

1 **Public Review Draft 3/1/17**

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4 **Kitsap County Code Title 19**

5 **Critical Areas Ordinance**

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8 Underline / Strike-out Version

9 **19.100 Introduction and Approval Procedures**

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**Chapter 19.100  
INTRODUCTION AND APPROVAL PROCEDURES**

Sections:

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**19.100.105 Statement of purpose.**

The purpose of the ordinance codified in this title is to identify and protect critical areas as required by the Growth Management Act of 1990 (Chapter 17, Laws of 1990). This title supplements the development requirements contained in the various chapters of the Kitsap County Zoning Ordinance (Title 17 of the Kitsap County Code) by providing for additional controls and measures to protect critical areas. This title is adopted under the authority of Chapter [36.70A](#) RCW, Chapter [36.70](#) RCW and the Kitsap County Code, as now or hereafter amended.

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

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

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

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

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

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

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

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

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

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

18 9. Preserve natural flood control and stormwater storage.

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

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

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

24 **19.100.110 Applicability.**

25 A. Kitsap County shall not grant any permit, license or other development approval to alter the condition  
26 of any land, water or vegetation, or to construct or alter any structure or improvement, nor shall any  
27 person alter the condition of any land, water or vegetation, or construct or alter any structure or

1 improvement, for any development proposal regulated by this title, except in compliance with the  
2 provisions of this title. Failure to comply with the provisions of this title shall be considered a violation and  
3 subject to enforcement procedures as provided for in this title.

4 B. This title applies to all uses and activities within areas or adjacent to areas designated as regulated  
5 critical areas unless identified as exempt in KCC 19.100.125 ~~otherwise exempt~~. The following permits and  
6 approvals shall be subject to and coordinate with the requirements of this title: site development activity  
7 permit; site plan approval; subdivision or short subdivision; building permit; performance based  
8 development, shoreline substantial development; variance; conditional use permit; certain forest practice  
9 permits (Class IV General, Class III Conversion Option Harvest Plans); other permits leading to the  
10 development or alteration of land; and rezones if not combined with another development permit.

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

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

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

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

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

26 **19.100.115 Relationship to other county regulations.**

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

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

- 1 A. Title 2, Government;
- 2 B. Title 9, Health, Welfare and Sanitation;
- 3 C. Title 12, Storm Water Management;
- 4 D. Title 14, Buildings and Construction;
- 5 E. Title 15, Flood Hazard Areas;
- 6 F. Title 16, Land Division and Development;
- 7 G. Title 17, Zoning;
- 8 H. Title 18, Environment;
- 9 I. Title 21, Land Use and Development Procedures;
- 10 J. Title 22, Shoreline Management Master Program;
- 11 K. RCW [36.70A](#), Growth Management Act;
- 12 L. RCW [90.58](#), Shoreline Management Act;
- 13 M. RCW [43.21C](#), State Environmental Policy Act;
- 14 **19.100.120 Review authority.**
- 15 A. In evaluating a request for a development proposal regulated by this title, it shall be the responsibility
- 16 of the department to determine the following:
  - 17 1. The nature and type of critical area and the adequacy of any special reports required in
  - 18 applicable sections of this title;
  - 19 2. Whether the development proposal is consistent with this title, by granting, denying or
  - 20 conditioning projects;
  - 21 3. Whether proposed alterations to critical areas are appropriate under the standards contained
  - 22 in this title, or whether it is necessary for the applicant to seek a variance or other exception; and
  - 23 4. Whether the protection mechanisms and the mitigation and monitoring plans and bonding
  - 24 measures proposed by the applicant are sufficient to protect the public health, safety and welfare

1 consistent with the goals, purposes and objectives of this title, and if not, condition the permit or  
2 approval accordingly.

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

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

9 D. Time Limitations.

10 1. Expiration of Approval.

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

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

18 2. Time Extensions.

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

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

23 c. A written request for a time extension shall be filed with the department at least ~~30~~<sup>3060</sup>  
24 days prior to the expiration of the approval.

25 d. Upon filing of a written request for a time extension, a copy shall be sent to each  
26 party of record together with governmental departments or agencies that were involved in  
27 the original approval process. By letter, the department shall request written comments  
28 be delivered to the department within ~~15~~<sup>1530</sup> days of the date of the letter.

1 e. Prior to the granting of a time extension, the department may require a new  
2 application(s), updated study(ies), and fee(s) if:

3 (1) The original intent of the approval is altered or enlarged by the renewal;

4 (2) The circumstances relevant to the review and issuance of the original  
5 approval have changed substantially; or

6 (3) The applicant failed to abide by the terms of the original approval.

7 ~~f. If approved, the one-year time extension shall be calculated from the date of granting~~  
8 ~~said approval.~~

9 f.g. The department has the authority to grant or deny any requests for time extensions  
10 based upon demonstration by the applicant of good cause for the delay. Time extensions  
11 shall be granted in writing and documented in the file.

12 g. If approved, the one-year time extension shall be calculated from the date of granting  
13 said approval.

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15 **19.100.125 Exemptions.**

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

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

20 B. Pre-existing and ongoing agricultural activities on lands containing critical areas. For the purpose of  
21 this title, “existing and ongoing” means that the activity has been conducted and/or maintained within the  
22 past five years under a farm management plan or other best management practices not resulting in a net  
23 loss of critical area functions and values.

24 C. Normal and routine maintenance and operation of pre-existing retention/detention facilities, biofilters  
25 and other stormwater management facilities, irrigation and drainage ditches, farm ponds, fish ponds,  
26 manure lagoons, and livestock water ponds, provided that such activities shall not involve conversion of  
27 any wetland not currently being used for such activity.

1 D. Structural alterations to buildings, otherwise allowed ~~permitted~~ under the Kitsap County Code and  
2 that do not alter the structural footprint or introduce new adverse impacts to an adjacent critical area.

3 E. Normal and routine maintenance or repair of existing utility structures within a right-of-way or within  
4 existing utility corridor or easements, including the cutting, removal and/or mowing of vegetation above  
5 the ground so long as in accordance with best management practices.

6 F. Forest Practices conducted pursuant to RCW 76.09, except Class IV (general conversions) and  
7 Conversion Option Harvest Plans (COHP).

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11 **19.100.130 Standards for existing development.**

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

15 AB. Existing Nonconforming Structures.

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

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

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



1 4. Nonconforming structures which are damaged or destroyed by fire, explosion, or other  
2 casualty, may be restored or replaced if reconstruction is commenced within 24 months of such  
3 damage. The reconstruction or restoration shall not serve to expand, enlarge or increase the  
4 nonconformity except as allowed through the provisions of this section.

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

16 **19.100.135 Variances.**

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

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

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

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

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

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

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

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

6 C. Except when application of this title would deny all reasonable use of the property (Section  
7 19.100.140), an applicant who seeks an exception from the standards and requirements of this title shall  
8 pursue relief by means of a variance as provided for in this title.

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

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

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

15           1. Application of this title to the utility's activities would be inconsistent with the Comprehensive  
16 Plan and the Utility's public service obligations;

17           2. The proposed utility activity does not pose an unreasonable threat to the public health, safety  
18 or welfare on or off the development proposal site; and

19           3. Any alterations permitted to these critical areas shall be the minimum necessary to  
20 reasonably accommodate the proposed utility activity and mitigate when feasible.

21 **19.100.140 Reasonable use exception.**

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

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

14 Special use review is an administrative process unless the underlying permit requires a public hearing.  
15 Special use review may be requested for revisions to existing permits, or when review by external  
16 authorities would be necessary to assure the department applies reasonable conditions to minimize,  
17 rectify, or compensate for impacts to the critical area or buffer. Those external authorities include, but are  
18 not limited to federal agencies, state agencies, tribes, public utilities, and Kitsap Public Health.

19 The department is authorized to take action on permits as required by this title. Development identified  
20 as a special use review may be approved, approved with conditions, or denied according to the  
21 procedures and criteria outlined in this section.

22 A. The department may approve a permit after review of the application and any required special  
23 reports ~~wetland mitigation plan~~ submitted in accordance with this title. The department shall determine  
24 whether the use or activity cannot be avoided because no reasonable or practicable alternative exists, the  
25 proposed use is consistent with the spirit and intent of this title and it will not cause adverse impacts to the  
26 critical area ~~wetland~~ or the ~~wetland~~ buffer which cannot be mitigated. In taking action to approve a special  
27 use review, the department may attach reasonable conditions.

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

4 C. Special use review determinations are appealable to the hearings examiner pursuant to Section  
5 19.100.15045 (Appeals).

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7 **19.100.15045 Appeals.**

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

9 1. Any decision to approve, condition or deny a development proposal, or any disagreement on  
10 conclusions, methodology, rating systems, etc. between the department and such person or firm  
11 which prepares special reports pursuant to Chapter 19.700 may be appealed by the applicant or  
12 affected party to the Kitsap County hearing examiner.

13 2. Any decision to approve, condition or deny a variance application by the department may be  
14 appealed by the applicant or affected party to the Kitsap County hearing examiner.

15 3. Any decision to require, or not require a special report pursuant to this title may be appealed  
16 by the applicant or affected party to the Kitsap County hearing examiner.

17 B. Appeal Process. The appeals process will be pursuant to procedures in KCC 21.04, or as amended  
18 hereafter. following process shall be followed in submitting an appeal and taking action:

19 ~~1. Any appeal regarding a decision to require, or not require a special report shall be made~~  
20 ~~within fourteen calendar days of the decision. The appeal shall be in writing stating the basis that~~  
21 ~~such reports should or should not be required for the proposed development. The hearing~~  
22 ~~examiner may (a) remand the decision back to the department requesting that specific issues be~~  
23 ~~reconsidered; (b) modify the decision of the department; or (c) uphold the decision of the~~  
24 ~~department.~~

25 ~~2. Any appeal regarding a decision to approve, condition or deny a development proposal~~  
26 ~~based on this title, or any decision to approve, condition or deny a variance, shall be made within~~  
27 ~~fourteen calendar days of the decision. A fee in an amount as established under the Kitsap~~  
28 ~~County Code shall be paid to the department at the time an appeal is filed. The appeal shall be in~~  
29 ~~writing and shall state specifically the issues that are the subject of the appeal, focusing on the~~  
30 ~~specific inadequacies of the particular decision under dispute. The hearing examiner may (a)~~

1 ~~remand the decision back to the department requesting that specific issues be reconsidered; (b)~~  
2 ~~modify the decision of the department; or (c) uphold the decision of the department.~~

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

5 **19.100.1550 Critical area and buffer notice to title.**

6 Project applicants shall sign a "Critical Area and Buffer Notice to Title" (See Chapter 19.800, Appendix  
7 "E") to be filed with the Kitsap County auditor on all development proposals subject to this title and  
8 containing any critical area or its buffer. After review of the development proposal, the department will  
9 condition critical area development in accordance with this title. These standards will be identified on the  
10 approved notice to title, which shall run with the land in accordance with this title. This notice shall serve  
11 as an official notice to subsequent landowners that the landowner shall accept sole responsibility for any  
12 risk associated with the land's identified critical area.

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

17 **19.100.16055 General application requirements.**

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

25 B. The applicant must comply with the standards and requirements of this title as well as standards  
26 relating to Title 12 of the Kitsap County Code (Stormwater Management) set forth by the department, as  
27 now or hereafter amended. To expedite the permit review process, the department shall be the lead  
28 agency on all work related to critical areas. Development may be prohibited in a proposed development  
29 site based on criteria set forth in this title; the applicant should first determine whether this is the case  
30 before applying for permits from the department.

31 C. Application for development proposals, reasonable use exception or variances regulated by this title  
32 or for review of special reports shall be made with the department by the property owner, lessee, contract

1 purchaser, other person entitled to possession of the property, or by an authorized agent as listed in  
2 Chapter 19.700 (Special Reports).

3 D. A filing fee in an amount established under KCC 21.10 ~~the Kitsap County Zoning Ordinance~~ shall be  
4 paid to the department at the time an application for a permit relating to a critical area or a special report  
5 review is filed.

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

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

10 G. All ~~site plan~~ applications for development ~~proposals~~ subject to this title shall include a site plan drawn  
11 to scale identifying locations of critical areas, location of proposed structures and activities, including  
12 clearing and grading and general topographic information as required by the department. If the  
13 department determines that additional critical areas are found on the subject property, the applicant shall  
14 amend the site plan to identify the location of the critical area. When it is determined that regulated  
15 activities subject to the provisions of the State Environmental Policy Act (SEPA) as implemented by Title  
16 18 of the Kitsap County Code (Environment) are likely to cause a significant, adverse environmental  
17 impact to the critical areas identified in this title that cannot be adequately mitigated through compliance  
18 with this title, environmental assessment and mitigation measures may be imposed consistent with the  
19 procedures established in Title 18 of the Kitsap County Code (Environment).

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

27 **19.100.1650 Inventory provisions.**

28 The approximate location and extent of mapped critical areas within Kitsap County are shown on the  
29 maps adopted as part of this title, and incorporated herein by this reference. These maps shall be used  
30 only as a general guide for the assistance of the department and the public; the type, extent and  
31 boundaries may be determined in the field by a qualified specialist or staff person according to the

1 requirements of this title. In the event of a conflict between a critical area location shown on the county's  
2 maps and that of an on-site determination, the on-site determination will apply.

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

6 **19.100.17065 Enforcement.**

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

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

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

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

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

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