

1 Title 19  
2 CRITICAL AREAS ORDINANCE

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30 **19.100.105 Statement of purpose.**

31 The purpose of the ordinance codified in this title is to identify and protect critical areas as required by the  
32 Growth Management Act of 1990 (Chapter 17, Laws of 1990). This title supplements the development  
33 requirements contained in the various chapters of the Kitsap County Zoning Ordinance (Title 17 of the  
34 Kitsap County Code) by providing for additional controls and measures to protect critical areas. This title

1 is adopted under the authority of Chapter [36.70A](#) RCW, Chapter [36.70](#) RCW and the Kitsap County  
2 Code, as now or hereafter amended.

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

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

9 1. Conserve and protect the environmental factors that add to the quality of life within the  
10 federal, state and county regulations that protect critical areas for the benefit of current and future  
11 residents of Kitsap County and the State of Washington.

12 2. Protect the public against avoidable losses from maintenance and replacement of public  
13 facilities, property damage, costs of publicly subsidizing mitigation of avoidable impacts, and  
14 costs for public emergency rescue and relief operations.

15 3. Identify critical areas and their environmental functions and values.

16 4. Protect critical areas and their functions and values by regulating use and management  
17 within these areas and adjacent lands.

18 5. Preserve the habitat, water quality, and water quantity functions and values of wetlands.

19 6. Protect water quality by controlling erosion and carefully siting uses and activities that can  
20 detrimentally affect stream flows or aquatic habitat quality.

21 7. Guide development proposals to the most environmentally suitable and stable portion of a  
22 development site.

23 8. Avoid potential damage due to geological hazards or flooding.

24 9. Preserve natural flood control and stormwater storage.

25 10. Maintain groundwater recharge and prevent the contamination of groundwater.

26 11. Prevent cumulative adverse environmental impacts to water, wetlands, fish and wildlife  
27 habitats, frequently flooded areas, geologically hazardous areas, and aquifer recharge areas.

1           12. Whenever mitigation is required, pursue as a preferred option, restoration and  
2           enhancement of previously impacted critical areas and their buffers.

3   **19.100.110 Applicability.**

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

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

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

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

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

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

28   G. For the purpose of this title, the area of review is defined as the critical area and its largest potential  
29   buffer or setback. This defines the area of review only. Refer to Chapters 19.200 through 19.600 for  
30   specific development standards.

1 **19.100.115 Relationship to other county regulations.**

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

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

- 6 A. Title 2, Government;
- 7 B. Title 9, Health, Welfare and Sanitation;
- 8 C. Title 12, Storm Water Management;
- 9 D. Title 14, Buildings and Construction;
- 10 E. Title 15, Flood Hazard Areas;
- 11 F. Title 16, Land Division and Development;
- 12 G. Title 17, Zoning;
- 13 H. Title 18, Environment;
- 14 I. Title 21, Land Use and Development Procedures;
- 15 J. Title 22, Shoreline Management Master Program;
- 16 K. RCW [36.70A](#), Growth Management Act;
- 17 L. RCW [90.58](#), Shoreline Management Act;
- 18 M. RCW [43.21C](#), State Environmental Policy Act;

19 **19.100.120 Review authority.**

20 A. In evaluating a request for a development proposal regulated by this title, it shall be the responsibility  
21 of the department to determine the following:

- 22 1. The nature and type of critical area and the adequacy of any special reports required in  
23 applicable sections of this title;

- 1           2. Whether the development proposal is consistent with this title, by granting, denying or
- 2           conditioning projects;
  
- 3           3. Whether proposed alterations to critical areas are appropriate under the standards contained
- 4           in this title, or whether it is necessary for the applicant to seek a variance or other exception; and
  
- 5           4. Whether the protection mechanisms and the mitigation and monitoring plans and bonding
- 6           measures proposed by the applicant are sufficient to protect the public health, safety and welfare
- 7           consistent with the goals, purposes and objectives of this title, and if not, condition the permit or
- 8           approval accordingly.

9    B. The department shall have the administrative authority to reduce buffers and building setbacks as  
10 outlined in specific critical area sections of this title.

11   C. Where projects have been approved with conditions to protect critical areas under previous  
12 protection policies in effect prior to the ordinance codified in this title, those conditions will apply.  
13 Nevertheless, this title shall apply in cases where the department determines, based on review of current  
14 information, that the prior conditions will result in a detrimental impact to a critical area.

15   D. Time Limitations.

16       1. Expiration of Approval.

17           a. Approvals granted under this title shall be valid for the same time period as the  
18 underlying permit (e.g. preliminary plat, site development, building permit). If the  
19 underlying permit does not contain a specified expiration date, then approvals granted  
20 under this title shall be in writing and shall be valid for a period of three years from the  
21 date of issue, unless a longer period is specified by the department.

22           b. The approval shall be considered null and void upon expiration, unless a time  
23 extension is requested and granted as set forth in subsection (2) below.

24       2. Time Extensions.

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

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

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  
4 party 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) The circumstances relevant to the review and issuance of the original  
11 approval have changed substantially; or

12 (3) 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. Time extensions  
17 shall be granted in writing and documented in the file.

18 **19.100.125 Exemptions.**

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

20 A. Emergencies that threaten the public health, safety and welfare. An “emergency” is an unanticipated  
21 and immediate threat to public health, safety, or the environment that requires action within a time too  
22 short to allow compliance with this title.

23 B. Pre-existing and ongoing agricultural activities on lands containing critical areas. For the purpose of  
24 this title, “existing and ongoing” means that the activity has been conducted and/or maintained within the  
25 past five years.

26 C. Normal and routine maintenance and operation of pre-existing retention/detention facilities, biofilters  
27 and other stormwater management facilities, irrigation and drainage ditches, farm ponds, fish ponds,

1 manure lagoons, and livestock water ponds, provided that such activities shall not involve conversion of  
2 any wetland not currently being used for such activity.

3 D. Structural alterations to buildings, permitted under the Kitsap County Code that do not alter the  
4 structural footprint or introduce new adverse impacts to an adjacent critical area.

5 E. Normal and routine maintenance or repair of existing utility structures within a right-of-way or existing  
6 utility corridor or easements, including the cutting, removal and/or mowing of vegetation above the  
7 ground.

8 F. Forest Practices conducted pursuant to RCW [76.09](#), except Class IV (general conversions) and  
9 Conversion Option Harvest Plans (COHP).

10 **19.100.130 Standards for existing development.**

11 A. Shorelines. This section incorporates by reference the existing development standards provided in  
12 Title 22 of the Kitsap County Code (Shoreline Management) applicable to development on shorelines of  
13 the state (WAC [173-27-080](#)), as now or hereafter amended.

14 B. Existing Nonconforming Structures.

15 1. "Existing nonconforming development" means a development that was lawfully constructed,  
16 approved or established prior to the effective date of the ordinance codified in this title, but does  
17 not conform to present regulations or standards of this title.

18 2. Structures in existence on the effective date of the ordinance codified in this title that do not  
19 meet the setback or buffer requirements of this title may be remodeled or reconstructed provided  
20 that the new construction or related activity does not further intrude into the critical area or its  
21 associated buffers.

22 3. New construction or related activity connected with an existing single family dwelling shall not  
23 be considered further intruding into an associated buffer so long as the footprint of the structure  
24 lying within the critical area or its buffer is not increased by more than twenty (20%) percent and  
25 no portion of the new structure is located closer to the critical area than the existing structure; and  
26 provided further that reconstruction or remodeling meets the requirements of Title 15 of the Kitsap  
27 County Code (Flood Hazard Areas) and shall only be allowed if it does not create or continue a  
28 circumstance where personal or property damage is likely due to the nature of the critical area.

29 4. Nonconforming structures which are damaged or destroyed by fire, explosion, or other  
30 casualty, may be restored or replaced if reconstruction is commenced within 24 months of such

1 damage. The reconstruction or restoration shall not serve to expand, enlarge or increase the  
2 nonconformity except as allowed through the provisions of this section.

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

13 **19.100.135 Variances.**

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

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

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

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

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

28 5. No other practicable or reasonable alternative exists. (See Definitions, Chapter 19.150.)

29 6. A mitigation plan (where required) has been submitted and is approved for the proposed use  
30 of the critical area.



1 B. Kitsap County shall conduct a public hearing on all variance applications pursuant to the review  
2 process and notice requirements established in Title 21 of the Kitsap County Code (Land Use and  
3 Development Procedures), as now or hereafter amended.

4 C. Except when application of this title would deny all reasonable use of the property (Section  
5 19.100.140), an applicant who seeks an exception from the standards and requirements of this title shall  
6 pursue relief by means of a variance as provided for in this title.

7 D. Requests for variances shall include the application requirements of Section [19.100.155](#) (Application  
8 Requirements, General), or Section [19.200.215](#) (Wetland Review Procedures), whichever is applicable.

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

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

- 13 1. Application of this title to the utility's activities would be inconsistent with the Comprehensive  
14 Plan and the Utility's public service obligations;
- 15 2. The proposed utility activity does not pose an unreasonable threat to the public health, safety  
16 or welfare on or off the development proposal site; and
- 17 3. Any alterations permitted to these critical areas shall be the minimum necessary to  
18 reasonably accommodate the proposed utility activity and mitigate when feasible.

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20 **19.100.140 Reasonable use exception.**

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

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

1 Title 21 of the Kitsap County Code (Land Use and Development Procedures). The examiner shall make a  
2 final decision based on the following criteria:

- 3 1. The application of this title would deny all reasonable use of the property;
- 4 2. There is no other reasonable use which would result in less impact on the critical area;
- 5 3. The proposed development does not pose an unreasonable threat to the public health, safety  
6 or welfare on or off the development proposal site and is consistent with the general purposes of  
7 this title and the public interest, and does not conflict with the Endangered Species Act or other  
8 relevant state or federal laws; and
- 9 4. Any alterations permitted to the critical area shall be the minimum necessary to allow for  
10 reasonable use of the property.

11 B. Any authorized alterations of a critical area under this section shall be subject to conditions  
12 established by the examiner including, but not limited to, mitigation under an approved mitigation plan.

13 **19.100.145 Appeals.**

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

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

23 B. Appeal Process. The following process shall be followed in submitting an appeal and taking action:

- 24 1. Any appeal regarding a decision to require, or not require a special report shall be made  
25 within fourteen calendar days of the decision. The appeal shall be in writing stating the basis that  
26 such reports should or should not be required for the proposed development. The hearing  
27 examiner may (a) remand the decision back to the department requesting that specific issues be

1 reconsidered; (b) modify the decision of the department; or (c) uphold the decision of the  
2 department.

3 2. Any appeal regarding a decision to approve, condition or deny a development proposal  
4 based on this title, or any decision to approve, condition or deny a variance, shall be made within  
5 fourteen calendar days of the decision. A fee in an amount as established under the Kitsap  
6 County Code shall be paid to the department at the time an appeal is filed. The appeal shall be in  
7 writing and shall state specifically the issues that are the subject of the appeal, focusing on the  
8 specific inadequacies of the particular decision under dispute. The hearing examiner may (a)  
9 remand the decision back to the department requesting that specific issues be reconsidered; (b)  
10 modify the decision of the department; or (c) uphold the decision of the department.

11 3. Kitsap County shall not issue any permit, license or other development approval on the  
12 development proposal site pending the outcome of the appealed decision.

13 **19.100.150 Critical area and buffer notice to title.**

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

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

25 **19.100.155 General application requirements.**

26 A. All applicants for major new development are required to meet with the department prior to  
27 submitting an application subject to Title 17 of Kitsap County Code; all applicants for construction of a  
28 single-family dwelling are encouraged to do so. The purpose of this meeting is to discuss Kitsap County’s  
29 zoning and applicable critical area requirements, to review any conceptual site plans prepared by the  
30 applicant and to identify potential impacts and mitigation measures. Such conference shall be for the  
31 convenience of the applicant, and any recommendations shall not be binding on the applicant or the  
32 county.

- 1 B. The applicant must comply with the standards and requirements of this title as well as standards  
2 relating to Title 12 of the Kitsap County Code (Stormwater Management) set forth by the department, as  
3 now or hereafter amended. To expedite the permit review process, the department shall be the lead  
4 agency on all work related to critical areas. Development may be prohibited in a proposed development  
5 site based on criteria set forth in this title; the applicant should first determine whether this is the case  
6 before applying for permits from the department.
- 7 C. Application for development proposals, reasonable use exception or variances regulated by this title  
8 or for review of special reports shall be made with the department by the property owner, lessee, contract  
9 purchaser, other person entitled to possession of the property, or by an authorized agent as listed in  
10 Chapter 19.700 (Special Reports).
- 11 D. A filing fee in an amount established under the Kitsap County Zoning Ordinance shall be paid to the  
12 department at the time an application for a permit relating to a critical area or a special report review is  
13 filed.
- 14 E. Applications for any development proposal subject to this title shall be reviewed by the department  
15 for completeness and consistency or inconsistency with this title.
- 16 F. At every stage of the application process, the burden of demonstrating that any proposed  
17 development is consistent with this title is upon the applicant.
- 18 G. All site plan applications for development proposals subject to this title shall include a site plan drawn  
19 to scale identifying locations of critical areas, location of proposed structures and activities, including  
20 clearing and grading and general topographic information as required by the department. If the  
21 department determines that additional critical areas are found on the subject property, the applicant shall  
22 amend the site plan to identify the location of the critical area. When it is determined that regulated  
23 activities subject to the provisions of the State Environmental Policy Act (SEPA) as implemented by Title  
24 18 of the Kitsap County Code (Environment) are likely to cause a significant, adverse environmental  
25 impact to the critical areas identified in this title that cannot be adequately mitigated through compliance  
26 with this title, environmental assessment and mitigation measures may be imposed consistent with the  
27 procedures established in Title 18 of the Kitsap County Code (Environment).
- 28 H. Prior to taking action on a zone reclassification or a Comprehensive Plan Amendment, the proponent  
29 shall complete an environmental review to confirm the nature and extent of any critical areas on or  
30 adjacent to the property; determine if the subsequent development proposal would be consistent with this  
31 title; and determine whether mitigation or other measures would be necessary if the proposal were  
32 approved. Such review shall occur prior to any SEPA threshold determination. Findings of such review

1 may be used to condition or mitigate the impact through the SEPA threshold determination or to deny the  
2 proposal if the impacts are significant and cannot be mitigated.

3 **19.100.160 Inventory provisions.**

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

10 Kitsap County will review map inventory information of all critical areas as it becomes available. Mapping  
11 will include critical areas that are identified through site specific analysis by local, state and federal  
12 agencies, the Kitsap Conservation District, tribal governments, citizen groups and other sources.

13 **19.100.165 Enforcement.**

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

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

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

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

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

4 F. Other Legal or Equitable Relief. Notwithstanding the existence or use of any other remedy, the  
5 director or his/her designee may seek legal or equitable relief to enjoin any acts or practices or abate any  
6 conditions, which constitute or will constitute a violation of the provisions of this title.

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## Chapter 19.150 DEFINITIONS

11 Sections:

12 **19.150.050 Generally.**

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14 **19.150.105 Agricultural activities.**

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25 **19.150.155 Best available science.**

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27 **19.150.165 Bog.**

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30 **19.150.175 Candidate species.**

31 **19.150.180 Channel migration zone.**

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33 **19.150.190 Compensation.**

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- 3 19.150.210 Critical aquifer recharge areas.
- 4 19.150.215 Critical areas.
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- 15 19.150.270 Enhancement.
- 16 19.150.275 Erosion.
- 17 19.150.280 Erosion hazard areas.
- 18 19.150.285 Excavation.
- 19 19.150.290 Existing and ongoing agriculture.
- 20 19.150.295 Exotic.
- 21 19.150.300 Extraordinary hardship.
- 22 19.150.305 Farm pond.
- 23 19.150.310 Feeder bluff.
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- 26 19.150.325 Fish and wildlife habitat.
- 27 19.150.330 Fisheries biologist.
- 28 19.150.335 Floodplain.
- 29 19.150.340 Floodway.
- 30 19.150.345 Forage fish.
- 31 19.150.350 Forest practices.
- 32 19.150.355 Frequently flooded areas.
- 33 19.150.360 Geologically hazardous areas.
- 34 19.150.365 Geologist.
- 35 19.150.370 Geotechnical engineer.
- 36 19.150.375 Geotechnical report and geological report.

- 1 19.150.380 Grading.
- 2 19.150.385 Grazed wet meadows.
- 3 19.150.390 Grubbing.
- 4 19.150.395 Groundwater.
- 5 19.150.400 Habitat management plan.
- 6 19.150.405 Habitat of local importance.
- 7 19.150.410 Hazardous substance.
- 8 19.150.415 Hearing examiner.
- 9 19.150.420 Hydric soils.
- 10 19.150.425 Hydrogeologist.
- 11 19.150.430 Infiltration rate.
- 12 19.150.435 Landslide hazard areas.
- 13 19.150.440 Liquefaction.
- 14 19.150.445 Lot.
- 15 19.150.450 Low impact activities.
- 16 19.150.455 Mitigation.
- 17 19.150.470 Native vegetation.
- 18 19.150.475 Non-conforming use or structure.
- 19 19.150.480 Normal maintenance.
- 20 19.150.485 Open space.
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- 22 19.150.495 Out-of-kind compensation.
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- 24 19.150.505 Permeability.
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- 26 19.150.515 Pond.
- 27 19.150.520 Practicable alternative.
- 28 19.150.525 Priority habitat.
- 29 19.150.530 Priority species.
- 30 19.150.535 Public facilities.
- 31 19.150.540 Public project of significant importance.
- 32 19.150.545 Public right-of-way.
- 33 19.150.550 Public utility.
- 34 19.150.555 Ravine.
- 35 19.150.559 Reasonable.
- 36 19.150.560 Reasonable alternative.



- 1 19.150.565 Reasonable use.
- 2 19.150.570 Reasonable use exception.
- 3 19.150.572 Re-establishment.
- 4 19.150.575 Refuse.
- 5 19.150.580 Regulated use or activity.
- 6 19.150.582 Rehabilitation.
- 7 19.150.585 Restoration.
- 8 19.150.590 Retention facilities.
- 9 19.150.595 Riparian area.
- 10 19.150.600 Salmonid.
- 11 19.150.605 Sensitive species.
- 12 19.150.610 Shorelines.
- 13 19.150.615 Single-family dwelling.
- 14 19.150.620 Special flood hazard areas.
- 15 19.150.625 Species of concern.
- 16 19.150.630 State Environmental Policy Act or SEPA.
- 17 19.150.635 Streams.
- 18 19.150.640 Swale.
- 19 19.150.645 Threatened species.
- 20 19.150.650 Toe of slope.
- 21 19.150.655 Top of slope.
- 22 19.150.660 Unavoidable and necessary impacts.
- 23 19.150.665 Utilities.
- 24 19.150.670 Utility corridor.
- 25 19.150.671 Wellhead protection area.
- 26 19.150.674 Wetland delineation.
- 27 19.150.675 Wetland determination.
- 28 19.150.680 Wetland edge.
- 29 19.150.685 Wetlands.
- 30 19.150.690 Wetlands, isolated.
- 31 19.150.695 Wetlands, mosaic.
- 32 19.150.700 Wetlands of regional significance.
- 33 19.150.705 Wetlands of statewide significance.
- 34 19.150.710 Wetlands report.
- 35 19.150.715 Wetlands specialist.
- 36 19.150.720 Wildlife biologist.

1 **19.150.050 Generally.**

2 As used in this title, the following terms have the meanings given in this chapter.

3 **19.150.100 Adjacent.**

4 “Adjacent” means an area of review as defined by Section [19.100.110\(G\)](#).

5 **19.150.105 Agricultural activities.**

6 “Agricultural activities” means activities related to vegetation and soil management, such as tilling of soil,  
7 control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization as well as  
8 animal husbandry.

9 **19.150.110 Alteration.**

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

17 **19.150.115 Anadromous fish.**

18 “Anadromous fish” means fish whose life cycle includes time spent in both fresh and salt water.

19 **19.150.120 Applicant.**

20 “Applicant” means the person, party, firm, corporation or legal entity, or agent thereof, that proposes a  
21 development of property in Kitsap County.

22 **19.150.125 Aquaculture practices.**

23 “Aquaculture practices” means the harvest, culture or farming of food fish, shellfish, or other aquatic  
24 plants and animals including fisheries enhancement and the mechanical harvesting of shellfish and  
25 hatchery culture.

26 **19.150.130 Aquifer.**

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

29 **19.150.135 Aquifer recharge.**

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

6 **19.150.140 Aquifer recharge area.**

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

9 **19.150.145 Aquifer vulnerability.**

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

12 **19.150.147 Aquitard.**

13 “Aquitard” means an underground geologic layer that has low permeability.

14 **19.150.150 Bank stabilization.**

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

18 **19.150.155 Best available science.**

19 “Best available science” means scientifically valid information in accordance with WAC [365-195-905](#), as  
20 now or hereafter amended, that is used to develop and implement critical areas policies or regulations.

21 **19.150.160 Best management practices (BMPs).**

22 “Best management practices” or “BMPs” means conservation practices (physical, structural and/or  
23 managerial) or systems of practices and management measures that:

24 A. Control soil loss and reduce water quality degradation caused by nutrients, pathogens, bacteria, toxic  
25 substances, pesticides, oil and grease, and sediment; and

26 B. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the  
27 chemical, physical, and biological characteristics of critical areas.

28 **19.150.165 Bog.**

1 “Bogs” are a type of wetland typically composed of acidic, low nutrient soils and waters, high organic  
2 matter and that support plants specifically adapted to such conditions that are not commonly found  
3 elsewhere. Bogs may have an overstory of spruce or shore pine and may be associated with open water.

4 **19.150.170 Buffer.**

5 “Buffer” means a non-clearing native vegetation area which is intended to protect the functions and  
6 values of critical areas.

7 **19.150.172 Buffer, standard.**

8 “Standard buffer” means the buffer width established by each chapter of this title before any buffer  
9 adjustments are applied.

10 **19.150.175 Candidate species (state-listed).**

11 “Candidate species (state-listed)” means species under review by the Department of Fish and Wildlife  
12 (WDFW) for possible listing as endangered, threatened or sensitive. A species will be considered for  
13 state-candidate designation if sufficient scientific evidence suggests that its status may meet criteria  
14 defined for endangered, threatened, or sensitive in WAC [232-12-297](#) as now or hereafter amended.

15 Currently listed state-threatened or state-sensitive species may also be designated as a state-candidate  
16 species if their status is in question. State-candidate species will be managed by the Department of Fish  
17 and Wildlife, as needed, to ensure the long-term survival of populations in Washington. They are listed in  
18 WDFW, Policy 4802.

19 **19.150.180 Channel migration zone (CMZ).**

20 “Channel migration zone” or “CMZ,” as defined by WAC [173-26-020\(6\)](#), as now or hereafter amended,  
21 means the area along the Tahuya or Union Rivers or streams within which the channel(s) can be  
22 reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and  
23 related processes when considered with the characteristics of the river and its surroundings.

24 **19.150.185 Clearing.**

25 “Clearing” means the destruction, disturbance or removal of vegetation by physical, mechanical, chemical  
26 or other means.

27 **19.150.190 Compensation.**

28 “Compensation” means replacement of project-induced critical area (e.g., wetland) losses of acreage or  
29 functions.

30 **19.150.195 Creation.**

1 “Creation” means the manipulation of the physical, chemical, or biological characteristics present to  
2 develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities  
3 typically involve excavation of upland soils to elevations that will support a wetland.

4 **19.150.200 Conversion option harvest plan (COHP).**

5 As it relates to forest practices, a “COHP” means a plan for landowners who want to harvest their land but  
6 wish to maintain the option for conversion pursuant to WAC [222-20-050](#). “Conversion” to a use other than  
7 commercial timber operation shall mean a bona fide conversion to an active use which is incompatible  
8 with timber growing.

9 **19.150.210 Critical aquifer recharge areas.**

10 “Critical aquifer recharge areas” means those land areas that contain hydrogeologic conditions that  
11 facilitate aquifer recharge and/or transmitting contaminants to an underlying aquifer.

12 **19.150.215 Critical areas.**

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

16 **19.150.220 Critical area protection easement.**

17 “Critical area protection easement” means an agreement conveyed through a notice to title, or shown on  
18 the face of a plat or site plan, for the purpose of perpetual or long-term conservation.

19 **19.150.225 Critical facilities.**

20 “Critical facilities” means those facilities necessary to protect the public health, safety and welfare and  
21 which are defined as essential facilities or Category III and IV buildings in accordance with Chapter 14.04  
22 of this code, the Kitsap County Building and Fire Code. These facilities include but are not limited to  
23 schools, hospitals, police stations, fire departments and other emergency response facilities, and nursing  
24 homes. Critical facilities also include sites of hazardous material storage or production.

25 **19.150.230 Danger trees.**

26 “Danger trees” means any tree of any height, dead or alive, that presents a hazard to the public because  
27 of rot, root stem or limb damage, lean or any other observable condition created by natural process or  
28 man-made activity consistent with WAC [296-54-505](#).

29 **19.150.235 Debris.**

30 See “Refuse.”

1 **19.150.240 Department.**

2 “Department” means the Kitsap County Department of Community Development.

3 **19.150.245 Detention facilities.**

4 “Detention facilities” means stormwater facilities, including all the appurtenances associated with their  
5 designed functions, maintenance and security that are designed to store runoff while gradually releasing it  
6 at a pre-determined controlled rate.

7 **19.150.250 Development proposal site.**

8 “Development proposal site” means the legal boundaries of the parcel or parcels of land on which an  
9 applicant has applied for authority from Kitsap County to carry out a development proposal.

10 **19.150.255 Director.**

11 “Director” means the director of the Kitsap County department of community development or a duly  
12 authorized designee in the department.

13 **19.150.260 Draining (related to wetland).**

14 “Draining” means any human activity that diverts or reduces wetland groundwater and/or surface water  
15 sources.

16 **19.150.265 Endangered species (state listed).**

17 “Endangered species” means a species native to the state of Washington that is seriously threatened with  
18 extinction throughout all or a significant portion of its range within the state. Endangered species are  
19 legally designated in WAC [232-12-014](#), as now or hereafter amended.(Ord. 351 (2005) § 17 (part), 2005)

20 **19.150.270 Enhancement.**

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

24 **19.150.275 Erosion.**

25 “Erosion” means the process whereby the land surface is worn away by the action of water, wind, ice or  
26 other geologic agents, by processes such as gravitational creep or events such as landslides caused by  
27 natural or manmade impacts.

28 **19.150.280 Erosion hazard areas.**

29 “Erosion hazard areas” means land characterized by any of the soil types identified by the U.S.  
30 Department of Agriculture Natural Resources Conservation Service as “highly erodible land.” This

1 designation pertains to water erosion and not wind erosion. These areas may not be highly erodible until  
2 or unless the soil is disturbed by activities such as clearing or grading.

3 **19.150.285 Excavation.**

4 “Excavation” means the mechanical removal of earth material.

5 **19.150.290 Existing and ongoing agriculture.**

6 “Existing and ongoing agriculture” means those activities conducted within the last five years on lands  
7 defined in RCW [84.34.020](#)(2) or defined as agricultural activities in this title. For example, the operation  
8 and maintenance of existing farm and stock ponds or drainage ditches; operation and maintenance of  
9 ditches, irrigation systems including laterals, canals, or irrigation drainage ditches; changes between  
10 agricultural activities, such as rotating crops or grasses used for grazing; and normal maintenance, repair,  
11 or operation of existing serviceable structures, facilities, or improved areas, can be “existing and ongoing  
12 agriculture.” The alteration of the contour of wetlands or streams by leveling or filling other than that which  
13 results from normal cultivation, or draining of wetlands shall not be considered normal or necessary  
14 farming or ranching activities.

15 **19.150.295 Exotic.**

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

17 **19.150.300 Extraordinary hardship.**

18 “Extraordinary hardship” means where the strict application of this title and/or other programs adopted to  
19 implement this title by the regulatory authority would prevent all reasonable use of the parcel.

20 **19.150.305 Farm pond.**

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

23 **19.150.310 Feeder bluff.**

24 “Feeder bluff” means an eroding and/or retreating shore bluff that is part of natural coastal processes  
25 yielding sediment to area beaches.

26 **19.150.315 Fen.**

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

30 **19.150.320 Filling or fill.**

1 “Filling” or “fill” means a deposit of earth or other natural or manmade material placed by artificial means,  
2 including, but not limited to, soil materials, debris, or dredged sediments.

3 **19.150.325 Fish and wildlife habitat.**

4 “Fish and wildlife habitat” means those areas identified as being of critical importance to the maintenance  
5 of fish, wildlife, and plant species, including: areas with which endangered, threatened, and sensitive  
6 species have a primary association; habitats and species of local importance; commercial and  
7 recreational shellfish areas; kelp and eelgrass beds, forage fish spawning areas; naturally occurring  
8 ponds and their submerged aquatic beds that provide fish or wildlife habitat; waters of the state; lakes,  
9 ponds, streams or rivers planted with game fish by a government or tribal entity, or private organization;  
10 State natural area preserves and natural resource conservation areas.

11 **19.150.330 Fisheries biologist.**

12 “Fisheries biologist” means a person with experience and training in fisheries within the past ten years  
13 who is able to submit substantially correct reports on fish population surveys, stream surveys and other  
14 related data analyses of fisheries resources. “Substantially correct” is interpreted to mean that technical  
15 or scientific errors, if any, will be minor and do not delay or affect the site plan review process.  
16 Qualifications of a fisheries biologist include:

17 A. Certification by the American Fisheries Society; or

18 B. A Bachelor of Science degree in fisheries or the biological sciences from an accredited institution  
19 and two years of professional fisheries experience; or

20 C. Five or more years professional experience as a practicing fisheries biologist with a minimum three  
21 years professional field experience.

22 **19.150.335 Floodplain.**

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

27 **19.150.340 Floodway.**

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



1 **19.150.345 Forage fish.**

2 “Forage fish” means anchovy, herring, sand lance and smelt.

3 **19.150.350 Forest practices.**

4 “Forest practices” means, as defined in WAC [222-16-010](#)(21), as now or hereafter amended, any activity  
5 conducted on or directly pertaining to forest land that is related to growing, harvesting, or processing  
6 timber including, but not limited to:

7 A. Road and trail construction;

8 B. Harvesting, final and intermediate;

9 C. Pre-commercial thinning;

10 D. Reforestation;

11 E. Fertilization;

12 F. Prevention and suppression of diseases and insects;

13 G. Salvage of trees; and

14 H. Brush control.

15 “Forest practices” shall not include preparatory work such as tree marking, surveying and road flagging;  
16 or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery,  
17 mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage  
18 to forest soils, timber or public resources.

19 **19.150.355 Frequently flooded areas.**

20 “Frequently flooded areas” means all Kitsap County lands, shorelands and waters that are within the one-  
21 hundred-year floodplain as designated by FEMA on Flood Insurance Rate and Boundary Maps.

22 **19.150.360 Geologically hazardous areas.**

23 “Geologically hazardous areas” means, as defined in WAC [365-190-030](#)(8), as now or hereafter  
24 amended, areas, that because of their susceptibility to erosion, sliding, earthquake, or other geological  
25 events, are not suited to siting commercial, residential or industrial development consistent with public  
26 health or safety concerns.

27 **19.150.365 Geologist.**

1 “Geologist” means a person who is licensed in the State of Washington and meets all experience and  
2 training requirements in accordance with Chapter WAC [308-15](#), as now or hereafter amended.

3 **19.150.370 Geotechnical engineer.**

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

8 **19.150.375 Geotechnical report and geological report.**

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

16 **19.150.380 Grading (construction).**

17 “Grading” means any excavating, filling, grubbing, recontouring or mechanical removal of earth materials  
18 on the surface layer or any combination thereof.

19 **19.150.385 Grazed wet meadows.**

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

26 **19.150.390 Grubbing.**

27 “Grubbing” means the removal of vegetative matter from underground, such as sod, stumps, roots buried  
28 logs, or other debris, and includes the incidental removal of topsoil to a depth not exceeding twelve  
29 inches.

30 **19.150.395 Groundwater.**

31 “Groundwater” means water in a saturated zone or stratum beneath the surface of land or water.

1 **19.150.400 Habitat management plan.**

2 “Habitat management plan” means a report prepared by a professional wildlife biologist or fisheries  
3 biologist which discusses and evaluates critical fish and wildlife habitat functions and evaluates the  
4 measures necessary to maintain, enhance and improve habitat conservation on a proposed development  
5 site.

6 **19.150.405 Habitat of local importance.**

7 “Habitat of local importance” means a seasonal range or habitat element with which a given species has  
8 a primary association, and which, if altered, may reduce the likelihood that the species will maintain and  
9 reproduce over the long-term. These might include areas of high relative density or species richness,  
10 breeding habitat, winter range, and movement corridors. These might also include habitats that are of  
11 limited availability or areas of high vulnerability to alteration, such as cliffs, talus, and wetlands.

12 **19.150.410 Hazardous substance.**

13 “Hazardous substance” means any liquid, solid, gas or sludge, including any materials, substance,  
14 product, commodity or waste, regardless of quantity, that exhibits any of the characteristics or criteria of  
15 hazardous waste described in WAC [173-303-090](#) and WAC [173-303-100](#) including waste oil and  
16 petroleum products.

17 **19.150.415 Hearing examiner.**

18 “Hearing examiner” means a person appointed to hear or review certain land use decisions pursuant to  
19 RCW [36.70.970](#).

20 **19.150.420 Hydric soils.**

21 “Hydric soils” means soils which are wet long enough to periodically produce anaerobic conditions,  
22 thereby influencing the growth of hydrophitic plants.

23 **19.150.425 Hydrogeologist.**

24 “Hydrogeologist” means a person who is qualified to engage in the practice of hydrogeology, has met the  
25 qualifications in hydrogeology established under RCW [18.220](#), and has been issued a license in  
26 hydrogeology by the Washington State Geologist Licensing Board.

27 **19.150.430 Infiltration rate.**

28 “Infiltration rate” means a general description of how quickly or slowly water travels through a particular  
29 soil type.

30 **19.150.435 Landslide hazard areas.**

1 “Landslide hazard areas” means areas potentially subject to risk of mass movement due to a combination  
2 of geologic, topographic, and hydrologic factors.

3 **19.150.440 Liquefaction.**

4 “Liquefaction” means a process in which a water-saturated soil, upon shaking, suddenly loses strength  
5 and behaves as a fluid.

6 **19.150.445 Lot.**

7 “Lot” means a platted or unplatted parcel of land which has the minimum area, setbacks, widths and open  
8 space required by Title 17, Zoning, of the Kitsap County Code, for occupancy by a principal use and  
9 meets the access requirements of said Title 17 of the Kitsap County Code.

10 **19.150.450 Low impact activities.**

11 “Low impact activities” means activities that do not require a development permit and/or do not result in  
12 any alteration of hydrology or adversely impact the environment.

13 **19.150.455 Mitigation.**

14 “Mitigation” means avoiding, minimizing or compensating for adverse critical area impacts. Mitigation  
15 includes the following specific categories:

16 A. Compensatory mitigation: replacing project-induced critical area losses or impacts, including, but not  
17 limited to, restoration, creation, or enhancement.

18 B. Creation mitigation: mitigation performed to intentionally establish a critical area (e.g., wetland) at a  
19 site where it does not currently exist.

20 C. Enhancement mitigation: mitigation performed to improve the condition of existing degraded critical  
21 areas (e.g., wetlands) so that the functions they provide are of a higher quality.

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

25 **19.150.470 Native vegetation.**

26 “Native vegetation” means vegetation indigenous to the Puget Sound coastal lowlands.

27 **19.150.475 Non-conforming use or structure.**

1 “Non-conforming use or structure” means a use of land or structure which was lawfully established or built  
2 and which has been lawfully continued, but which does not conform to the current regulations of the zone  
3 in which it is located as established by Title 17, Zoning, of the Kitsap County Code.

4 **19.150.480 Normal maintenance.**

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

8 A. Use of fertilizer or pesticide application in wetlands, fish and wildlife habitat conservation areas, or  
9 their buffers;

10 B. Re-digging ditches in wetlands or their buffers to expand the depth and width beyond the original  
11 ditch dimensions;

12 C. Re-digging existing drainage ditches in order to drain wetlands on lands not classified as existing  
13 and ongoing agriculture under Section [19.100.130](#) (General Exemptions).

14 **19.150.485 Open space.**

15 “Open space” means land used for outdoor recreation, critical area or resource land protection, amenity,  
16 safety or buffer, and includes structures incidental to these open space uses, but excludes yards required  
17 by this title and land occupied by dwellings or impervious surfaces not related to the open space uses.

18 **19.150.490 Ordinary high water mark.**

19 “Ordinary high water mark” means that mark that will be found by examining the bed and banks and  
20 ascertaining where the presence and action of waters are so common and usual, and so long continued  
21 in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in  
22 respect to vegetation as that condition existing on June 1, 1971, as it may naturally change thereafter, or  
23 as it may change thereafter in accordance with permits issued by a local government or the department;,  
24 The definition is further guided by the additional criteria to clarify this mark in salt and fresh water  
25 environments, as contained in WAC [173-22-030](#), as now or hereafter amended.

26 **19.150.495 Out-of-kind compensation.**

27 “Out-of-kind compensation” means to replace a critical area (e.g., wetland) with a substitute critical area  
28 (e.g., wetland) whose characteristics do not closely approximate those destroyed or degraded by a  
29 regulated activity. It does not refer to replacement out-of-category such as replacement of wetland loss  
30 with new stream segments.

1 **19.150.500 Performance based development (PBD).**

2 “Performance based development” means development characterized by comprehensive planning of the  
3 total project, though it may contain a variety of individual lots and/or uses.

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

8 **19.150.505 Permeability.**

9 “Permeability” means the capacity of an aquifer or confining bed to transmit water.

10 **19.150.510 Permit.**

11 “Permit” means any development, variance, conditional use permit, or revision authorized under RCW  
12 [90.58](#) or Kitsap County regulations.

13 **19.150.515 Pond.**

14 “Pond” means a naturally existing or artificially created body of standing water less than twenty acres in  
15 size and not defined as “Shorelines of the State” by Chapter [90.58](#) RCW (Shoreline Management Act).

16 **19.150.520 Practicable alternative.**

17 “Practicable alternative” means an alternative that is available and capable of being carried out after  
18 taking into consideration cost, existing technology, and logistics in light of overall project purposes, and  
19 having less impacts to critical areas. It may include an area not owned by the applicant for which an  
20 easement has been obtained in order to fulfill the basic purpose of the proposed activity.

21 **19.150.525 Priority habitat.**

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

27 **19.150.530 Priority species.**

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

1 **19.150.535 Public facilities.**

2 “Public facilities” means facilities which are owned, operated and maintained by a public agency.

3 **19.150.540 Public project of significant importance.**

4 “Public project of significant importance” means a project funded by a public agency, department or  
5 jurisdiction that is found to be in the best interests of the citizens of Kitsap County and is so declared by  
6 the Kitsap County board of commissioners in a resolution.

7 **19.150.545 Public right-of-way.**

8 “Public right-of-way” means any road, alley, street, avenue, arterial, bridge, highway, or other publicly  
9 owned ground or place used or reserved for the free passage of vehicular and/or pedestrian traffic or  
10 other services, including utilities.

11 **19.150.550 Public utility.**

12 “Public utility” means a business or service, either governmental or having appropriate approval from the  
13 state, which is engaged in regularly supplying the public with some commodity or service which is of  
14 public consequence and need, such as, electricity, gas, sewer and/or wastewater, water, transportation or  
15 communications.

16 **19.150.555 Ravine.**

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

20 **19.150.559 Reasonable.**

21 “Reasonable” means not excessive or extreme; fair.

22 **19.150.560 Reasonable alternative.**

23 “Reasonable alternative” means an activity that could feasibly attain or approximate a proposal’s  
24 objectives, but at a lower environmental cost or decreased level of environmental degradation.

25 **19.150.565 Reasonable use.**

26 “Reasonable use” means a property that is deprived of all reasonable use when the owner can realize no  
27 reasonable return on the property or make any productive use of the property. Reasonable return does  
28 not mean a reduction in value of the land, or a lack of a profit on the purchase and sale of the property,  
29 but rather, where there can be no beneficial use of the property; and which is attributable to the  
30 implementation of the Critical Areas Ordinance.

1 **19.150.570 Reasonable use exception.**

2 “Reasonable use exception” means an exception to the standards of this title that allows for the use of a  
3 property which cannot otherwise conform to the requirements set forth in this title, including the variance  
4 criteria. (See Section [19.100.140](#) for Reasonable Use Exception procedures.).

5 **19.150.572 Re-establishment.**

6 “Re-establishment” means the manipulation of the physical, chemical or biological characteristics of a site  
7 with the goal of returning natural or historical functions to a former wetland. Activities could include  
8 removing fill material, plugging ditches, or breaking drain tiles.

9 **19.150.575 Refuse.**

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

14 **19.150.580 Regulated use or activity.**

15 “Regulated use or activity” means any development proposal which includes or directly affects a critical  
16 area or its buffer, or occurs within the area of review, as described in Section [19.100.110\(G\)](#) and  
17 Chapters 19.200 through 19.600 of this title.

18 **19.150.582 Rehabilitation.**

19 “Rehabilitation” means the manipulation of the physical, chemical or biological characteristics of a site  
20 with the goal of repairing natural or historical functions and processes of a degraded wetland. Activities  
21 could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland,  
22 or breaking drain tiles and plugging drainage ditches.

23 **19.150.585 Restoration.**

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

26 **19.150.590 Retention facilities.**

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



1 **19.150.595 Riparian area.**

2 “Riparian area” means an area of land which supports riparian vegetation and may include some upland  
3 areas, depending on site conditions. These generally occur adjacent to water bodies where specific  
4 measures are needed to protect fish and wildlife habitat and watershed functions.

5 **19.150.600 Salmonid.**

6 “Salmonid” means a member of the fish family salmonidae. This family includes Chinook, coho, chum,  
7 sockeye and pink salmon; rainbow, steelhead, cutthroat, brook and brown trout; and Dolly Varden char,  
8 kokanee, and whitefish.

9 **19.150.605 Sensitive species (state listed).**

10 “Sensitive species” means a species, native to the state of Washington that is vulnerable or declining and  
11 is likely to become endangered or threatened in a significant portion of its range within the state without  
12 cooperative management or the removal of threats. Sensitive species are legally designated in WAC-232-  
13 12-011, as now or hereafter amended.

14 **19.150.610 Shorelines.**

15 For the purposes of this title, “shorelines” means all of the water areas of the state, as defined by Chapter  
16 [90.58](#) RCW, including reservoirs, and their associated wetlands, together with the lands underlying them;  
17 except (a) shorelines on segments of streams upstream of a point where the mean annual flow is twenty  
18 cubic feet per second or less and the wetlands associated with such upstream segments; and (b)  
19 shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

20 **19.150.615 Single-family dwelling.**

21 “Single family dwelling” means a building or structure which is intended or designed to be used, rented,  
22 leased, let or hired out to be occupied for living purposes by one family and including accessory  
23 structures and improvements.

24 **19.150.620 Special flood hazard areas.**

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

28 **19.150.625 Species of concern.**

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

31 **19.150.630 State Environmental Policy Act or SEPA.**

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

3 **19.150.635 Streams.**

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

11 **19.150.640 Swale.**

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

14 **19.150.645 Threatened species (state listed).**

15 “Threatened species” means a species, native to the state of Washington that is likely to become  
16 endangered in the foreseeable future throughout a significant portion of its range within the state without  
17 cooperative management or the removal of threats. Threatened species are legally designated in WAC  
18 [232-12-011](#), as now or hereafter amended.

19 **19.150.650 Toe of slope.**

20 “Toe of slope” means a distinct topographic break in a slope. Where no distinct break exists, this point  
21 shall be the lowermost limits of the landslide hazard area as defined and classified in Chapter 19.400.

22 **19.150.655 Top of slope.**

23 “Top of slope” means a distinct topographic break in a slope. Where no distinct break in a slope exists,  
24 this point shall be the uppermost limit of the geologically hazardous area as defined and classified in  
25 Chapter 19.400.

26 **19.150.660 Unavoidable and necessary impacts.**

27 “Unavoidable and necessary impacts” means an impact to a critical area that remains after an applicant  
28 proposing to alter such an area has demonstrated that no practicable alternative exists for the proposed  
29 project

30 **19.150.665 Utilities.**

1 “Utilities” means facilities and/or structures which produce or carry electrical power, gas, sewage, water,  
2 communications, oil, publicly maintained storm water facilities, etc.

3 **19.150.670 Utility corridor.**

4 “Utility corridor” means areas identified in the Comprehensive Plan for utility lines, including electrical,  
5 gas, sewer, water lines; and public right-of-way and other dedicated utility right-of-way on which one or  
6 more utility lines are currently located. The term “other dedicated utility right-of-way” means ownership,  
7 easements, permits, licenses or other authorizations affording utilities the right to operate and maintain  
8 utility facilities on private property.

9 **19.150.671 Wellhead protection area.**

10 “Wellhead protection area” means the surface and subsurface area surrounding a well or wellfield that  
11 supplies a public water system.

12 **19.150.674 Wetland delineation.**

13 “Wetland delineation” means the identification of the wetland boundary as determined by using the  
14 Washington State Wetlands Identification and Delineation Manual, March 1997, as now or hereafter  
15 amended.

16 **19.150.675 Wetland determination.**

17 “Wetland determination” means an on-site determination as to whether a wetland exists on a specific  
18 parcel, completed by either a wetland specialist or the department.

19 **19.150.680 Wetland edge.**

20 “Wetland edge” means the line delineating the outer edge of a wetland established in Section [19.200.210](#).

21 **19.150.685 Wetlands.**

22 “Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency  
23 and duration sufficient to support, and that under normal circumstances do support, a prevalence of  
24 vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not  
25 limited to swamps, marshes, estuaries, bogs, and ponds less than twenty acres, including their  
26 submerged aquatic beds and similar areas. Wetlands do not include those artificial wetlands intentionally  
27 created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined  
28 swales, canals, storm water facilities, wastewater treatment facilities, farm ponds, and landscape  
29 amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of  
30 the construction of a road, street, or highway. Wetlands include those artificial wetlands intentionally  
31 created from non-wetland areas to mitigate the conversion of wetlands.

1 **19.150.690 Wetlands, isolated.**

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

6 **19.150.695 Wetlands, mosaic.**

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

10 **19.150.700 Wetlands of regional significance.**

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

14 **19.150.705 Wetlands of statewide significance.**

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

18 **19.150.710 Wetlands report.**

19 “Wetlands report” means a wetland delineation characterization and analysis of potential impacts to  
20 wetlands consistent with applicable provisions of Chapter 19.200 (Wetlands) and Section [19.700.710](#)  
21 (Special Reports).

22 **19.150.715 Wetlands specialist.**

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

27 A. Certification as a Professional Wetland Scientist (PWS) or Wetland Professional in Training (WPIT)  
28 through the Society of Wetland Scientists;

29 B. A Bachelor of Science degree in the biological sciences from an accredited institution and two years  
30 of professional field experience; or

1 C. Five or more years professional experience as a practicing wetlands biologist with a minimum three  
2 years professional experience delineating wetlands.

3 **19.150.720 Wildlife biologist.**

4 “Wildlife biologist” means a person with experience and training within the last ten years in the principles  
5 of wildlife management and with practical knowledge in the habits, distribution and environmental  
6 management of wildlife. Qualifications include:

7 A. Certification as Professional Wildlife Biologist through The Wildlife Society; or

8 B. Bachelor of Science or Bachelor of Arts degree in wildlife management, wildlife biology, ecology,  
9 zoology, or a related field from an accredited institution and two years of professional field experience; or

10 C. Five or more years of experience as a practicing wildlife biologist with a minimum of three years of  
11 practical field experience.

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1 **Chapter 19.200**  
2 **WETLANDS**

3 Sections:

4 **19.200.205 Purpose.**

5 **19.200.210 Wetland identification and functional rating.**

6 **19.200.215 Wetland review procedure.**

7 **19.200.220 Wetland buffer requirements.**

8 **19.200.225 Additional development standards for regulated uses.**

9 **19.200.230 Special use review.**

10 **19.200.250 Wetland mitigation requirements.**

11 **19.200.260 Incentives for wetlands protection.**

12 **19.200.205 Purpose.**

13 This chapter applies to all regulated uses within or adjacent to areas designated as wetlands, as defined  
14 in Section [19.150.685](#). The intent of this chapter is to:

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

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

21 C. Plan wetland uses and activities in a manner that allows property holders to benefit from wetland  
22 property ownership wherever allowable under the conditions of this chapter and the ordinance from which  
23 it derives;

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

26 **19.200.210 Wetland identification and functional rating.**

27 A. General.

28 1. Wetlands are those areas that are inundated or saturated by surface water or groundwater at  
29 a frequency and duration sufficient to support, and that under normal circumstances do support, a  
30 prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally  
31 include swamps, estuaries, marshes, bogs, and similar areas. For regulatory purposes, wetland

1 delineations shall be determined by the Washington State Wetlands Identification and Delineation  
2 Manual, March 1997, or as amended hereafter.

3 2. Kitsap County uses the Washington Department of Ecology Washington State Wetland  
4 Rating System for Western Washington, revised 2004, or as amended hereafter, to categorize  
5 wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement  
6 ratios for wetlands. Wetlands shall be generally designated as follows:

7 B. Regulated Wetlands. (See Chapter 19.800, Appendix A, for more detailed description).

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

12 2. Category II Wetlands. Category II wetlands are those regulated wetlands that score between  
13 51-69 points out of 100 on the wetlands ratings system.

14 3. Category III Wetlands. Category III wetlands are those regulated wetlands that score  
15 between 30-50 points on the wetlands ratings system. Activities affecting isolated, non-mosaic  
16 Category III wetlands that are less than 2,500 square feet may be allowed provided that the  
17 wetlands report identifies the specific wetland function affected or at risk, and the proposed  
18 mitigation to replace the wetland function, on a per function basis.

19 4. Category IV Wetlands. Category IV wetlands are those regulated wetlands that score less  
20 than 30 points out of 100 on the wetlands ratings system. Activities affecting isolated, non-mosaic  
21 Category IV wetlands that are less than 7,500 square feet may be allowed provided that the  
22 wetlands report identifies the specific wetland function affected or at risk, and the proposed  
23 mitigation to replace the wetland function, on a per function basis.

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

26 6. Mosaic wetlands as defined at Section [19.150.695](#).

27 C. Non-Regulated Wetlands.

28 Created Wetlands. Wetlands created intentionally from a non-wetland site that were not required to be  
29 constructed as mitigation for adverse wetland impacts. These may include, but not limited to irrigation and

1 drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment ponds, farm ponds  
2 not contiguous, as defined in this title, and landscape amenities.

3 D. Criteria for Determining Wetlands Divided by a Manmade Feature.

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

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

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

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

19 3. Connecting Mosaic Pattern Wetlands. In cases where the wetlands to be categorized are  
20 smaller than one acre in size and separated from each other by 100 feet or less (on average), the  
21 DOE mosaic methodology shall be used to determine the wetland category. The area of the  
22 wetlands must be greater than 50 percent of the total combined area of wetland and upland for  
23 the patchwork to be categorized as one wetland. The boundary of the mosaic wetlands must  
24 reflect the ecological interconnectedness of the wetlands within the mosaic. The county will not  
25 accept mosaic boundaries drawn to minimize the area of wetland within the mosaic.

26 **19.200.215 Wetland review procedures.**

27 A. Application Requirements.

28 1. Application Procedures for New Development. Any new development, except as provided in  
29 subsection (C)(1) below, containing a regulated wetland or its buffer, or proposed within the  
30 largest potential wetland buffer width, shall provide the special reports listed below, as required



1 by the department, prior to any development authorization by the department. Additional reports  
2 or information to further identify potential impacts to any part of the environment may also be  
3 required.

4 a. Wetland delineation report (Section 19.700.710);

5 b. Wetland mitigation report (Section 19.700.715); and

6 c. Erosion and sedimentation control measures and/or a site development activity  
7 permit as required by Title 12 of the Kitsap County Code (Stormwater Management).

8 2. Time Limitations. Special reports submitted in accordance with this section shall be valid for  
9 a period of three years from the date of the report unless a longer or shorter period is specified by  
10 the department. An extension of an original report may be granted upon submittal of a written  
11 request to the department prior to expiration. Prior to granting any extension, the department may  
12 require updated studies if, in its judgment, the original intent of the application is altered, enlarged  
13 or if circumstances relevant to the review and issuance of the original permit have changed  
14 substantially, or if the applicant failed to abide by the terms of the original approval. Time  
15 extensions shall be granted in writing and documented in the file.

16 B. Delineation of Wetland Boundaries.

17 1. For regulatory purposes, wetland delineations shall be determined by using the Washington  
18 State Wetlands Identification and Delineation Manual, March 1997, or as hereafter amended.

19 2. The applicant shall be responsible for hiring a qualified wetlands specialist to determine the  
20 wetland boundaries by means of a wetland delineation. This specialist shall stake or flag the  
21 wetland boundary. When required by the department, the applicant shall hire a professional land  
22 surveyor licensed by the state of Washington to survey the wetland boundary line. The regulated  
23 wetland boundary and regulated wetland buffer shall be identified on all grading, landscaping,  
24 site, on-site septic system designs, utility or other development plans submitted in support of the  
25 project.

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

28 4. Where the applicant has provided a delineation of a wetland boundary, the department may  
29 verify the wetland boundary at the cost of the applicant and may require that a wetland specialist  
30 make adjustments to the boundary.

1 C. Wetland Review Process for Single-family Dwellings.

2 1. Expedited Approval. Applicants proposing a single-family dwelling may receive expedited  
3 approval by the department if they choose to adopt the largest buffer width from the appropriate  
4 wetland category. Expedited approval removes the requirements of the wetland certification  
5 process for single-family dwellings (subsection (2), below) provided that the wetland delineation  
6 and/or wetland rating is not disputed. Administrative buffer reductions or variance will not apply.

7 2. Wetland Certification Process for Single-family Dwellings (No Encroachment into a  
8 Regulated Wetland or its Standard Buffer).

9 a. Prior to issuance of a building permit, site development permit, or on-site sewage  
10 system permit, the applicant may submit a single-family wetland certification form  
11 completed by a wetland specialist that certifies either:

12 (1) No regulated wetlands are present within 250 feet of the project area; or

13 (2) Wetlands are present within 250 feet of the project area, but all regulated  
14 activities associated with the dwelling (e.g., landscaped areas, septic facilities,  
15 outbuildings, etc.) will occur outside of the standard buffer of the identified  
16 wetland.

17 b. If regulated wetland buffers extend onto the site, the wetland specialist shall place  
18 permanent, clearly visible, wetland buffer signs at the edge of the buffer. A wetland buffer  
19 sign affidavit, signed by the wetland specialist, shall be submitted to the department as  
20 verification that the wetland buffer signs have been placed on the site.

21 c. A survey will not be required.

22 d. The single-family certification form may be used only to authorize single-family  
23 dwellings and associated home site features such as driveways, gardens, fences, wells,  
24 lawns, and on-site septic systems. It may not be used for new agricultural activities,  
25 expansion of existing agricultural activities, forest practice activities, commercial projects,  
26 land divisions, buffer width modifications, or violations.

27 e. The single-family certification process will be monitored by the department for  
28 accuracy, and enforcement actions will be initiated should encroachment into a regulated  
29 wetland or buffer occur.

1 f. The applicant/property owner assumes responsibility for any and all errors of the  
2 single-family certification form and all associated mitigation imposed by the department.

3 g. Single-family certification forms shall be filed with the Kitsap County auditor's office.

4 **19.200.220 Wetland buffer requirements.**

5 For the purpose of this title, a regulated wetland and its buffer are subject to the regulatory provisions of  
6 this chapter.

7 A. Determining Buffer Widths. Buffer widths shall be measured horizontally from a perpendicular line  
8 established at the wetland edge based on the base buffer width identified in Table 19.200.220(A) and  
9 adjustments made from considerations contained in Table 19.200.220(B), Land Use Impact Intensity,  
10 below, and as applied in Tables 19.200.220(C) through (F).

**TABLE 19.200.220(A) BASE BUFFER WIDTHS**

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

**TABLE 19.200.220(B)**

**LAND USE IMPACT "INTENSITY" BASED ON DEVELOPMENT TYPES**

<b>Rating of Impact From Proposed Changes in Land Use</b>	<b>Examples of Land Uses that Cause the Impact Based on Common Zoning Categories</b>
High	Commercial, Urban, Industrial, Institutional, Retail Sales, Residential subdivisions with more than 1 unit/acre, New agriculture (high-intensity processing such as dairies, nurseries and greenhouses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), New transportation corridors, High intensity recreation (golf courses, ball fields),

	hobby farms
Moderate	Single-family residential lots, Residential subdivisions with 1 unit/acre or less, Moderate-intensity open space (parks), New agriculture (moderate-intensity such as orchards and hay fields), Transportation enhancement projects
Low	Forestry, Open space (low-intensity such as passive recreation and natural resources preservation, minor transportation improvements)

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3 B. Width Tables of Buffers by Category of Wetland.

**TABLE 19.200.220(C)**

**WIDTH OF BUFFERS REQUIRED TO PROTECT CATEGORY IV WETLANDS**

<b>Category IV Wetland Characteristics</b>	<b>Buffer Width Adjustments to 30 ft. Base Width (By Impact of Land Use)</b>
Score for functions < 30 points	Low — Decrease by 5 ft. Moderate — Increase by 10 ft. High — Increase by 20 ft.

**TABLE 19.200.220(D)**

**WIDTH OF BUFFERS REQUIRED TO PROTECT CATEGORY III WETLANDS**

<b>Category III Wetland Characteristics</b>	<b>Buffer Width-Adjustments to 50 ft. Base Width (By Impact of Land Use)</b>
Moderate level of function for habitat (score for habitat is 20 — 28 pts.)	Low — Increase by 25 ft. Moderate — Increase by 60 ft. High — Increase by 100 ft.
Category III wetlands not meeting above criteria	Low — Decrease by 10 ft.

	<p>Moderate — Increase by 10 ft.</p> <p>High — Increase by 30 ft.</p>
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**TABLE 19.200.220(E)**  
**WIDTH OF BUFFERS REQUIRED TO PROTECT CATEGORY II WETLANDS**

Category II Wetland Characteristics	Buffer Width Adjustments to 100 ft. Base Width (By Impact of Land Use/Apply Most Protective)
High level of function for habitat (score for habitat is 29 — 36 pts.)	<p>Low — Increase by 50 ft.</p> <p>Moderate — Increase by 125 ft.</p> <p>High — Increase by 100 ft.</p>
Moderate level of function for habitat (score for habitat is 20 — 28 pts.)	<p>Low — Decrease by 25 ft.</p> <p>Moderate — Increase by 10 ft.</p> <p>High — Increase by 50 ft.</p>
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)	<p>Low — Decrease by 50 ft.</p> <p>Moderate — Decrease by 25 ft.</p> <p>High — No change</p>
Estuarine	<p>Low — Decrease by 25 ft.</p> <p>Moderate — Increase by 10 ft.</p> <p>High — Increase by 50 ft.</p>
Category II wetlands not meeting above criteria	<p>Low — Decrease by 50 ft.</p> <p>Moderate — Decrease by 25 ft.</p> <p>High — No Change</p>

**TABLE 19.200.220(F)**  
**WIDTH OF BUFFERS REQUIRED TO PROTECT CATEGORY I WETLANDS**

Category I Wetland Characteristics	Buffer Width Adjustments to 200 ft. Base Width (By Impact of Land Use/Apply Most Protective)
Natural Heritage Wetlands	Low — Decrease by 75 ft.

	Moderate — Decrease by 10 ft. High — Increase by 50 ft.
Bogs	Low — Decrease by 75 ft. Moderate — Decrease by 10 ft. High — Increase by 50 ft.
Forested	Buffer size to be based on score for habitat functions or water quality functions
Estuarine	Low — Decrease by 100 ft. Moderate — No Change High — Increase by 50 ft.
Wetlands in Coastal Lagoons	Low — Decrease by 100 ft. Moderate — No Change High — Increase by 50 ft.
High level of function for habitat (score for habitat is 29 — 36 pts.)	Low — Decrease by 50 ft. Moderate — Increase by 25 ft. High — Increase by 50 ft.
Moderate level of function for habitat (score for habitat is 20 — 28 pts.)	Low — Decrease by 125 ft. Moderate — Decrease by 90 ft. High — No change
High level of function for water quality improvement (WQI) (score is 24 — 32) and low for habitat (score for habitat is less than 20 points)	Low — Decrease by 150 ft. Moderate — Decrease by 125 ft. High — Decrease by 100 ft.
Category I wetlands not meeting any of the above criteria	Low — Decrease by 150 ft. Moderate — Decrease by 125 ft. High — Decrease by 100 ft.

- 1 **Note:** If the wetland meets more than one of the criteria listed in each table, the buffer needed to protect the
- 2 wetland is the one that allows for the greatest protection.
- 3 C. Modification of Buffer Widths. Modifications to buffer widths may be considered provided that
- 4 mitigation sequencing is first demonstrated to first avoid, then minimize, and as a last resort, mitigate for
- 5 unavoidable reductions or alterations to the required wetland buffers.

1 1. Buffer Decrease Sequencing. Demonstration of unavoidable modifications to wetland buffers  
2 shall be implemented through the following methods:

3 a. Buffer Averaging. Standard buffer widths may be modified by the department for a  
4 development proposal by averaging buffer widths. The total area contained within the  
5 buffer after averaging shall be no less than that contained within the standard buffer prior  
6 to averaging. The buffer shall not be reduced by more than 50 percent of the standard  
7 buffer width at any point. The department may allow wetland buffer averaging where it  
8 can be demonstrated that such averaging can clearly provide as great or greater  
9 functions and values as would be provided under the standard buffer requirement. The  
10 following standards shall apply to buffer averaging:

11 (1) The decrease in buffer width is minimized by limiting the degree or  
12 magnitude of the regulated activity.

13 (2) For wetlands and/or required buffers associated with documented habitat  
14 for endangered, threatened, or sensitive fish, or wildlife species, a habitat  
15 assessment report has been submitted that demonstrates that the buffer  
16 modification will not result in an adverse impact to the species of study.

17 (3) Width averaging will not adversely impact the wetland.

18 (4) The total buffer area after averaging is no less than the buffer area prior to  
19 averaging.

20 (5) The minimum buffer width will not be less than 50 percent of the widths  
21 established after the categorization is done and any buffer adjustments applied.

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

25 i. A tree protection area shall be designed to protect each tree or tree  
26 stand during site development and construction. Tree protection areas  
27 may vary widely in shape, but must extend a minimum of five feet  
28 beyond the existing tree canopy area along the outer edge of the dripline  
29 of the tree(s), unless otherwise approved by the department.

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

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

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

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

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

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

19 b. Administrative Buffer Reductions. Granting of a reduced buffer shall be the minimum  
20 necessary to accommodate the permitted use. In lieu of going through the formal  
21 variance process, an administrative reduction to buffer widths may be granted subject to  
22 the following criteria:

23 (1) For proposed single-family dwellings, the department may administratively  
24 reduce the buffer by up to 25 percent, pursuant to the variance criteria listed in  
25 Section [19.100.135](#). Where an administrative buffer reduction is granted, fencing  
26 or signage of the buffer edge shall be required. The order of sequence for such  
27 buffer reductions shall be as follows:

28 i. Use of buffer averaging maintaining 100 percent of the buffer area  
29 under the standard buffer requirement;



- 1                   ii. Reduction of the overall buffer area by no more than 25 percent of
- 2                   the area required under the standard buffer requirement;
- 3                   iii. Enhancement of existing degraded buffer area and replanting of the
- 4                   disturbed buffer area;
- 5                   iv. The use of alternative on-site wastewater systems in order to
- 6                   minimize site clearing;
- 7                   v. Infiltration of stormwater where soils permit; and
- 8                   vi. Retention of existing native vegetation on other portions of the site
- 9                   in order to off set habitat loss from buffer reduction.

10                   (2) The minimum buffer shall be no less than thirty feet, except as allowed

11                   under a formal variance or reasonable use approval.

12                   c. Variance. In cases where proposed development cannot meet the administrative

13                   buffer reduction criteria described in this section, a variance shall be required as

14                   described in Section [19.100.135](#).

15 D. Fencing and Signs. This section applies to regulated wetlands and their buffers.

16                   1. Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required by the

17                   department, between the area where the construction activity occurs and the buffer. Fences shall

18                   be made of a durable protective barrier and shall be highly visible. Silt fences and plastic

19                   construction fences may be used to prevent encroachment on wetlands or their buffers by

20                   construction. Temporary fencing shall be removed after the site work has been completed and

21                   the site is fully stabilized per county approval.

22                   2. The department may require that permanent signs and/or fencing be placed on the common

23                   boundary between a wetland buffer and the adjacent land. Such signs will identify the wetland

24                   buffer. The department may approve an alternate method of wetland and buffer identification, if it

25                   provides adequate protection to the wetland and buffer.

26 E. Protection of Buffers. Buffer areas shall be protected as required by the department. The buffer shall

27 be identified on a site plan and filed as an attachment to the notice to title as required by Section

28 [19.100.150](#) (Critical Area and Buffer Notice to Title).

1 F. Building or Impervious Surface Setback Lines. A building or impervious surface setback line of 15  
2 feet is required from the edge of any wetland buffer. Minor structural or impervious surface intrusions into  
3 the areas of the setback may be permitted if the department determines that such intrusions will not  
4 adversely impact the wetland. The setback shall be identified on a site plan and filed as an attachment to  
5 the notice to title as required by Section [19.100.150](#) (Critical Area and Buffer Notice to Title).

6 **19.200.225 Additional development standards for regulated uses.**

7 In addition to meeting the development standards of this chapter, those regulated uses identified below  
8 shall also comply with the standards of this section and other applicable state, federal and local  
9 ordinances.

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

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

16 C. Agricultural Restrictions. In all development proposals which would permit introduction of agricultural  
17 uses, damage to Category I, II, III and IV regulated wetlands shall be avoided. These restrictions shall not  
18 apply to those regulated wetlands defined as grazed wet meadows, regardless of their classification only  
19 where grazing has occurred within the last five years. Wetlands shall be avoided by one of the following  
20 methods:

21 1. Implementation of a farm conservation plan agreed upon by the conservation district and the  
22 applicant to protect and enhance the water quality of the wetland; and/or

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

24 D. Road/Street Repair and Construction. Any private or public road or street repair, maintenance,  
25 expansion or construction which is allowed shall comply with the following minimum development  
26 standards:

27 1. No other reasonable or practicable alternative exists and the road or street serves multiple  
28 properties whenever possible;

29 2. Publicly owned or maintained road or street crossings should provide for other purposes,  
30 such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

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

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

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

10           1. Regulated wetlands, except the area with permanent open water, and wetland buffers may  
11           be included in the calculation of minimum lot area for proposed lots.

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

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

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

25 F. Surface Water Management. Surface water discharges from stormwater facilities or structures may  
26 be allowed when they are in accordance with Title 12 of the Kitsap County Code (Stormwater  
27 Management) subject to the provisions of Section [19.200.230](#), Special Use Review. The discharge shall  
28 neither significantly increase or decrease the rate of flow and/or hydro-period, nor decrease the water  
29 quality of the wetland. Pre-treatment of surface water discharge through biofiltration or other best  
30 management practices (BMPs) shall be required.

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

4 1. Trails and related facilities shall, to the extent feasible, be placed on existing road grades,  
5 utility corridors, or any other previously disturbed areas.

6 2. Trails and related facilities shall be planned to minimize removal of trees, soil disturbance  
7 and existing hydrological characteristics, shrubs, snags and important wildlife habitat.

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 wetland.

10 4. Trails and related facilities shall generally be located outside required buffers. Where trails  
11 are permitted within buffers they shall be located in the outer portion of the buffer and a minimum  
12 of 30 feet from the wetland edge, except where wetland crossings or viewing areas have been  
13 approved.

14 5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as  
15 bike or horse trails have been specifically allowed and mitigation has been provided. Trail width  
16 shall not exceed five feet unless there is a demonstrated need, subject to review and approval by  
17 the department. Trails shall be constructed with pervious materials unless otherwise approved by  
18 the department.

19 H. Utilities in Wetlands or Wetland Buffers.

20 1. The utility development authorized in Section [19.100.125\(E\)](#) shall be allowed, subject to best  
21 management practices in wetlands and wetland buffers.

22 2. Construction of new utilities outside the road right-of-way or existing utility corridors may be  
23 permitted in wetlands or wetland buffers, only when no reasonable alternative location is available  
24 and the utility corridor meets the requirements for installation, replacement of vegetation and  
25 maintenance outlined below, and as required in the filing and approval of applicable permits and  
26 special reports (Chapter 19.700) required by this title.

27 3. Construction of sewer lines or on-site sewage systems may be permitted in regulated  
28 wetland buffers only when: (a) the applicant demonstrates it is necessary to meet state and/or  
29 local health code minimum design standards (not requiring a variance for either horizontal  
30 setback or vertical separation), and/or (b) there are no other practicable or reasonable

1 alternatives available and construction meets the requirements of this section. Joint use of the  
2 sewer utility corridor by other utilities may be allowed.

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

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

10 a. New utility corridors shall be aligned when possible to avoid cutting trees greater  
11 than 12 inches in diameter at breast height (four and one-half feet), measured on the  
12 uphill side.

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

17 c. Any additional utility corridor access for maintenance shall be provided as much as  
18 possible at specific points, rather than by parallel roads. If parallel roads are necessary,  
19 they shall be of a minimum width but no greater than 15 feet; and shall be contiguous to  
20 the location of the utility corridor on the side away from the wetland. Mitigation will be  
21 required for any additional access through restoration of vegetation in disturbed areas.

22 d. The department may require other additional mitigation measures.

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

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

28 b. No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers  
29 except those approved by the U.S. Environmental Protection Agency (EPA) and

1 Washington Department of Ecology. Where approved, herbicides must be applied by a  
2 licensed applicator in accordance with the safe application practices on the label.

3 I. Parks. Development of public park and recreation facilities may be permitted subject to the provisions  
4 of Section [19.200.230](#), Special Use Review, below. For example, enhancement of wetlands and  
5 development of trails may be allowed in wetlands and wetland buffers subject to special use requirements  
6 and approval of a wetland mitigation plan.

7 **19.200.230 Special use review.**

8 Development identified as a special use review may be approved, with conditions, or denied according to  
9 the procedures and criteria outlined in this section. Special use review is an administrative process unless  
10 the underlying permit requires a public hearing. The department is authorized to take action on permits as  
11 required by this title.

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

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

22 C. Special use review determinations are appealable to the hearings examiner pursuant to Section  
23 [19.100.145](#) (Appeals).

24 **19.200.250 Wetland mitigation requirements.**

25 A. Mitigation. All regulated development activities in wetlands or buffers shall be mitigated according to  
26 this title subject to the following order:

- 27 1. Avoiding the impact altogether by not taking a certain action or parts of actions;
- 28 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation  
29 by using appropriate technology or by taking affirmative steps to reduce impacts;
- 30 3. Using one of the following mitigation types, listed in order of preference:

- 1 a. Rectifying the impact by reestablishing, rehabilitating, or restoring the affected  
2 environment;
- 3 b. Compensating for the impact by replacing or providing substitute resources or  
4 environments; or
- 5 c. Compensating for the impact by improving the environmental processes that support  
6 wetland systems and functions.

- 7 4. Monitoring the impact and compensation and taking appropriate corrective measures; or
- 8 5. Combining any of the above measures to mitigate for individual actions.

9 B. Mitigation for Regulated Activities in Wetland Buffers. A specific mitigation plan is required and the  
10 requirements are provided in Section [19.700.715](#). Approval of the mitigation plan shall be signified by a  
11 notarized memorandum of agreement signed by the applicant and department director or designee, and  
12 recorded with the Kitsap County Auditor. The agreement shall refer to all requirements for the mitigation  
13 project.

14 C. Mitigation for Regulated Activities in Wetlands. Compensatory mitigation shall be required for  
15 regulated activities that result in the loss of wetland acreage. A specific mitigation plan is required and the  
16 requirements are provided in Section [19.700.715](#).

17 1. A compensatory mitigation plan shall be completed. The applicant shall submit a detailed  
18 mitigation plan for compensatory mitigation to the department.

19 2. The detailed mitigation plan shall be prepared, signed, and dated by the wetland specialist to  
20 indicate that the plan is in accordance with specifications as determined by the wetland specialist.  
21 A signed original mitigation plan shall be submitted to the department.

22 3. Approval of the detailed mitigation plan shall be signified by a notarized memorandum of  
23 agreement signed by the applicant and department director or designee, and recorded with the  
24 Kitsap County Auditor. The agreement shall refer to all requirements for the mitigation project.

25 4. The mitigation project shall be completed according to a schedule agreed upon between the  
26 department and the applicant.

27 5. Wetland mitigation shall occur according to the approved wetland mitigation plan and shall be  
28 consistent with provisions of this chapter and title.

1           6. The wetland specialist shall be onsite during construction and plant installation phases of all  
2 mitigation projects.

3           7. On completion of construction for the wetland mitigation project, the wetland specialist shall  
4 submit an as-built report to the department for review and approval.

5 D. Wetland Replacement Ratios.

6           1. The following ratios appearing below in the Table 19.200.250 (Wetland Mitigation  
7 Replacement Ratios), as well as consideration of the factors listed in this section, shall be used to  
8 determine the appropriate amounts of restored, rehabilitated, created or enhanced wetland that  
9 will be required to replace impacted wetlands. The first number specifies the amount of wetland  
10 area requiring replacement, and the second number specifies the amount of wetland area altered.

**TABLE 19.200.250  
WETLAND MITIGATION REPLACEMENT RATIOS TABLE**

<b>Wetland Category</b>	<b>Re- establishment or Creation</b>	<b>Rehabilitation</b>	<b>1:1 Reestablishment or Creation (R/C) and Enhancement (E)</b>	<b>Enhancement Only</b>
All Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II Estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1	24:1
Category I other	4:1	8:1	1:1 R/C and 6:1 E	16:1
Category I Natural Heritage site	Case-by-case	6:1 rehabilitation of a Natural Heritage site	Case-by-case	Case-by-case



Category I Coastal Lagoon	Case-by-case	6:1 rehabilitation of a coastal lagoon	Case-by-case	Case-by-case
Category I Bog	Case-by-case	6:1 rehabilitation of a bog	Case-by-case	Case-by-case
Category I Estuarine	Case-by-case	6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

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                           (1) Uncertainty exists as to the probable success of the proposed restoration or  
4                           creation;

5                           (2) A significant period of time will elapse between impact and establishment of  
6                           wetland functions at the mitigation site;

7                           (3) Proposed compensation will result in a lower category wetland or reduced  
8                           functions relative to the wetland being impacted; or

9                           (4) The impact was an unauthorized impact.

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

11                           (1) Documentation by the applicant provides more certainty that the proposed  
12                           compensation actions will be successful. For example, demonstrated prior  
13                           success with similar compensation actions as those proposed, and/or extensive  
14                           hydrologic data to support the proposed water regime;

15                           (2) Documentation by the applicant demonstrates that the proposed  
16                           compensation actions will provide functions and values that are significantly  
17                           greater than the wetland being impacted; or

18                           (3) The proposed mitigation actions are conducted in advance of the impact  
19                           and are shown to be successful.

20   E. Off-Site Compensatory Mitigation.

21           1. Considerations for determining whether off-site mitigation is preferable include, but are not  
22           limited to:

- 1 a. On-site conditions do not favor successful establishment of the required vegetation  
2 type, or lack the proper soil conditions, or hydrology;
- 3 b. On-site compensation would result in an aquatic habitat that is isolated from other  
4 natural habitats or severely impaired by the effects of the adjacent development;
- 5 c. Off-site location is crucial to one or more species that is threatened, endangered, or  
6 otherwise of concern, and the on-site location is not;
- 7 d. Off-site location is crucial to larger ecosystem functions, such as providing corridors  
8 between habitats, and the on-site location is not; and
- 9 e. Off-site compensation has a greater likelihood of success or will provide greater  
10 functional benefits.

11 2. When determining whether off-site mitigation is preferable, the value of the site-specific  
12 wetland functions at the project site, such as flood control, nutrient retention, sediment filtering,  
13 and rare or unique habitats or species, should be fully considered.

14 3. When conditions do not favor on-site compensation, off-site compensatory mitigation should  
15 be located as close to the impact site as possible, at least within the same watershed, while still  
16 replacing lost functions.

17 F. Monitoring Requirements. Kitsap County shall require monitoring reports on an annual basis for a  
18 minimum of five years and up to ten years, or until the department determines that the mitigation project  
19 has achieved success. The wetlands mitigation plan shall provide specific criteria for monitoring the  
20 mitigation project. Criteria shall be project-specific and use best available science to aid the department in  
21 evaluating whether or not the project has achieved success (See Chapters 19.700, 19.710 and Section  
22 [19.700.715](#), Special Reports).

23 G. Mitigation Banking. Kitsap County encourages the creation of a public or private mitigation banking  
24 system when feasible.

25 **19.200.260 Incentives for wetland mitigation.**

26 Kitsap County recognizes that property owners wish to gain economic benefits from their land. The  
27 county encourages such mechanisms as the Open Space Tax Program, conservation easements and  
28 donations to land trusts, in order to provide taxation relief upon compliance with the regulations in this  
29 title. Buffers dedicated as permanent open space tracts will qualify for the open space taxation program

1 and will be offered the opportunity to be entered into this program. Kitsap County may offer to purchase  
2 these lands through the Conservation Futures Fund.

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1 **Chapter 19.300**  
2 **FISH AND WILDLIFE HABITAT CONSERVATION AREAS**

3 Sections:

4 **19.300.305 Purpose.**

5 **19.300.310 Fish and wildlife habitat conservation area categories.**

6 **19.300.315 Development standards.**

7 **19.300.305 Purpose.**

8 This chapter applies to all regulated uses included in this title, or uses within the largest potential buffer of  
9 areas designated as fish and wildlife habitat conservation areas, as categorized in Section [19.300.310](#),  
10 below. The purpose of this chapter is to identify regulated fish and wildlife habitat conservation areas and  
11 establish habitat protection procedures and mitigation measures that are designed to achieve no net loss  
12 of fish and wildlife species and habitats due to new development or regulated activities. It is further stated  
13 that the intent of this chapter is to:

- 14 A. Preserve natural flood control, storm water storage, and drainage or stream flow patterns;
- 15 B. Prevent turbidity and pollution, control siltation, protect nutrient reserves, and maintain water flows  
16 and quality for anadromous and resident fish, marine shellfish and forage fish; and
- 17 C. Encourage non-regulatory methods of habitat retention whenever practical, through mechanisms  
18 such as education and the open space tax program.

19 **19.300.310 Fish and wildlife habitat conservation area categories.**

20 A. General. Fish and wildlife habitat conservation areas are those areas that support regulated fish or  
21 wildlife species or habitats, typically identified by known point locations of specific species (such as a nest  
22 or den) or by habitat areas or both.

23 B. Classification and Designation. The following categories shall be used in classifying and designating  
24 fish and wildlife habitat conservation areas:

- 25 1. Streams. All streams which meet the criteria for Type S, F, Np or Ns waters as set forth in  
26 [WAC 222-16-030](#) of the Washington Department of Natural Resources (DNR) Water Typing  
27 System, as now or hereafter amended, Table 19.300.310 (*See also* Chapter 19.800, Appendix  
28 "B").

29

**Table 19.300.310  
DNR Water Typing System**

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

- 1           2. Shorelines.
  
- 2           a. Saltwater Shorelines, and Lakes 20 Acres and Greater in Surface Area. Those
- 3           saltwater shorelines and lakes defined as shorelines of the state in the Shoreline
- 4           Management Act of 1971 and the Kitsap County Shoreline Management Master
- 5           Program, as now or hereafter amended. Shorelines include Type S waters as set forth in
- 6           WAC [222-16-030](#) (DNR Water Typing System) as now or hereafter amended;
- 7           commercial and recreational shellfish areas; kelp and eelgrass beds; and forage fish
- 8           spawning areas.
  
- 9           b. Lakes Less Than 20 Acres in Surface Area. Those lakes which meet the criteria for
- 10          Type F, Np, and Ns waters as set forth in WAC [222-16-030](#), as now or hereafter
- 11          amended. This includes lakes and ponds less than twenty acres in surface area and their
- 12          submerged aquatic beds, and lakes and ponds planted with game fish by a governmental
- 13          or tribal authority.
  
- 14         3. Wildlife Habitat Conservation Areas.
  
- 15         a. Class I Wildlife Habitat Conservation Areas.
  
- 16                 (1) Habitats recognized by federal or state agencies for federal and/or state
- 17                 listed endangered, threatened and sensitive species documented in maps or
- 18                 databases available to Kitsap County.

1 (2) Areas targeted for preservation by the federal, state and/or local  
2 government which provide fish and wildlife habitat benefits, such as important  
3 waterfowl areas identified by the U.S. Fish and Wildlife Service; or

4 (3) Areas that contain habitats and species of local importance.

5 b. Class II Wildlife Habitat Conservation Areas. Habitats for state listed candidate and  
6 monitored species documented in maps or databases available to Kitsap County and its  
7 citizens, and which, if altered, may reduce the likelihood that the species will maintain  
8 and reproduce over the long term.

9 **19.300.315 Development standards.**

10 A designated fish and wildlife habitat conservation area with its buffer is subject to the regulatory  
11 provisions of this chapter. Those regulated uses identified below within designated fish and wildlife habitat  
12 conservation areas shall comply with the performance standards outlined in this chapter.

13 A. Buffers and Building Setbacks.

14 1. Buffers. Buffers or setbacks shall remain undisturbed natural vegetation areas except where  
15 the buffer can be enhanced to improve its functional attributes. Buffers shall be maintained along  
16 the perimeter of fish and wildlife habitat conservation areas, as listed in Table 19.300.315. Refuse  
17 shall not be placed in buffers.

18

**TABLE 19.300.315**  
**FISH AND WILDLIFE HABITAT CONSERVATION AREA DEVELOPMENT STANDARDS**

Streams			
Water Type	Buffer Width	Minimum Building Setback	Other Development Standards
<b>S</b> Segments of Big Beef Creek, Curley Creek, Chico Creek, Burley Creek, Union 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

Blackjack Creek and Tahuya River			buffer or building setback shall apply.
<b>F</b>	150 feet	15 feet beyond buffer	
<b>Np</b>	50 feet	15 feet beyond buffer	
<b>Ns</b>	50 feet	15 feet beyond buffer	
<b>Saltwater Shorelines and Lakes</b>			
<b>Shoreline Designation<sup>1</sup></b>	<b>Buffer Width</b>	<b>Minimum Building Setback</b>	<b>Other Development Standards</b>
Urban	50 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.
Semi-Rural and Rural shorelines and Lakes less than 20 acres	100 feet	15 feet beyond buffer	
Conservancy	50 feet	15 feet beyond buffer	
Natural	100 feet	15 feet beyond buffer	
<b>Wildlife Habitat Conservation Areas</b>			
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 HMP		

1 1. As defined in Title 22 of this code, the Shoreline Management Master Program.

2 2. Buffer Measurement. Distances shall be measured from the ordinary high water mark (OHM)  
3 or from the top of the bank where the OHM cannot be identified. Buffers shall be retained in their  
4 natural condition. It is acceptable, however, to enhance the buffer by planting indigenous  
5 vegetation, as approved by the department. Alteration of buffer areas and building setbacks may  
6 be allowed for development authorized by Section [19.100.140](#) (Reasonable Use Exception),  
7 Section [19.100.125](#) (Exemptions), Section [19.100.130](#) (Standards for Existing Development) or  
8 Section [19.100.135](#) (Variances). The buffer width shall be increased to include streamside  
9 wetlands, which provide overflow storage for storm waters, feed water back to the stream during  
10 low flows or provide shelter and food for fish. In braided channels, the ordinary high water mark or  
11 top of bank shall include the entire stream feature.

12 3. Buffer Widths and Setbacks for Shorelines. The building setback or buffer width for new  
13 development shall be based on the Kitsap County Shoreline Management Master Program  
14 environment designation, or as required by Chapter 17.450, (View Blockage Requirements), as  
15 now or hereafter amended, whichever is greater. (Note: Setbacks for Conservancy-Public Lands  
16 to be determined by the Kitsap County Shoreline Management Master Program.)

17 4. Provision for Decreasing Buffer. In lieu of going through the formal variance process, an  
18 administrative reduction to buffer widths, except for urban, conservancy and natural shorelines,  
19 may be granted subject to the requirements of this section. Where an applicant demonstrates  
20 pursuant to the variance criteria that buffer widths cannot be met, a habitat management plan  
21 (HMP) will be required that shall meet the requirements as described in Chapter 19.700 (Special  
22 Reports). The department may decrease the buffer if, after consultation with the Washington  
23 State Department of Fish and Wildlife, and review of the HMP, the department determines that  
24 conditions are sufficient to protect the affected fish and wildlife habitat conservation area. The  
25 department may reduce the buffer width by up to fifty percent for construction of a single-family  
26 dwelling or up to twenty-five percent for all other development, but the buffer shall not be less  
27 than twenty-five feet. Administrative buffer reductions may be allowed for rural, semi-rural  
28 shoreline environments and lakes less than 20 acres where a vacant parcel has a common  
29 property line with two or more lots which abut the ordinary high water line and which are  
30 developed with structures. In these cases, the standard buffer may be reduced to the greater of  
31 50 feet or the average of the standard buffer and setbacks of the structures on the adjacent  
32 properties. All other reductions of greater than twenty-five percent for single-family dwellings will  
33 be a Type II decision and require notification (see Chapter 19.800, Appendix F). Granting of a



1 reduced buffer shall be the minimum necessary for the permitted use. When applicable, the order  
2 of sequence for buffer reductions shall be as follows:

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

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

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

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

23 8. Protection of Buffers. Buffer areas shall be protected as required by the department. The  
24 buffer shall be identified on a site plan and filed as an attachment to the notice as required by  
25 19.100.150 (Critical Area and Buffer Notice to Title).

26 9. Building or Impervious Surface Setback Lines. A building or impervious surface setback line  
27 of 15 feet is required from the edge of any fish and wildlife habitat conservation area buffer. Minor  
28 structural or impervious surface intrusions into the areas of the setback may be permitted if the

1 department determines that such intrusions will not adversely impact the fish and wildlife habitat  
2 conservation area. The setback shall be identified on a site plan and filed as an attachment to the  
3 notice as required by 19.100.150 (Critical Area and Buffer Notice to Title).

4 10. Buffer and Building Setbacks for Water Dependent Activities. The department may allow an  
5 administrative alteration to the required buffer and building setback for water dependent activities  
6 when no other reasonable or practicable alternative exists and the development is consistent with  
7 the Kitsap County Shoreline Management Master Program. Any alteration of a buffer or building  
8 setback shall be the minimum necessary and shall require an approved habitat management plan  
9 which identifies and adequately protects any affected fish and wildlife habitat conservation area.

10 B. Class I Wildlife Habitat Conservation Areas Development Standards. All sites with known Class I  
11 wildlife habitat conservation areas will require, for all development permits, the submittal and approval of  
12 a habitat management plan (HMP) as specified in Chapter 19.700 (Special Reports). In the case of bald  
13 eagles, an approved bald eagle management plan by the Washington State Department of Fish and  
14 Wildlife (WDFW), meeting the requirements and guidelines of the bald eagle protection rules (WAC [232-](#)  
15 [12-292](#)), as now or hereafter amended, shall satisfy the requirements for a habitat management plan  
16 (HMP). In the case of listed fish species, a HMP shall be required if a buffer reduction is proposed under  
17 the provisions of Section [19.300.315\(A\)](#). An HMP shall consider measures to retain and protect the  
18 wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces,  
19 erosion control and retention of natural vegetation.

20 C. Class II Wildlife Habitat Conservation Area Development Standards. All development within  
21 designated Class II wildlife conservation areas may require the submittal of a habitat management plan  
22 (HMP). An HMP shall consider measures to retain and protect the wildlife habitat and shall consider  
23 effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of  
24 natural vegetation. The requirement for an HMP shall be determined during the SEPA/critical areas  
25 review on the project.

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

28 1. Bridges or bottomless culverts shall be required for all Type S or F streams that have  
29 salmonid breeding habitat. Other alternatives may be allowed upon submittal of a habitat  
30 management plan that demonstrates that other alternatives would not result in significant impacts  
31 to the fish and wildlife conservation area, as determined appropriate through the Washington

1 State Department of Fish and Wildlife (WDFW), Hydraulic Project Approval (HPA) process. The  
2 plan must demonstrate that salmon habitat will be replaced on a 1:1 ratio.

3 2. Crossings shall not occur in salmonid spawning areas unless no other feasible crossing site  
4 exists. For new development proposals, if existing crossings are determined to adversely impact  
5 salmon spawning or passage areas, new or upgraded crossings shall be relocated as determined  
6 by the Washington State Department of Fish and Wildlife (WDFW).

7 3. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary  
8 high water marks unless no other feasible alternative placement exists.

9 4. Crossings shall not diminish flood carrying capacity.

10 5. Crossings shall serve multiple properties whenever possible.

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

13 E. Stream Relocations. Stream relocations for the purpose of flood protection and/or fisheries  
14 restoration shall only be permitted when adhering to the following minimum performance standards and  
15 when consistent with WDFW hydraulic project approval (HPA):

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

18 2. For those shorelands and waters designated as frequently flooded areas pursuant to Chapter  
19 19.500, a professional engineer licensed in the state of Washington shall provide information  
20 demonstrating that the equivalent base flood storage volume and function will be maintained.

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

23 F. Pesticides, Fertilizers and Herbicides. No pesticides, herbicides or fertilizers may be used in fish and  
24 wildlife habitat conservation areas or their buffers, except those approved by the U.S. E.P.A. or  
25 Washington Department of Ecology for use in fish and wildlife habitat conservation area environments.  
26 Where approved, herbicides must be applied by a licensed applicator in accordance with the safe  
27 application practices on the label.

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

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

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

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

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

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

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

29 I. Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities,  
30 such as benches, interpretive centers, and viewing platforms, may be allowed in fish and wildlife habitat  
31 conservation areas or their buffers pursuant to the following standards:

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

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

- 19          1. The normal and routine utility maintenance or repair authorized in Section [19.100.125](#) shall  
20          be allowed within designated fish and wildlife habitat conservation areas, subject to best  
21          management practices.
- 22          2. Construction of utilities may be permitted in fish and wildlife habitat conservation areas or  
23          their buffers, only when no practicable or reasonable alternative location is available. Utility  
24          construction shall adhere to the development standards set forth in (5) and (6), below. As  
25          required, special reports (Chapter 19.700) shall be reviewed and approved by the department.
- 26          3. Construction of sewer lines or on-site sewage systems may be permitted in fish and wildlife  
27          habitat conservation areas or their buffers when the applicant demonstrates it is necessary to  
28          meet state and/or local health code requirements; there are no other practicable alternatives  
29          available, and construction meets the requirement of this chapter. Joint use of the sewer utility  
30          corridor by other utilities may be allowed.

1 4. New utility corridors shall not be allowed in Class I or II fish and wildlife habitat conservation  
2 areas (Section [19.300.310](#)(B) and (C)) except in those circumstances where an approved HMP  
3 indicates that the utility corridor will not significantly impact the conservation area.

4 5. Utility corridor construction and maintenance shall protect the environment of fish and wildlife  
5 habitat conservation areas and their buffers.

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

9 b. New utility corridors shall be revegetated with appropriate native vegetation at not  
10 less than pre-construction vegetation densities or greater, immediately upon completion  
11 of construction, or as soon thereafter as possible due to seasonal growing constraints.  
12 The utility entity shall ensure that such vegetation survives.

13 c. Any additional corridor access for maintenance shall be provided wherever possible  
14 at specific points rather than by parallel roads. If parallel roads are necessary, they shall  
15 be of a minimum width but no greater than fifteen feet; and shall be contiguous to the  
16 location of the utility corridor on the side away from the conservation area.

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

19 a. Utility towers shall be painted with brush, pad or roller and shall not be sandblasted  
20 or spray painted, unless appropriate containment measures are used, nor use lead-base  
21 paints.

22 b. No pesticides or fertilizers may be used in fish and wildlife conservation areas or  
23 their buffers, except those herbicides approved by the U.S. E.P.A. and the Washington  
24 State Department of Ecology. Where approved, herbicides must be applied by a licensed  
25 applicator in accordance with the safe application practices on the label.

26 K. Bank Stabilization. A stream channel and bank, bluff, and shore may be stabilized when  
27 documented naturally occurring earth movement presents an imminent threat to existing  
28 structures (defined as requiring a building permit pursuant to Chapter 14.04 of this code, the  
29 Kitsap County Building and Fire Code), public improvements, unique natural resources, public  
30 health, safety or welfare, or the only feasible access to property, and, in the case of streams,

1 when such stabilization results in maintenance of fish and wildlife habitat, flood control and  
2 improved water quality.

3 1. Bluff, bank and shoreline stabilization shall also be subject to the standards of Title  
4 22 of the Kitsap County Code (Shoreline Management Master Program), and of Title 15  
5 of the Kitsap County Code (Flood Hazard Areas). Documentation of earth movement  
6 and/or stability is provided through Section [19.700.725](#) (Special Reports), geological and  
7 geotechnical report requirements.

8 2. Where bank stabilization is determined to be necessary, soft-shore protective  
9 techniques may be required over other types of shoreline protection. Techniques include,  
10 but are not limited to beach nourishment, coarse beach fill, gravel berms, vegetation  
11 plantings, and placement of large, woody debris (logs and stumps). Special consideration  
12 shall be given to protecting the functions of feeder bluffs.

13 3. Bulkheads and retaining walls may only be utilized as an engineering solution where  
14 it can be demonstrated through a geotechnical report (See Section 19.700.725) that an  
15 existing residential structure cannot be safely maintained without such measures, and  
16 that the resulting retaining wall is the minimum length necessary to provide a stable  
17 building area for the subject structure. A variance pursuant to Section [19.100.135](#) must  
18 be obtained in all other cases.

19 4. The department may require that bank stabilization be designed by a professional  
20 engineer licensed in the state of Washington with demonstrated expertise in hydraulic  
21 actions of shorelines. Bank stabilization projects may also require a Kitsap County site  
22 development activity permit per Title 12 of this code (Stormwater Management) and a  
23 Hydraulic Project Approval (HPA) from the WDFW.

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

29 M. Forest Practice, Class IV General and Conversion Option Harvest Plans (COHPs). All timber  
30 harvesting and associated development activity, such as construction of roads, shall comply with  
31 the provisions of this title, and with Title 12 (Stormwater Management) and Title 22 (Shoreline  
32 Management) of the Kitsap County Code, including the maintenance of buffers, where required.

1 N. Road/Street Repair and Construction. When no other reasonable or practicable alternative  
2 exists road or street expansion or construction is allowed in fish and wildlife habitat conservation  
3 areas or their buffers, subject to the following minimum development standards:

- 4 1. The road or street shall serve multiple properties whenever possible;
- 5 2. Public and private roads should provide for other purposes, such as utility corridor  
6 crossings, pedestrian or bicycle easements, viewing points, etc.; and
- 7 3. The road or street construction is the minimum necessary, as required by the  
8 department, and shall comply with the department's guidelines to provide public safety  
9 and mitigated stormwater impacts; and
- 10 4. Construction time limits shall be determined in consultation with WDFW in order to  
11 ensure habitat protection.

12  
13 **Chapter 19.400**  
14 **GEOLOGICALLY HAZARDOUS AREAS**

15 Sections:

16 **19.400.405 Purpose.**

17 **19.400.410 Geologically hazardous area categories.**

18 **19.400.415 Development standards.**

19 **19.400.405 Purpose.**

20 This section applies to all regulated uses included in this title within the largest buffer or setback in areas  
21 designated as geologically hazardous areas, as categorized in Section [19.400.410](#) below. The intent of  
22 this section is to:

- 23 A. Provide standards to protect human life and property from potential risks;
- 24 B. Regulate uses of land in order to avoid damage to structures and property being developed  
25 and damage to neighboring land and structures;
- 26 C. Control erosion, siltation, and water quality to protect anadromous and resident fish and  
27 marine shellfish;
- 28 D. Provide controls to minimize shoreline erosion caused by human activity;



1 E. Use innovative site planning by placing geologically hazardous areas and buffers in open  
2 space and transferring development density to more suitable areas on the site.

3 **19.400.410 Geologically hazardous area categories.**

4 A. Classification. The following categories shall be used in classifying geologically hazardous  
5 areas.

6 1. Areas of High Geologic Hazard.

7 a. Areas with slopes greater than or equal to 30 percent and mapped by the  
8 Coastal Zone Atlas or Quaternary Geology and Stratigraphy of Kitsap County as  
9 “Unstable” (U), “Unstable Old Land Slides” (UOS) or “Unstable Recent Slides”  
10 (URS).

11 b. Areas with slopes greater than or equal to 30 percent in grade and deemed  
12 by a qualified geologist or geotechnical engineer to meet the criteria of U, UOS,  
13 or URS.

14 2. Areas of Moderate Geologic Hazard.

15 a. Areas designated U, UOS, or URS in the Coastal Zone Atlas or Quaternary  
16 Geology and Stratigraphy of Kitsap County, with slopes less than 30 percent; or  
17 areas found by a qualified geologist to meet the criteria for U, URS, and UOS  
18 with slopes less than 30 percent; or

19 b. Slopes identified as “Intermediate” (I) in the Coastal Zone Atlas or  
20 Quaternary Geology and Stratigraphy of Kitsap County, or areas found by  
21 qualified geologist to meet the criteria of I; or

22 c. Slopes 15 percent or greater, not classified as I, U, UOS, or URS, with soils  
23 classified by the U.S. Department of Agriculture Natural Resources Conservation  
24 Service as “highly erodible” or “potentially highly erodible”; or

25 d. Slopes of 15 percent or greater with springs or groundwater seepage not  
26 identified in subsections (a), (b) or (c) above; or

27 e. Seismic Areas subject to liquefaction from earthquakes (Seismic Hazard  
28 Areas) such as hydric soils as identified by the Natural Resources Conservation

1 Service, and areas that have been filled to make a site more suitable. Seismic  
2 areas may include former wetlands which have been covered with fill.

3 B. Site Specific Determinations. A geologic or geotechnical report is a site investigation process  
4 to evaluate the on-site geology affecting a subject property and proposed development. Should  
5 an applicant question the information the county must rely on to determine whether a location  
6 contains a geologically hazardous area or area of geologic concern, the county may ask the  
7 applicant to submit the appropriate geotechnical or geologic report to confirm or modify the  
8 existing information known about the area. The requirements for reports are contained in Special  
9 Reports, Chapter 19.700.

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

14 **19.400.415 Development standards.**

15 This section applies to all regulated uses within designated geologically hazardous areas and their  
16 setbacks.

17 A. Review. Where applicable the department will approve, approve with conditions or deny the  
18 development proposal based on the department's evaluation of site-specific conditions. The  
19 department will also consider any proposed mitigation measures included in a geotechnical  
20 report, if one is required.

21 B. Minimum Buffer Requirement. The buffer for all geologically hazardous areas shall include  
22 native vegetation from the toe of the slope to twenty-five feet beyond the top of the slope unless  
23 otherwise allowed through a geological report or a site-specific determination (Refer to Section  
24 19.400.410(B)).

25 C. Building/Impervious Surface Setback Requirements.

26 1. Areas of High Geologic Hazard. Minimum building and impervious surface setback  
27 from the top of slope shall be equal to the height of the slope (1:1 horizontal to vertical)  
28 plus the greater of one-third of the vertical slope height or twenty-five feet.

29 2. Areas of Moderate Geologic Hazard. Minimum building and impervious surface  
30 setback shall be forty feet from the top of slope. As required in Section [19.400.410\(B\)](#),

1 above, the twenty-five feet adjacent to the top of the slope shall be retained as a native  
2 vegetation buffer, with an additional minimum fifteen-foot building and impervious surface  
3 setback. The department may decrease the setback when such a setback would result in  
4 a greater than 1:1 slope setback or as may be allowed under Section [19.400.410\(B\)](#) (Site  
5 Specific Determinations).

6 3. Toe of Slope Building Setback. A geotechnical report may be required based on  
7 slope height and stability indicators. Where slope hazard indicators are not identified, the  
8 requirements of Title 14.04 of this code, the Kitsap County Building and Fire Code will  
9 apply.

10 D. Buffer and Building Setback Modifications.

11 1. Report Recommendations. The minimum native vegetation buffer and/or building  
12 setback requirement may be decreased if a geotechnical report demonstrates that a  
13 lesser distance, through design and engineering solutions, will adequately protect both  
14 the proposed development and the erosion hazard and/or landslide hazard area (See  
15 Chapter 19.700). Should the geotechnical report indicate that a greater buffer and/or  
16 building setback are required than specified in subsections (B) and/or (C) above, the  
17 greater buffer and/or building setback shall be required. The department may determine  
18 through a site visit, a special report or mapping that an increased buffer and/or building  
19 setback is required from the critical area.

20 2. Vegetation Removal. Minor pruning of vegetation or tree removal for view  
21 enhancement, or elimination of danger trees to maintain slope integrity may be allowed,  
22 provided that such activity is approved by the department. The thinning of limbs on  
23 individual trees is preferred to the removal or topping of trees for view corridors. At a  
24 minimum, no more than thirty percent of the live tree crowns shall be removed. Total  
25 buffer thinning shall not exceed twenty-five percent.

26 E. Seasonal Restrictions. Clearing and grading shall be limited to the period between May 1 to  
27 October 1, unless the applicant provides an erosion and sedimentation control plan prepared by a  
28 professional engineer licensed in the state of Washington that specifically and realistically  
29 identifies methods of erosion control for wet weather conditions.

30 F. Field Marking Requirements. The proposed clearing for the project and all critical area  
31 buffers shall be marked in the field for inspection and approval by the department prior to  
32 beginning work. Field marking requirements for construction of a single-family dwelling will be

1 determined on a case-by-case basis by the department. The field marking of all buffers shall  
2 remain in place until construction is completed, and final approval is granted by the department.  
3 Permanent marking may be required as determined necessary to protect critical areas or its  
4 buffer.

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

7 H. Storm Water Standards. Storm water discharges shall be in compliance with Title 12 of this  
8 code (Storm Water Management).

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

12 J. Additional Clearing Standards.

13 1. Only the clearing necessary to install temporary erosion control measures will be  
14 allowed prior to the clearing for roads and utilities construction.

15 2. Clearing for roads and utilities shall be the minimum necessary and shall remain  
16 within marked construction limits.

17 3. Clearing for overhead power lines shall be the minimum necessary for construction  
18 and will provide the required minimum clearances of the serving utility corridor.

19 K. Existing Logging Roads. Where existing logging roads occur in geologically hazardous  
20 areas, a geological or geotechnical report (See Section 19.700.725) may be required prior to use  
21 as a temporary haul road or permanent access road under a conversion or COHP forest practices  
22 application.

23 L. Clustering Requirements. The department may require clustering to increase protection to  
24 geologically hazardous areas.

25 M. Vegetation Enhancement. The department may require enhancement of buffer vegetation to  
26 increase protection to geologically hazardous areas.

27 N. Seismic Hazard Area Development Standards.

1 1. Proposed new development within a seismic hazard area shall be in accordance with  
2 Chapter 14.04 of this code, the Kitsap County Building and Fire Code.

3 2. Applicants for public and commercial building proposals within seismic hazard areas  
4 shall submit a geotechnical report (See Section 19.700.725) addressing any fill or grading  
5 that has occurred on the subject parcel. Any fill placed for such development shall have  
6 documented construction monitoring as required by Title 14.04 of this code, the Kitsap  
7 County Building and Fire Code.

8 3. The development proposal may be approved, approved with conditions or denied  
9 based on the department's evaluation of the proposed mitigation measures in the  
10 geotechnical report to reduce seismic risk.

11 O. Prohibitions.

12 1. Critical facilities, as defined in Chapter 19.150, are prohibited in areas of high  
13 geologic hazard.

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

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

22  
23 **Chapter 19.500**  
24 **FREQUENTLY FLOODED AREAS**

25 Sections:

26 **19.500.505 Purpose.**

27 **19.500.505 Purpose.**

28 The purpose of this section is to protect the public health, safety and welfare from harm caused by  
29 flooding. It is also the intent to prevent damage and/or loss to both public and private property. In addition,  
30 this section will give special consideration to anadromous fish habitat in combination with Chapter 19.300,

1 Fish and Wildlife Habitat Conservation Areas. To fulfill this purpose, Kitsap County uses the Title 15 of  
2 this code (Flood Hazard Areas), adopted by reference, which designates special flood hazard areas and  
3 establishes permit requirements for these areas.

4 In addition, the Kitsap County Geographic Information System (GIS) database for critical drainage areas,  
5 as defined in Title 12 of the Kitsap County Code (Stormwater), will be included for areas of review under  
6 Frequently Flooded Areas.

7

8

9

## **Chapter 19.600 CRITICAL AQUIFER RECHARGE AREAS**

10 Sections:

11 **19.600.605 Purpose.**

12 **19.600.610 Critical aquifer recharge area categories.**

13 **19.600.615 Development standards.**

14 **19.600.620 Activities with potential threat to groundwater.**

15

16 **19.600.605 Purpose.**

17 Potable water is an essential life-sustaining element. The majority of Kitsap County drinking water comes  
18 from groundwater supplies in aquifers. Critical aquifer recharge areas are very important to shallow and  
19 deepwater aquifer recharge. The intent of this chapter is to identify and classify aquifer recharge areas in  
20 accordance with RCW [36.70A.170](#) and address land use activities that pose a potential to contaminate or  
21 otherwise threaten aquifer water quality. This section shall not affect any right to use or appropriate water  
22 as allowed under state or federal law. In addition, these requirements do not apply to those activities,  
23 which have potential contaminant sources below threshold amounts as set forth in applicable statutes of  
24 the Revised Code of Washington or local regulations.

25 It is the policy of Kitsap County to accomplish the following:

26 A. Identify, preserve and protect aquifer recharge areas, identify areas susceptible to  
27 contamination and prevent degradation of the quality of potable groundwater;

28 B. Recognize the relationship between surface and groundwater resources; and

29 C. Give priority to potable water resource areas per WAC [365-190-080\(2\)](#) in the planning and  
30 regulation of land uses that may contaminate or degrade groundwater.

1 D. Balance competing needs for water supply while preserving essential natural functions and  
2 processes.

3 **19.600.610 Critical aquifer recharge area categories.**

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

11 A. Category I Critical Aquifer Recharge Areas. Category I critical aquifer recharge areas are  
12 those areas where the potential for certain land use activities to adversely affect groundwater is  
13 high. Category I critical aquifer recharge areas include:

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

16 2. Areas inside the ten-year time of travel zones in wellhead protection areas when the  
17 well draws its water from an aquifer that is at or above sea level and is overlain by  
18 permeable soils without an underlying protective impermeable layer.

19 3. Areas identified as significant recharge areas due to special circumstances or  
20 identified in accordance with WAC [365-190-080\(2\)\(c\)](#) as aquifer areas of significant  
21 potable water supply with susceptibility to groundwater contamination, including but not  
22 limited to the following:

23 a. Hansville Significant Recharge Area. The Hansville aquifer is a significant  
24 potable water supply that is highly susceptible to the introduction of pollutants.  
25 Additional information regarding this aquifer is available from the Kitsap Public  
26 Utility District.

27 b. Seabeck Significant Recharge Area. The Seabeck aquifer is a significant  
28 potable water supply that is being developed for use in central and north Kitsap  
29 County. Additional information regarding this aquifer is available from the Kitsap  
30 Public Utility District.

1 c. Island Lake Significant Recharge Area. The Island Lake aquifer is a  
2 significant potable water supply for the Silverdale area. Additional information  
3 regarding this aquifer is available from the Silverdale Water District.

4 d. Gorst Significant Recharge Area. Aquifers in the Gorst basin are highly  
5 susceptible to the introduction of pollutants and provide significant potable water  
6 supplies for the City of Bremerton.

7 e. Poulsbo Significant Recharge Area. The Poulsbo aquifer is highly  
8 susceptible to the introduction of pollutants and provides a significant potable  
9 water supply for the Kitsap Public Utility District and City of Poulsbo.

10 4. The department may add, reclassify or remove critical aquifer recharge areas based  
11 on additional information about areas of significant potable water supply with  
12 susceptibility to groundwater contamination or based on changes to sole source aquifers  
13 or wellhead protection areas as identified in wellhead protection programs.

14 B. Category II Critical Aquifer Recharge Areas. Category II critical aquifer recharge areas are  
15 areas that provide recharge effects to aquifers that are current or potentially will become potable  
16 water supplies and are vulnerable to contamination based on the type of land use activity. The  
17 general location of these areas is available on the Kitsap County geographic information system.  
18 Category II critical aquifer recharge areas include:

19 1. Highly Permeable Soils (Group A Hydrologic Soils). The general location and  
20 characteristics of Group A Hydrologic Soils in Kitsap County is given in the Soil Survey of  
21 Kitsap County by the U.S. Department of Agriculture, Natural Resources Conservation  
22 Service (NRCS). The soil survey information is available on the Kitsap County  
23 geographic information system (GIS).

24 2. Areas Above shallow aquifers and/or surface areas which are not separated from the  
25 underlying aquifers by an impermeable layer that provides adequate protections from  
26 contamination to the aquifer(s) below. The general location of shallow aquifers in Kitsap  
27 County is based upon the professional judgment of licensed hydrogeologists with  
28 knowledge of the area. The location of shallow aquifers is available on the Kitsap County  
29 geographic information system (GIS).

30 3. Areas Above the Vashon Aquifer. Surface areas above the Vashon Aquifer which are  
31 not separated from the underlying aquifers by a poorly permeable layer that provides



1 adequate protections to preclude the proposed land use from contaminating the Vashon  
2 aquifer below. Vashon aquifers in Kitsap County are typically mapped as “Qva” (Vashon  
3 advance aquifer) or “Qvr” (Vashon recessional aquifer) on geologic maps. Best available  
4 information concerning the location of Vashon aquifers is available on the Kitsap County  
5 geographic information system (GIS).

6 4. Areas with high concentration of potable water supply wells.

7 C. Mapping. Kitsap County, in coordination with water purveyors and other agencies, will  
8 produce maps indicating the location of critical aquifer recharge areas.

9 **19.600.615 Development standards.**

10 A. Category I Critical Aquifer Recharge Areas.

11 1. Land uses identified in Table 19.600.620 are prohibited in Category I critical aquifer  
12 recharge areas, unless a waiver is granted by the department; and

13 2. Requests for waivers for activities listed in Table 19.600.620 shall include a  
14 hydrogeological report (See Chapter 19.700, Special Reports) that includes a detailed  
15 risk-benefit analysis that considers credible, worst-case scenarios. The hydrogeological  
16 report shall evaluate potential impacts of a proposed land use or activity on both  
17 groundwater and surface water quality. The waiver will be evaluated and treated as a  
18 special use review and be reviewed by the department, the health district, affected tribes,  
19 and the affected water purveyors.

20 B. Category II Critical Aquifer Recharge Areas.

21 1. Applicants proposing operations that pose a potential threat to groundwater as listed  
22 in Table 19.600.620 in Category II aquifer recharge areas may be required to submit a  
23 hydrogeological report (See Chapter 19.700, Special Reports). The scope of the report  
24 shall be based on site-specific conditions.

25 2. The need for additional information will be determined by the department, the health  
26 district and the affected water purveyor. Based on the results of the report, controls,  
27 mitigation, and/or other requirements will be established as a prerequisite for the  
28 development proposal being approved.

29 C. Notification and Review.

1                    1. Affected water purveyors, tribes and the Kitsap County Health District will be notified  
 2 and invited to comment during the preliminary phases of the county's review process on  
 3 the proposed land use and potential impacts. The purveyor may recommend appropriate  
 4 mitigation to reduce potential impacts. The department will consider these  
 5 recommendations to develop appropriate permit conditions.

6                    2. The department will also notify the health district and affected water purveyors  
 7 through the environmental review process, when those development activities listed in  
 8 Table 19.600.620 are proposed outside the areas designated critical aquifer recharge  
 9 areas.

10                   3. Land use decisions within Category I and II critical aquifer recharge areas may be  
 11 appealed to the Kitsap County hearing examiner.

12                   D. Stormwater. Stormwater infiltration best management practices shall be encouraged to the  
 13 maximum extent possible as a first priority in stormwater management.

14

15    **19.600.620 Activities with potential threat to groundwater.**

**TABLE 19.600.620  
 ACTIVITIES WITH POTENTIAL THREAT TO GROUNDWATER**

A.	Above & Below Ground Storage Tanks	
	1.	Hazardous and industrial waste treatment
	2.	Hazardous and industrial waste storage
	3.	Hazardous material storage
B.	Animal Feedlots	
C.	Commercial Operations	
	1.	Gas stations/service stations/truck terminals
	2.	Petroleum distributors/storage
	3.	Auto body repairs shops/rust proofers

	4.	Auto chemical supply storers/retailers
	5.	Truck, automobile, and combustion engine repair shops
	6.	Dry cleaners
	7.	Photo processors
	8.*	Auto washes
	9.*	Laundromats
	10.*	Beauty Salons
	11.	Research or chemical testing laboratories, which handle significant quantities of hazardous materials
	12.	Food processors/meat packers/slaughter houses
	13.	Airport maintenance/fueling operation areas
	14.	Junk and salvage yards
	15.	Storing or processing manure, feed, or other agriculture by products by commercially permitted businesses
	16.	Large-scale storage or use of pesticides, insecticides, herbicides, or fertilizer by commercial or agricultural operations
	17.	Golf courses
	18.	Cemeteries
D.	Deep Injection Wells	
	1.	Waste-water disposal wells (wells that, after treatment, inject water back into the aquifer)
	2.	Oil and gas activity disposal wells
	3.	Mineral extraction disposal wells
E.	De-icing Salts Storage Piles	
F.	Industrial Operations	
	1.	Furniture strippers/painters/finishers
	2.	Concrete/asphalt/tar/coal companies
	3.	Industrial manufacturers: chemicals, pesticides/herbicides, paper, leather products, textiles, rubber,

		plastic/fiberglass, silicone/glass, pharmaceuticals, electrical equipment
	4.	Metal platers/heat treaters/smelters/annealers/descalers
	5.	Wood preservatives
	6.	Chemical reclamation facilities
	7.	Boat refinishers
	8.	Hydrocarbon extraction
G.	Land Application	
	1.	Waste-water application (spray irrigation)
	2.	Waste-water byproduct (sludge) application
	3.	Petroleum refining waste application
	4.	Hazardous waste applications
H.	Landfills	
	1.	Industrial hazardous and non-hazardous landfill
	2.	Municipal sanitary landfill
I.	Material Transfer Operations	
	1.	Hazardous and industrial waste transfers
	2.	Hazardous material transfers
J.	Materials Stockpiles	
K.	Mining and Mine Drainage	
L.	Onsite Septic Systems (Large Onsite Septic System or LOSS Category)	
M.	Pipelines	
	1.	Hazardous and industrial waste transfer
	2.	Hazardous material transfer
N.	Radioactive Disposal Sites and Processing of Radioactive Wastes	
O.	Sand and Gravel Mining Operations	
* If not on a sewer system with a treatment plant.		

1  
2  
3 **Chapter 19.700**  
4 **SPECIAL REPORTS**

5 Sections:

6 **19.700.705 Special reports.**

7 **19.700.710 Wetland delineation report.**

8 **19.700.715 Wetland mitigation report.**

9 **19.700.720 Habitat management plan (HMP).**

10 **19.700.725 Geotechnical report and geological report.**

11 **19.700.730 Hydrogeological report.**

12 **19.700.705 Special reports.**

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

15 1. Wetland Delineation Report/Wetland Mitigation Plan (Sections [19.700.710](#) and  
16 19.700.715).

17 2. Habitat Management Plan (Section 19.700.720).

18 3. Geotechnical Report /Geological Report (Section 19.700.725).

19 4. Hydrogeological Report (Section 19.700.730).

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

23 C. Special Reports – Responsibility for Completion. The applicant shall pay for or reimburse the  
24 county for the costs incurred in the preparation of special reports or tests, and for the costs  
25 incurred by the county to engage technical consultants or staff for review and interpretation of  
26 data and findings submitted by or on behalf of the applicant. The applicant shall pay permit fees  
27 or technical assistance fees as required by the Title 21 of the Kitsap County Code, as now or  
28 hereafter amended. In such circumstances where a conflict in the findings of a special report and  
29 the findings of the county in review of the special report exists, the applicant or affected party may  
30 appeal such decisions of the county pursuant to the procedures in Section [19.100.145](#) (Appeals).

1 D. Qualifications of Professionals. Any special report as described below shall be prepared by a  
2 professional (See Chapter 19.150, wherein “professionals” are described), and shall include his  
3 or her resume, or other list of qualifications, to aid the department in assessing these  
4 qualifications.

5 **19.700.710 Wetland delineation report.**

6 A wetland delineation report shall include, but not be limited to, the following:

7 A. Vicinity map;

8 B. When available, a copy of a National Wetland Inventory Map (U.S. Fish and Wildlife Service)  
9 and/or a Kitsap County Wetland Inventory Map identifying the wetlands on or within two hundred  
10 fifty feet of the site;

11 C. A site map setting forth all of the following:

12 1. Surveyed wetland boundaries based upon a delineation by a wetlands specialist;

13 2. Site boundary property lines and roads;

14 3. Internal property lines, right-of-way, easements, etc.;

15 4. Existing physical features of the site including buildings, fences, and other structures,  
16 roads, parking lots, utilities, water bodies, etc.;

17 5. Contours at the smallest readily available intervals, preferably at two-foot intervals;

18 6. Hydrologic mapping showing patterns of surface water movement and known  
19 subsurface water movement into, through, and out of the site area.

20 7. Location of all test holes and vegetation sample sites, numbered to correspond with  
21 flagging in the field and field data sheets.

22 8. The department may require an air photo with overlays displaying the site  
23 boundaries and wetland delineation.

24 D. Location information (legal description, parcel number and address);

- 1 E. Discussion of wetland boundary. If the wetland extends outside the site, the delineation  
2 report shall discuss all wetland areas within two hundred fifty feet of the site, but need only  
3 delineate those wetland boundaries within the site;
- 4 F. General site conditions including topography, acreage, and surface areas of all wetlands  
5 identified in the Kitsap County Wetland Inventory Map and water bodies within one quarter mile of  
6 the subject wetland(s);
- 7 G. Hydrological analysis, including topography, of existing surface and known significant sub-  
8 surface flows into and out of the subject wetland(s);
- 9 H. Analysis of functional values of existing wetlands, including vegetative, fauna, and hydrologic  
10 conditions;
- 11 I. A summary of proposed activity and potential impacts to the wetland(s);
- 12 J. Recommended wetland category using the Washington State Wetlands Rating System  
13 Categories (See Chapter 19.800, Appendix "A"), including rationale for the recommendation;
- 14 K Recommended buffer boundaries, including rationale for boundary locations;
- 15 L. Site plan of proposed activity, including location of all parcels, tracts, easements, roads,  
16 structures, and other modifications to the existing site. The location of all wetlands and buffers  
17 shall be identified on the site plan.
- 18 M. Administrative Wetland Boundary and Ranking Evaluation.
- 19 1. The department may delineate and evaluate wetland areas for any proposed single-  
20 family dwelling project listed in Chapter 19.200 (Wetlands), unless the applicant wishes to  
21 employ a qualified wetland biologist at the applicant's expense, or if such a report is  
22 required by the department. Fees may be collected for this determination and evaluation,  
23 as specified in Title 21 of the Kitsap County Code.
- 24 2. Methodology for delineation of the regulated wetland boundary shall be the "plant  
25 community assessment" procedure, which is described in the Washington State  
26 Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter.
- 27 3. The wetland boundary shall be field-staked and this line shall be depicted on the  
28 building site plan application.

1                   4. The regulated wetland boundary and regulated wetland buffer shall be identified on  
2                   all grading, building site, utility or other development plans submitted on the project.

3 **19.700.715 Wetland mitigation report.**

4 As required by Section [19.200.250](#) (Wetland Mitigation Requirements), a mitigation plan shall be  
5 prepared. A detailed mitigation plan shall contain the following:

6           A. Executive summary which summarizes the project, its potential wetland related impacts, and  
7           the proposed mitigation to include the following information:

8                   1. Applicant Name/Address/Phone.

9                   2. Agent/Consultant.

10                  3. Description of land use proposal.

11                  4. Description of mitigation area.

12                  5. Description of impact avoidance and minimization measures.

13                  6. Description of unavoidable wetland impacts and mitigation measures:

14                          a. Size (acres);

15                          b. Wetland classification;

16                          c. Hydrogeomorphic (HGM) classification;

17                          d. Wetland rating;

18                          e. Functions;

19                          f. Compensation ratios used.

20                  7. Explanation of other impacts to waters of the state.

21                  8. Goals, objectives and monitoring period.

22           B. Project Description.

23                   1. Type of development (existing and proposed land uses).



- 1                    2. Project size.
- 2                    3. Implementation schedule.
- 3                    4. Project location, maps.
- 4                    5. Project summary.
- 5                    C. Ecological Assessment of Impact.
- 6                    1. Impacts (acreage) and extent of disturbance to wetlands (wetland delineation).
- 7                    2. Summary of historic and current on-site and nearby land uses (zoning designations).
- 8                    3. Description of any known cultural resources on the site.
- 9                    4. Description of the site in context of other wetlands/water bodies.
- 10                   5. Description of the water regime.
- 11                   6. Description of the soils.
- 12                   7. Description of the plant communities.
- 13                   8. Description of any fauna using the site.
- 14                   9. Landscape position and geomorphology.
- 15                   10. Description of functions provided.
- 16                   11. Wetland category rating and buffer requirements.
- 17                   D. Mitigation Approach.
- 18                   1. Mitigation sequencing followed.
- 19                   2. Goals and objectives.
- 20                   3. Performance standards to assess each objective.
- 21                   E. Proposed Compensation Site.
- 22                   1. Site description (location, size, maps):

- 1 a. Ownership;
- 2 b. Total area of mitigation site (acres);
- 3 c. Current/past land use.
- 4 2. Site selection rationale.
- 5 3. Existing/baseline ecological conditions of the compensation site:
  - 6 a. Acreage of existing wetlands and uplands;
  - 7 b. National Wetland Inventory or local jurisdiction wetland mapping of the site;
  - 8 c. Summary of historic and current on-site and nearby land uses (zoning
  - 9 designations);
  - 10 d. Description of any known cultural resources on the site;
  - 11 e. Description of the site in context of other wetlands/water bodies;
  - 12 f. Description of the water regime;
  - 13 g. Description of the soils;
  - 14 h. Description of the plant communities;
  - 15 i. Description of any fauna using the site;
  - 16 j. Landscape position and geomorphology;
  - 17 k. Description of functions provided;
  - 18 l. Wetland rating of any existing wetlands, buffer requirements.
- 19 4. Site constraints.
- 20 F. Preliminary Site Plan.
  - 21 1. Explanation of how adequate hydrology will be provided.
  - 22 2. Discussion of how project was designed to provide the proposed functions.

- 1                   3. Schematic drawings: Change in topography:
- 2                   a. Hydrologic structures;
- 3                   b. Soils;
- 4                   c. Vegetation distributions;
- 5                   d. Habitat attributes;
- 6                   e. Buffers.
- 7                   4. Section drawings showing relationship of topography to water regime and vegetation.
- 8           G. Final Site Plan/Design.
- 9                   1. Site survey and topography.
- 10                  2. Water regime including:
- 11                   a. Engineering drawings of water control structures;
- 12                   b. Source of water (volume, velocity, hydro period).
- 13                  3. Soil amendments.
- 14                  4. Landscape plans:
- 15                   a. Drawing of proposed plant distribution;
- 16                   b. Location of existing or proposed upland buffers;
- 17                   c. Section drawings showing relationship of topography to vegetation;
- 18                   d. Erosion control;
- 19                   e. Location of habitat structure;
- 20                   f. Location of upland buffers;
- 21                   g. Soil amendments.
- 22                  5. Construction specifications.

- 1 H. Monitoring Plan.
- 2 1. Vegetation.
- 3 2. Water regime.
- 4 3. Soils.
- 5 4. Fauna.
- 6 5. Functions and values.
- 7 6. Development of habitat structure.
- 8 7. Water quality.
- 9 8. Buffers.
- 10 9. Timetable for reporting monitoring results.

11 I. Site Protection.

- 12 1. Physical site protection.
- 13 2. Legal protection.
- 14 3. Buffers.

15 J. Maintenance and Contingency Plans.

- 16 1. Maintenance schedule.
- 17 2. Contingency plan:
- 18 a. Initiating procedure;
- 19 b. Funding;
- 20 c. Responsible parties.

21 K. Implementation Schedule.

- 22 1. Construction schedule.

1                   2. Monitoring schedule.

2                   3. Reporting schedule.

3                   4. Financial assurance.

4           L. Permit Conditions. Any compensation project prepared pursuant to this section and approved  
5 by the department shall become part of the application for the permit. The department will require  
6 an additional growing season year for approval of mitigation plan unless the applicant requests an  
7 inspection for final monitoring year during the final monitoring year assessment.

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

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

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

25

26 **19.700.720 Habitat management plan (HMP).**

27           A. A HMP is a site investigation report to evaluate the potential presence or absence of a  
28 regulated fish or wildlife species or habitat affecting a subject property and proposed  
29 development. This report shall identify how development impacts to fish and wildlife habitat from  
30 a proposed project will be mitigated. WDFW Priority Habitat and Species (PHS) management

1 recommendations, dated May 1991, or bald eagle protection rules outlined in WAC [232-12-292](#),  
2 as now or hereafter amended, may serve as guidance for this report.

3 B. The HMP shall contain a map prepared at an easily readable scale, showing:

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

12 C. The habitat management plan shall also contain a report which describes:

- 13 1. The nature and intensity of the proposed development;
- 14 2. An analysis of the effect of the proposed development, activity or land use change  
15 upon the wildlife species and habitat identified for protection; and
- 16 3. A discussion on how the applicant proposes to mitigate any adverse impacts to  
17 wildlife habitats created by the proposed development. (See Sections [19.700.710](#) and  
18 [19.700.715](#), Wetland Report/Wetland Mitigation Plan requirements.).

19 D. Examples of mitigation measures to be included in the HMP report, include, but are not  
20 limited to:

- 21 1. Establishment of Buffer Zones. When applicable, the order of sequence for buffer  
22 reductions shall be as follows methods for buffer reduction may include the following:
  - 23 a. Use of buffer averaging maintaining one hundred percent of the buffer area  
24 under the standard buffer requirement;
  - 25 b. Reduction of the overall buffer area by no more than twenty-five percent of  
26 the area required under the standard buffer requirement;

- 1 c. Enhancement of existing degraded buffer area and replanting of the
- 2 disturbed buffer area;
- 3 d. The use of alternative on-site wastewater systems in order to minimize site
- 4 clearing;
- 5 e. Infiltration of stormwater where soils permit; and
- 6 f. Retention of existing native vegetation on other portions of the site in order to
- 7 offset habitat loss from buffer reduction.
- 8 2. Preservation of native plants and trees that is essential to maintaining habitat
- 9 function;
- 10 3. Limitation of access to habitat areas;
- 11 4. Seasonal restriction of construction activities; and
- 12 5. Establishing phased development requirements and/or a timetable for periodic
- 13 review of the plan.

14 E. A HMP shall be prepared by a fish or wildlife biologist, as defined at Sections [19.150.330](#)

15 and [19.150.720](#). For proposed single-family dwelling construction, the department may complete

16 the plan. Fees may be collected for this plan as specified in Title 21 of the Kitsap County Code.

17 Where this plan is required for the protection of an eagle habitat, the eagle habitat management

18 plan shall meet bald eagle management rules and will normally be prepared by the WDFW.

19

20 **19.700.725 Geotechnical report and geological report.**

21 Whenever development is proposed in a geologically hazardous area or shoreline setback as defined in

22 Chapters 19.300 and 19.400 of this title, or when the department determines that additional soils and

23 slope analysis is appropriate on a particular site, the applicant is required to submit a geotechnical or

24 geological report that evaluates the surface and subsurface soil conditions on the site.

25 A. Qualifications.

- 26 1. Geotechnical reports shall be prepared by a geotechnical engineer (defined at
- 27 Section 19.150.370).

1                   2. Geological reports may be prepared by a licensed geologist (Section 19.150.365), or  
2                   geotechnical engineer (Section 19.150.370).

3                   B. General Provisions. Report recommendations for earthwork, clearing or siting structures in  
4                   geologically hazardous areas shall be based on existing site conditions rather than measures that  
5                   have not yet been successfully approved, designed, or constructed (e.g., slope recontouring,  
6                   slope retaining walls, vegetation improvements, bulkheads, etc.). Shoreline bulkheads and  
7                   retaining walls may only be utilized only as an engineering solution where it can be demonstrated  
8                   that:

9                   1. An existing residential structure or other permitted existing public or private  
10                  structures or public facilities such as roads or highways, cannot be safely maintained  
11                  without such measures;

12                  2. Other non-structural methods of beach stabilization have been considered and  
13                  determined infeasible; and

14                  3. The resulting stabilization structure is the minimum necessary to provide stability for  
15                  the existing structure and appurtenances.

16                  Minor repair activities on existing permitted structures (e.g., those that do not involve  
17                  design modifications, changes in structure location, and/or demolition or abandonment of  
18                  failed structure and replacement with new structure) are not subject to the following  
19                  project submittal standards.

20                  C. Geological Report Submittal Standards. A Geological Report is required for site development  
21                  proposals that involve development activity or the installation of structures within a geologically  
22                  hazardous area or shoreline setbacks, or as otherwise required pursuant to Chapters 19.300 and  
23                  19.400 of this title, but do not involve or require engineering design recommendations. The  
24                  following minimum information is required:

25                  1. Site information regarding the Kitsap County Shoreline Environment Designation and  
26                  critical areas designations that affect site features.

27                  2. Description of surface and subsurface conditions, including ground materials,  
28                  vegetation, surface drainage, groundwater, and a preliminary geologic hazard  
29                  assessment which includes the locations of structures and the identification of the slope  
30                  and/or coastal processes occurring at the site and factors that contribute to them;



- 1                   3. Review of available site information, literature, and mapping;
- 2                   4. Detailed description of slope and other topographic features; and
- 3                   5. Conceptual siting of structures and general recommendations, which include
- 4                   methods and practices that avoid and/or reduce slope and shore impacts. Minimum
- 5                   recommendations should include upland and slope drainage control, groundwater
- 6                   control, site vegetation management, and erosion control.

7                   D. Geotechnical Report Submittal Standards. A geotechnical report is required when the  
8                   department or a Geological Report determines that a site development proposal requires  
9                   additional site information such as engineering design recommendations, slope stability analysis,  
10                  subsurface exploration and testing, coastal process analyses, or construction recommendations.  
11                  Depending on the level of activity proposed, the report will either be a more limited geotechnical  
12                  slope evaluation report or a full geotechnical design investigation report as described below.

13                  1. Geotechnical Slope Evaluation Report. A geotechnical slope evaluation report is  
14                  required when slope stability analyses are confined to addressing only existing surface  
15                  and/or drainage conditions, including the relationship of natural and constructed slope  
16                  features to proposed changes in environmental conditions such as drainage, vegetation  
17                  removal and slope geometry. The following minimum information is required:

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

- 1 h. Conceptual site development plans and cross-sections.
- 2 2. Geotechnical Design Investigation Report. A geotechnical design investigation report  
3 is required for site development activities that propose design and construction measures  
4 at the slope crest, face and/or toe. If a designed structure does not impact slope stability  
5 or coastal processes, the report will not be required to perform all items listed under this  
6 section, as long as each item is addressed and the report details why a particular item  
7 does not apply. The report shall include all items considered necessary by the engineer  
8 to fully address the engineering design requirements of the site. The following minimum  
9 information is required:
- 10 a. All the information required under subsection (D)(1), above (Geotechnical  
11 Report);
- 12 b. Geotechnical requirements and measures to reduce risks;
- 13 c. Geotechnical criteria used for any designs including all critical dimensions,  
14 lateral earth pressures, soil bearing pressures, location and limits of structures on  
15 or near the slope, maximum constructed slope angles, minimum soil  
16 reinforcement embedment, soil compaction requirements, and structure heights;
- 17 d. Temporary construction slope stability recommendations and analysis of  
18 proposed final site stability measures;
- 19 e. Required construction specifications and construction monitoring  
20 procedures;
- 21 f. Revegetation and surface and groundwater management requirements;
- 22 g. Evaluation of erosion potential, recommendations for erosion avoidance and  
23 any proposed mitigation measures;
- 24 h. Detailed tabulation of all basic geotechnical engineering test results pertinent  
25 to design and construction, and when required for clarification, detailed examples  
26 of tests conducted for the project; and
- 27 i. Information outlined in the geotechnical design investigation report site  
28 evaluation checklist (See subsection (F), below).

1 E. Additional Requirements for Sites in Geologically Hazardous Areas. When a project site is  
2 located within a landslide-prone geologically hazardous area, as classified in Section [19.400.410](#),  
3 the following additional project submittal requirements shall apply:

4 1. Erosion Control Information. An evaluation of the erosion potential on the site during  
5 and after construction is required. The evaluation shall include recommendations for  
6 mitigation, including retention of vegetative buffers and a revegetation program. The  
7 geotechnical engineer shall provide a statement identifying buffer areas at the top or toe  
8 of a slope based on geotechnical site constraints and the impacts of proposed  
9 construction methods on the erosion potential of the slope.

10 2. Seismic Information. The geotechnical engineer shall submit a statement that the  
11 design criteria consider the one-in-one-hundred-year seismic event (an earthquake  
12 ground motion that has a 40 percent probability of exceedance in 50 years). Calculations  
13 of soil bearing capacity, general soil stability, and wall lateral earth pressures shall be  
14 adjusted to reflect a one-in-100 year seismic event and the structural plans for the project  
15 shall be reviewed by the geotechnical engineer for consistency with these design criteria.

16 Analysis for the one-in-one-hundred-year seismic event shall be based on a near crustal  
17 event having an assumed magnitude of 6.5 and occurring directly below the site. Based  
18 on regional studies performed by others, the department will allow the use of the  
19 following minimum general values of horizontal peak ground accelerations for this event:

20 a = 0.2g for fill, alluvial soils

21 a = 0.17g for till, firm glaciated soils

22 a = 0.15g for rock.

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

28 3. Recommendations on Relative Site Stability. The geotechnical engineer shall make  
29 recommendations as to which portion of the site are the least prone to instability and the

1 preferred location of the structure. The limits of any area proposed for grading activity  
2 shall be identified.

3 4. Construction Season Limitation. In general, no excavation will be permitted in  
4 landslide-prone geologically hazardous areas during the typically wet winter months.  
5 When excavation is proposed, including the maintenance of open temporary slopes,  
6 between October 1 and April 30, technical analysis shall be provided to ensure that no  
7 environmental harm, threat to adjacent properties, or safety issues would result. In  
8 addition, recommendations for temporary erosion control and shoring/mitigating  
9 measures shall be provided. The technical analysis shall consist of plans showing  
10 mitigation techniques and a technical memorandum from the geotechnical engineer.

11 5. Revisions to Geotechnical Report. Further recommendations shall be provided by  
12 the geotechnical engineer should there be additions or exceptions to the original  
13 recommendations based on the plans, site conditions, or other supporting data. If the  
14 geotechnical engineer who revises the plans and specifications is not the same engineer  
15 who prepared the geotechnical report, the new engineer shall, in a letter to the  
16 department, express his or her agreement or disagreement with the recommendations in  
17 the geotechnical report and state whether the plans and specifications conform to his or  
18 her recommendations.

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

26 7. Construction Inspection. A final inspection report shall be provided by the  
27 geotechnical engineer stating that construction has or has not implemented the design  
28 recommendations of the geotechnical report, and evaluating of any deviation from the  
29 design recommendations.

30 F. Geotechnical Design Investigation Report – Site Evaluation Checklist. The following are  
31 general report guidelines for geotechnical design investigation reports. The following guidelines  
32 are not intended to be all-inclusive. It is the responsibility of the geotechnical engineer to address

1 all factors, which in their opinion are relevant to the site. The checklist information shall be  
2 included as part of the geotechnical design investigation report. All items listed below must be  
3 addressed in the report. Information shall be provided for those items, which are not relevant to a  
4 given site to demonstrate why the items are not applicable.

5 1. Project Information:

- 6 a. Site Owner Name;
- 7 b. Project Proponent Name;
- 8 c. Shoreline Environment Designation (where applicable); and
- 9 d. Critical Areas Ordinance (CAO) designations affecting site features.

10 2. Project Description:

- 11 a. Description of proposed structures, site improvements, and adverse impact  
12 avoidance and reduction methods.
- 13 b. Location and total area of the construction zone.

14 **19.700.730 Hydrogeological report.**

15 The report shall address the impact the proposed land use will have on both the quality and quantity of  
16 the water transmitted to the aquifer.

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

- 19 1. Surficial soil type and geologic setting;
- 20 2. Location and identification of wells within 1,000 feet of the site;
- 21 3. Location and identification of surface water bodies and springs within 1,000 feet of  
22 the site with recharge potential;
- 23 4. Description of underlying aquifers and aquitards, including water level, gradients and  
24 flow direction;
- 25 5. Available surface water and groundwater quality data;

- 1           6. Effects of the proposed development on water quality;
- 2           7. Sampling schedules required to assure water quality;
- 3           8. Discussion of the effects of the proposed development on the groundwater resource;
- 4           9. Recommendations on appropriate BMPs (Best Management Practices) or mitigation
- 5           to assure no significant degradation of groundwater quality; and
- 6           10. Other information as required by the Kitsap County Health District.
- 7           11. The report shall also address the types of pesticides, herbicides and fertilizers that
- 8           can safely be used for the care of landscaping proposed by the applicant.

9           B. The hydrogeologic report shall be prepared by a professional geologist/hydrologist or by a  
10          soil scientist with a strong background in geology (See Section 19.150.365).

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

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

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

26  
27