



# **BROCHURE # 33**

## **CRITICAL AREA BUFFER REDUCTIONS**



Exceptions may be granted from critical area buffer standards under certain circumstances, as detailed in Kitsap County Code Title 19 "Critical Areas." Depending on the amount of buffer reduction requested, the request will be reviewed either administratively by staff or through a public hearing process by the Kitsap County Hearing Examiner.



or improvements in the vicinity and area in which the property is situated, or be contrary to the goals, policies and purpose of Title 19.

4. The granting of the reduction is the minimum necessary to accommodate the permitted use.
5. No other practical or reasonable alternative exists.

### **REVIEW CRITERIA**

The following basic criteria must be met for all buffer reduction requests (KCC 19.100.135):

1. Because of special circumstances applicable to the subject property (including size, shape, topography, location or surroundings) the strict application of the standard deprives the property of rights and privileges enjoyed by other properties in the vicinity; provided, however, the fact that those surrounding properties have been developed under regulations in force prior to the adoption of the current critical areas ordinance shall not be the sole basis for the granting of the variance.
2. The special circumstances referred to in subsection 1 above are not the result of the actions of the current or previous owner.
3. The granting of the reduction will not result in substantial detrimental impacts to the critical area, public welfare or be injurious to property

### **DECISION TYPES**

Buffer reduction requests are reviewed under different decision types, depending on the type of critical area and the size of the reduction being requested. The table on the back of this page provides this detail.

Type I decisions do not require public notice or a public hearing.

Type II decisions require public notice and a 14-day comment period.

Type I or II decisions may be appealed to the Hearing Examiner (for details, see Kitsap County Code Chapter 21.04).

Type III decisions are subject to public notice as well as Hearing Examiner review and approval. DCD staff prepares a recommendation and the Hearing Examiner decision may be appealed to the Kitsap Superior Court.

### **SHORELINES**

Shorelines, including along Puget Sound and Hood Canal, lakes over 20 acres and portions of larger streams (20 cubic feet per second mean annual flow or greater), are reviewed under the Kitsap County Shoreline Master Program (SMP), as detailed in Kitsap County Code Title 22. More information may also be found in Brochure #30- Shoreline Permits and Brochure #31- Shoreline Exemptions. These, and other brochures and applications may be found on the DCD webpage at <https://spf.kitsapgov.com/dcd/Pages/Forms-Page.aspx>.

Critical Area	Amount of Proposed Buffer Reduction	Type of Application	Decision Type	Where Decision is Made	Potential Levels of Appeal	
<b>Wetlands</b>						
Wetland- Buffer Averaging	Up to 25%	Critical Area Buffer Reduction Request	I	DCD Staff	Hearing Examiner	Superior Court
	>25%	Variance	III			
Wetland Category III or IV with Habitat Score* less than 5 pts.- with Averaging	Up to 50%	Critical Area Buffer Reduction Request	I	DCD Staff	Hearing Examiner	Superior Court
	>50%	Variance	III			
Wetland- Administrative (Not Averaging)	Up to 25% (Min. 30' for Single Family and Low-Intensity Land uses; Min. 40' for all other uses)	Critical Area Buffer Reduction Request	I	DCD Staff	Hearing Examiner	Superior Court
	>25%	Variance	III	Hearing Examiner	-----	Superior Court
*Using the Wetland Rating System for Western Washington, Updated 2014						
<b>Streams and Lakes Under 20 Acres**</b>						
Stream- Administrative	Up to 25%	Critical Area Buffer Reduction Request	I	DCD Staff	Hearing Examiner	Superior Court
Stream- Administrative- for Single Family	25-50%	Critical Area Buffer Reduction Request	II	DCD Staff	Hearing Examiner	Superior Court
	>50%	Variance	III	Hearing Examiner	-----	Superior Court
Stream- Administrative- all other uses	>25%	Variance	III	Hearing Examiner	-----	Superior Court
**Buffer averaging must be utilized first, if possible, before all-over reduction is permitted.						
<b>Other Critical Areas Buffer/Setback Reductions</b>						
Geologically Hazardous Area	With Geotechnical Report Approval	No additional application	I	DCD Staff	Hearing Examiner	Superior Court
Critical Aquifer Recharge Area	With Hydrogeological Report Approval	No additional application	I	DCD Staff	Hearing Examiner	Superior Court
Other Wildlife Habitat Conservation Areas	With Habitat Management Plan Approval	No additional application	I	DCD Staff	Hearing Examiner	Superior Court