

## Kitsap County CAO First Public Draft: Public Comments Matrix: Letters Recieved

	Date	Author	Affiliation	Mailing Address	E-mail Address	Number of Pages
1	6/16/2004	Mike Gustavson	Kitsap County Planning Commission	PO Box 1 Southworth, WA 98386		7
2	6/25/2004	Ian Laughlin	Private Citizen		<a href="mailto:shelnian@comcast.net">shelnian@comcast.net</a>	1
3	6/30/2004	Kamuron Gurol	City of Sammamish, Washington		<a href="mailto:kgurol@ci.sammamish.wa.us">kgurol@ci.sammamish.wa.us</a>	1
4	7/1/2004	Allan Hart	Licensed Engineering Geologist		<a href="mailto:alharteg@comcast.net">alharteg@comcast.net</a>	2
5	7/21/2004	Jean Knox	Private Citizen		<a href="mailto:leggettandkram@leggettandkram.com">leggettandkram@leggettandkram.com</a>	2
6	7/23/2004	Tom Nevins	Kitsap County Planning Commission		<a href="mailto:nevins@silverlink.net">nevins@silverlink.net</a>	3
7	7/24/2004	Dean Jenniges	Kitsap County Planning Commission		<a href="mailto:jenniges3@comcast.net">jenniges3@comcast.net</a>	1

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	Date	Author	Affiliation	Mailing Address	E-mail Address	Number of Pages
8	7/26/2004	Vivian Henderson	Kitsap Alliance of Property Owners	PO Box 1861 Poulsbo, WA 98370		2
9	7/29/2004	Vivian Henderson	Kitsap Alliance of Property Owners		<a href="mailto:viviankapo@wavecable.com">viviankapo@wavecable.com</a>	1
10	8/6/2004	Jeff Davis	WA Department of Fish and Wildlife	Region 6 Office Devonshire Road Montesano WA 98563		15
11	8/9/2004	Chris Parsons	WA State Department of Trade and Economic Development			3
12	8/12/2004	Al Osgood	Private Citizen		<a href="mailto:alosgood@cablespeed.com">alosgood@cablespeed.com</a>	1
13	8/15/2004	Kim Clark	Private Citizen	353 Wallee Way NE #6 Bainbridge Island, WA 98110		1
14	8/16/2004	Sydney McComas	100 Friends of Washington	1617 Boylston Avenue, Ste 200 Seattle, WA 98122		11

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	Date	Author	Affiliation	Mailing Address	E-mail Address	Number of Pages
15	8/19/2004	David De Bruyn	North Kingston Community Association	PO Box 604 WA, 98346	Kingston	2
16	8/20/2004	Brad Ack	WA State Puget Sound Action Team	Po Box 40900 Olympia WA, 98504		4
17	8/20/2004	Linda Streissguth	Puget Sound Energy	22884 Ryen Dr. NW Poulsbo WA 98370		3
18	8/22/2004	Doug Skrobut	McCormick Land Company	4978 SW Lake Flora Rd Port Orchard, WA 98367	<a href="mailto:Dmskrobut@aol.com">Dmskrobut@aol.com</a>	1
19	8/23/2004	Vivian Henderson	Kitsap Alliance of Property Owners	PO Box 1861 Poulsbo, WA 98370		2
20	8/26/2004	Jerry Gorsline	Washington Environmental Council	5282 Cape George Road Port Townsend WA, 98368		14
21	8/27/2004	Richard K. Robohm	WA State Department of Ecology	3190 160th Avenue SE Bellevue, WA 98008		4

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	Date	Author	Affiliation	Mailing Address	E-mail Address	Number of Pages
22	9/13/2004	Ted Labbe	Port Gamble S'klallam Tribe	31912 Little Boston Road NE Kingston, WA 98346		2
23	9/15/2004	Betsy Cooper	Private Citizen		<a href="mailto:Betsycooper@centurytel.net">Betsycooper@centurytel.net</a>	2
24	9/15/2004	Mike Eliason	Kitsap County Association of Realtors	3689 Munson Street Silverdale, WA 98383		8
25	10/29/2004	Ron Ross	Private Citizen	PO Box 56 Silverdale, WA 98383		5
26	12/15/2004	Ian Laughlin	Private Citizen		<a href="mailto:shelnian@aol.com">shelnian@aol.com</a>	1
27	12/29/2004	Vivian Henderson	Kitsap Alliance of Property Owners	PO Box 1861 Poulsbo, WA 98370		1
28	1/6/2005	Vivian Henderson	Kitsap Alliance of Property Owners	PO Box 1861 Poulsbo, WA 98370		2

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	Date	Author	Affiliation	Mailing Address	E-mail Address	Number of Pages
29	1/12/2005	Irwin & Judith Krigsman	Private Citizen	5171 Illahee Road NE Bremerton, WA 98311		1
30	1/12/2005	Mary Bertrand	Chums of Barker Creek	PO Box 111 Tracyton, WA 98393		2
31	1/13/2005	Barbara Ktichens	Hearwood Consulting			6
32	1/17/2005	Jeff McCormick	Home Builders Association of Kitsap County	5251 Auto Center Way Bremerton, WA 98312		2
33	2/2/2005	Scott Henden	Private Citizen	26124 Calvary Lane NE Kingston, WA 98346		1
34	3/27/2005	Ian Laughlin	Private Citizen		<a href="mailto:shelnian@comcast.net">shelnian@comcast.net</a>	2
35	3/30/2005	Mike Eliason	Kitsap County Association of Realtors		<a href="mailto:gov@kitsaprealtor.org">gov@kitsaprealtor.org</a>	5

<b>Intro &amp; Approval Procedures</b>									
<b>Number</b>	<b>Purpose</b>	<b>Applicability</b>	<b>Exemptions</b>	<b>Standards for Existing Development</b>	<b>Reasonable Use Exception</b>	<b>Variations</b>	<b>Notice to Title</b>	<b>Enforcement</b>	<b>Other</b>
<b>10</b>			Some level of mitigation for impacts to critical areas should be completed after any emergency work to compensate for impacts to critical areas that resulted ~ It is critical that the CAO cover impacts to critical areas during emergency projects. When exempting emergency work, some level of mitigation for impacts to critical areas should be required, much like the HPA which only addresses impacts to fish life.	Allowing for danger tree removal within the critical area buffer results in loss of function, the building setback distance should be increased so this will not occur.	Since reasonable use exceptions result in impacts to critical areas we urge the County to minimize the use of this process where possible.	Since Variations result in impacts to critical areas we urge the County to minimize the use of this process where possible.	We are very supportive of this section as it serves to identify the critical areas on the subject property.	We strongly support that enforcement actions be reviewed by the Kitsap County Hearing Examiner.	
<b>Response to Comments</b>			<b>Comment noted. Kitsap County will consider requiring mitigation where feasible.</b>	<b>We believe this activity occurs only very rarely and that overall a net loss of functions and values does not occur.</b>	<b>Comment noted.</b>	<b>Comment noted.</b>	<b>The support for this is noted.</b>	<b>We believe critical areas code enforcement provisions are adequate and do not need revision at this time.</b>	
<b>14</b>	We support the policy that no land use action will result in a net loss of critical area function and any adverse impacts will be fully mitigated. We feel activities are allowed in Critical Areas and/or their buffers that are not consistent with the purpose of protecting structure and function of Critical areas.	All land uses and activities within 300ft of critical areas and their associated buffers are subject to the requirements of the CAO.	Kitsap County's exemption for small wetlands is exactly the kind of exemption the GMA prohibits. ~ Exemptions are not limited enough to prevent harm to critical area.			Variations are not subject to public hearing and notice requirements.		This title does not include enforcement provisions using both civil and criminal penalties to ensure compliance with performance standards.	
<b>Response to Comments</b>	<b>We believe that the way the ordinance is written and implemented does not cause a net loss in critical area functions or values.</b>	<b>We have established a zone of consideration that is now 250 feet which is equivalent to the largest critical area buffer in the ordinance.</b>	<b>The proposed exemption levels have been reduced for certain wetlands. We feel that the proposed exemption levels are appropriate base on our review of the best available science.</b>			<b>Variations ARE subject to public hearing and notice requirements pursuant to Kitsap County Code 19.100.315B.</b>		<b>Criminal enforcement provisions for critical areas violations are not able to be inserted as they require a different rulemaking process. We believe the code enforcement provisions for critical area violations are adequate.</b>	

Intro & Approval Procedures									
Number	Purpose	Applicability	Exemptions	Standards for Existing Development	Reasonable Use Exception	Variations	Notice to Title	Enforcement	Other
20	We feel activities are allowed in critical areas and/or their buffers that are not consistent with the purpose of protecting structure and function of critical areas.	All land use activities within 300ft of critical areas and their associated buffers are subject to the requirements of the CAO.	Exemptions should be narrowly crafted to avoid potential net loss of critical area functions. We do not feel that the exemptions are sufficiently limited to prevent harm to critical areas.			Variations are not subject to public hearing and notice requirements.		This title does not include enforcement provisions using both civil and criminal penalties to ensure compliance with performance standards.	
<i>Response to Comments</i>	<i>Comment noted.</i>	<i>We have established a zone of consideration that is now 250 feet which is equivalent to the largest critical area buffer in the ordinance.</i>	<i>We believe that our exemptions have been narrowly and carefully written so as to not result in a net loss of critical areas functions and values.</i>			<i>Variations ARE subject to public hearing and notice requirements pursuant to Kitsap County Code 19.100.315B.</i>		<i>Criminal enforcement provisions for critical areas violations are not able to be inserted as they require a different rulemaking process. We believe the code enforcement provisions for critical area violations are adequate.</i>	
21		Area of review should be defined as the critical area and the area within three hundred feet (instead of two hundred feet).	Buffer impacts from existing structures that are expanding should not be exempt. ~ Ag exemption should not include activities that expand agricultural impacts into previously unaffected wetlands or that convert wetlands to non-wetlands. ~ Activities should not include removing trees, diverting or impounding water, excavation, ditching, draining, culverting, filling, grading, and similar activities that introduce new adverse impacts.						
<i>Response to Comments</i>		<i>We have established a zone of consideration that is now 250 feet which is equivalent to the largest critical area buffer in the ordinance.</i>	<i>We require any allowed expansion of structure to be parallel to and not encroaching on any critical area buffer. ~ The recommendations on agricultural exemptions are noted.</i>						
17			Allow water, sewer, electric, natural gas, and other utility work within improved rights-of-way to be exempt from any of the requirements of a particular critical area chapter.						

<b>Intro &amp; Approval Procedures</b>									
<b>Number</b>	<b>Purpose</b>	<b>Applicability</b>	<b>Exemptions</b>	<b>Standards for Existing Development</b>	<b>Reasonable Use Exception</b>	<b>Variances</b>	<b>Notice to Title</b>	<b>Enforcement</b>	<b>Other</b>
<i>Response to Comments</i>			<i>We do not believe the ordinance needs to be changed to affect the way these activities are conducted in or near designated critical areas.</i>						
11		We like the requirement for zone reclassification or comprehensive plan amendment to complete an environmental review to confirm the nature and extent of any critical areas on or adjacent to the property.	All land uses must protect designated critical areas.						
<i>Response to Comments</i>		<i>Comment noted.</i>	<i>We believe that the exemptions section as written and implemented will not result in the loss of critical areas functions and values.</i>						
6		The area of review stated in 19.100.110 seems to be on the small side. What does Best Available Science (BAS) say on this?	The definition of Agricultural activities includes breeding and caring for farm animals which has the potential to adversely impact critical areas and should not be exempt. Perhaps a "farm plan" should be required near critical areas.					It seems like a mention of a criminal penalty provision should be included here. Willful pollution of our water supply must be a criminal act, no?	
<i>Response to Comments</i>		<i>Based on our review of the We have established a zone of consideration that is now 250 feet, equivalent to the largest critical area buffer in the ordinance.</i>	<i>Comment noted.</i>					<i>Criminal enforcement provisions for critical areas violations are not able to be inserted as they require a different rulemaking process, however the state Department of Ecology can impose criminal penalties for water quality violations.</i>	
22						We are troubled by the County's process for granting administrative variances without opportunity for public review and scrutiny.		There is a lack of meaningful penalties and enforcement for CAO violators.	

Intro & Approval Procedures									
Number	Purpose	Applicability	Exemptions	Standards for Existing Development	Reasonable Use Exception	Variations	Notice to Title	Enforcement	Other
<i>Response to Comments</i>						<i>We have made corrections to the ordinance that distinguishes administrative decisions from variances. Variances require public notice and hearing before the Hearing Examiner.</i>		<i>We believe the code enforcement provisions for critical area violations are adequate.</i>	
31									What evidence does the county have that the existing CAO is not adequately protecting critical areas?
<i>Response to Comments</i>									<i>The Growth Management Act requires that Kitsap County update its development regulations, including the critical areas ordinance. That update includes a review and consideration of best available science, which in some areas of the ordinance suggests that protection is currently not adequate.</i>
33									Should private property be regulated to a lesser extent than public lands? I would propose that the best results in the protection of habitat, wetlands and stream corridors will happen when the county focuses on the areas of the greatest importance "public lands".

<b>Intro &amp; Approval Procedures</b>									
<b>Number</b>	<b>Purpose</b>	<b>Applicability</b>	<b>Exemptions</b>	<b>Standards for Existing Development</b>	<b>Reasonable Use Exception</b>	<b>Variations</b>	<b>Notice to Title</b>	<b>Enforcement</b>	<b>Other</b>
<i>Response to Comments</i>									<i>The Growth Management Act requires Kitsap County to protect critical areas through appropriate development regulations regardless of whether the critical areas exist on publicly owned or privately owned lands.</i>
<b>7</b>	The general paint brush approach regarding buffers, set backs and general policy statements regarding such issues should have with them some kind of just compensation.								I have a problem with broad based general statements concerning water pollutions by farmland and septic systems.
<i>Response to comments</i>	<i>Comment noted.</i>								<i>Comment noted.</i>

Definitions						
Number	General	Agricultural Practices	Aquifer Vulnerability	Existing and Ongoing Ag	Geologist and Reporting	Water dependent and Related
10				We recommend that a voluntary compliance using best management practices that contain a monitoring component that is backed-up by strict regulations protecting critical areas and their functions be incorporated into the CAO.		
<b>Response to Comments</b>				<b>Comment noted.</b>		
14				Shellfish beds should be designated as agricultural lands of long-term commercial significance.		Stormwater Ordinance does not adopt Ecology's Stormwater Management manual. It does not include thresholds for vegetation retention and limits on impervious surface. It does not require low impact development stormwater measures that treat and infiltrate stormwater on site.
<b>Response to Comments</b>				<b>Shellfish beds are under the local jurisdiction of both the Kitsap County Shoreline Management Program and the county health regulations. They are also designated as fish and wildlife habitat conservation areas under the current critical areas ordinance.</b>		<b>Kitsap County is currently undertaking a process to review updates to the stormwater manual (KCC Title 12).</b>
20				We recommend that the County require approved farm plans for agricultural landowners that incorporate riparian management provisions in exchange for exempting agricultural activities from the standard buffer requirements found in chapters 19.200 & 19.300. ~ Shellfish beds should be designated as agricultural lands of long-term commercial significance.		Local governments need to address the larger scale, cumulative effects of stormwater by setting expectations for the development including setting thresholds for impervious surface and forest retention, protecting riparian buffers, wetlands, unstable slopes, project level detention ponds and water quality treatment. Stormwater ordinance does not adopt Ecology's Storm water Management manual. It does not include thresholds for vegetation retention and limits on impervious surface. It does not require low impact development storm water measures that treat and infiltrate storm water on site.
<b>Response to Comments</b>				<b>Comment noted. ~ Shellfish beds are under the local jurisdiction of both the Kitsap County Shoreline Management Program and the county health regulations. They are also designated as fish and wildlife habitat conservation areas under the current critical areas ordinance.</b>		<b>Comment noted. Kitsap County is currently undertaking a process to review updates to the stormwater manual (KCC Title 12).</b>
35	We recommend defining the term "the department" and the respective roles of "the department" and any other county authority that is involved in the granting of variances.					
<b>Response to Comments</b>	<b>We believe the Variance section and its reference to the procedural components of Title 21 are sufficient and that additional definitions are not needed.</b>					

Definitions						
Number	General	Agricultural Practices	Aquifer Vulnerability	Existing and Ongoing Ag	Geologist and Reporting	Water dependent and Related
11	Your definition section is very well written. We especially like the wetland specialist and wildlife biologist definitions.	The requirement to designate and protect critical areas applies to all activities and land uses, including existing and on-going agriculture.				
<b>Response to Comments</b>	<b>Comment noted.</b>	<b>The CAO recognizes that existing and on-going agriculture is an allowed use. However, if these activities result in a water quality violation enforcement action may be pursued by the Health Department and the Department of Ecology.</b>				
4					Please make the requirements about wet stamping and signing geo-technical reports clear.	
<b>Response to Comments</b>					<b>Comment noted.</b>	
5				Definition of "farm pond" reads awkwardly		
<b>Response to Comments</b>				<b>Comment noted.</b>		
2						I would recommend that the definition for Ordinary High Water Mark be changed to the one specified in WAC 173.22.030.
<b>Response to Comments</b>						<b>This definition is now in accordance with the WAC.</b>
31	Development is not defined to include existing uses, agricultural activities or diversion of water for irrigation purposes.					
<b>Response to Comments</b>	<b>Comment noted.</b>					
23			These designations are of great significance to our future water resources. Even though the protection of these features are not specifically identified in the GMA and SEPA as necessary parts of all land use analyses, aquifer protection efforts must be tightened in the urban areas.			
<b>Response to Comments</b>			<b>Comment noted</b>			
1	The definition of BAS should include statistically significant samplings and peer reviewed studies. The definition included is far too incomplete to give the public confidence ~ Include sewer plant discharge and road run-off in the definition of hazardous substance(s) as hazardous waste comes from both ~ Add "elimination of adverse impacts through alternative processing of waste streams" to the definition of mitigation ~ Add "minimum reasonable use is defined as allowing a single family residence or it's equivalent to be constructed on the property" to the end of the reasonable use definition.		What are Q1ga, Qg2, Qg3 and "approximate elevations"?	From an environmental impact perspective, I'm lost as to the relative impact of domestic vs. wild animal grazing of wet meadows. Why do we give preference of one over the other?		The definition of forage fish should include salmon as they are such to killer whales, seals and sea lions.

<b>Definitions</b>						
Number	General	Agricultural Practices	Aquifer Vulnerability	Existing and Ongoing Ag	Geologist and Reporting	Water dependent and Related
<b>Response to Comments</b>	<i>It is the County's intent to rely on WAC language (365-195-905) for the definition of Best Available Science ~ Additional comments noted</i>		<i>These terms relate to surficial geology. "Approximate elevations" refer to the aquifer's elevation relative to sea level</i>	<i>Domestic grazing is typically confined to an enclosed pasture resulting in greater potential for adverse water quality impacts.</i>		<i>Comment noted.</i>

Wetlands								
Number	Isolated Wetlands	Ratings System	Buffer Provisions	Regulated Uses and Activities	Building Setbacks	Reporting	Mitigation	Other
10	There is a lack of protection for isolated category III wetlands less than 2500 sq.ft. and for category IV wetlands less than 10,000 sq. ft.. These small isolated wetlands are critical for amphibian distribution across the landscape. Waterfowl also depend on small, isolated wetlands for foraging, roosting and breeding.	We fully support the use by Kitsap County of the new WA DOE wetland rating system.	We strongly urge the county to include the new DOE rating system and recommended buffer widths in the CAO update.	The fencing and signs provision is very good and will undoubtedly lead to public awareness and education of these critical areas. Trails and trail related facilities is a well put together section. We encourage the county to investigate potential wildlife impacts that may result from these projects prior to issuing an approval.	We believe that a 15- foot building setback is not adequate to protect existing mature trees. We do not support the allowance of intrusions into the building setback lines for the purpose of minor new development.			
<i>Response to Comments</i>	<i>According to the best available science that was considered for this revision, the exclusion of small wetlands will not result in a significant loss of critical area functions or values.</i>	<i>Comment noted.</i>	<i>The wetlands chapter in the second draft of the ordinance has been revised. It now proposes that the new wetland ratings system and the majority of recommended buffer widths be adopted for this chapter .</i>	<i>Comment noted</i>	<i>Flexibility in the 15 foot construction setback is intended to allow for greater retention of the critical area buffers on small, non-conforming lots.</i>			
14		Remove the critical areas exemption of small Class III and Class IV wetlands. Small wetlands are very important in reducing isolation among wetland habitat patches. The ordinance does not designate all wetlands, regardless of size.	We applaud the increase in wetland buffers however the buffers are still not sufficient to meet the Department of Ecology recommendations. We urge you to increase your wetland buffers to meet these standards as part of your CAO. The standard wetland buffer widths do not conform to the Washington State Office of Community Development (OCD) example code provisions. The buffer needs to be a minimum of 50 ft from the wetland edge.				Replacement ratios for compensatory mitigation is not consistent with OCD example code provisions.	
<i>Response to Comments</i>		<i>According to the best available science that was considered for this revision, the exclusion of small wetlands will not result in a significant loss of critical areas functions or values. The ordinance does provide for the protection and regulation of uses that may negatively impact mosaic wetlands.</i>	<i>The wetlands chapter in the second draft of the ordinance has been revised. It now proposes that the new wetland ratings system and a majority of the recommended buffer widths be adopted for this chapter .</i>				<i>We have revised the mitigation portion of this chapter to reflect the recommended replacement ratios published in the joint state/federal guidance on wetlands mitigation</i>	

Wetlands								
Number	Isolated Wetlands	Ratings System	Buffer Provisions	Regulated Uses and Activities	Building Setbacks	Reporting	Mitigation	Other
20		Remove the critical areas exemption for small Category III and Category IV wetlands. The ordinance does not designate all wetlands regardless of size.	Employ a "dual-option" approach that establishes conservative default protection standards on the one hand while allowing flexibility for site specific plans tailored to local conditions based on function assessments and habitat management plans on the other. We recommend that the buffer widths be increased to reflect Ecology's recommendations. Wetland buffers do not conform to OCD example code provisions. The ordinance should not allow buffers to be less than 50ft from the wetland edge.				Mitigation ratios for creation/restoration and enhancement should all be increased. Replacement ratios for compensatory mitigation are not consistent with OCD example code provisions.	
Response to Comments		<i>According to the best available science that was considered for this revision, the exclusion of small wetlands will not result in a significant loss of critical areas functions or values. The ordinance does provide for the protection and regulation of uses that may negatively impact mosaic wetlands.</i>	<i>The wetlands chapter in the second draft of the ordinance has been revised. It now proposes that the new wetland ratings system and the majority of recommended buffer widths be adopted for this chapter .</i>				<i>We have revised the mitigation portion of this chapter to reflect the recommended replacement ratios published in the joint state/federal guidance on wetlands mitigation.</i>	
35								It is unclear from the language of this section whether the intent is for the county to be able to allow uses and activities, otherwise prohibited by the proposed ordinance, to take place within the wetland or buffer areas, or, conversely, whether this would allow the county to prohibit uses and activities in the wetland or buffer areas that are otherwise allowed or permitted under the proposed ordinance.
Response to Comments								<i>The intent of this section is to identify which uses and activities may occur within wetlands or their buffers.</i>

Wetlands								
Number	Isolated Wetlands	Ratings System	Buffer Provisions	Regulated Uses and Activities	Building Setbacks	Reporting	Mitigation	Other
21	Science offers no justification for excluding some wetlands from protection based on size or "isolation".		Except where the adjacent land use is of low intensity, the proposed CAO's buffer widths provide inadequate protection for the habitat and water-quality functions of wetlands.				Compensatory mitigation projects should be monitored for at least five years, preferably ten.	Provide incentives (such as reduced buffers) to landowners and developers who incorporate low-impact site-development measures to reduce runoff, noise, light, etc. and who provide connectivity between wetlands on their property and other habitat areas in exchange for reduced buffers.
Response to Comments	<b>According to the best available science that was considered for this revision, the exclusion of small wetlands will not result in a significant loss of critical areas functions or values. The ordinance does provide for the protection and regulation of uses that may negatively impact mosaic wetlands.</b>		<b>The revised CAO adopts the new wetlands ratings system and most of the accompanying recommended buffer widths. We believe the new flexible ratings system that takes into account the wetland type, its ratings system score and the intensity of the proposed land use involved presents the opportunity to establish the most protective buffer width to protect the site specific wetland functions and values present.</b>				<b>We have revised the ordinance to reflect a five year minimum monitoring period.</b>	<b>We have included examples of methods to minimize impacts like the ones noted. We do not have a formal incentive program at present due to limited resources necessary to implement such a program.</b>
11			The development standards for wetland buffers are good recommendations for low intensity development proposals. The county should consider expanding these buffers for high intensity land uses. For high intensity uses the WA State Dept of Ecology is recommending that the buffer width standard should be 300 ft for Category I, 200 ft for Category II, 100 Ft for Category III, and 50 ft for Category IV wetlands.	What are the activities that require a special use review for agricultural conversions of wetlands for wetland dependent activities?				

Wetlands								
Number	Isolated Wetlands	Ratings System	Buffer Provisions	Regulated Uses and Activities	Building Setbacks	Reporting	Mitigation	Other
<i>Response to Comments</i>			<i>The revised CAO adopts the new wetlands ratings system and most of the accompanying recommended buffer widths. We believe the new flexible ratings system that takes into account the wetland type, its ratings system score and the intensity of the proposed land use involved presents the opportunity to establish the most protective buffer width to protect the site specific wetland functions and values present. We further believe that the 300 foot buffer width is not supported by statistically significant numbers and further that 250 feet offers adequate protection when conditions warrant.</i>	<i>Examples of such activities may include aquaculture or wetland dependent crops.</i>				
<b>6</b>				Buffer encroachment would decrease if well marked (as suggested in 19.200.220H). ~ Language that included surveying, mapping and recording would also be helpful.				
<i>Response to Comments</i>				<i>We believe the wetlands delineation and reporting requirements provide adequate mechanisms to prevent buffer encroachment.</i>				
<b>34</b>			We find the protection standards for Category III and IV wetlands wanting.					I do not understand why a revision to Washington state wetland rating system publication has to be adopted by the department if all revisions apply.
<i>Response to Comments</i>			<i>The wetlands chapter in the second draft of the ordinance has been revised. It now proposes that the new wetland ratings system and a majority of its recommended buffer widths be adopted for this chapter .</i>					<i>We have corrected the ordinance language to read more clearly regarding this aspect</i>

Wetlands								
Number	Isolated Wetlands	Ratings System	Buffer Provisions	Regulated Uses and Activities	Building Setbacks	Reporting	Mitigation	Other
22			Specific riparian protection standards for category III and IV wetlands are wanting.					
<i>Response to Comments</i>			<i>The wetlands chapter in the second draft of the ordinance has been revised. It now proposes that the new wetland ratings system and a majority of its recommended buffer widths be adopted for this chapter .</i>					
5			We need a well written policy statement of the reasons for increasing the buffer width to 75 ft for Category III wetlands.	How long are the utility companies required to monitor revegetation? Would they be required to re-plant if they were unsuccessful?				
<i>Response to Comments</i>			<i>The wetlands chapter in the second draft of the ordinance has been revised. It now proposes that the new wetland ratings system and its recommended buffer widths be adopted for this chapter .</i>	<i>Revegetation and monitoring requirements are handled on a case-by-case basis, depending on the level of disturbance. Monitoring may range from 2-5 years.</i>				
32			The current 50 foot buffer for category III wetlands has proven to be an adequate distance. Increasing the setback would further reduce the already limited supply of buildable land.					

Wetlands								
Number	Isolated Wetlands	Ratings System	Buffer Provisions	Regulated Uses and Activities	Building Setbacks	Reporting	Mitigation	Other
<i>Response to Comments</i>			<i>The wetlands chapter in the second draft of the ordinance has been revised. It now proposes that the new wetland ratings system and its recommended buffer widths be adopted for this chapter .</i>					
13			Support of increased wetland buffers.					
<i>Response to Comments</i>			<b>Support noted.</b>					
18			Reconsider the proposed increased buffer for Type III wetlands.					
<i>Response to Comments</i>			<b>Comment noted.</b>					
29						Sites containing critical areas and wetlands must have an on-site inspection by a DCD planner prior to the issuance of a building permit.		
<i>Response to Comments</i>						<b>This is DCD's current practice.</b>		
23		The County's inventory of wetlands is sorely outdated and incomplete. I urge the County to look for funds necessary to undertake an updated wetlands analysis.	I particularly support the increases in buffer widths for Category III and IV wetlands. The increases for Category IV however, should be much greater than 5 extra feet.					
<i>Response to Comments</i>		<b>Comment noted.</b>	<i>The wetlands chapter in the second draft of the ordinance has been revised. It now proposes that the new wetland ratings system and the majority of the recommended buffer widths be adopted for this chapter .</i>					

Wetlands								
Number	Isolated Wetlands	Ratings System	Buffer Provisions	Regulated Uses and Activities	Building Setbacks	Reporting	Mitigation	Other
1		Delet the third criteria for Category I Wetlands ~ Put the first criteria for Category II Wetlands in Category I and delete Category II ~ Delete Category III wetlands because it is to vague.	What is the scientific justification for 200 foot buffers? ~ Buffer widths need to be described in scientifically supportable terms. Please defent the justification for increasing the buffer widths in Category III and IV Wetlands	How are the following regulated uses and activities in wetlands and buffers justified? Public projects of significant importance, expansion of roads/streets- public/private within existing right of way, trails and trail related facilities, utility on site sewage facility and utility line overhead ~ Why can't private property owners have the same leniency as road/street repair and construction? ~ If pristine water is imporant how can we justify allowing grand-fathering continued uses of manure lagoons and livestock ponds in wetlands, while restricting construction of buildings? ~ If wetlands are really all that critical there should be NO development of any kind in any of them. If they are not that critical, we need to lighten the burden on property owners across the board.	How often is signage or fencing of wetland buffer edges actually done?	The wetland specialist definition does not make a person sufficiently qualified to draft the reports called for in the definition.	I recommend a sentece be added "the mitigation plan may include the use of alternative technologies such as composting, cleansing, biofiltering or disposal of stormwater, gray water and other waste streams in order to allow construction in buffer areas" ~ Do public projects require bonding? ~ There should be a 1:1 wetland replacement ratio unless there are specific soil conditions or other biologically provable issues that require it to be greater.	I recommend we consider providing 100% real estate tax cancelation for all buffer areas mandated by this ordinance as compensation for the taking of the use of properties from land owners ~ I recommend a sentece be added " buffers may be reduced if policy goals listed in 19.100.105B are otherwise satisfied" ~ There is a lot of lattitude given to government construction that is prohibited to the private land owner.
<b>Response to Comments</b>		<b><i>It is Kitsap County's intent to rely on the Department of Ecology Categorization system for wetlands.</i></b>	<b><i>The recommended buffer widths are based on a review of current best available information and consulatation with state agencies.</i></b>	<b><i>The above activities are typically existing and on-going uses, or low impact activities in wetlands.</i></b>	<b><i>Currently, signage or fencing is required for all projects within wetland buffers.</i></b>	<b><i>Comment noted.</i></b>	<b><i>Comments noted ~ Public projects may require bonding. ~ We've adopted the DOE recommended ratios for wetlad replacement which are based on BAS in the second draft.</i></b>	<b><i>Comment noted.</i></b>

Fish & Wildlife Habitat Conservation									
Number	Purpose	Categories	Buffer Provisions	Development Standards	Utilities	Fencing and Signs	Management Plan Reports	Mitigation	Other
10		This section is well written. We request that the county have kelp and eelgrass beds, shellfish areas, forage fish spawning areas, feeder bluffs, riparian areas, and juvenile salmon migration corridors as separate listed categories. This will allow specific protection to be applied to these critical areas.	We encourage the county to require a larger buffer setback to avoid or reduce the occurrence of danger tree removals within the buffer for houses that are constructed too close to the buffer. ~ CTED recommends 250 foot riparian habitat areas for Type S waters including marine shorelines.						
<b>Response to Comments</b>		<b>Most of these resource areas are included on the classification and designation of the saltwater shoreline areas in this chapter. Further, these resource areas are included in the shoreline master program, which together with the CAO offers substantial protection.</b>	<b>We believe that danger tree removal occurs very infrequently so as to not present a diminishment in overall functions and values. We believe our buffer widths, as proposed, will adequately protect critical area functions and values.</b>			<b>Kitsap County already requires wildlife friendly fencing and signs delineating the buffer.</b>			
14			We support the 200ft buffers along salmon bearing streams which are important for protecting habitat. ~ The shoreline buffers for urban, semi-rural, rural, lakes, conservancy and natural areas must all be at least 100ft. Buffer widths do not conform to WDFW's priority habitat and species program recommendations. ~ Stream buffer widths do not extend to the edge of the 100 year flood plain, nor are they measured from the outer margin of the channel migration zone when present. ~ The Buffer does not maintain a minimum distance of 50 ft from the ordinary high water mark.	Type F stream buffers would be acceptable at 150ft only if they are combined with a provision that requires 65% of land to remain in its natural state and allows 10% of a parcel to be covered in impervious surface.			The county is not mandating that WDFW's recommendations for Priority Habitats and Species serve as the basis for HMP's.		The CAO does not designate shellfish beds as critical fish and wildlife habitat areas. ~ The CAO does not designate kelp beds, eelgrass beds, spawning and holding areas for forage fish.

Fish & Wildlife Habitat Conservation									
Number	Purpose	Categories	Buffer Provisions	Development Standards	Utilities	Fencing and Signs	Management Plan Reports	Mitigation	Other
<i>Response to Comments</i>			<i>The best available science does not support increased buffer widths on lakes and saltwater shorelines as it does for important fish-bearing stream reaches. Buffer widths are measured from the outer margin of the channel migration zone. ~ They do maintain a minimum 50ft from ordinary high water mark. ~ The buffer widths are within recommended buffer widths of the guidance in the DFW priority habitats and species. KC believes that shoreline areas and their functions and values are adequately protected through a combination of this and other ordinances.</i>	<i>Comment noted.</i>			<i>We believe that site specific conditions provide the best framework on which to apply guidance documents such as the one noted. We intend to continue to use this and other best available science to establish the most suitable habitat management plans, including priority habitat species recommendations where appropriate.</i>		<i>Most of the resource areas are included on the classification and designation of the saltwater shoreline area in this chapter. Further, these resource areas are included in the Shoreline Master Program which, together with the CAO offers substantial protection.</i>
20	The ordinance should designate habitats and species of local importance and provide a process for nominating additional habitats and species of local importance.		Freshwater shoreline buffers with listed salmon species require a 200 ft buffer. We recommend saltwater shorelines be increased to match this width. ~ Standard riparian buffer widths do not conform to WDFW priority habitat and species program recommendations.~ Stream buffers widths do not extend to the edge of the 100 year floodplain. ~ Stream buffer widths are not measured from the outer margin of the channel migration zone when present. ~ The ordinance does not limit buffer averaging so that the buffer will be no less that 50 ft away from the ordinary high water mark or outer marine of the channel migration zone when present.~ Freshwater shoreline buffers with listed salmon species require 200ft buffers.	Designate commercial and recreation shellfish beds, kelp beds, eelgrass beds, and forage fish spawning areas, consistent with WAC.			The county is not mandating that WDFW's recommendations for Priority Habitats and Species serve as the basis for HMP's.	Mitigation standards should be strengthened to ensure no net loss of critical area functions.	The ordinance should include provisions to limit impervious surface area and loss of forest cover and the watershed scale in order to address large-scale, cumulative effects of storm water runoff. ~ The CAO does not designate shellfish beds as critical fish and wildlife habitat areas. ~ The CAO does not designate kelp beds, spawning and holding areas for forage fish.

<b>Fish &amp; Wildlife Habitat Conservation</b>									
Number	Purpose	Categories	Buffer Provisions	Development Standards	Utilities	Fencing and Signs	Management Plan Reports	Mitigation	Other
<i>Response to Comments</i>	<i>The Class I Wildlife Habitat Conservation Areas include areas that contain habitats and species of local importance. We do not currently have a formal mechanism to nominate, designate and manage this special category until additional resources become available for us to do so.</i>		<i>The best available science does not support increased buffer widths on lakes and saltwater shorelines as it does for important fish-bearing stream reaches. ~ Buffer widths are measured from the outer margin of the channel migration zone. ~ They do maintain a minimum 50ft from ordinary high water mark. ~ The buffer widths are within recommended buffer widths of the guidance in the DFW priority habitats and species. ~ Kitsap County believes that shoreline areas and their functions and values are adequately protected through a combination of this and other ordinances.</i>	<i>The language of the fish and wildlife habitat conservation area categories now includes both classification and designation of these subtidal resource areas. They are not specifically mapped and these areas continue to primarily be managed and protected under the jurisdiction of the Shoreline Master Program.</i>			<i>We believe that site specific conditions provide the best framework on which to apply guidance documents such as the one noted. We intend to continue to use this and other best available science to establish the most suitable habitat management plans, including priority habitat species recommendations where appropriate.</i>	<i>We believe the ordinance is written to protect against no net loss of critical areas functions and values.</i>	<i>We believe our non-clearing requirement for stream buffers provides adequate protection. We believe our stormwater code adequately addresses stormwater runoff issues.~ We now classify and designate the subtidal resource areas noted but manage and protect them primarily through our Shoreline Master Program.</i>
35		The inclusion of the concept of "channel migration zones" creates the potential for significantly more expansive regulated areas adjacent to watercourses, which have such features.							
<i>Response to Comments</i>		<i>We do not believe the added provision for channel migration zones will have a significant effect on the buildable area of land involved.</i>							
21			The buffer of a Class I wildlife conservation area should be at least 300 ft in an area of high-intensity adjacent land use.		Utilities such as transmission lines, sewer lines, and pipelines can require clearing and permanently maintaining wide areas, with adverse effects on wetland and buffer functions. We recommend that county require specific compensatory mitigation for the impacts of utility construction and maintenance.				

<b>Fish &amp; Wildlife Habitat Conservation</b>									
Number	Purpose	Categories	Buffer Provisions	Development Standards	Utilities	Fencing and Signs	Management Plan Reports	Mitigation	Other
<b>Response to Comments</b>			<i>Comment noted.</i>		<i>We believe the provisions and development standards for these activities are adequate as written.</i>				
<b>16</b>	We recommend adding the following as a purpose behind this chapter: riparian areas (freshwater and marine), marine shoreline feeder bluffs, and juvenile salmonid migratory corridors.			We believe the width of the saltwater shoreline buffers needs to be increased to avoid putting critical near shore processes, functions, habitat, and biological resources at risk. ~ All habitat protection plans shall be consistent with the recommendations in WDFW Aquatic Habitat Guidelines for fish and wildlife conservation areas. ~ Aquatic habitat in fish and wildlife conservation areas must be protected from the impact of storm water.					
<b>Response to Comments</b>	<i>Comment noted. We believe the purpose statement is adequately written.</i>			<i>We believe the width of the saltwater shoreline buffers is currently adequate and falls within the range of best available science. ~ We note your recommendation on what guidance to use.</i>					
<b>17</b>					Allow utility companies to do modifications to existing structures that do not further alter or increase the impacts to critical areas and minor utility projects that do not significantly impact the functions of values of a critical area . Minor utility projects will not result in the transportation of sediment or increased stormwater.				
<b>Response to Comments</b>					<i>Comments noted. We believe the development standards for the listed activities are adequate as written.</i>				

<b>Fish &amp; Wildlife Habitat Conservation</b>									
Number	Purpose	Categories	Buffer Provisions	Development Standards	Utilities	Fencing and Signs	Management Plan Reports	Mitigation	Other
11		Urbanized shorelines should be separated out from rural shorelines if the shoreline riparian areas offer different functions or ecological characteristics, such as buffers for fish and wildlife habitat, water quality protection, sediment retention etc.							19.300.310 Correct reference is WAC 222-16-031.
<i>Response to Comments</i>		<i>We believe our current shoreline classifications used in this ordinance adequately address these concerns.</i>							<i>Comment noted.</i>
19			We strongly object to the proposal to increase stream buffers from 100' to 150' . US Fish and Wildlife service reports that large buffers have no significant impact on habitat preservation or improvements on fish bearing streams.						
<i>Response to Comments</i>			<i>Please note that the proposal would also result in a reduction of some buffers from 200ft to 150ft. Whether buffers are increasing or decreasing we believe our proposed buffer widths and development standards are within the range of best available science.</i>						
34			The CAO offers inadequate riparian protection for marine shorelines. ~ Table 4 suggests that shoreline buffers be increased from 35ft to 135ft for all new plats. Shorelines are just as critical if not more critical than Type "F" streams.~ BAS has shown that construction and landscaping close to shorelines has a very adverse effect on the shorelines.	Insufficient measures to limit the watershed wide spread of impervious surfaces and loss of native forest cover; the specific riparian protection standards for headwater streams (Type Np and Ns) are wanting.					

<b>Fish &amp; Wildlife Habitat Conservation</b>									
Number	Purpose	Categories	Buffer Provisions	Development Standards	Utilities	Fencing and Signs	Management Plan Reports	Mitigation	Other
<i>Response to Comments</i>			<i>We believe the proposed buffer widths for shorelines will adequately protect fish and wildlife uses.</i>	<i>We believe the stormwater provisions in Title 12 of Kitsap County Code are adequate to address this issue. We believe our buffer widths fall within the range of and are supported by best available science.</i>					
22			Specific riparian protection standards for headwater streams (Type Np and Ns) are wanting.						Concerns around the lack of explicit monitoring and adaptive management.
<i>Response to Comments</i>			<i>We believe the proposed buffer widths for streams will adequately protect fish and wildlife functions and values.</i>						<i>We believe the ordinance as written includes adequate monitoring provisions and will not benefit from adaptive management at this time.</i>
32			The intent to equal the setback for Type F streams regardless of the fish species found in those streams is unreasonable. The 100ft buffer is adequate. ~ Increasing the NS streams buffer from 25ft to 50ft is unwarranted and unsupported by BAS.						
<i>Response to Comments</i>			<i>We believe our proposed buffer widths are supported by best available science and are not unreasonable and will adequately protect the functions and values of these critical areas.</i>						
18			Reconsider proposed increased buffer for type 5 (NS) streams.						Clarification on Table 4: does the 60% include the stream and associated buffer? What is forest cover? When the site has been previously logged?
<i>Response to Comments</i>			<i>Comment noted.</i>						<i>This language has been eliminated in the revised code.</i>
26									Why do the saltwater shorelines not get as much protection under the proposed CAO as salmon streams(75ft buffer vs. 150 ft buffer)?

<b>Fish &amp; Wildlife Habitat Conservation</b>									
Number	Purpose	Categories	Buffer Provisions	Development Standards	Utilities	Fencing and Signs	Management Plan Reports	Mitigation	Other
									<i>The best available science does not support increased buffer widths on lakes and saltwater shorelines as it does for important fish-bearing stream reaches.</i>
29				There should be a minimum percentage of trees left on site to ensure better stormwater runoff.					
				<b>We believe the ordinance adequately addresses this concern through the non-clearing buffer requirements. Also, the provisions of Title 12 Kitsap County Code (Stormwater) apply.</b>					
30	Ultimate success of watershed management programs will come from emerging realization of the close relationship of natural resource protection to quality of life and community character.			The 65/10 approach should be incorporated by means of 65% forest cover and reduction of impervious surface below 10% within proposed developments. ~ Low impact development practices should be incorporated as a requirement.					
	<b>Comment noted</b>			<b>We believe our non-clearing buffer requirements provide adequate protection. Kitsap County does encourage the use of low impact development practices, where feasible.</b>					
1	Unlink turbidity and pollution, they are separate issues with different causes and impacts.		What scientific justification is there for increasing the buffer widths? This appears arbitrary ~ How is the increased requirements for buffer widths arrived at?	Why can buffer widths for minor developments be decreased to 25 feet while buffer width minimums for major new development be 50 feet?			If DFW's recommendations are non-binding habitat management plans should not be a requirement of any part of Title 19. ~ Why would the department complete habitat management plans for minor new development and low income housing?		The definition of fisheries biologist should not include a person without scientific training.

<b>Fish &amp; Wildlife Habitat Conservation</b>									
Number	Purpose	Categories	Buffer Provisions	Development Standards	Utilities	Fencing and Signs	Management Plan Reports	Mitigation	Other
<i>Response to Comments</i>	<i>Comment noted.</i>		<i>The best available science supports the proposed buffer widths on lakes and saltwater shorelines as it does for important fish-bearing stream reaches. A technical review committee was convened to review the best available science.</i>	<i>Major developments have a higher likelihood of increased impacts, such as increased impervious surfaces.</i>			<i>DFW generally serves in an advisory role to Kistap County ~ The Department has revised this language for the 2nd draft of the CAO.</i>		<i>Comment noted.</i>
28									Are property owners required to have DCD's approval to remove a hazardous tree which could include the costs of a "certified arborist" and the requirement to leave the stump intact and the tree where it lies?
<i>Response to Comments</i>									<i>Yes, if the tree is within a required critical area buffer.</i>
31			With a 100 foot buffer, every 435 linear feet of designated critical areas or shorelines result in one acre where development cannot occur. Every acre that cannot be developed results in the loss of six potential residential building sites.						
<i>Response to Comments</i>			<i>Comment noted.</i>						
23		I find the way the categories are presented in Shoreline rules to be very confusing.	I agree with the increase of the "F" without listed species to 150ft. This change acknowledges that all fish-bearing riparian areas are vitally important and serve as indicators of the overall health of the larger ecological resources they are a part of.						
<i>Response to Comments</i>		<i>We have improved the way the Table of reads in the second draft.</i>	<i>Comment noted.</i>						
24			We do not believe that native vegetation less than 50ft in width from the critical area edge provides very poor habitat or buffer function.						Artificial buffers are simply a habitat tax, unreasonably and unnecessarily imposed on local homeowners and businesses.

<b>Fish &amp; Wildlife Habitat Conservation</b>									
Number	Purpose	Categories	Buffer Provisions	Development Standards	Utilities	Fencing and Signs	Management Plan Reports	Mitigation	Other
<b>Response to Comments</b>			<i>Comment noted.</i>						<i>Comment noted.</i>
7	It's important to see modeling data on so called endangered salmon and anadromous fish identification in each Class I and II streams.		Increasing buffers on type III and IV streams is to most an ominous policy or regulation.						Increasing setbacks on streams, wetlands or water frontage are not necessarily the answer or the right corrective action. Corrective and active solutions need to be associated with site specific problems.
<b>Response to comments</b>	<i>Comment noted.</i>		<i>Comment noted.</i>						<i>We agree that site specific solutions are the ultimate application of best available science. The Habitat Management Plan provision is intended to address site specific circumstances.</i>

<b>All Other Comments</b>										
Number	Geologically hazardous areas	Frequently flooded areas	Other and General Comments	Agree with Provisions	Appreciate Work	Best Available Science - Applicability to Kitsap County	Best Available Science - Departures from	GMA Compliance	Suggestions For CAO Additions	Public Participation
10	We strongly recommend that setbacks allow for a natural erosion rate back to a minimum slope of 2:1 along marine and freshwater associated slopes. Vegetation within the setbacks should not be allowed to be removed unless they are invasive, non-native species and are replaced with native trees and/or shrubs.~ Limbing and other view improvement techniques should be encouraged over removal.	It is in everyone's best interest to keep structures out of frequently flooded areas to reduce property damage, protect human lives, and protect valuable fish and wildlife habitats.			We were extremely pleased with the BAS committee process and commend the county for their efforts in putting this committee together and organizing and running these meetings.		We are very concerned that the buffers depicted within the draft CAO are at the minimum range of BAS.			
<i>Response to Comments</i>	<i>The setback of 11/3:1 for areas of high hazard was the result of input from local geologists during the 1998 update process for the geologically hazardous chapter. ~ Limbing for views is currently encouraged over tree removal.</i>	<i>Comment noted.</i>			<i>We appreciate the compliment.</i>		<i>We believe that the buffer ranges are well within the ranges of best available science</i>			
14	The CAO and Shoreline Master Program do not designate feeder bluffs as critical areas for maintaining forage fish spawning habitats.		The CAO needs to require coordination with watershed, salmon recovery and in stream flow programs.			We support the use of BAS in your CAO.				
<i>Response to Comments</i>	<i>All bluffs are currently designated as critical areas.</i>		<i>The ordinance does in fact clearly identify that non-regulatory methods are encouraged.</i>			<i>Comment noted.</i>				
20	The CAO and SMP do not designate feeder bluffs as critical areas for maintaining forage fish spawning habitats.	We are pleased to find the fish habitat specifically called out in chapter 19.500.	The CAO needs to require coordination with watershed, salmon recovery and in stream flow programs.		We commend the county for calling out special feeder bluff functions for special consideration.			GMA indicates that CAO must include development standards that will prevent any net loss of critical areas functions.		

<b>All Other Comments</b>										
Number	Geologically hazardous areas	Frequently flooded areas	Other and General Comments	Agree with Provisions	Appreciate Work	Best Available Science - Applicability to Kitsap County	Best Available Science - Departures from	GMA Compliance	Suggestions For CAO Additions	Public Participation
<i>Response to Comments</i>	<i>The ordinance does not specifically call out feeder bluffs however all bluffs are currently designated as critical areas. We believe the provisions in the ordinance as written provide satisfactory protection.</i>	<i>Comment noted.</i>	<i>The ordinance does in fact clearly identify that non-regulatory methods are encouraged.</i>		<i>The ordinance includes feeder bluffs in the definitions section.</i>			<i>We believe that the ordinance as written provides clear and strong compliance with all mandates of the Growth Management Act.</i>		
<b>35</b>							Comment suggests that BAS does not support the "big buffer" approach to protecting critical areas.			
<i>Response to Comments</i>							<i>We believe that best available science was adequately considered and included in the process to update and revise this ordinance.</i>			

All Other Comments										
Number	Geologically hazardous areas	Frequently flooded areas	Other and General Comments	Agree with Provisions	Appreciate Work	Best Available Science - Applicability to Kitsap County	Best Available Science - Departures from	GMA Compliance	Suggestions For CAO Additions	Public Participation
16		Flood mitigation studies shall be coordinated with local watershed and salmon recovery planning processes. For areas that drain to flood hazard areas, storm water should be managed through adoption and implementation of the storm water management manual for western Washington and low impact development measures should be implemented.		We would like to congratulate you, the planning staff, and the Commission for the progress you've made in protecting the Puget Sound Basin. We are particularly pleased to see that shellfish areas, kelp and eelgrass beds, and forage fish spawning areas were included as important near shore components to protect as critical areas. We like that you have given special consideration to protect the functions of feeder bluffs when stabilization measures are considered. Also, in aquifer recharge areas, encouraging the use of best management practices to treat and infiltrate stormwater is an excellent step forward to control stormwater runoff and protect water quality.						
<b>Response to Comments</b>		<b><i>The ordinance does in fact clearly identify that non-regulatory methods are encouraged. Likewise the ordinance is related to the implementation of all other applicable state and local laws, programs and ordinances and works cooperatively with them.</i></b>		<b><i>We appreciate the comment.</i></b>						

All Other Comments										
Number	Geologically hazardous areas	Frequently flooded areas	Other and General Comments	Agree with Provisions	Appreciate Work	Best Available Science - Applicability to Kitsap County	Best Available Science - Departures from	GMA Compliance	Suggestions For CAO Additions	Public Participation
17					We commend Kitsap County for its efforts in updating it's CAO to comply with the requirements of GMA and incorporate BAS.				Exemptions specifically for public agencies and utilities.	
<i>Response to Comment</i>					<i>We appreciate the comment.</i>				<i>We believe the development standards adequately address this issue as written.</i>	
11						The use of critical area maps and subsequent on-site determination to verify the mapped information ... this ensures that the BAS/data is being relied upon for project permitting decisions.				
<i>Response to Comments</i>						<i>The county ensures to the maximum extent practicable that best available science is used.</i>				
6					Very good draft CAO.					
<i>Response to Comments</i>					<i>We appreciate the comment.</i>					
19							What DCD puts forth as "BAS" is false, irrelevant or non-applicable to the Puget Sound Basin.			We ask that the requirements of the law (RCW 36.070A.140) be followed and that a proper public participation process be implemented immediately.

<b>All Other Comments</b>										
Number	Geologically hazardous areas	Frequently flooded areas	Other and General Comments	Agree with Provisions	Appreciate Work	Best Available Science - Applicability to Kitsap County	Best Available Science - Departures from	GMA Compliance	Suggestions For CAO Additions	Public Participation
<i>Response to Comments</i>							<i>Our best available science process was developed, implemented and managed in compliance with the state mandate and in accordance with the published administrative rules.</i>			<i>The County has taken steps throughout the revision process to ensure that the requirements of RCW 36.070A.140 are satisfied.</i>
8			First Public Draft was written without any public input or any effort on the part of the county to educate the public of its contents or its impact. We recommend that the county abolish the Natural Resources bureaucracy of county government.					We recommend that the county withdraw this "First Public Draft" of the CAO, and re-adopt the existing CAO to meet the GMA requirements for "possible" revisions by the end of 2004.		
<i>Response to Comments</i>			<i>The county has been committed and has followed through with making the process to update and revise the critical areas ordinance a cooperative one.</i>					<i>Comment noted.</i>		
15	The area east of Ohio Ave, north of 4th st, and up to Apple Tree Point will be classified as a geologically hazardous area-high geological risk. ~ This area will be designated the North Kingston by the Bluff Geologically Hazardous area. The standard for development will be a zero water balance (no additional water from development over the natural condition). Most or all storm water will be removed, and all septic water. Allow development under the Urban Growth Boundary and other zoning regulations.						The County has failed to explain its departure from BAS recommendations provided by WDFW and WDOE.			

All Other Comments										
Number	Geologically hazardous areas	Frequently flooded areas	Other and General Comments	Agree with Provisions	Appreciate Work	Best Available Science - Applicability to Kitsap County	Best Available Science - Departures from	GMA Compliance	Suggestions For CAO Additions	Public Participation
<b>Response to Comments</b>	<i>Comment noted.</i>						<i>We believe that the proposed development regulations are well within the range of best available science.</i>			
<b>22</b>		We feel that there is inadequate riparian protection for marine shorelines.								
<b>Response to Comments</b>		<i>Comment noted.</i>								
<b>4</b>	Suggested additional requirements to the CAO: Site specific topo map at a scale of 1"=20'with 2' contours showing existing structure, proposed building envelope and proposed grading. Reports/assessments done within the last 3 years should be reviewed for compliance and completeness to current code, confirming that the new project does not exceed the scope of study for which the old report was prepared. Reports/assessments older than three years should be redone to meet current code requirements. Unless area is misidentified assessments and a full geo-technical investigation should be required on areas identified as U, URS, or UOS.		It would be nice if there could be a warning stating that by developing in a U, URS, or UOS area they are accepting a greater than normal risk of potential landslide movement that could be affixed to the property title along with a copy of the report.							

All Other Comments										
Number	Geologically hazardous areas	Frequently flooded areas	Other and General Comments	Agree with Provisions	Appreciate Work	Best Available Science - Applicability to Kitsap County	Best Available Science - Departures from	GMA Compliance	Suggestions For CAO Additions	Public Participation
	<i>Comments noted. Staff appreciates the level of detail recommended for geotechnical reports, and will consider the recommendations for future inclusions.</i>		<i>This is achieved via the notice to title requirement found in KCC 19.100.150.</i>							
<b>5</b>	How well are seismic hazard areas in the County delineated?				Good job on the classification of geologically hazardous areas.					

All Other Comments										
Number	Geologically hazardous areas	Frequently flooded areas	Other and General Comments	Agree with Provisions	Appreciate Work	Best Available Science - Applicability to Kitsap County	Best Available Science - Departures from	GMA Compliance	Suggestions For CAO Additions	Public Participation
<i>Response to Comments</i>	<i>The Kitsap County Building Official has these maps available for review.</i>				<i>Comment noted and appreciated.</i>					
3			What specific procedures are you using to get the BAS information to the decision makers?			We like the process through which the county is demonstrating that we have "included" and "considered" BAS in the CAO revisions.				
<i>Response to Comments</i>			<i>Compilation binders have been provided to each decision maker.</i>			<i>Comment noted.</i>				
32			We feel that the current setbacks already in place should be retained for the wetlands and streams mentioned above, without any changes to the buffer distance currently prescribed.	The proposed setback reduction of 50ft for type F streams with listed species should be retained, as it is supported by BAS. Retain the current and existing buffers for shorelines - both saltwater and lakeside		Retain the flexibility in the 50% maximum variance in conditions supported by BAS.	Without the benefit of measures supported by BAS, an additional increase of wetland and stream buffers would have no foreseeable benefit to wildlife habitat, groundwater supplies, or endangered species.			
<i>Response to Comments</i>			<i>We believe that the proposed revisions are strongly supported by best available science.</i>	<i>Comment noted.</i>		<i>Comment noted.</i>	<i>We believe that the proposed revisions are strongly supported by best available science.</i>			
9			How much private property is the county taking with the buffers and set backs as a result of the changes proposed in the CAO?							
<i>Response to Comments</i>			<i>The county is not taking any property away from private individual landowners.</i>							
12					The CAO posted on the website is excellent.	Please make the BAS available to the public.				

All Other Comments										
Number	Geologically hazardous areas	Frequently flooded areas	Other and General Comments	Agree with Provisions	Appreciate Work	Best Available Science - Applicability to Kitsap County	Best Available Science - Departures from	GMA Compliance	Suggestions For CAO Additions	Public Participation
						<i>The entire cooperative best available science process has been posted on the County web page.</i>				
<b>Response to Comment</b>					<i>Comment appreciated.</i>					
<b>18</b>			Current development standards have maintained water quality levels- why the need for change?							
<b>Response to Comments</b>			<i>Best available science indicates that water quality is only one of a variety of functions that critical area buffers perform. Our review of best available science supports the update and revision to existing development standards.</i>							
<b>26</b>			Is the development impact within 150ft of the saltwater shorelines of the Hood Canal causing the Hood Canal to die and, if so, would increasing saltwater shoreline buffers help protect the Hood Canal and the Puget sound for future generations?							

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			<i>We believe our existing marine shoreline buffers and setbacks provide adequate protection and that our Shoreline Management Program also provides additional levels of protection.</i>							
<b>Response to Comments</b>										
<b>29</b>	No removal of trees or other vegetation on steep slopes.	No building in flood zones or hazard prone areas.	Developers should be responsible for monetary damages because of neglect or bad building practices.						New standards for tree protection, historic preservation and tree planting need to be included in the CAO.	
<b>Response to Comments</b>	<i>We believe our vegetation removal standards provide adequate levels of protection.</i>	<i>Comment noted.</i>	<i>Comment noted</i>						<i>Comment noted. General tree protection is not an identified critical area under the GMA.</i>	
<b>27</b>							There needs to be a White Paper summarizing BAS. CAO scientific panel did not serve its purpose.		Need a scientific support document outlining scientific support for proposed changes.	Roundtables are not appropriate public participation. Roundtables should be replaced with public meeting(s) for staff to present and take questions from public on proposed changes to CAO.

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<i>Response to Comments</i>							<i>The county has a white paper and a science support document that is a synthesis of conclusions, recommendations and findings of the cooperative process to review and include best available science.</i>		<i>The county has a white paper and a science support document that is a synthesis of conclusions, recommendations and findings of the cooperative process to review and include best available science.</i>	<i>The County has taken steps throughout the revision process to ensure that the requirements of RCW 36.070A.140 are satisfied.</i>
25							Please be advised to watch with great skepticism any BAS that is put out by the WDFW.			
<i>Response to Comments</i>							<i>Comment noted</i>			
30						Update CAO in such a way that the BAS is applied so that the sustainability and protection of our natural resources will be a reality rather than a political appeasing process.		The protection of fish and shellfish through GMA plans and regulations will not be achieved if the plans and regulations rely solely upon identification and protection of critical areas within themselves, independent of surrounding land use and its impacts.	The WRIA 15 Water Management Principles must be incorporated within the CAO.	

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<i>Response to Comments</i>						<i>Comment noted.</i>		<i>These subtidal aquatic marine resources are addressed through state and federal laws as well as through this ordinance, the shoreline management program and other applicable development regulations.</i>	<i>Comment noted.</i>	
<b>1</b>	Are earthquake prediction models sophisticated enough to support the requirements stated in the second paragraph of 19.700.725E? ~ Please define or list certain proposed operations and appropriate local and state agencies.									
<i>Response to Comments</i>	<i>This language was recommended by local geotechnical experts during a prior CAO update process ~ The affected operations and local and state agencies are listed in section 19.600 (Critical Aquifer Recharge Areas).</i>									
<b>28</b>							Why does the new BAS seem so dependent upon other reviews of literature while remaining silent on the WAC criteria of tests and quantitative analysis?	GMA tries to protect private property rights. Where in the revisions are those protections?		



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31			County Planning Staff alleges the protection and regulation of critical areas should be given priority over other land uses; however, under the statute these combined goals have no priority of importance under the law and it is the local government's responsibility to balance the goals of the GMA. The draft appears to be made up of requirements not supported by statute or case law and shows prejudices toward environmental protection over all other uses. It promotes environmental regulation over private property rights, agricultural uses and economic development.				The County Planning Staff has not utilized "BAS" throughout this process, many groups in the county have offered documents, studies, and research which is often rejected by staff as useless and noncompliant with the GMA. References case studies that confirm "0" buffers to be found in clear acceptance of the definitions and requirements put forth by the state of WA	Nothing in the GMA requires Kitsap County to revise the current ordinance; rather the statute requires the County to review, and if necessary, revise the document to be consistent with the requirements of the GMA. Nothing in the GMA requires restoration. The CAO is inconsistent with the GMA because the County has failed to consider the impacts they will have on urban growth areas. GMA doesn't mention endangered species protection.		The staff has made extraordinary and commendable efforts to work with the general public, as well as many groups in the community to offer assistance and notice.
<b>Response to Comments</b>			<b>Comment noted.</b>				<b>We believe that the proposed revisions are strongly supported by the substantial evidence of best available science in our record.</b>	<b>Comment noted. The CAO allows for restoration as one option if wetland impacts can not be avoided. The GMA does identify Fish and Wildlife Conservation Habitat Areas as one of the five primary areas of protection.</b>		<b>Comment appreciated.</b>
23				I wish to support the overall CAO and its purpose of recognizing important ecologically significant land and aquatic features in our landscape that support health and diverse wildlife, aquatic life and in turn our human uses of the land.						

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<i>Response to Comments</i>										
24			CAO's should be designed to optimize use and upgrade our existing developed shoreline and wetland areas, as well as continue protection of "natural" or undeveloped areas. CAO updates should provide incentives to more effectively manage the areas already put to use, without artificially denying access to our lakes, rivers, and other shorelines or to artificially limit changes of use and new development in areas already built up and affected by development	Environmental protection and preservation of the functions and values of critical areas will not be easy, and the cost of programs designed to manage, rather than prohibit, development on or near our waterways and wetlands will necessarily be more complex and expensive than it is today			The Department of Community, Trade and Economic Development specifically cautions against uncritical acceptance of the compilations or published lists, and strongly suggests that local governments critically examine the applicability of the published materials to make sure recommendations are appropriate for local use and conditions	The reems of compilations cited in support of big buffers share common threads. They principally include studies that focus on the habitat needs of a wide variety of species (common, as well as endangered) and the water retention, clarification, and purification capabilities of "natural" or "undisturbed" buffers. Editors and advocates nudge local governments to uncritically accept the work and adopt the mass buffer programs to comply with GMA		
<i>Response to Comments</i>			<i>The CAO does allow for access to shoreline areas. The proposed byffers are based on the shoreline designation, which is partially based on existing developmetn patterns.</i>	<i>Comment noted.</i>			<i>A technical review committee was convened early in the BAS process in order to review applicable published materials.</i>	<i>Comment noted.</i>		