



BROCHURE # 36 **CRITICAL AREAS ORDINANCE**



OVERVIEW

Because of the technical nature of identifying critical areas, property owners may not realize they have one or more type of critical areas on or adjacent to their property. Additionally, many may not be aware of regulations, which need to be considered before making changes.

Anyone who is thinking about developing or changing the physical aspects of their property should call first, before it becomes necessary and expensive to correct a problem. Please contact DCD at (360) 337-5777 for assistance before designing, developing or changing property within the unincorporated portion of Kitsap County. This includes any development in or next to water, next to marsh/wet areas, in areas covered by native vegetation, steep slopes and areas that show land movement (landslides) or erosion.

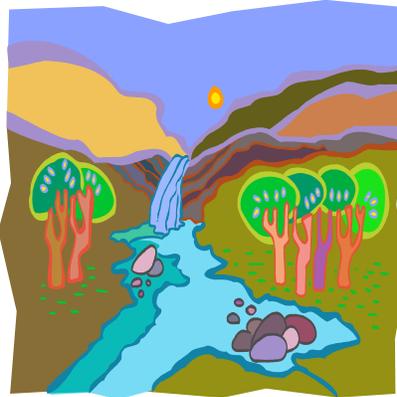
Critical area maps are available at https://spf.kitsapgov.com/dcd/pagaes/Community_Development_Maps.aspx. All maps are for informational purposes only and are an indication of potential critical areas.

WHAT IS A CRITICAL AREA?

Critical areas are lands with natural hazards or lands that support certain unique, fragile or valuable resource areas. Lands designated by Kitsap County as critical include:

- Wetlands
- Fish and Wildlife Habitat Conservation Areas
- Geologically Hazardous Areas
- Frequently Flooded Areas
- Critical Aquifer Recharge Areas

Critical Areas Ordinance (CAO) Protection of critical areas is mandated by Washington State's Growth Management Act. Kitsap County adopted critical area policies in the Comprehensive Plan, and in July 2017 adopted amendments to the Critical Areas Ordinance (CAO). This ordinance limits land



uses or development and establishes review procedures for these five critical area Types.

The Kitsap County Code (KCC) protects critical areas as well as their buffers in order to protect public health and safety, and to promote environmental health in the region. Buffers are areas adjacent to critical areas which are also restricted from specific development activities.

When development is proposed near water, wetlands, or wildlife habitat, an applicant may be asked to provide additional information in order to enable DCD to better assess potential impacts the development might have on critical areas.

Avoiding Impacts to Critical Areas

The CAO emphasizes a sequence of steps during site development to protect critical areas. These include avoiding impacts to critical areas on the property; minimizing impacts to critical areas that cannot be avoided as a result of development; and mitigating for the impacts which may occur to critical areas on the site.

Wetlands

Wetlands involve a combination of water, soil type, and water-oriented plants, man-made or naturally occurring. They have a variety of appearances ranging from a marsh with sedges to a field without exposed water. There are four different types of wetlands that can only be determined by the vegetation, soil, and water. A site investigation is conducted by a wetlands specialist, hired by the applicant, to determine if and where there are wetlands on the property, and if so, to determine the type of wetland.

Different wetlands have different buffers, ranging from 300 ft. to 25 ft., depending on the wetland category (I, II, III, or IV), land use intensity, and functions such as habitat and water quality. Wetland buffers are not to be disturbed and must remain in native vegetation. If

wetlands are permitted to be filled or eliminated, a wetland mitigation plan developed by a qualified wetland specialist is necessary and requires creation of new wetlands at greater than a 1:1 ratio, or wetland enhancement, along with a five-year financial performance bond or guarantee that the new wetland improvements become established.

Fish and Wildlife Conservation Areas

Fish and wildlife conservation areas involve priority species and habitats and include riparian habitats along flowing rivers and streams. Development in these areas may require a Habitat Management Plan prepared by a qualified biologist that identifies how development impacts to wildlife or habitat are going to be mitigated. The riparian habitat found along flowing water of rivers, streams and creeks has buffers of 150 ft. to 50 ft. for different stream types. Portions of larger streams and lakes, as well as marine shorelines, are regulated under the Shoreline Master Program (SMP, Title 22 Kitsap County Code). Shoreline buffers range from 200 ft. to 50 ft. Buffers are to remain in natural vegetative cover which can limit development and uses. In addition, structures and impervious surfaces must be kept outside a 15-ft building setback that extends beyond the buffer.

Geologically Hazardous Areas

Geologically hazardous areas are places highly susceptible to erosion, landslides, earthquakes or other geological events—depending on slope, soil type, geological material and hydrological conditions. The most hazardous of these areas are typically found along the marine shoreline, stream valleys, and steep slopes and typically include landslide, erosion, and seismic hazard areas.

The three types of geologically hazardous areas are identified as either landslide, erosion and seismic hazard areas. These hazard areas have been combined into two categories “high” and “moderate” geologic hazard. Areas of high geologic hazard include areas with slopes greater than/equal to 30 percent. Areas of moderate geologic hazard include slopes ranging from 15 to 30 percent.

Geologically hazardous areas have protective buffers; no clearing or grading is allowed within the buffer or critical area. A minimum native vegetation buffer from the toe of a slope to 25 ft. beyond the top of the slope is required. In areas of high geologic hazard, the minimum building and impervious setback from the top of a slope must be equal to one and one-third times the vertical height of the slope, or 15 ft. beyond the

non-clearing buffer, whichever is greater. In areas of moderate geological hazard the setbacks may be reduced to 40 ft. (15 ft. beyond the 25-ft non-clearing buffer).

Frequently Flooded Areas

In contrast to other areas around Puget Sound, Kitsap County does not have a major river system and the County does not experience the scale of flooding as do neighboring counties. Frequently flooded areas are coastal areas subject to inundation by a depth, velocity, intensity, and frequency of flood waters during major storm events that pose a significant risk to personal property. Development proposed within frequently flooded areas must mitigate for flood hazards and conform to the provisions of ICC 14.02A – Flood Damage Prevention.

Critical Aquifer Recharge Areas

Potable water is an essential life-sustaining element. The majority of Kitsap County drinking water comes from groundwater supplies in aquifers. Critical aquifer recharge areas are very important to shallow and deep water aquifer recharge. As defined in Kitsap County Code chapter 19.150.210, a critical aquifer recharge area means those areas with a critical recharging effect on aquifers used for potable water, and is vulnerable to contamination or reduced recharge. Critical aquifer recharge areas under this title may be established based on general criteria, specifically designated due to special circumstance, or based on scientific studies and mapping efforts. Factors considered in the identification of critical aquifer recharge areas include depth to water table, presence of highly permeable soils, presence of flat terrain, and presence of more permeable surficial geology.

Critical aquifer recharge areas are broken into Category I or Category II. Category I critical aquifer recharge areas are those areas where the potential for certain land use activities to adversely affect groundwater is high. Category II critical aquifer recharge areas are areas that provide recharge effects to aquifers that are current or potentially will become potable water supplies and are vulnerable to contamination based on the type of land use activity.