department. See 19.700.715 for specific**
40 **requirements of the detailed mitigation plan.**
- 41 2. **The detailed mitigation plan shall be prepared, signed, and dated by the wetland specialist to**
42 **indicate that the plan is in accordance with specifications determined by the wetland specialist.**
43 **A signed original mitigation plan shall be submitted to the department.**
- 44 3. **Approval of the detailed mitigation plan shall be signified by a notarized memorandum of**
45 **agreement signed by the applicant and department Director or designee, and recorded with the**
46 **Kitsap County Auditor. The agreement shall refer to all requirements for the mitigation**
47 **project.**

- 1 4. The mitigation project shall be completed according to a schedule agreed upon between the
- 2 department and the applicant.
- 3 5. Wetland mitigation shall occur according to the approved wetland mitigation plan and shall be
- 4 consistent with provisions of this chapter and title.
- 5 6. The wetland specialist shall be onsite during construction and plant installation phases of all
- 6 mitigation projects.
- 7 7. On completion of construction for the wetland mitigation project, the wetland specialist
- 8 shall submit an as-built report to the department for review and approval.

9

10 **D. Wetland Replacement Ratios.**

Formatted: Bullets and Numbering

- 11 0. The following ratios appearing below in the Wetland Mitigation Replacement Ratios Table, as
- 12 well as consideration of the factors listed in this section, shall be used to determine the
- 13 appropriate amounts of , restored , rehabilitated, created or enhanced wetland that will be
- 14 required to replace impacted wetlands. The first number specifies the amount of wetland area
- 15 requiring replacement and the second specifies the amount of wetland area altered.

Wetland Mitigation Replacement Ratios Table				
<u>CATEGORY and TYPE of WETLAND.</u>	<u>Re-establishment or Creation</u>	<u>Rehabilitation</u>	<u>1:1 Reestablishment or Creation (R/C) and Enhancement (E).</u>	<u>Enhancement Only</u>
<u>All Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>1:1 R/C and 2:1 E</u>	<u>6:1</u>
<u>All Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>1:1 R/C and 2:1 E</u>	<u>8:1</u>
<u>Category II estuarine</u>	<u>Case-by-case</u>	<u>4:1 rehabilitation of an estuarine wetland</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>All other Category II</u>	<u>3:1</u>	<u>8:1</u>	<u>1:1 R/C and 4:1 E</u>	<u>12:1</u>
<u>Category I Forested</u>	<u>6:1</u>	<u>12:1</u>	<u>1:1 R/C and 10:1</u>	<u>24:1</u>
<u>Category I based on score for fu</u>	<u>4:1</u>	<u>8:1</u>	<u>1:1 R/C and 6:1 E</u>	<u>16:1</u>
<u>Category I Natural Heritage site</u>	<u>Case-by-case</u>	<u>6:1 rehabilitation of a Natural Heritage site</u>	<u>Case by Case</u>	<u>Case by Case</u>
<u>Category I Coastal Lagoon</u>	<u>Case-by-case</u>	<u>6:1 rehabilitation of a coastal lagoon</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>Category I Bog</u>	<u>Case-by-case</u>	<u>6:1 rehabilitation of a bog</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>Category I Estuarine</u>	<u>Case-by-case</u>	<u>6:1 rehabilitation of an estuarine wetland</u>	<u>Case-by-case</u>	<u>Case-by-case</u>

Deleted: ¶

Deleted: ¶

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

2 a. Replacement ratios may be increased under the following circumstances:

- 3 0. Uncertainty exists as to the probable success of the proposed restoration or creation;
- 4 0. A significant period of time will elapse between impact and establishment of
- 5 wetland functions at the mitigation site;
- 6 0. Proposed compensation will result in a lower category wetland or reduced functions
- 7 relative to the wetland being impacted; or
- 8 0. The impact was an unauthorized impact.

Formatted: Bullets and Numbering

9

10 b. Replacement ratios may be decreased under the following circumstances:

- 11 0. Documentation by the applicant provides more certainty that the proposed
- 12 compensation actions will be successful. For example, demonstrated prior success
- 13 with similar compensation actions as those proposed, and/or extensive hydrologic
- 14 data to support the proposed water regime;
- 15 0. Documentation by the applicant demonstrates that the proposed compensation
- 16 actions will provide functions and values that are significantly greater than the
- 17 wetland being impacted; or
- 18 0. The proposed mitigation actions are conducted in advance of the impact and are
- 19 shown to be successful.

Formatted: Bullets and Numbering

20

21 **E. Off-Site Compensatory Mitigation.**

22

23 19. Considerations for determining whether off-site mitigation is preferable include, but are not

24 limited to:

Formatted: Bullets and Numbering

25 a. On-site conditions do not favor successful establishment of the required vegetation

26 type, or lack the proper soil conditions, or hydrology;

27 ttttt. On-site compensation would result in an aquatic habitat that is isolated from

28 other natural habitats or severely impaired by the effects of the adjacent

29 development;

Formatted: Bullets and Numbering

30 uuuuuu. Off-site location is crucial to one or more species that is threatened,

31 endangered, or otherwise of concern, and the on-site location is not;

32 vvvvvv. Off-site location is crucial to larger ecosystem functions, such as

33 providing corridors between habitats, and the on-site location is not; and,

34 wwwww. Off-site compensation has a greater likelihood of success or will provide

35 greater functional benefits.

36

37 20. When determining whether off-site mitigation is preferable, the value of the site-specific

38 wetland functions at the project site, such as flood control, nutrient retention, sediment

39 filtering, and rare or unique habitats or species, should be fully considered.

Formatted: Bullets and Numbering

40

41 21. When conditions do not favor on-site compensation, off-site compensatory mitigation

42 should be located as close to the impact site as possible, at least within the same watershed,

43 while still replacing lost functions.

Formatted: Bullets and Numbering

44

45 **F. Monitoring Requirements.**

46

1
2 B. Prevent turbidity and pollution, control siltation, protect nutrient reserves and maintain water
3 flows and water quality for anadromous and resident fish, ~~marine shellfish and forage fish~~.

- Deleted: ;
- Deleted: .
- Deleted: C. Preserve and protect habitat adequate to support viable populations of native wildlife currently existing in Kitsap County; and¶
- Deleted: ,

4
5
6 C. Encourage non-regulatory methods of habitat retention whenever practical, through
7 mechanisms such as education and the open space tax program.
8 (Ord. 217 (1998) § 3 (part), 1998)

9
10
11 **19.300.310 Fish and wildlife habitat conservation area categories.**

12
13 **A. Classification and Designation.** The following categories shall be used in classifying and
14 designating fish and wildlife habitat conservation areas:

15
16 **1.** **Streams.** All streams which meet the criteria for Type S, F, Np or Ns waters as set forth
17 in WAC 222-16-030 of the DNR Water Typing System (See Chapter 19.800, Appendix
18 "B").

- Deleted: A
- Deleted: .

19
20 **2a.** **Saltwater Shorelines, and Lakes 20 Acres and Greater in Surface Area.** Those
21 saltwater shorelines and lakes defined as shorelines of the state in the Shoreline
22 Management Act of 1971 and the Kitsap County Shoreline Management Master
23 Program, as now or hereafter amended. Shorelines include: Type 4 S waters as set forth
24 in WAC 222-16-030 (DNR Water Typing System) as now or hereafter amended;
25 commercial and recreational shellfish areas; kelp and eelgrass beds; and forage fish
26 spawning areas.

- Deleted: B
- Deleted: .
- Deleted: .1

27
28 **B.** **Lakes Less Than 20 Acres in Surface Area.** Those lakes which meet the criteria for
29 Type F, Np, Ns waters as set forth in WAC 222-16-030, as now or hereafter amended.
30 This includes lakes and ponds less than twenty acres in surface area and their
31 submerged aquatic beds, and lakes and ponds planted with game fish by a governmental
32 or tribal authority.

- Deleted: 2

33
34 **3.** **Wildlife Habitat Conservation Areas.**

35 **a.** **Class I Wildlife Habitat Conservation Areas.**

36 **i.** Habitats recognized by federal or state agencies for federal and/or state
37 listed endangered, threatened and sensitive species documented in maps
38 or databases available to Kitsap County.

- Deleted: C
- Deleted: .
- Deleted: 1
- Deleted: A
- Deleted: ..

39
40 **ii.** Areas targeted for preservation by the federal, state and/or local
41 government which provide fish and wildlife habitat benefits, such as
42 important waterfowl areas identified by the U.S. Fish and Wildlife
43 Service; or

- Deleted: b

44
45 **iii.** Areas that contain habitats and species of local importance.

- Deleted: c
- Deleted: .
- Deleted: 2
- Deleted: .
- Deleted: .

46
47 **b.** **Class II Wildlife Habitat 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.

Deleted: a

ii. Habitats that have been identified through maps, data bases, reports or studies that 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.

Deleted: b

Deleted: .

(Ord. 217 (1998) § 3 (part), 1998)

19.300.315 Development standards.

For the purposes of this title, a designated fish and wildlife habitat conservation area with its buffer is a critical area. Those regulated uses identified below within designated fish and wildlife habitat conservation areas shall comply with the performance standards outlined in this chapter. A habitat management plan (HMP) is a site investigation to evaluate the potential presence or absence of a regulated fish or wildlife species or habitat affecting a subject property and proposed development.

A. Buffers and Building Setbacks.

1. **Buffers.** Buffers or setbacks shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Buffers shall be maintained along the perimeter of fish and wildlife habitat conservation areas, as listed in Table 4.

Formatted: Bullets and Numbering

2. **Buffer Measurement.** 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 and building setbacks may be allowed for water-dependent and water-related activities subject to subsection 6 below, and for development authorized by Section 19.100.140 (Reasonable Use Exception), Section 19.100.125 (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 stormwaters, 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.

Deleted: storm water

Water Type	
Current DNR Water Typing	Previous DNR Water Typing
Type S	Type 1
Type F	Type 2 and 3
Type Np	Type 4
Type Ns	Type 5

1
2
3
4
5

Table 4: Fish and Wildlife Habitat Conservation Area Development Standards

Streams			
Water Type	Buffer Width	Minimum Building Setback	Other Development Standards
S Segments of Big Beef Creek, Curley Creek, Chico Creek, Burley Creek, Union River, Blackjack Creek and Tahuya River	200 feet	15 feet beyond buffer	Where applicable, refer to the development standards in Chapters 19.200 (Wetlands) and 19.400 (Geologically Hazardous Areas). Where such features occur on site, the more restrictive buffer or building setback shall apply.
F	150 feet	15 feet beyond buffer	
Np	50 feet	15 feet beyond buffer	
Ns	50 feet	15 feet beyond buffer	
Saltwater Shorelines and Lakes			
Shoreline Designation¹	Buffer Width	Minimum Building Setback	Other Development Standards
Urban, Semi-Rural and Rural shorelines and Lakes less than 20 acres	35 feet	15 feet beyond buffer	See subsection 19.300.315.A. Where applicable, refer to the development standards in Chapters 19.200 (Wetlands) and 19.400 (Geologically Hazardous Areas). Where such features occur on site, the more restrictive buffer or building setback shall apply.
Conservancy	50 feet	15 feet beyond buffer	
Natural	100 feet	15 feet beyond buffer	
Wildlife Habitat Conservation Areas			
Class I	Buffer widths and setbacks will be determined through a mandatory habitat management plan (HMP)		
Class II	Site-specific conditions will determine the need for the preparation of a habitat management plan buffer widths		

6
7
8
9
10
11

¹as defined in the Kitsap County Shoreline Management Master Program, Title 22 Kitsap County Code

3. **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

← - - - - **Formatted: Bullets and Numbering**

now or hereafter amended, whichever is greater. (Note: Setbacks for Conservancy-Public Lands to be determined by the Kitsap County Shoreline Management Master Program.)

4. **Provision for Decreasing Buffer.** In lieu of going through the formal variance process, an administrative reduction to buffer widths may be granted subject to the requirements of this section. Where an applicant demonstrates pursuant to the variance criteria that buffer widths cannot be met, a habitat management plan (HMP) will be required that shall meet the requirements as described in Chapter 19.700 of this Title. The department may decrease the buffer if, after consultation with the Washington State Department of Fish and Wildlife, and review of the HMP, the department determines that conditions are sufficient to protect the affected habitat. The department may reduce the buffer width by up to fifty percent for construction of a single family dwelling, or up to twenty five percent for all other development, but the buffer shall not be less than twenty-five feet. Granting of reduced buffer shall be the minimum necessary for the permitted use.

a. When applicable, the order of sequence for buffer reductions shall be as follows:

- i. Use of buffer averaging maintaining one hundred percent of the buffer area under the standard buffer requirement;
- ii. Reduction of the overall buffer area by no more than twenty-five percent of the area required under the standard buffer requirement;
- iii. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area;
- iv. The use of alternative on-site wastewater systems in order to minimize site clearing;
- v. Infiltration of stormwater where soils permit; and,
- vi. Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.

5. **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.

6. **Buffers for Streams in Ravines.** 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 that extends twenty-five feet beyond the top of the slope, whichever is greater.

7. **Channel Migration Zones.** In areas where channel migration zones occur outside of Urban Growth Areas (as of the date of the adoption of this ordinance), the buffer distance shall be measured from the edge of the channel migration zone.

Formatted: Bullets and Numbering

Deleted: For new development, w

Deleted: H

Deleted: M

Deleted: P

Deleted: (Chapter 19.700)

Deleted: be

Deleted: required.

Deleted:

Deleted: abitat Management P

Deleted: minor new development

Deleted: major new

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

8. **Buffer and Building Setback Alterations for Water-dependent and Water-related Activities.** The department may allow an administrative alteration to the required buffer and building setback for water-dependent and water-related 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 and building setback shall be the minimum necessary and shall require, an approved habitat management plan which adequately protects habitat values.

Deleted: , except for approved water dependent uses for minor new development

9. **Dedication of Buffers.** Buffer areas shall be dedicated as permanent open space tracts, functioning as critical areas buffers or as required by the department. The buffer shall be identified on a site plan and filed as an attachment to the notice to title as required by 19.100.150 (Critical Area and Buffer Notice to Title).

10. **Building or Impervious Surface Setback Lines:** A building or impervious surface setback line of 15 feet is required from the edge of any fish and wildlife habitat conservation area 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 fish and wildlife habitat conservation area. The setback shall be identified on a site plan and filed as an attachment to the notice to title as required by 19.100.150 (Critical Area and Buffer Notice to Title).

Deleted:

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

1. All sites with known locations of Class I wildlife habitat conservation areas or sites within two hundred fifty feet to known locations of Class I wildlife habitat conservation areas will require, for all development permits, the submittal and approval of a habitat management plan (HMP) as specified in Chapter 19.700 (Special Reports) 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.

Deleted:

2. All new development within ranges and habitat elements of Class I wildlife habitat conservation areas may require the submittal of a HMP as specified in Chapter 19.700.720 (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 Habitat Conservation Area Development Standards.** All development within designated Class II wildlife conservation areas shall adhere to the following standards:

1 | All new development within Class II wildlife conservation areas may require the submittal of a
2 | habitat management plan (HMP). An HMP shall consider measures to retain and protect the
3 | wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious
4 | surfaces, erosion control and retention of natural vegetation. The requirement for an HMP shall
5 | be determined during the SEPA/critical areas review on the project.
6 |

7 | D. **Stream Crossings.** Any private or public road expansion or construction which is allowed and
8 | must cross streams classified within this title, shall comply with the following minimum
9 | development standards:
10 |

- 11 | 1. Bridges or bottomless culverts shall be required for all Type S or F streams that have
12 | salmonid breeding habitat. Other alternatives may be allowed upon submittal of a
13 | habitat management plan that demonstrates that other alternatives would not result in
14 | significant impacts to the fish and wildlife conservation area, as determined appropriate
15 | through the Washington State Department of Fish and Wildlife, Hydraulics Project
16 | Approval process. The plan must demonstrate that salmon habitat will be replaced on a
17 | 1:1 ratio.
18 |
- 19 | 2. Crossings shall not occur in salmonid spawning areas unless no other feasible crossing
20 | site exists. For new development proposals, if existing crossings are determined to
21 | adversely impact salmon spawning or passage areas, new or upgraded crossings shall be
22 | located as determined to be necessary through coordination with the Washington State
23 | Department of Fish and Wildlife.
24 |
- 25 | 3. Bridge piers or abutments shall not be placed in either the floodway or between the
26 | ordinary high water marks unless no other feasible alternative placement exists.
27 |
- 28 | 4. Crossings shall not diminish flood carrying capacity.
29 |
- 30 | 5. Crossings shall serve multiple properties whenever possible.
31 |
- 32 | 6. Where there is no reasonable alternative to providing a culvert, the culvert shall be the
33 | minimum length necessary to accommodate the permitted activity.
34 |

35 | E. **Stream Relocations.** Stream relocations for the purpose of flood protection and/or fisheries
36 | restoration shall only be permitted when adhering to the following minimum performance
37 | standards and when consistent with Washington State Department of Fish and Wildlife
38 | hydraulic project approval:
39 |

- 40 | 1. The channel, bank and buffer areas should be replanted with native vegetation that
41 | replicates a natural, undisturbed riparian condition; and
42 |
- 43 | 2. For those shorelands and waters designated as frequently flooded areas pursuant to
44 | Chapter 19.500, a professional engineer licensed in the state of Washington shall
45 | provide information demonstrating that the equivalent base flood storage volume and
46 | function will be maintained.
47 |

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

3
4 F. **Pesticides, Fertilizers and Herbicides.** No pesticides, herbicides or fertilizers may be used in
5 fish and wildlife conservation areas or their buffers, except those approved by the EPA ~~or~~
6 Washington Department of Ecology ~~v~~ for use in fish and wildlife habitat conservation area
7 environments. Where approved, herbicides must be applied by a licensed applicator in
8 accordance with the safe application practices on the label.

Deleted: and
Deleted: approved under a
Deleted: Water Quality Modification Permit

9
10 G. **Land Divisions and Land Use Permits.** All proposed divisions of land and land uses
11 (subdivisions, short subdivisions, short plats, long and large lot plats, performance based
12 developments, conditional use permits, site plan reviews, binding site plans) that include fish
13 and wildlife habitat conservation areas shall comply with the following procedures and
14 development standards:

- 15
16 1. The open water area of lakes, streams, and tidal lands shall not be permitted for use in
17 calculating minimum lot area.
18
19 2. Land division approvals shall be conditioned so that all required buffers are dedicated
20 as open space tracts, or as an easement or covenant encumbering the buffer. Such
21 dedication, easement or covenant shall be recorded together with the land division and
22 represented on the final plat, short plat or binding site plan, and title.
23
24 3. In order to avoid the creation of non-conforming lots, each new lot shall contain at least
25 one building site that meets the requirements of this title, including buffer requirements
26 for habitat conservation areas. This site must also have access and a sewage disposal
27 system location that are suitable for development and does not adversely impact the fish
28 and wildlife conservation area.
29
30 4. After preliminary approval and prior to final land division approval, the department
31 may require that the common boundary between a required buffer and the adjacent
32 lands be identified using permanent signs. In lieu of signs, alternative methods of buffer
33 identification may be approved when such methods are determined by the department to
34 provide adequate protection to the buffer.
35
36 5. In order to implement the goals and policies of this title, to accommodate innovation,
37 creativity, and design flexibility, and to achieve a level of environmental protection that
38 would not be possible by typical lot-by-lot development, the use of the performance
39 based development process is strongly encouraged for projects within designated fish
40 and wildlife habitat conservation areas.

41
42 H. **Agricultural Restrictions.** In all development proposals that would permit introduction of
43 agriculture to fish and wildlife habitat conservation areas, damage to the area shall be avoided
44 by the installation of fencing located not closer than the outer buffer edge.
45

- 1 I. **Trails and Trail-Related Facilities.** Construction of public and private trails and trail-related
 2 facilities, such as benches, interpretive centers, and viewing platforms, may be allowed in fish
 3 and wildlife habitat conservation areas or their buffers pursuant to the following standards:
 4
 - 5 1. Trails and related facilities shall, to the extent feasible, be placed on existing road
 6 grades, utility corridors, or other such previously disturbed areas.
 7
 - 8 2. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags
 9 and important wildlife habitat.
 10
 - 11 3. Viewing platforms, interpretive centers, benches and access to them, shall be designed
 12 and located to minimize disturbance of wildlife habitat and/or critical characteristics of
 13 the affected conservation area.
 14
 - 15 4. Trails and related facilities shall generally be located outside required buffers. Where
 16 trails are permitted within buffers they shall be located in the outer portion of the buffer
 17 and a minimum of twenty-five feet from the stream edge, except where stream crossings
 18 or viewing areas have been approved.
 19
 - 20 5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such
 21 as bike or horse trails have been specifically allowed and mitigation has been provided.
 22 Trail width shall not exceed five feet unless there is demonstrated need, subject to
 23 review and approval by the department. Trails shall be constructed with pervious
 24 materials unless otherwise approved by the department.
 25

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

- 28
 - 29 1. The ~~normal and routine~~, utility ~~maintenance or repair~~, authorized in Section 19.100.125
 30 shall be allowed within designated fish and wildlife habitat conservation areas, subject
 31 to best management practices.
 32
 - 33 2. Construction of utilities may be permitted in fish and wildlife habitat conservation areas
 34 or their buffers, only when no practicable or reasonable alternative location is available
 35 and the utility corridor meets the requirements for installation, replacement of
 36 vegetation and maintenance outlined in 5 and 6 below, and as required in the filing and
 37 approval of special reports (Chapter 19.700) which may be required by this title.
 38
 - 39 3. **Sewer or On-site Sewage Utility.** Construction of sewer lines or on-site sewage
 40 systems may be permitted in fish and wildlife habitat conservation areas or their buffers
 41 when the applicant demonstrates it is necessary to meet state and/or local health code
 42 requirements, there are no other practicable alternatives available, and construction
 43 meets the requirement of this section. Joint use of the sewer utility corridor by other
 44 utilities may be allowed.
 45
 - 46 4. **New Utility Corridors.** New utility corridors shall not be allowed in fish and wildlife
 47 habitat conservation areas with known locations of federal or state listed endangered,

Deleted: minor
 Deleted: development
 Deleted: 0

1 threatened or sensitive species, heron rookeries or nesting sites of raptors which are
2 listed as state candidate or state monitor, except in those circumstances where an
3 approved habitat management plan indicates that the utility corridor will not
4 significantly impact the conservation area.

Deleted: ;

5
6 5. **New Utility Corridor Construction.** Utility corridor construction and maintenance
7 shall protect the environment of fish and wildlife habitat conservation areas and their
8 buffers.

- 9
10 a. New utility corridors shall be aligned when possible to avoid cutting trees
11 greater than twelve inches in diameter at breast height (four and one-half feet)
12 measured on the uphill side.
13
14 b. New utility corridors shall be revegetated with appropriate native vegetation at
15 not less than pre-construction vegetation densities or greater, immediately upon
16 completion of construction, or as soon thereafter as possible due to seasonal
17 growing constraints. The utility shall ensure that such vegetation survives.
18
19 c. Any additional corridor access for maintenance shall be provided wherever
20 possible at specific points rather than by parallel roads. If parallel roads are
21 necessary, they shall be of a minimum width but no greater than fifteen feet; and
22 shall be contiguous to the location of the utility corridor on the side away from
23 the conservation area.
24

25 6. Utility corridor maintenance shall include the following measures to protect the
26 environment of regulated fish and wildlife habitat conservation areas.

- 27
28 a. Utility towers should be painted with brush, pad or roller and should not be
29 sandblasted or spray painted, nor should lead base paints be used.
30
31 b. Pesticides, Fertilizers and Herbicides. No pesticides or fertilizers may be used in
32 fish and wildlife conservation areas or their buffers, except those herbicides
33 approved by the EPA and the Department of Ecology. Where approved,
34 herbicides must be applied by a licensed applicator in accordance with the safe
35 application practices on the label.
36
37

38 K. **Bank Stabilization.** A stream channel and bank, bluff, and shore may be stabilized when
39 naturally occurring earth movement threatens existing structures (defined as requiring a
40 building permit pursuant to the Kitsap County Building and Fire Code), public improvements,
41 unique natural resources, public health, safety or welfare, or the only feasible access to
42 property, and, in the case of streams, when such stabilization results in maintenance of fish and
43 wildlife habitat, flood control and improved water quality. Bluff, bank and shoreline
44 stabilization shall also be subject to the standards of Title 22 Kitsap County Shoreline
45 Management Master Program, and Title 15 Kitsap County Flood Hazard Areas. Refer to
46 19.700.725 (Special Reports) for geological and geotechnical report requirements.
47

1 Where bank stabilization is determined to be necessary, soft-shore protective techniques shall
2 be required over other types of shoreline protection. Techniques include but are not limited to:
3 beach nourishment, coarse beach fill, gravel berms, vegetation plantings, and placement of
4 large, woody debris (logs and stumps). Special consideration shall be given to protecting the
5 functions of feeder bluffs. Bulkheads and retaining walls may only be utilized as an
6 engineering solution where it can be demonstrated through a geotechnical report that an
7 existing residential structure cannot be safely maintained without such measures, and that the
8 resulting retaining wall is the minimum length necessary to provide a stable building area for
9 the proposed structure. A variance pursuant to Section 19.100.135, must be obtained in all other
10 cases. The department may require that bank stabilization be designed by a professional
11 engineer licensed in the state of Washington with demonstrated expertise in hydraulic actions
12 of shorelines. Bank stabilization projects may also require a Kitsap County Site Development
13 activity Permit per Title 12 Stormwater Management and Hydraulic Project Approval from the
14 Washington Department of Fish and Wildlife.

Deleted: Stormwater

15
16 L. **Fencing and Signs.** Prior to approval or issuance of permits for land divisions and new
17 development, the department may require that the common boundary between a required buffer
18 and the adjacent lands be identified using fencing or permanent signs. In lieu of fencing or
19 signs, alternative methods of buffer identification may be approved when such methods are
20 determined by the department to provide adequate protection to the buffer.

21
22 M. **Forest Practice, Class IV General and Conversion Option Harvest Plans (COHP's).** All
23 timber harvesting and associated development activity, such as construction of roads, shall
24 comply with the provisions of this title, and the Stormwater Management Ordinance, including
25 the maintenance of buffers, where required.

Deleted: Storm Water

26
27 N. **Road/Street Repair and Construction.** Any private or public road or street expansion or
28 construction that is allowed in a fish and wildlife habitat conservation area or its buffer shall
29 comply with the following minimum development standards:

- 30
31 1. No other reasonable or practicable alternative exists and the road or street crossing
32 serves multiple properties whenever possible;
- 33
34 2. Expansion or construction of any private or public road shall only be allowed when
35 adverse impacts cannot be avoided;
- 36
37 3. Public and private roads should provide for other purposes, such as utility crossings,
38 pedestrian or bicycle easements, viewing points, etc.; and
- 39
40 4. The road or street construction is the minimum necessary, as required by the department
41 of public works, and shall comply with the department of public works' guidelines to
42 provide public safety and mitigated stormwater impacts.
- 43
44 5. Construction time limits shall be determined in consultation with the Washington
45 Department of Fish and Wildlife in order to ensure habitat protection.

Deleted: storm water

46 (Ord. 217 (1998) § 3 (part), 1998)

1
2
3 **Chapter 19.400**
4 **GEOLOGICALLY HAZARDOUS AREAS**
5

6 **19.400.405 Purpose.**

7 **19.400.410 Geologically hazardous area categories.**

8 **19.400.415 Development standards.**
9
10

11 **19.400.405 Purpose.**

12
13 This section applies to all regulated uses included in this title within two hundred fifty feet of areas
14 designated as geologically hazardous areas, as categorized in Section 19.400.410 below. The intent of
15 this section is to:

16 A. Provide standards to protect human life and property from potential risks;

Deleted: ¶

Deleted: A. .

17
18 B. Regulate uses of land in order to avoid damage to structures and property being developed and
19 damage to neighboring land and structures;

20 C. Control erosion, siltation, and water quality to protect anadromous and resident fish and marine
21 shellfish;

Deleted: ¶

B

22
23 D. Provide controls to minimize shoreline erosion caused by human activity;

Deleted: C

24
25 E. Use innovative site planning by placing geologically hazardous areas and buffers in open space
26 and transferring density to more suitable areas on the site.

Deleted: D

27 (Ord. 217 (1998) § 3 (part), 1998)
28

29 **19.400.410 Geologically hazardous area categories.**

30
31 A. **Classification.** The following categories shall be used in classifying geologically hazardous
32 areas:

33
34 **1. Areas of High Geologic Hazard.**

35
36 a. Areas with slopes greater than thirty percent and mapped by the Coastal Zone Atlas,
37 Quaternary Geology and Stratigraphy of Kitsap County, or by Light Distance and
38 Radar (LiDAR) mapping as "Unstable" (U), "Unstable Old Land Slides" (UOS) or
39 "Unstable Recent Slides" (URS).

40
41 b. Areas with slopes greater than thirty percent in grade and deemed by a qualified
42 geologist or geotechnical engineer to meet the criteria of U, UOS, or URS.

43
44 **2. Areas of Moderate Geologic Hazard.**

45
46 a. Areas designated U, UOS, or URS in the Coastal Zone Atlas, ~~or~~ Quaternary
47 Geology and Stratigraphy of Kitsap County, or LiDAR maps, with slopes less than

1 thirty percent; or areas found by a qualified geologist to meet the criteria for U,
2 URS, and UOS with slopes less than thirty percent;

3
4 b. Slopes identified as "Intermediate" (I) in the Coastal Zone Atlas, Quaternary
5 Geology and Stratigraphy of Kitsap County or LiDAR maps, or areas found by a
6 qualified geologist to meet the criteria of I;

7
8 c. Slopes fifteen percent or greater, not classified as I, U, UOS, or URS, with soils
9 classified by the Natural Resources Conservation Service as "highly erodible" or
10 "potentially highly erodible;"

11
12 d. Slopes of fifteen percent or greater with springs or groundwater seepage not
13 identified in a or b above; or,

14
15 e. Seismic areas subject to liquefaction from earthquakes (seismic hazard areas) such
16 as hydric soils as identified by the Natural Resources Conservation Service, and
17 areas that have been filled to make a site more suitable. Seismic areas may include
18 former wetlands which have been covered with fill.

19
20 **B. Site Specific Determinations.**

21
22 A geologic or geotechnical report is a site investigation process to evaluate the on-site geology
23 affecting a subject property and proposed development. Should the applicant question the
24 information the county must rely on to determine whether a location contains a geologically
25 hazardous area, the county may ask the applicant to submit the appropriate site specific
26 geotechnical or geologic report to confirm or modify the existing information known about the
27 area. The requirements for reports are contained in Special Reports, Chapter 19.700.

28
29 The intent of this provision is to allow obviously non-geologically hazardous sites to be
30 determined as such. Where there is any ambiguity about the potential for geologic hazards
31 whatsoever, the department will require a geotechnical or geological report, rather than make a
32 non-geologically hazardous determination.

33 (Ord. 217 (1998) § 3 (part), 1998)

34
35
36 **19.400.415 Development standards.**

37
38 This section applies to all regulated uses in this title or within two hundred fifty feet of areas
39 designated as geologically hazardous areas. Submittal documents prepared by a licensed engineer may
40 also be required by the department, pursuant to Title 12 Kitsap County Stormwater Management
41 Ordinance.

Deleted: Stormwater

42
43 A. **Review.** Where applicable the department will approve, approve with conditions or deny the
44 development proposal based on the department's evaluation of specific site conditions. The department
45 will also consider any proposed mitigation measures included in a geotechnical report, if one is
46 required.

Deleted: submitted

1 B. **Minimum Buffer Requirement.** The buffer for all geologically hazardous areas shall include
2 native vegetation from the toe of the slope to twenty-five feet beyond the top of the slope unless
3 otherwise allowed through a geological report or a site-specific determination (Refer to Section
4 19.400.410(B).
5

6 C. **Building/Impervious Surface Setback Requirements.**
7

- 8 1. **Areas of High Geologic Hazard.** Minimum building and impervious surface setback
9 from the top of slope shall be equal to the height of the slope (1:1 horizontal to vertical)
10 plus the greater of 1/3 of the vertical slope height or twenty-five feet.
11
- 12 2. **Areas of Moderate Geologic Hazard.** A minimum forty foot building and impervious
13 surface setback shall be maintained from the top of slope. As required in subsection B
14 above, the twenty-five feet adjacent to the top of the slope shall be retained as a native
15 vegetation buffer, with an additional minimum fifteen-foot building and impervious
16 surface setback. The department may decrease the setback when such a setback would
17 result in a greater than 1:1 slope setback or as may be allowed under Section
18 19.400.410(B) (Site Specific Determinations).
19
- 20 3. **Toe of Slope Building Setback.** A geotechnical report may be required for any new
21 construction within two hundred feet of an area of high geologic hazard. The
22 department will make a determination based on slope height and stability indicators.
23 Where slope hazard indicators are not identified, the requirements of Title 14.04 Kitsap
24 County Building and Fire Codes will apply.
25

26 D. **Buffer and Building Setback Modifications.**
27

- 28 1. **Report Recommendations.** The minimum native vegetation buffer and/or building
29 setback requirement may be decreased if a geotechnical report demonstrates that a
30 lesser distance, through design and engineering solutions, will adequately protect both
31 the proposed development and the erosion hazard and/or landslide hazard area (see
32 Chapter 19.700, Special Reports, for geological and geotechnical report requirements).
33 Should the geotechnical report indicate that a greater buffer and/or building setback is
34 required than specified in subsections B and/or C above, the greater buffer and/or
35 building setback shall be required. The department may determine through a site visit, a
36 special report or mapping, that an increased buffer and/or building setback is required
37 from the critical area.
38
- 39 2. **Vegetation Removal.** Minor pruning of vegetation or tree removal for view
40 enhancement, or elimination of danger trees to maintain slope integrity may be allowed,
41 provided that such activity is approved by the department. The thinning of limbs on
42 individual trees is preferred to the removal or topping of trees for view corridors. At a
43 minimum, no more than thirty percent of the live tree crowns shall be removed. Total
44 buffer thinning shall not exceed twenty-five percent.
45

46 E. **Seasonal Restrictions.** ~~Clearing and grading shall be limited to the period between May 1 to~~
47 ~~October 1, unless the applicant provides an erosion and sedimentation control plan prepared by~~

Deleted: For major new development,
and where required for minor new
development

Deleted: c

1 a professional engineer licensed in the state of Washington that specifically and realistically
2 identifies methods of erosion control for wet weather conditions.

3
4 F. **Field Marking Requirements.** The proposed clearing for the project and all critical area
5 buffers shall be marked in the field for inspection and approval by the department prior to
6 beginning work. Field marking requirements for construction of a single-family dwelling will
7 be determined on a case-by-case basis by the department. The field marking of all buffers shall
8 remain in place until construction is completed and final approval is granted by the department.
9 Permanent marking may be required as determined necessary to protect critical areas or its
10 buffer.

Deleted: For major new development, t
Deleted: ,
Deleted: minor new development

11
12 G. **Cut and Fill Slopes.** The faces of all cut and fill slopes shall be protected to prevent erosion as
13 required by the engineered erosion and sedimentation control plan.

14
15 H. Stormwater Standards. Stormwater discharges shall be in compliance with Title 12
16 Stormwater Management.

Deleted: Stormwater
Deleted: Stormwater
Deleted: Stormwater

17
18 I. **Development Risk Standard.** In cases where a special report indicates a significant risk to
19 public health, safety and welfare, the department shall deny or require revision of the site
20 development proposal.

21
22 J. **Additional Clearing Standards.**

- 23
24 1. Only the clearing necessary to install temporary erosion control measures will be allowed
25 prior to the clearing for roads and utilities construction.
- 26
27 2. Clearing for roads and utilities shall be the minimum necessary and shall remain within
28 marked construction limits.
- 29
30 3. Clearing for overhead power lines shall be the minimum necessary for construction and will
31 provide the required minimum clearances of the serving utility.

32
33 K. **Existing Logging Roads.** Where existing logging roads occur in geologically hazardous areas,
34 a geological or geotechnical report may be required prior to use as a temporary haul road or
35 permanent access road under a conversion or COHP forest practices application.

36
37 L. **Clustering Requirements.** The department may require clustering to increase protection to
38 geologically hazardous areas.

39
40 M. **Vegetation Enhancement.** The department may require enhancement of buffer vegetation to
41 increase protection to geologically hazardous areas.

42
43 N. **Seismic Hazard Area Development Standards.**

- 44
45 1. Proposed new development within a seismic hazard area shall be in accordance with Title
46 14.04 Kitsap County Building and Fire Code.

Deleted: .

1 2. Applicants for public and commercial building proposals within seismic hazard areas shall
2 submit a geotechnical report addressing any fill or grading that has occurred on the subject
3 parcel. Any fill placed for such development shall have documented construction
4 monitoring as required by Title 14.04 Kitsap County Building and Fire Code.
5

6
7 ~~3.~~ The development proposal may be approved, approved with conditions or denied based on
8 the departments' evaluation of the proposed mitigation measures to reduce seismic risk.
9

Deleted: 3. 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.¶

Deleted: 4

10 O. **Prohibitions.**

11
12 ~~6.~~ Critical facilities, as defined in Section 19.150, are prohibited in areas of high
13 geologic hazard.
14

15 ~~7.~~ In areas of high geologic hazard with slopes greater than eighty percent, no
16 development will be allowed either on or within the defined buffer area, unless
17 approved by the department after review of a geotechnical report. The defined buffer
18 zone for geologically hazardous areas is defined in subsection C of this section.
19

Formatted: Bullets and Numbering

Deleted:

20 3. On-site sewage disposal should be avoided in areas of high geologic hazard and their
21 buffers. In cases where such areas cannot be avoided, review by a geologist or a
22 geotechnical engineer licensed in the state of Washington will be required in
23 coordination with the Kitsap County Health District.

24 (Ord. 217 (1998) § 3 (part), 1998)
25

26
27 **Chapter 19.500**
28 **FREQUENTLY FLOODED AREAS**
29

30 **19.500.505 Purpose.**

31
32 The purpose of this chapter is to protect the public health, safety and welfare from harm caused by
33 flooding. It is also the intent to prevent damage and/or loss to both public and private property. In
34 addition, this section will give special consideration to anadromous fish habitat in combination with
35 Chapter 19.300 Fish and Wildlife Habitat Conservation Areas. To fulfill this purpose, Kitsap County
36 uses Title 15 Kitsap County Flood Hazard Areas Ordinance, adopted by reference, which designates
37 special flood hazard areas and establishes permit requirements for these areas.
38

39 In addition, the Kitsap County Geographic Information System (GIS) database for critical drainage
40 areas, as defined in Chapter 12.28 of this code, will be included for areas of review under frequently
41 flooded areas.
42

Deleted:

43 (Ord. 217 (1998) § 3 (part), 1998)
44
45
46
47

Chapter 19.600
CRITICAL AQUIFER RECHARGE AREAS

19.600.605 Purpose.

19.600.610 Critical aquifer recharge area categories.

19.700.725 Development standards.

19.600.620 Additional requirements

← Formatted: Bullets and Numbering

19.600.605 Purpose.

Potable water is an essential life sustaining element. The majority of Kitsap County drinking water comes from groundwater supplies in aquifers. Critical aquifer recharge areas are very important to shallow and deepwater aquifer recharge. The intent of this chapter is to identify and classify aquifer recharge areas and address land use activities that pose a potential to contaminate or otherwise threaten aquifer water quality. It is the policy of Kitsap County to accomplish the following:

Deleted:

1. Identify, preserve and protect aquifer recharge areas, identify areas susceptible to contamination 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 and processes. (Ord. 217 (1998) § 3 (part), 1998)

1.1.1 Critical aquifer recharge area categories.

← Formatted: Bullets and Numbering

As defined at 19.150.210, a Critical Aquifer Recharge Areas means those land areas that contain hydrogeologic conditions that facilitate aquifer recharge and/or transmit contaminants to an underlying aquifer. Critical aquifer recharge areas under this title may be established based on general criteria, specifically designated due to special circumstances, or based on scientific studies and mapping efforts. Factors considered in the identification of critical aquifer recharge areas include depth to water table, presence of highly permeable soils (specifically Group A Hydrologic Soils), presence of flat terrain, and the presence of more permeable surficial geology.

Deleted:

Deleted:

A. Category I

Category I critical aquifer recharge areas are those areas where the potential for certain land use activities to adversely affect groundwater is high. Category I critical aquifer recharge areas include:

1. Areas inside the five-year time of travel zone for Group A water system wells, calculated in accordance with the Washington State Well Head Protection Program.

- 1 2. Ten-year time of travel zones in wellhead protection areas are included as critical
2 aquifer recharge areas under the following condition: The ten-year time of travel zone is
3 included when the well draws its water from an aquifer that is at or above sea level and
4 is overlain by permeable soils without an underlying protective impermeable layer.
5
- 6 3. Areas identified as Regionally Significant Recharge Areas have been adopted by Kitsap
7 County due to special circumstances. These include the following.
8
- 9 a. Hansville Aquifer Recharge Area. The Hansville aquifer recharge area has been
10 designated as a critical recharge area under the county's SEPA Ordinance
11 (Chapter 18.04 of this code). The Hansville aquifer recharge area is a significant
12 potable water supply that has been deemed to be highly susceptible to
13 the introduction of pollutants.
14
- 15 b. In the future, Regionally Significant Recharge Areas will be identified through
16 additional studies that constitute best available science, including the county
17 groundwater management plan, wellhead protection analysis or other studies
18 which identify areas of special circumstances, including but not limited to
19 saltwater intrusion advisory areas.
20

21 **B. Category II**

22
23 Category II critical aquifer recharge areas are areas that provide recharge effects to aquifers that
24 are current or potentially will become potable water supplies and are vulnerable to contamination
25 based on the type of land use activity. These include the following:
26

- 27 1. Highly Permeable Soils (Group A Hydrologic Soils). The general location and
28 characteristics of Group A Hydrogeologic soils in Kitsap County is given in the Soil
29 Survey of Kitsap County by the U.S. Department of Agriculture, Natural Resources
30 Conservation Service (NRCS). The soil survey information is available on the Kitsap
31 County geographic information system (GIS).
32
- 33 2. Areas above Shallow Principal Aquifers. Surface areas above shallow, principal
34 aquifer(s) (See Appendix "F," Chapter 19.800) which are not separated from the
35 underlying aquifers by an impermeable layer that provides adequate protections to
36 preclude the proposed land use from contaminating the shallow aquifer(s) below, are
37 considered aquifer recharge areas of concern. This generally includes principal aquifers
38 in subsurface hydrogeologic units Og1, Og1a, Og2 and portions of Og3 that are within
39 three hundred feet of the ground surface.
40
- 41 3. Areas with high concentration of Group B water system well and private domestic
42 wells. Locations with well concentrations of thirty-six map units or more within a one-
43 half mile radius of the proposed land use are considered aquifer recharge areas of
44 concern.
45

46 (Ord. 217 (1998) § 3 (part), 1998)
47

1 **19.600.615 Development standards.**

2
3 Standards for development shall be in accordance with the provisions below and the requirements of
4 the underlying zoning.

- 5
- 6 A. A hydrogeological report will be required on sites that have been identified as having
7 characteristics with high infiltration rates, or having a high aquifer recharge or infiltration
8 potential for land uses identified in Table 5, unless determined unnecessary upon coordination
9 with agencies with jurisdiction (Kitsap County Health District and/or affected water
10 purveyors). This evaluation shall apply to impacts on both groundwater and surface water, as it
11 relates to recharge areas (See requirements in Special Reports, Chapter 19.700).
- 12
- 13 B. Affected water purveyors, tribes and the Kitsap County Health District will be notified and
14 requested to comment during the preliminary phases of the county's review process on the
15 proposed land use and potential impacts. The purveyor may recommend appropriate mitigation
16 to reduce potential impacts. The department will consider these recommendations to develop
17 appropriate permit conditions.
- 18
- 19 C. This section shall not affect any right to use or appropriate water as allowed under state or
20 federal law. In addition, these requirements do not apply to those activities which have
21 potential contaminant sources below threshold amounts as set forth in applicable statutes of the
22 Revised Code of Washington, or local regulations.
- 23
- 24 D. Stormwater infiltration best management practices shall be encouraged to the maximum extent
25 possible as a first priority in stormwater management.

Deleted: Stormwater

Deleted: stormwater

26
27 **1.0.0 Additional requirements**

Formatted: Bullets and Numbering

28
29 In addition to the general standards above, the following will apply:

30
31 **A. Category I.**

32
33 Land uses identified in Table 5 are prohibited in Category I critical aquifer recharge areas.
34 Requests for waivers shall include a hydrogeological report (Special Reports, Chapter
35 19.700) that includes a detailed risk-benefit analysis that considers credible, worst-case
36 scenarios. The hydrogeological report shall evaluate potential impacts of a proposed land use
37 or activity on both groundwater and surface water quality. The waiver will be evaluated and
38 treated as a special use review and be reviewed by the department, the health district, affected
39 tribes, and the affected water purveyors.

40
41 **B. Category II.**

42
43 Applicants proposing operations that pose a potential threat to groundwater as defined in
44 Table 5 in Category II aquifer recharge areas ~~of concern~~ may be required to submit a
45 hydrogeological report (Special Reports, Chapter 19.700). The scope of the report shall be
46 based on site-specific conditions. The need for additional information will be determined by
47 the department, the health district and the affected water purveyor. Based on the results of the

1 report, controls, mitigation, and/or other requirements will be established as a prerequisite for
2 the development proposal being approved.

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

7 (Ord. 217 (1998) § 3 (part), 1998)

1 **Table 5: Activities With Potential Threat to Groundwater**

2

1	A. Above & Below ground storage tanks	40	E. De-icing salts storage piles
2	1. Hazardous and industrial waste	41	F. Industrial operations
3	treatment	42	1. Furniture strippers/painters/finishers
4	2. Hazardous and industrial waste storage	43	2. Concrete/asphalt/tar/coal companies
5	3. Hazardous material storage	44	3. Industrial manufacturers: chemicals,
6	B. Animal feedlots	45	pesticides/herbicides, paper, leather
7	C. Commercial operations	46	products, textiles, rubber,
8	1. Gas stations/service stations/truck	47	plastic/fiberglass, silicone/glass,
9	terminals	48	pharmaceuticals, electrical equipment
10	2. Petroleum distributors/storage	49	4. Metal platers/heat treaters/smelters/
11	3. Auto body repairs shops/rust proofers	50	annealers/descalers
12	4. Auto chemical supply storers/retailers	51	5. Wood preserves
13	5. Truck, automobile, and combustion	52	6. Chemical reclamation facilities
14	engine repair shops	53	7. Boat refinishers
15	6. Dry cleaners	54	8. Hydrocarbon extraction
16	7. Photo processors	55	G. Land application
17	*8. Auto washes	56	1. Waste-water application (spray
18	*9. Laundromats	57	irrigation)
19	*10. Beauty Salons	58	2. Waste-water byproduct (sludge)
20	11. Research or chemical testing	59	application
21	laboratories which handle significant	60	3. Petroleum refining waste application
22	quantities of hazardous materials	61	4. Hazardous waste applications
23	12. Food processors/meat packers/slaughter	62	H. Landfills
24	houses	63	1. Industrial hazardous and non-hazardous
25	13. Airport maintenance/fueling operation	64	landfill
26	areas	65	2. Municipal sanitary landfill
27	14. Junk and salvage yards	66	I. Material transfer operations
28	15. Storing or processing manure, feed, or	67	1. Hazardous and industrial waste transfers
29	other agriculture by products by	68	2. Hazardous material transfers
30	commercially permitted businesses	69	J. Materials stockpiles
31	16. Large scale storage or use of pesticides,	70	K. Mining and mine drainage
32	insecticides, herbicides, or fertilizer by	71	L. On-site Septic Systems (LOSS category)
33	commercial or agricultural operations.	72	of greater than 14,500 G.P.D. capacity
34	17. Golf courses	73	without pre-treatment
35	18. Cemeteries	74	M. Pipelines
36	D. Deep injection wells	75	1. Hazardous and industrial waste transfer
37	1. Waste-water disposal wells	76	2. Hazardous material transfer
38	2. Oil and gas activity disposal wells	77	N. Radioactive disposal sites and processing
39	3. Mineral extraction disposal wells	78	of radioactive wastes

1 **O. Sand and gravel mining operations**

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Chapter 19.700
SPECIAL REPORTS

- 1.0.0 WETLAND DELINEATION REPORT**
- 18.699.714 WETLAND MITIGATION REPORT**
- 18.699.719 HABITAT MANAGEMENT PLAN**
- 19.700.725. GEOTECHNICAL REPORT AND GEOLOGICAL REPORT**
- 19.700.730 HYDROGEOLOGICAL REPORT**

← --- Formatted: Bullets and Numbering

19.700.705 Special reports.

A. Purpose.

The following special reports may be required to provide environmental information and to present proposed strategies for maintaining, protecting and/or mitigating critical areas:

1. Wetland Report/Wetland Mitigation Plan (19.700.710 and 19.700.715)
2. Habitat Management Plan (19.700.720)
3. Geotechnical Report /Geological Report (19.700.[725](#))
4. Hydrogeological Report (19.700.[730](#))

B. When Required

Special reports shall be submitted by the applicant and approved by the department for regulated uses when required by this title for the protection of a critical area. Refer to specific critical area protection standards for when special reports are required.

C. Special Reports - Responsibility for Completion.

The applicant shall 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).

1 D. **Qualifications of Professionals.**

2
3 Any special report as described below shall be prepared by a professional (see those
4 professionals described in Chapter 19.150), and shall include his or her resume, or other
5 list of qualifications, to aid the department in assessing these qualifications.
6 (Ord. 217 (1998) § 3 (part), 1998)
7
8

9
10
11 **19.700.710 WETLAND DELINEATION REPORT**

Deleted: I.
Deleted: WETLAND REPORT/WETLAND MITIGATION PLAN
Deleted: etland Delineation Report.

12
13 A wetland delineation report shall include, but not necessarily be limited to, the following:

- 14 A. Vicinity map;
- 15
- 16 B. When available, a copy of a National Wetland Inventory Map (U.S. Fish and Wildlife Service) and/or a Kitsap County Wetland Inventory Map identifying the wetlands on or within two hundred fifty feet of the site;
- 17
- 18
- 19 C. A site map setting forth all of the following:
 - 20
 - 21
 - 22
 - 23 1. Surveyed wetland boundaries based upon a delineation by a wetlands specialist;
 - 24
 - 25 2. Site boundary property lines and roads;
 - 26
 - 27 3. Internal property lines, right-of-way, easements, etc.;
 - 28
 - 29 4. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc.;
 - 30
 - 31
 - 32 5. Contours at the smallest readily available intervals, preferably at two-foot intervals;
 - 33
 - 34
 - 35 6. Hydrologic mapping showing patterns of surface water movement and known subsurface water movement into, through, and out of the site area.
 - 36
 - 37
 - 38 7. Location of all test holes and vegetation sample sites, numbered to correspond with flagging in the field and field data sheets.
 - 39
 - 40
 - 41 8. The department may require an air photo with overlays displaying the site boundaries and wetland delineation.
 - 42
 - 43
- 44 D. Location information (legal description, parcel number and address);
- 45

- 1 E. Discussion of wetland boundary. If the wetland extends outside the site, the delineation
 2 report shall discuss all wetland areas within one hundred fifty feet of the site, but need
 3 only delineate those wetland boundaries within the site;
 4
- 5 F. General site conditions including topography, acreage, and surface areas of all wetlands
 6 identified in the Kitsap County Wetland Atlas and water bodies within one quarter mile
 7 of the subject wetland(s);
 8
- 9 G. Hydrological analysis, including topography, of existing surface and known significant
 10 sub-surface flows into and out of the subject wetland(s);
 11
- 12 H. Analysis of functional values of existing wetlands, including vegetative, fauna, and
 13 hydrologic conditions;
 14
- 15 I. A summary of proposed activity and potential impacts to the wetland(s);
 16
- 17 J. Recommended wetland category using the Washington State Wetlands Rating System
 18 Categories (Appendix A), including rationale for the recommendation;
 19
- 20 K. Recommended buffer boundaries, including rationale for boundary locations;
 21
- 22 L. Site plan of proposed activity, including location of all parcels, tracts, easements, roads,
 23 structures, and other modifications to the existing site. The location of all wetlands and
 24 buffers shall be identified on the site plan.
 25
- 26 M. Administrative Wetland Boundary and Ranking Evaluation.
 27
- 28 1. The department may delineate and evaluate wetland areas for any proposed single
 29 family dwelling, project listed in Chapter 19.200 (Wetlands), unless the applicant wishes
 30 to employ a qualified wetland biologist at the applicant's expense, or if such a report is
 31 required by the department. Fees may be collected for this determination and evaluation,
 32 as specified in the Kitsap County Zoning Ordinance.
 33
- 34 2. Methodology for delineation of the regulated wetland boundary shall be the "plant
 35 community assessment" procedure which is described in the Washington State Wetlands
 36 Identification and Delineation Manual, March 1997, or as amended hereafter.
 37
- 38 3. The wetland boundary shall be field staked and this line shall be depicted on the
 39 building site plan application.
 40
- 41 4. The regulated wetland boundary and regulated wetland buffer shall be identified on all
 42 grading, building site, utility or other development plans submitted on the project.
 43
 44
 45

Deleted: minor new development

1 | **19.700.715 WETLAND MITIGATION REPORT.**

Deleted: etland Mitigation Report

2
3 Whenever the department has determined that wetland impacts are unavoidable, a
4 review of a regulated wetland or its buffer is proposed, or an exception to uses is allowed
5 or a variance to standards is granted, a mitigation plan shall be prepared.

Deleted:

Deleted: ¶

6
7 A. A detailed mitigation plan shall contain the following:

8 | 0. Executive Summary which summarizes the project, its potential wetland related
9 impacts, and the proposed mitigation to include the following information:

Formatted: Bullets and Numbering

- 10 | . . Applicant Name / Address / Phone
- 11 | . . Agent / Consultant
- 12 | . . Description of land use proposal
- 13 | . . Description of mitigation area
- 14 | . . Description of impact avoidance and minimization measures
- 15 | . . Description of unavoidable wetland impacts and mitigation measures
 - 16 | • Size (acres)
 - 17 | • Wetland classification
 - 18 | • Hydrogeomorphic (HGM) classification
 - 19 | • Wetland Rating
 - 20 | • Functions
 - 21 | • Compensation ratios used

22 | 0. Explanation of other impacts to waters of the state

Formatted: Bullets and Numbering

23 | 0. Goals, Objectives and Monitoring Period

24
25 B. Project Description

26 | 0. Summary of project

Formatted: Bullets and Numbering

- 27 | . . Type of development (existing and proposed land uses)
- 28 | . . Project size
- 29 | . . Implementation schedule
- 30 | . . Project location, maps

31
32 C. Ecological Assessment of Impact

33 | 0. Impacts (acreage) and extent of disturbance to wetlands (wetland
34 delineation)

Formatted: Bullets and Numbering

35 | 0. Summary of historic and current on-site and nearby land uses (zoning
36 designations)

Formatted: Bullets and Numbering

37 | 0. Description of any known cultural resources on the site

38 | 0. Description of the site in context of other wetlands/water bodies

39 | 0. Description of the water regime

40 | 0. Description of the soils

41 | 0. Description of the plant communities

42 | 0. Description of any fauna using the site

43 | 0. Landscape position and geomorphology

44 | 0. Description of functions provided

45 | 0. Wetland category rating and buffer requirements

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

D. Mitigation Approach

- 0. Mitigation sequencing followed
- 0. Goals and objectives
- 0. Performance standards to assess each objective

Formatted: Bullets and Numbering

E. Proposed Compensation Site

- 0. Site description (location, size, maps)
 - . Ownership
 - . Total area of mitigation site (acres)
 - . Current/past land use
- 0. Site selection rationale
- 0. Existing/baseline ecological conditions of the compensation site
 - . Acreage of existing wetlands and uplands
 - . National Wetland Inventory or local jurisdiction wetland mapping of the site
 - . Summary of historic and current on-site and nearby land uses (zoning designations)
 - . Description of any known cultural resources on the site
 - . Description of the site in context of other wetlands/water bodies
 - . Description of the water regime
 - . Description of the soils
 - . Description of the plant communities
 - . Description of any fauna using the site
 - . Landscape position and geomorphology
 - . Description of functions provided
 - . Wetland rating of any existing wetlands, buffer requirements
- 0. Site constraints

Formatted: Bullets and Numbering

F. Preliminary Site Plan

- 0. Explanation of how adequate hydrology will be provided
- 0. Discussion of how project was designed to provide the proposed functions
- 0. Schematic drawings: Change in topography
 - . Hydrologic structures
 - . Soils
 - . Vegetation distributions
 - . Habitat attributes
 - . Buffers
- 0. Section drawings showing relationship of topography to water regime and vegetation

Formatted: Bullets and Numbering

G. Final Site Plan / Design

- 0. Site survey and topography
- 0. Water regime including
 - . Engineering drawings of water control structures
 - . Source of water (volume, velocity, hydro period)

Formatted: Bullets and Numbering

- 1 0. Soil amendments
- 2 0. Landscape plans
- 3 . . Drawing of proposed plant distribution
- 4 . . Location of existing or proposed upland buffers
- 5 . . Section drawings showing relationship of topography to vegetation
- 6 . . Erosion control
- 7 . . Location of habitat structure
- 8 . . Location of upland buffers
- 9 . . Soil amendments
- 10 0. Construction specifications

11
12 H. Monitoring Plan

- 13 0. Vegetation
- 14 0. Water regime
- 15 0. Soils
- 16 0. Fauna
- 17 0. Functions and values
- 18 0. Development of habitat structure
- 19 0. Water Quality
- 20 0. Buffers
- 21 0. Timetable for reporting monitoring results

← - - - - Formatted: Bullets and Numbering

22
23 I. Site Protection

- 24 0. Physical site protection
- 25 0. Legal protection
- 26 0. Buffers

← - - - - Formatted: Bullets and Numbering

27
28 J. Maintenance and Contingency Plans

- 29 0. Maintenance schedule
- 30 0. Contingency plan
- 31 . . Initiating procedure
- 32 . . Funding
- 33 . . Responsible parties

← - - - - Formatted: Bullets and Numbering

34
35 K. Implementation Schedule

- 36 0. Construction schedule
- 37 0. Monitoring schedule
- 38 0. Reporting schedule
- 39 0. Financial assurance

← - - - - Formatted: Bullets and Numbering

40
41
42 L. Permit Conditions. Any compensation project prepared pursuant to this section and
43 approved by the department shall become part of the application for the permit. The

44 ~~department will require an additional growing season year for approval of mitigation plan~~

Deleted: D

1 unless the applicant requests an inspection for final monitoring year during the final
2 monitoring year assessment.
3

4 M. Performance Bonds and Demonstration of Competence. A demonstration of financial
5 resources, administrative, supervisory, and technical competence and scientific expertise
6 of sufficient standing to successfully execute the compensation project shall be provided.
7 A compensation project manager shall be named, and the qualifications of each team
8 member involved in preparing the mitigation plan and implementing and supervising the
9 project shall be provided, including educational background and areas of expertise,
10 training and experience with comparable projects. A performance bond, assignment of
11 savings, or other like security will be required by the department in an amount necessary
12 to provide for future site monitoring and possible corrective action required for
13 compensatory mitigation projects. This bond, assignment of savings, or the security will
14 be released no later than five years after completion of the mitigation project. If the
15 approved mitigation is not completed or fails to meet its success standards, the property
16 owner must agree to a Property access release form, with forfeiture of funds after the
17 specified monitoring period.

Deleted:

18
19 F. **Waiver.** The department may waive portions of this report if, in its opinion, there is
20 adequate information available on the site to determine its impacts and appropriate
21 measures.
22

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

25 (Ord. 217 (1998) § 3 (part), 1998)
26
27

28 19.700.720 HABITAT MANAGEMENT PLAN

29
30 A. A habitat management plan (HMP) is a site investigation report to evaluate the potential
31 presence or absence of a regulated fish or wildlife species or habitat affecting a subject
32 property and proposed development This report shall identify how development impacts
33 to fish and wildlife habitat from a proposed project will be mitigated. The Washington
34 Department of Fish and Wildlife, Priority Habitat and Species Management
35 Recommendations, dated May 1991, or bald eagle protection rules outlined in WAC 232-
36 12-292, as now or hereafter amended, may serve as guidance for this report. The
37 recommendation in the Washington Department of Fish and Wildlife, Priority Habitat
38 and Species Management Recommendations, dated May 1991, shall not serve as
39 mandatory standards or policy of this title, until such time as the Department of Fish and
40 Wildlife holds public hearings on the recommendations and the State Wildlife
41 Commission endorses the recommendations following the public hearings.
42

Deleted:

43 B. The habitat management plan shall contain a map prepared at an easily readable scale,
44 showing:
45

- 1 1. The location of the proposed development site;
- 2
- 3 2. The relationship of the site to surrounding topographic, water features, and
- 4 cultural features;
- 5
- 6 3. Proposed building locations and arrangements;
- 7
- 8 4. A legend which includes a complete legal description, acreage of the parcel, scale,
- 9 north areas, and date of map revision.
- 10
- 11 5. A WDFW PHS Data Base search that is no older than one year from the project
- 12 submittal or two years from the project approval.

Deleted:

- 14 C. The habitat management plan shall also contain a report which describes:
- 15
- 16 1. The nature and intensity of the proposed development;
- 17
- 18 2. An analysis of the effect of the proposed development, activity or land use change
- 19 upon the wildlife species and habitat identified for protection; and,
- 20
- 21 3. A discussion on how the applicant proposes to mitigate any adverse impacts to
- 22 wildlife habitats created by the proposed development. (19.700.710 and 19.700.715,
- 23 Wetland Report/Wetland Mitigation Plan requirements.)
- 24
- 25 D. Examples of mitigation measures to be included in the Habitat Management Plan report,
- 26 include, but are not limited to:
- 27

- 28 0. Establishment of buffer zones.
- 29
- 30 a. When applicable, the order of sequence for buffer reductions shall be as follows:
- 31
- 32 i. Use of buffer averaging maintaining one hundred percent of the buffer
- 33 area under the standard buffer requirement;
- 34
- 35 ii. Reduction of the overall buffer area by no more than twenty-five percent
- 36 of the area required under the standard buffer requirement;
- 37
- 38 iii Enhancement of existing degraded buffer area and replanting of the
- 39 disturbed buffer area;
- 40
- 41 iv. The use of alternative on-site wastewater systems in order to minimize site
- 42 clearing;
- 43
- 44 v. Infiltration of stormwater where soils permit; and,
- 45

Deleted: stormwater

1 vi.. Retention of existing native vegetation on other portions of the site in
2 order to offset habitat loss from buffer reduction.

- 3
4 2. Preservation of native plants and trees that are essential to maintaining habitat
5 function;
6
7 3. Limitation of access to habitat areas;
8
9 4. Seasonal restriction of construction activities; and
10
11 5. Establishing phased development requirements and/or a timetable for periodic review
12 of the plan.

13
14 E. Habitat Management Plan shall be prepared by a person who has been educated in this
15 field and has professional experience as a fish or wildlife biologist (as defined at
16 19.150.330 and 19.150.720). ~~For proposed single family dwelling construction, the~~
17 department may complete the plan. Fees may be collected for this plan as specified in
18 Title 17 Kitsap County's Zoning Code. Where this plan is required for the protection of
19 an eagle habitat, the eagle habitat management plan shall normally be prepared by the
20 Department of Fish and Wildlife, as required under the bald eagle management rules.
21 (Ord. 217 (1998) § 3 (part), 1998)

Deleted: For minor new development,
and low income housing

Deleted: t

Deleted: unless the applicant wishes to
employ a qualified professional at the
applicant's expense.

22
23 **19.700.725. GEOTECHNICAL REPORT AND GEOLOGICAL REPORT**

Deleted: eotechnical Report and
Geological Report

24
25 Whenever development is proposed in a geologically hazardous area or shoreline setback as
26 defined in Sections 300 and 400 of this title, or when the department determines that additional
27 soils and slope analysis is appropriate on a particular site, the applicant is required to submit a
28 geotechnical or geological report that evaluates the surface and subsurface soil conditions on the
29 site.

30
31 **A. Qualifications**

- 32
33 1. Geotechnical reports shall be prepared by a geotechnical engineer (defined at 19.150.370).
34
35 2. Geological reports may be prepared by a licensed geologist, or geotechnical engineer as
36 defined at 19.150.370.
37

38 **B. General Provisions**

39
40 Report recommendations for earthwork, clearing or siting structures in geologically hazardous
41 areas shall be based on existing site conditions rather than measures that have not yet been
42 successfully approved, designed, or constructed (e.g., slope recontouring, slope retaining walls,
43 vegetation improvements, bulkheads, etc.). Shoreline bulkheads and retaining walls may only be
44 utilized as an engineering solution where it can be demonstrated that: 1) an existing residential
45 structure or other permitted existing public or private structures or public facilities such as roads

1 or highways; cannot be safely maintained without such measures; 2) other non-structural
2 methods of beach stabilization have been considered and determined infeasible; and 3) the
3 resulting stabilization structure is the minimum necessary to provide stability for the existing
4 structure and appurtenances.

5
6 Minor repair activities on existing permitted structures (i.e., those that do not involve design
7 modifications, changes in structure location, and/or demolition or abandonment of failed
8 structure and replacement with new structure) are not subject to the following project submittal
9 standards.

10 **C. Geological Report Submittal Standards**

11
12 A Geological Report is required for site development proposals that involve development
13 activity or the installation of structures within a geologically hazardous area or shoreline
14 setbacks, or as otherwise required pursuant to Sections 300 and 400 of this Title, but do not
15 involve or require engineering design recommendations. The following minimum
16 information is required:
17

- 18
19 1. Site information regarding the Kitsap County Shoreline Inventory Shoreline Environment
20 designation and Critical Areas Ordinance designations that affect site features and
21 shorelines;
- 22
23 2. Description of surface and subsurface conditions, including ground materials, vegetation,
24 surface drainage, groundwater, and a preliminary geologic hazard assessment which
25 includes the locations of structures and the identification of the slope and/or coastal
26 processes occurring at the site and factors that contribute to them;
- 27
28 3. Review of available site information, literature, and mapping;
- 29
30 4. Detailed description of slope and other topographic features; and
- 31
32 5. Conceptual siting of structures and general recommendations which include methods and
33 practices that avoid and/or reduce slope and shore impacts. Minimum recommendations
34 should include upland and slope drainage control, groundwater control, site vegetation
35 management, and erosion control.

36 **D. Geotechnical Report Submittal Standards**

37
38 A Geotechnical Report is required when the department or a Geological Report determines
39 that a site development proposal requires additional site information such as engineering
40 design recommendations, slope stability analysis, subsurface exploration and testing, coastal
41 process analyses, ~~and~~ or construction recommendations. Depending on the level of activity
42 proposed, the report will either be a more limited Geotechnical Slope Evaluation Report or a
43 full Geotechnical Design Investigation Report as described below.
44
45

46 **1. Geotechnical Slope Evaluation Report:**

1
2 A Geotechnical Slope Evaluation Report is required when slope stability analyses are
3 confined to addressing only existing surface and/or drainage conditions, including the
4 relationship of natural and constructed slope features to proposed changes in
5 environmental conditions such as drainage, vegetation removal and slope geometry. The
6 following minimum information is required:

- 7
8 a. All the information required under subsection C, above (Geological Report);
9
10 b. Subsurface data, exploration logs, and testing data, when required by the geotechnical
11 engineer;
12
13 c. Estimated (or surveyed) site plan with ground surface profiles and typical cross-
14 sections;
15
16 d. Relative location of Ordinary High Water (OHW) on the surface profile and cross-
17 sections which includes Mean Higher High Water (MHHW) for the site location,
18 where applicable;
19
20 e. Soil strength parameters;
21
22 f. Stability analysis of existing site;
23
24 g. Analysis of the relationship of vegetation and slope stability; and
25
26 h. Conceptual site development plans and cross-sections.

27
28 **2. Geotechnical Design Investigation Report:**
29

30 A Geotechnical Design Investigation Report is required for site development activities
31 that propose design and construction measures at the slope crest, face and/or toe. If a
32 designed structure does not impact slope stability or coastal processes, the report will not
33 be required to perform all items listed under this section, as long as each item is
34 addressed and the report details why a particular item does not apply. The report shall
35 include all items considered necessary by the engineer to fully address the engineering
36 design requirements of the site. The following minimum information is required:

- 37
38 a. All the information required under subsection D.1., above (Geotechnical Report);
39
40 b. Geotechnical requirements and measures to reduce risks;
41
42 c. Geotechnical criteria used for any designs including all critical dimensions, lateral
43 earth pressures, soil bearing pressures, location and limits of structures on or near the

1 slope, maximum constructed slope angles, minimum soil reinforcement embedment,
2 soil compaction requirements, and structure heights;

- 3
- 4 d. Temporary construction slope stability recommendations and analysis of proposed
- 5 final site stability measures;
- 6
- 7 e. Required construction specifications and construction monitoring procedures;
- 8
- 9 f. Revegetation and surface and groundwater management requirements;
- 10
- 11 g. Evaluation of erosion potential and recommendations for erosion avoidance and any
- 12 proposed mitigation measures;
- 13
- 14 h. Detailed tabulation of all basic geotechnical engineering test results pertinent to
- 15 design and construction, and when required for clarification, detailed examples of
- 16 tests conducted for the project; and
- 17
- 18 i. Information outlined in the Geotechnical Design Investigation Report Site Evaluation
- 19 Checklist (see section F, below).
- 20
- 21

22 **E. Additional Requirements for Sites in Geologically Hazardous Areas**

23
24 When a project site is located within a landslide-prone a geologically hazardous area, as
25 classified, in Section 19.400.410, the following additional project submittal requirements shall
26 apply:

Deleted: defined

27 28 **1. Erosion Control Information**

29
30 An evaluation of the erosion potential on the site during and after construction. The
31 evaluation shall include recommendations for mitigation, including retention of
32 vegetative buffers and a revegetation program. The geotechnical engineer shall provide a
33 statement identifying buffer areas at the top or toe of a slope based on geotechnical site
34 constraints and the impacts of proposed construction methods on the erosion potential of
35 the slope.

36 37 **2. Seismic Information**

38
39 The geotechnical engineer shall submit a statement that the design criteria consider the
40 one-in-100 year seismic event (an earthquake ground motion that has a 40% probability
41 of exceedance in 50 years). Calculations of soil bearing capacity, general soil stability,
42 and wall lateral earth pressures shall be adjusted to reflect a one-in-100 year seismic

1 event and the structural plans for the project shall be reviewed by the geotechnical
2 engineer for consistency with these design criteria.

3
4 Analysis for the one-in-100 year seismic event shall be based on a near crustal event
5 having an assumed magnitude of 6.5 and occurring directly below the site. Based on
6 regional studies performed by others, the Department will allow the use of the following
7 minimum general values of horizontal peak ground accelerations for this event:

- 8
9 a = 0.2g for fill, alluvial soils
10 a = 0.17g for till, firm glaciated soils
11 a = 0.15g for rock
12

13 The appropriateness of the above accelerations shall be confirmed by the geotechnical
14 engineer based on the actual site characteristics. Reduction in the above values may be
15 considered when supported by the appropriate analytical evidence. Slope stability, lateral
16 pressures, and liquefaction of the site shall be assessed by using subsurface soil, rock and
17 groundwater conditions, as well as the seismic parameters discussed above.

18 19 **3. Recommendations on Relative Site Stability**

20
21 The geotechnical engineer shall make recommendations as to which portion of the site is
22 the least prone to instability and the preferred location of the structure. The limits of any
23 area proposed for grading activity shall be identified in the recommendations.

Deleted:

24 25 **4. Construction Season Limitation**

26
27 In general, no excavation will be permitted in landslide-prone geologically hazardous
28 areas during the typically wet winter months. When excavation is proposed, including
29 the maintenance of open temporary slopes, between October 1 and April 30, technical
30 analysis shall be provided to ensure that no environmental harm, threat to adjacent
31 properties, or safety issues would result. In addition, recommendations for temporary
32 erosion control and shoring/mitigating measures shall be provided. The technical
33 analysis shall be submitted to the department and shall consist of plans showing
34 mitigation techniques and a technical memorandum from the geotechnical engineer.

35 36 **5. Revisions to Geotechnical Report**

37
38 Further recommendations shall be provided by the geotechnical engineer should there be
39 additions or exceptions to the original recommendations based on the plans, site
40 conditions, or other supporting data. If the geotechnical engineer who revises the plans
41 and specifications is not the same engineer who prepared the geotechnical report, the new
42 engineer shall, in a letter to the department, express his or her agreement or disagreement

1 with the recommendations in the geotechnical report and state whether the plans and
2 specifications conform to his or her recommendations.

3
4 **6. Plan and Specification Review:**

5
6 The geotechnical engineer shall submit a statement that in his or her judgment, the plans
7 and specifications (if prepared by others) conform to the recommendations in the
8 geotechnical report and that all portions of the site which are disturbed or impacted by the
9 proposed development have appropriate measures or specifications that permit
10 construction to occur while addressing slope stability so that the work does not create
11 additional risk. The statement shall also indicate whether or not a relative gain in slope
12 stability will be achieved after construction is complete.

13
14 **7. Construction Inspection:**

15
16 A final inspection report shall be provided by the geotechnical engineer stating that
17 construction has or has not implemented the design recommendations of the geotechnical
18 report, and evaluating of any deviation from the design recommendations.

19
20
21 **F. Geotechnical Design Investigation Report - Site Evaluation Checklist**

22
23 The following are general report guidelines for Geotechnical Design Investigation Reports. The
24 following guidelines are not intended to be all inclusive. It is the responsibility of the
25 geotechnical engineer to address all factors which in their opinion, are relevant to the site. The
26 checklist information shall be included as part of the Geotechnical Design Investigation Report.
27 All items listed below must be addressed in the report. Information shall be provided for those
28 items which are not relevant to a given site to demonstrate why the items are not applicable.

Deleted:

29
30 **1. Project Information:**

- 31
32 a. Site Owner Name;
33
34 b. Project Proponent Name;
35
36 c. Shoreline Environment Designation (where applicable); and
37
38 d. Critical Areas Ordinance (CAO) designations affecting site features.
39
40
41
42
43

- 1 **2. Project Description:**
- 2
- 3 a. Description of proposed structures, site improvements, and adverse impact avoidance
- 4 and reduction methods.
- 5
- 6 b. Location and total area of the construction zone.

1 | **19.700.730 HYDROGEOLOGICAL REPORT**

Deleted: ydrogeological Report

2
3 A hydrogeological report shall be required for certain proposed operations based on a
4 consultation with the appropriate local and state agencies. The report shall address the impact the
5 proposed land use will have on both the quality and quantity of the water transmitted to the
6 aquifer. The report shall also address the types of pesticides and herbicides and fertilizers that
7 can safely be used for the care of landscaping proposed by the applicant.
8

9 A. The report shall be submitted to the department and shall address, at a minimum, the
10 following criteria:

- 11 1. Surficial soil type and geologic setting;
- 12 2. Location and identification of wells within 1,000 feet of the site;
- 13 3. Location and identification of surface water bodies and springs within 1,000 feet
14 of the site with recharge potential;
- 15 4. Description of underlying aquifers and aquitards, including water level, gradients
16 and flow direction;
- 17 5. Available surface water and groundwater quality data;
- 18 6. Effects of the proposed development on water quality;
- 19 7. Sampling schedules required to assure water quality;
- 20 8. Discussion of the effects of the proposed development on the groundwater
21 resource;
- 22 9. Recommendations on appropriate BMP's (Best Management Practices) or
23 mitigation to assure no significant degradation of groundwater quality; and
- 24 10. Other information as required by the Kitsap County Health District.

25
26
27
28
29
30
31
32
33
34
35
36 B. The hydrogeologic report shall be prepared by a professional geologist/hydrologist or by
37 a soil scientist with a strong background in geology (see Section 19.150.365).
38

39 C. Applications for development or operations with underground storage of petroleum
40 products will be processed using the appropriate procedure as specified in existing Kitsap
41 County ordinances.
42

43 D. Analysis for a specific parcel(s), using the criteria outlined below, will be employed to
44 confirm if the soils present require a recharge area designation. Data collection will
45 include, at a minimum, six soil logs to a depth of ten feet (or to a depth four feet below
46 the lowest proposed excavation point whichever is greater) for each acre in the parcel(s)
47 being evaluated. At least one well that is two hundred feet or greater in depth with an

1 adequate drilling report must be available within one mile. The associated data shall be
2 analyzed and included in the hydrogeologic report to determine the presence of highly
3 permeable soils with the recharge area designation.

4
5 For development proposals within aquifer recharge areas of concern, the hydrogeological
6 report may be based on quarter-quarter section basis where the number of wells within a
7 half-mile radius is thirty-six or more. To facilitate computer analysis, the evaluation may
8 be done on a quarter-quarter section basis using the quarter-quarter section in which a
9 parcel of interest is located and all the surrounding quarter-quarter sections, in place of
10 the half-mile circle.

11 (Ord. 217 (1998) § 3 (part), 1998)

12
13
14 **Chapter 19.800**
15 **APPENDICES**

16
17 The purpose of the appendices is to provide supporting documentation to assist in the
18 implementation of this ordinance.

- 19
20
21
22 **Appendix A** **Washington State Wetlands Rating System Categories.**
23
24 **Appendix B** **Washington State DNR Stream Typing System.**
25
26 **Appendix C** **Kitsap County's GIS Database of Critical Areas Information.**
27
28 **Appendix D** **Site Development Figures.**
29
30 **Appendix E** **Kitsap County Critical Area and Buffer Notice.**
31
32 **Appendix F** **Kitsap County Shallow Principal Aquifer Listing.**
33
34 **Appendix G** **Kitsap County Wetland Buffer Alteration**
35 **General Authorization Form.**
36
37

APPENDIX A
Washington State Wetlands Rating System Categories (19.200.210)

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

A. Category I Wetlands.

Category I Wetlands are:

1. Wetlands with habitat for endangered or threatened fish or animal species or for potentially eradicated plant species recognized by state or federal agencies;
2. Wetlands with high quality native or regionally rare wetland communities with irreplaceable ecological functions including, but not limited to, sphagnum bogs and fens, estuarine wetlands, mature forested wetlands, or wetlands which qualify for inclusion in the Natural Heritage Information System; or

~~3. Wetlands scoring 70 points or more (out of 100) on the questions related to functions in the Washington State Wetland Rating System for Western Washington~~

Deleted: 3. Wetlands of exceptional local significance. The criteria for determining exceptional local significance shall include, but are not 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.

Category II wetlands satisfy no Category I criteria but are:

~~1. Wetlands scoring between 51-69 points (out of 100) on the questions related to functions in the Washington State Wetland Rating System for Western Washington.~~

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

2. Wetlands with habitats for sensitive plant, fish or animal species recognized by federal or state agencies;
3. Wetlands with rare wetland communities listed in subsection (A)(2) that are not high quality;
4. Wetland types with significant functions that cannot be adequately replicated through creation or restoration. These types have 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; ¶
5. Wetlands with significant habitat value based on diversity and size; or
6. Wetlands five acres or greater in size that contain open water at any time during a normal year and two or more subclasses of vegetation in a dispersed pattern;

7. Wetlands contiguous with salmonid fish-bearing water, including streams where flow is intermittent; or
8. Wetlands with significant use by fish and wildlife.

C. **Category III Wetlands.**

Category III wetlands that do not contain features outlined in Category I or II, but are:

- ~~1. Wetlands scoring between 30-50 points (out of 100) on the questions related to functions in the Washington State Wetland Rating System for Western Washington.~~
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 ~~A~~ 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.

Deleted: 1. Wetlands with a habitat value of 21 points or less from the State Rating System;¶

D. **Category IV Wetlands.**

Category IV wetlands that do not meet the criteria of a Category I, II or III wetland and are:

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).~~
- ~~0. Wetlands scoring below 30 points (out of 100) on questions related to functions in the Washington State Wetland Raing System for Western Washington.~~

Deleted: 2.

Formatted: Bullets and Numbering

E. **Dual 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
 - 2
 - 3
 - 4
 - 5
 - 6
 - 7
 - 8
1. The portion of the wetland to be categorized as a Category II or III meets the technical criteria required for a Category II or III wetland, as determined in the Wetland Rating System;
 2. The portion of the wetland to be rated lower in category must have a width of at least twice the required buffer width of the higher rated wetland category.

APPENDIX B
Washington State Department of Natural Resources Stream Typing System

Water Type Conversion Table

Permanent Water Typing	Previous Water Typing
Type "S"	Type 1 Water
Type "F"	Type 2 and 3 Water
Type "Np"	Type 4 Water
Type "Ns"	Type 5 Water

- A. **"Type S Streams"** are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030(1) as now or hereafter amended, as a Type S 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 S waters contain salmonid fish habitat.
- B. **"Type F Streams"** are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030(2) as now or hereafter amended, as a Type F Water. Type F streams contain habitat for salmonid fish, game fish and other and anadromous fish.
- D. **"Type Np Streams"** are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 (3) as now or hereafter amended, as a Type Np Water. Type Np waters do not contain salmonid fish habitat.
- E. **"Type Ns Streams"** are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 (4) as now or hereafter amended, as a Type Ns Water. These streams are areas of perennial or intermittent seepage, ponds, and drainage ways having short periods of spring or storm runoff. Type Ns_waters do not contain salmonid fish.

Deleted: C. **"Type F Streams"** are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 (2) as now or hereafter amended, as a Type F Water. Type F streams contain habitat for salmonid fish, game fish and other and anadromous fish

APPENDIX C - Kitsap County's GIS Database of Critical Areas Information

CRITICAL AREA	GIS DATA	INFORMATION SOURCE
WETLANDS -		

2	National Wetlands Inventory	U.S. Fish and Wildlife Service
3	Soil Survey of Kitsap County	U.S. Dept. of Agriculture –
4		Natural Resource Conservation Service
5	AQUIFERS –	
6	Critical Aquifer Recharge Areas	Kitsap Public Utilities District (PUD) #1
8	Aquifer Recharge Areas of Concern	Kitsap PUD #1
9	Principle Aquifers	Kitsap PUD #1
10	Soil Survey of Kitsap County	U.S. Dept. of Agriculture –
11		Natural Resource Conservation Service
12		
13		
14	FISH AND WILDLIFE	
15	HABITAT CONSERVATION	
16	AREAS -	
17	National Wetlands Inventory	U.S. Fish and Wildlife Service
18	Non-game & Priority Species	WA. Dept. of Fish and Wildlife
19	Habitat Database	
20	Washington Rivers Information	WA. Dept. of Fish and Wildlife
21	System Database	
22	Waters of Washington State	WA. Dept. of Natural Resources
23	WA. Coastal Zone Atlas	WA Dept. of Ecology
24		
25		
26		
27		
28	FREQUENTLY	
29	FLOODED AREAS –	
30	Flood Insurance Rate Map	Federal Emergency Management Agency
31		
32	GEOLOGICALLY	
33	HAZARDOUS AREAS -	
34	WA. Coastal Zone Atlas	WA Dept. of Ecology
35		
36	Soil Survey of Kitsap County	U.S. Dept. of Agriculture –
37		Natural Resource Conservation Service
38		
39	Quaternary Geology and	Jerald Deeter,1979
40	Stratigraphy of Kitsap County	
41		
42	Light Distancing and Radar	
43	(LiDAR) Mapping	Puget Sound LiDAR Consortium
44		
45		

APPENDIX D - Site Development Figures

1 **APPENDIX E - Kitsap County Critical Area and Buffer Notice**

2
3 Return Address: **KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**
4 614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682
5 (360) 337-7181 FAX (360) 337-4925
6

7
8 KITSAP COUNTY CRITICAL AREA AND BUFFER NOTICE

9
10 Tax Account# _____

11
12 Legal Description _____

13
14 Present Owner (please print) _____

15
16 NOTICE: The subject property contains a critical area and/or its required buffer as defined by Title 19 Kitsap County Critical
17 Areas Ordinance. The property was the subject of a development proposal for:

18
19
20 _____ filed on _____
21 type of permit application # month / day / year
22

23 Restrictions on use or alteration of the critical area and/or its buffer may exist due to natural conditions of the property and
24 resulting regulations. Review of such application has provided information on the location of the critical area and/or its buffer
25 and restrictions on their use through setback areas. A copy of the plan showing such setback areas is included in the above-
26 referenced permit file. Any alterations to the critical area and/or its buffer will be subject to further review for compliance with
27 the Kitsap County Critical Area Ordinance.

28
29 EXECUTED this _____ day of _____, 20____

30
31 _____
32 Owner/Agent

33
34 STATE OF WASHINGTON)
35)
36 COUNTY OF KITSAP)

37
38 On this day, before me, personally appeared _____, to me known to be the
39 individual(s) described herein and who executed the within and foregoing instrument, and acknowledged that they signed the
40 same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

41
42 GIVEN under my hand and official seal the ____ day of _____, 20____.

43
44 Notary Seal

45 _____
46 NOTARY PUBLIC in and for the State of Washington
47 _____

48
49 My Commission Expires: _____
50

1 **APPENDIX F - Kitsap County Shallow Principal Aquifer Listing**

2
3 The following is a list of shallow principal aquifers that have been designated by an overlay as
4 "aquifer recharge areas of concern."
5

<u>Og1a</u>	<u>Approximate Elevations</u>
Hansville	+ 250
Gorst	+ 50
North Lake (McCormick Woods)	+ 300
Port Gamble	+ 100
 <u>Og2</u>	
Island Lake (upper)	+ 150
Port Gamble South	- 50
Wilson Creek	+ 150
 <u>Og3</u>	
Bangor (upper)	+ 100
Clam Bay	0
Edgewater	+ 130
Island Lake	+ 150
Kingston (upper)	- 25
Poulsbo	+ 225
Manette-Bremerton North	0
Seabeck	+ 100
Suquamish-Miller Bay	0
Yukon	0

Appendix G

KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

Wetland Buffer Alteration General Authorization Form

Application No. _____

1. Landowner _____ **Phone** _____

Mailing Address _____

2. Authorized Agent/Contact _____ **Phone** _____

Mailing Address _____

3. Person Responsible for Work _____ **Phone** _____

Mailing Address _____

4. Project Location _____

Watershed _____ **Tax Acct No.** _____

Adjacent Water Body (river, lake): _____

Township _____ **Range** _____ **Section** _____

5. Project Information

Total square footage of regulated buffer _____ . Project Will:

Require _____ square feet of buffer averaging

Require _____ square feet of buffer reduction under 25% agreement

Enhance _____ square feet of buffer or _____ square feet wetland

Restore _____ square feet of buffer or _____ square feet wetland

6. Required Attachments (on 8.5x11 or .5x14 paper)

Vicinity map showing project location

Aerial photograph showing project boundaries

Photographs of the site and project areas

Site plan map and/or aerial photo showing:

Location of existing structures, roads, streams and other pertinent features

Location and approximate boundaries of existing wetlands

Location and boundaries of proposed buffer alteration areas

I agree that the information provided above is accurate to the best of my knowledge

Applicant Signature Date

Return completed for and attachments to: _____ Kitsap County DCD

614 Division St. MS-36

Port Orchard, WA 98366

_____ Staff Initials

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 Kitsap County Code, 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)

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.

(from either the "Strategies for Critical Area Designations and Interim Development Regulations" or Kitsap County subarea plans)

19.150.455 Major New Development. For the purposes of this title, "major new development" means the following activities if proposed 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 Title 17 the Kitsap County Zoning Ordinance;
- E. Performance Based developments authorized under Title 17 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 under 19.150.460 minor new development.

19.150.460 Minor New Development. For the purposes of this title, minor new development means the following activities if proposed 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~~ which may include a garage; a deck; a driveway; a utilities; a fences; a grading less than one acre in area; and home occupations pursuant to Title 17 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).

Chapter 19.200 WETLANDS

19.200.205

Purpose.

19.200.215210	Wetland Categories.
19.200.220215	Regulated and Non-regulated Wetlands Classification.
19.200.225220	Development Standards for Wetland Buffers.
19.200.230225	Regulated Uses and Activities.
19.200.235230	Additional Development Standards for Regulated Uses.
19.200.240235	Special Use Review.
19.200.245240	Application Requirements.
19.200.250245	Determination Delineation of Wetland Boundaries.
19.200.255250	Wetland Mitigation Requirements.
19.200.260255	Incentives for Wetlands Protection.

Purpose.

This chapter applies to all regulated uses within or adjacent to areas designated as wetlands, as defined in Section 19.150.685. The intent of this chapter is to:

- | | | |
|-----------------------------|-----------------|-----------------------------|
| Page 49: [6] Deleted | pcharnas | 3/23/2005 2:12:00 PM |
|-----------------------------|-----------------|-----------------------------|
- A. Achieve no net loss and increase the quality and function and values of wetland acreage 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

Page 49: [6] Deleted	pcharnas	3/23/2005 2:12:00 PM
-----------------------------	-----------------	-----------------------------

- 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)

19.200.210 Wetland categories.

Kitsap County uses the Washington State Wetland Rating System for Western Washington, 2nd Edition, 1993, issued by the Washington Department of Ecology (DOE), as now or amended hereafter, and adopted by the department, to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and

replacement ratios for wetlands. This system consists of four wetland categories (See Chapter 19.800, Appendices, Appendix "A" for Wetland Categories). (Ord. 217 (1998) § 3 (part), 1998)

19.200.215 Regulated and non-regulated wetlands classification.

A. Regulated Wetlands. (See Chapter 19.800 Appendix A).

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. Mosaic wetlands (as defined at 19.150.695).

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)

- A. **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.
- B. **Buffer Widths.** All regulated wetlands shall be surrounded by a buffer zone as shown in Table 1.

Table 1. Wetland Development Standards			
Wetland Category	Buffer Width Standard	Minimum Building Setback	Other Development Standards
I	200 feet	15 feet beyond buffer	See subsections D, E, F, and G below for criteria relating to buffer averaging, decreased buffer provisions and increased buffer provisions.
II	100 feet	15 feet beyond buffer	
III	75 feet	15 feet beyond buffer	
IV	<u>30 feet</u>	15 feet beyond buffer	

- C. **Buffer Measurement.** All buffers shall be measured on a horizontal plane from the regulated wetland edge as marked in the field.
- D. **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. Activities with less disturbance to wetland functions and values shall be located in the areas closest to the wetland buffer that is to be reduced, The location of these activities shall be 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.

E. **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

Page 49: [9] Deleted

pcharnas

3/23/2005 2:13:00 PM

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 thirty feet, except as allowed under a formal variance or reasonable use approval.

- F. **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:

Page 49: [10] Deleted

pcharnas

3/23/2005 2:14:00 PM

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

- G. **Provisions for Wetland Buffers in Class I Wildlife Conservation Areas.** When an existing wetland category is upgraded due to the designation of a Class I Wildlife Conservation Area, the wetland buffer shall be 200 feet from the identified habitat edge or the existing wetland buffer required in Table 1, whichever is greater. Habitat will be identified by a qualified fisheries or wildlife biologist, or by the department, to determine the extent of Class I Wildlife Conservation Area species presence and 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)

19.200.225 Regulated uses and activities.

- A. There shall be no activity allowed within a regulated wetland or its buffer unless specifically allowed under this title in Table 2. Kitsap County may grant exceptions to these uses and activities according to the intent and specifications of this title.
- B. 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 19.200.235, Special Use Review). 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.
- C. Regulated uses and activities shall be classified as "allowed," "permitted," "special use" (Section 19.200.2435) or "prohibited" according to this title. The wetland categories in Table 2 are defined in the appendices (19.800 Appendices). For the purpose of Table 2, "W" and "B" refer to the terms "wetland" and "buffer."

Table 2 Key:

- A** = Allowed Outright
- P** = Permitted Use Subject to Development Standards Underlying Permit
- S** = Special Use Review Required
- X** = Prohibited

Page 49: [11] Deleted pcharnas 3/23/2005 2:15:00 PM

1. Agriculture-existing & ongoing

Page 49: [11] Deleted pcharnas 3/23/2005 2:15:00 PM

A A

Page 49: [11] Deleted pcharnas 3/23/2005 2:15:00 PM

A A

Page 49: [11] Deleted pcharnas 3/23/2005 2:15:00 PM

A A

Page 49: [11] Deleted pcharnas 3/23/2005 2:15:00 PM

A A

Page 49: [12] Deleted pcharnas 3/23/2005 2:15:00 PM

2. Agriculture-Building (Grazed Wet Meadows)

Page 49: [12] Deleted pcharnas 3/23/2005 2:15:00 PM

X X

Page 49: [12] Deleted pcharnas 3/23/2005 2:15:00 PM

X S

Page 49: [12] Deleted pcharnas 3/23/2005 2:15:00 PM

S P

Page 49: [12] Deleted pcharnas 3/23/2005 2:15:00 PM

S P

Page 49: [13] Deleted pcharnas 3/23/2005 2:15:00 PM

3. A. Agriculture Conversion (Wetland dependent)

B. (Non-wetland dependent)

Page 49: [13] Deleted pcharnas 3/23/2005 2:15:00 PM

X X

X X

Page 49: [13] Deleted pcharnas 3/23/2005 2:15:00 PM

X S

X X

Page 49: [13] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

S S

Page 49: [13] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

S S

Page 49: [14] Deleted pcharnas 3/23/2005 2:15:00 PM

4. Bank stabilization

Page 49: [14] Deleted pcharnas 3/23/2005 2:15:00 PM

X X

Page 49: [14] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 49: [14] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

S S

Page 49: [14] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

P P

Page 49: [15] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

5. Boat ramp

Page 49: [15] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

X X

Page 49: [15] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

S S

Page 49: [15] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

S S

Page 49: [15] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

S S

Page 49: [16] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

6. Dock/float

Page 49: [16] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

S S

Page 49: [16] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

S S

Page 49: [16] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

S S

Page 49: [16] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

P P

Page 49: [17] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

7. Draining Wetlands (associated with no other permitted use, except as allowed under Section 120.C.)

Page 49: [17] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

X N/A

Page 49: [17] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

X N/A

Page 49: [17] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

X N/A

Page 49: [17] Deleted	pcharnas	3/23/2005 2:15:00 PM
------------------------------	-----------------	-----------------------------

X N/A

Page 49: [18] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

8. Education and Scientific Research (no permanent structures)

Page 49: [18] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

P P

Page 49: [18] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

P P

Page 49: [18] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

P P

Page 49: [18] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

A AP

Page 49: [19] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

9. Enhancement

Page 49: [19] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

S S

Page 49: [19] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

P P

Page 49: [19] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

P P

Page 49: [19] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

P P

Page 49: [20] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

10. Excavation (not associated with enhancement)

Page 49: [20] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

X X

Page 49: [20] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

S S

Page 49: [20] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

S S

Page 49: [20] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

S S

Page 49: [21] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

11. Fill (associated with no other use)

Page 49: [21] Deleted	pcharnas	3/23/2005 2:15:00 PM
-----------------------	----------	----------------------

X X

Page 49: [21] Deleted pcharnas 3/23/2005 2:15:00 PM

X X

Page 49: [21] Deleted pcharnas 3/23/2005 2:15:00 PM

X X

Page 49: [21] Deleted pcharnas 3/23/2005 2:15:00 PM

X X

Page 49: [22] Deleted pcharnas 3/23/2005 2:15:00 PM

12. Fish Hatchery

Page 49: [22] Deleted pcharnas 3/23/2005 2:15:00 PM

X X

Page 49: [22] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 49: [22] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 49: [22] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 49: [23] Deleted pcharnas 3/23/2005 2:15:00 PM

13. Flooding (associated with no other use)

Page 49: [23] Deleted pcharnas 3/23/2005 2:15:00 PM

X X

Page 49: [23] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 49: [23] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 49: [23] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 49: [24] Deleted pcharnas 3/23/2005 2:15:00 PM

14. Forest Practice-Class IV General or COHP

Page 49: [24] Deleted pcharnas 3/23/2005 2:15:00 PM

X X

Page 49: [24] Deleted pcharnas 3/23/2005 2:15:00 PM

X S

Page 49: [24] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 49: [24] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 49: [25] Deleted pcharnas 3/23/2005 2:15:00 PM

15. Golf Course

Page 49: [25] Deleted pcharnas 3/23/2005 2:15:00 PM

X X

Page 49: [25] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 49: [25] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 49: [25] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 50: [26] Deleted pcharnas 3/23/2005 2:15:00 PM

16. Land Division

Page 50: [26] Deleted pcharnas 3/23/2005 2:15:00 PM

P P

Page 50: [26] Deleted pcharnas 3/23/2005 2:15:00 PM

P P

Page 50: [26] Deleted pcharnas 3/23/2005 2:15:00 PM

P P

Page 50: [26] Deleted pcharnas 3/23/2005 2:15:00 PM

P P

Page 50: [27] Deleted pcharnas 3/23/2005 2:15:00 PM

17. Mineral extraction

Page 50: [27] Deleted pcharnas 3/23/2005 2:15:00 PM

X X

Page 50: [27] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 50: [27] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 50: [27] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 50: [28] Deleted pcharnas 3/23/2005 2:15:00 PM

20. Parks-Public & Private

Page 50: [28] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 50: [28] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 50: [28] Deleted pcharnas 3/23/2005 2:15:00 PM

S S

Page 50: [28] Deleted pcharnas 3/23/2005 2:15:00 PM

P P

Page 50: [29] Deleted pcharnas 3/23/2005 2:15:00 PM

21. Ponds-Stock Watering

Page 50: [29] Deleted pcharnas 3/23/2005 2:15:00 PM

X X

Page 50: [29] Deleted pcharnas 3/23/2005 2:15:00 PM

X S

Page 50: [29] Deleted pcharnas 3/23/2005 2:15:00 PM

X S

Page 50: [29] Deleted pcharnas 3/23/2005 2:15:00 PM

S P

Page 50: [30] Deleted pcharnas 3/23/2005 2:16:00 PM

22. Public Facility

Page 50: [30] Deleted pcharnas 3/23/2005 2:16:00 PM

X X

Page 50: [30] Deleted pcharnas 3/23/2005 2:16:00 PM

X S

Page 50: [30] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [30] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [31] Deleted pcharnas 3/23/2005 2:16:00 PM

23. Public Project of Significant Importance

Page 50: [31] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [31] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [31] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [31] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [32] Deleted pcharnas 3/23/2005 2:16:00 PM

24. Radio/TV Towers

Page 50: [32] Deleted pcharnas 3/23/2005 2:16:00 PM

X X

Page 50: [32] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [32] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [32] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [33] Deleted pcharnas 3/23/2005 2:16:00 PM

25. Restoration/Revegetation of Site

Page 50: [33] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [33] Deleted pcharnas 3/23/2005 2:16:00 PM

P P

Page 50: [33] Deleted pcharnas 3/23/2005 2:16:00 PM

P P

Page 50: [33] Deleted pcharnas 3/23/2005 2:16:00 PM

P P

Page 50: [34] Deleted pcharnas 3/23/2005 2:16:00 PM

26. Road/Street- Public/Private Access

- A. Expand within existing ROW
- B. New Facilities

Page 50: [34] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

X X

Page 50: [34] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

S S

Page 50: [34] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

S S

Page 50: [34] Deleted pcharnas 3/23/2005 2:16:00 PM

P P

P P

Page 50: [35] Deleted pcharnas 3/23/2005 2:16:00 PM

27. Signs-(Interpretation, Hazard, Critical Area Boundary, Survey Markers)

Page 50: [35] Deleted pcharnas 3/23/2005 2:16:00 PM

P P

Page 50: [35] Deleted pcharnas 3/23/2005 2:16:00 PM

P P

Page 50: [35] Deleted pcharnas 3/23/2005 2:16:00 PM

P P

Page 50: [35] Deleted pcharnas 3/23/2005 2:16:00 PM

P P

Page 50: [36] Deleted pcharnas 3/23/2005 2:16:00 PM

28. Site Investigation

Page 50: [36] Deleted pcharnas 3/23/2005 2:16:00 PM

A A

Page 50: [36] Deleted pcharnas 3/23/2005 2:16:00 PM

A A

Page 50: [36] Deleted pcharnas 3/23/2005 2:16:00 PM

A A

Page 50: [36] Deleted pcharnas 3/23/2005 2:16:00 PM

A A

Page 50: [37] Deleted pcharnas 3/23/2005 2:16:00 PM

29. Stormwater

Page 50: [37] Deleted pcharnas 3/23/2005 2:16:00 PM

, Private R/D Facility

Page 50: [37] Deleted pcharnas 3/23/2005 2:16:00 PM

X X

Page 50: [37] Deleted pcharnas 3/23/2005 2:16:00 PM

X S

Page 50: [37] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [37] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [38] Deleted pcharnas 3/23/2005 2:16:00 PM

31. Trails and Trail Related Facilities

Page 50: [38] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [38] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [38] Deleted pcharnas 3/23/2005 2:16:00 PM

PS PS

Page 50: [38] Deleted pcharnas 3/23/2005 2:16:00 PM

PS PS

Page 50: [39] Deleted pcharnas 3/23/2005 2:16:00 PM

32. Utility Facility

Page 50: [39] Deleted pcharnas 3/23/2005 2:16:00 PM

X X

Page 50: [39] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [39] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [39] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [40] Deleted pcharnas 3/23/2005 2:16:00 PM

33. Utility-On-Site Sewage Facility

Page 50: [40] Deleted pcharnas 3/23/2005 2:16:00 PM

X X

Page 50: [40] Deleted pcharnas 3/23/2005 2:16:00 PM

X S

Page 50: [40] Deleted pcharnas 3/23/2005 2:16:00 PM

X S

Page 50: [40] Deleted pcharnas 3/23/2005 2:16:00 PM

X S

Page 50: [41] Deleted pcharnas 3/23/2005 2:16:00 PM

34. Utility Line-Overhead

Page 50: [41] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [41] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [41] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [41] Deleted pcharnas 3/23/2005 2:16:00 PM

P P

Page 50: [42] Deleted pcharnas 3/23/2005 2:16:00 PM

35. Utility Line-Underground

Page 50: [42] Deleted pcharnas 3/23/2005 2:16:00 PM

X S

Page 50: [42] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [42] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [42] Deleted pcharnas 3/23/2005 2:16:00 PM

S S

Page 50: [43] Deleted pcharnas 3/23/2005 2:16:00 PM

19.200.230 Additional development standards for regulated uses.

In addition to meeting the development standards above (Section 19.200.2250), 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 all 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 protected by installation of 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 may be permitted, subject to the following 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: short plats, large lot subdivisions, master planned fully contained communities, master planned resorts, performance based developments, conditional use permits, site plan reviews, binding site plans) which include regulated wetlands, shall comply with the following procedures and development standards:

1. Regulated wetlands, 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 as 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.

Surface water discharges from stormwater

Page 50: [43] Deleted	pcharnas	3/23/2005 2:17:00 PM
------------------------------	-----------------	-----------------------------

facilities or structures may be allowed when they are in accordance with Title 12 Stormwater

Page 50: [43] Deleted	pcharnas	3/23/2005 2:17:00 PM
------------------------------	-----------------	-----------------------------

Management Ordinance. The discharge shall not significantly increase or decrease the rate of flow and/or hydro-period, nor decrease the water quality of the wetland. Pre-treatment of surface water discharge through biofiltration or other best management practices (BMPs) shall be required.

Stormwater

Page 50: [43] Deleted	pcharnas	3/23/2005 2:17:00 PM
------------------------------	-----------------	-----------------------------

facilities may be allowed in wetland buffers as specified in Table 2.

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 thirty 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. Trail width shall not exceed five feet unless there is a demonstrated need, subject to review and approval by the department. Trails shall be constructed with pervious materials unless otherwise approved by the department.

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 in 5 and 6, 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 19.200.235) 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.

- I. **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)

19.200.235 Special use review.

Development identified as requiring 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 approve or deny 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, whether the proposed use is consistent with the spirit and intent of this title, and whether the use or activity will 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, that 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)

19.200.240 Application requirements.

- A. 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 special reports listed below, as required by the department, prior to any development authorization by the department. Additional reports or information to further identify potential impacts to any part of the environment may also be required.
 - 1. Wetland delineation report (19.700.710);
 - 2. Wetland mitigation plan (19.700.720); and,
 - 3. Erosion and sedimentation control measures and/or a site development activity permit as required by Title 12 Kitsap County Stormwater

Management Ordinance.

- B. Time Limitations. Special reports submitted in accordance with this section shall be valid for a period of three years from the date of issue unless a longer or shorter period is specified by the department. An extension of an original report may be granted upon submittal of a written request to the department prior to expiration. Prior to the granting of any extension, the department may require updated studies if, in its judgment, the original intent of the application is altered, enlarged or if circumstances relevant to the review and issuance of the original permit have changed substantially, or if the applicant failed to abide by the terms of the original approval.
(Ord. 217 (1998) § 3 (part), 1998)

19.200.245 Delineation of wetland boundaries.

- A. For regulatory purposes, wetland delineations shall be determined by using the Washington State Wetlands Identification and Delineation Manual, March 1997, or as hereafter amended.
- 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. When required by the department, the applicant shall be responsible for hiring a professional land surveyor licensed by the state of Washington to survey the wetland boundary line. The regulated wetland boundary and regulated wetland buffer shall be identified on all grading, landscaping, site, on-site septic system designs, 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 require that a wetland specialist make adjustments to the boundary.
(Ord. 217 (1998) § 3 (part), 1998)

19.200.250 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 watershed 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.** When an applicant is required to perform compensatory wetland mitigation or contribute to a mitigation bank as a condition of approval for a development project, the applicant shall submit a wetlands mitigation plan to the department. (See Chapter 19.700.715, 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. 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 science.
4. Compensatory 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. If the approved mitigation is not completed or fails to meet its success standards, the property owner must agree to a Property access release form, with forfeiture of funds after the specified monitoring period.
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 appearing in Table 3, as well as consideration of the factors listed in this section, shall be used to determine the appropriate amounts of 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 3: Wetland Replacement Ratios
--

	Enhancement	Creation/Restoration
Category I:	6:1	3:1
Category II and III:		
Forested Class:	4:1	2:1
Scrub/Shrub Class:	3:1	1.5:1
Emergent Class:	3:1	1.5:1
Open Water:	*	1:1
Category IV:	2:1	1:1

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

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

Replacement ratios may be increased under the following circumstances:

Uncertainty exists as to the probable success of the proposed restoration or creation;

A significant period of time will elapse between impact and establishment of wetland functions at the mitigation site;

Proposed compensation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or

The impact was an unauthorized impact.

Replacement ratios may be decreased under the following circumstances:

Documentation by the applicant provides more certainty that the proposed compensation actions will be successful. For example, demonstrated prior success with similar compensation actions as those proposed, and/or extensive hydrologic data to support the proposed water regime;

Documentation by the applicant demonstrates that the proposed compensation actions will provide functions and values that are significantly greater than the wetland being impacted; or

The proposed mitigation actions are conducted in advance of the impact and are shown to be successful.

F. Off-Site Compensatory Mitigation.

Considerations for determining whether off-site mitigation is preferable include, but are not limited to:

- a. On-site conditions do not favor successful establishment of the required vegetation type, or lack the proper soil conditions, or hydrology;

On-site compensation would result in an aquatic habitat that is isolated from other natural habitats or severely impaired by the effects of the adjacent development;

Off-site location is crucial to one or more species that is threatened, endangered, or otherwise of concern, and the on-site location is not;

Off-site location is crucial to larger ecosystem functions, such as providing corridors between habitats, and the on-site location is not; and,

Off-site compensation has a greater likelihood of success or will provide greater functional benefits.

When determining whether off-site mitigation is preferable, the value of the site-specific wetland functions at the project site, such as flood control, nutrient retention, sediment filtering, and rare or unique habitats or species, should be fully considered.

When conditions do not favor on-site compensation, off-site compensatory mitigation should be located as close to the impact site as possible, at least within the same watershed, while still replacing lost functions.

G. Monitoring Requirements.

Kitsap County shall require monitoring reports on an annual basis for a minimum of three years, or until the department determines that the mitigation project has achieved success. The wetlands mitigation plan shall provide specific criteria for monitoring the mitigation project. Criteria shall be project-specific and use best available science to aid the department in evaluating whether or not the project has achieved success (See Chapter 19.700, Special Reports: Report I, "Wetland Report/Wetland Mitigation Plan," subsection (D)(4) under "Wetland Mitigation Report" for wetland mitigation performance standards.)

H. Mitigation Banking.

Kitsap County encourages the creation of a public or private mitigation banking system when feasible.

(Ord. 217 (1998) § 3 (part), 1998)

19.200. 260 Incentives for wetlands protection.

Kitsap County recognizes that property owners wish to gain economic benefits from their land. The county encourages such mechanisms as the open space tax program, conservation easements and donations to land trusts, in order to provide taxation relief upon compliance with the regulations in this title.
(Ord. 217 (1998) § 3 (part), 1998)

Page 50: [45] Deleted	pcharnas	2/23/2005 2:21:00 PM
------------------------------	-----------------	-----------------------------

T

Page 50: [45] Deleted	pcharnas	3/9/2005 2:42:00 PM
------------------------------	-----------------	----------------------------

intent