



CRITICAL AREAS ORDINANCE UPDATE

March 19, 2024

Planning Commission Briefing

Colin Poff

PURPOSE OF BRIEFING

Discuss schedule & next steps

Highlight some changes in draft document

Prepare for April work studies

2024 NEXT STEPS*

*(*DATES ARE TENTATIVE & SUBJECT TO CHANGE)*



MARCH 2024:
RELEASE DRAFT CODE
AMENDMENTS



**MARCH – APRIL
2024:** PUBLIC
COMMENT PERIOD



APRIL 2024:
PLANNING
COMMISSION WORK
STUDIES



MAY 2024:
PLANNING
COMMISSION PUBLIC
HEARING



**JULY – AUGUST
2024:** PUBLIC
COMMENT PERIOD



AUGUST 2024:
BOARD OF COUNTY
COMMISSIONERS
PUBLIC HEARING



SEPTEMBER 2024:
CAO ADOPTION

BASIS OF CHANGES



Best Available Science Report



Consistency and Gaps Analysis, The Watershed Company



Updated State Guidance



Staff suggested edits



Public and Working Group Input

UPDATED SECTIONS

19.100 – Introduction and Approval

19.150 - Definitions

19.200 – Wetlands

19.300 – Fish & Wildlife Habitat Conservation Areas

19.400 – Geologic Hazards

19.700 – Special Reports

19.100 INTRODUCTION AND APPROVAL: KEY CHANGES

- Clarified criteria and process for expansion of nonconforming structures.
- Added mitigation sequencing to general applications requirements.

19.200 WETLANDS: KEY CHANGES

- Provisions for decreasing buffer (Similar organization to FWHCA)
 - Added to clarify current process for administrative buffer reduction criteria, buffer averaging and protection of trees
- Enhanced or Increased Wetland Buffer Width
 - Director may require increased buffer or vegetation on case-by-case basis
 - Ecology recommendation that buffer provides full function when adequately vegetated.
- “Buffer Break” (Similar changes made to FWHCA)
 - Using DOE’s language, provided guidelines and definition for a disconnected buffer (aka buffer break)

19.200 WETLANDS: KEY CHANGES (CONT)

- Mitigation Compliance
 - Mitigation requirements run with the parcel – recorded as a covenant
 - Monitoring required - reports on an annual basis for a minimum of 5 years.

- Mitigation Replacement Ratios
 - Updated for consistency with Ecology
 - Methods of Compensatory Mitigation updated, including restoration, establishment enhancement, preservation, etc.

19.300 FWHCA: KEY CHANGES

- Increased Buffer Widths based on WDFW Riparian Management Guidance
 - Increased buffer widths on Type 'F' Stream from 150 feet to 200 feet
 - Increased widths on Type 'N' streams from 50 to 100 feet
- Uses recommended “predictive model”.
- Proposed Alternative UGA Buffer Width for added flexibility, consistent with B.A.S, for projects that meet a specific criteria.

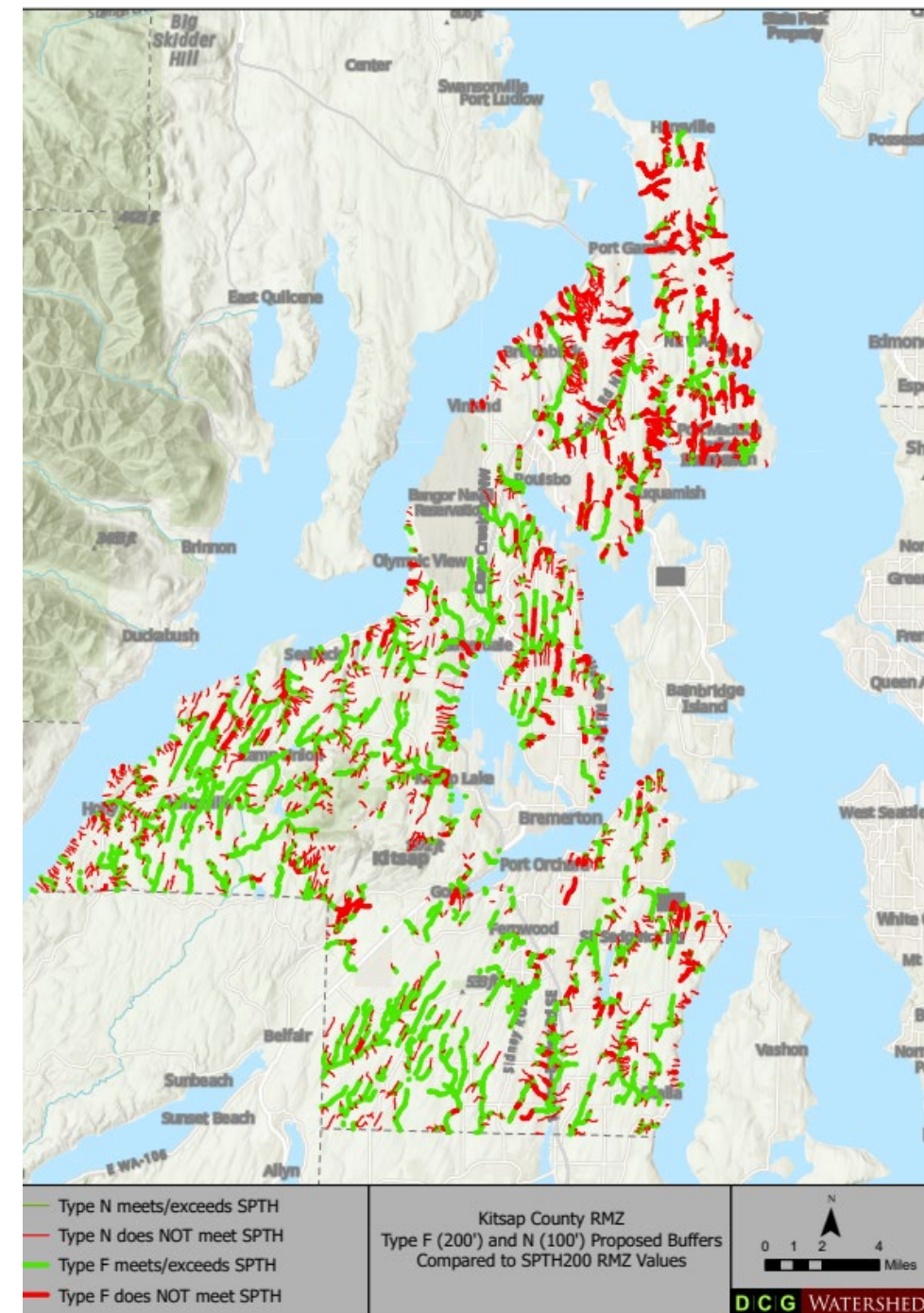
APPLYING BAS & STATE GUIDANCE

- *RCW 36.70A.172 Counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas.*
- WAC 365-196-830 ensure no net loss of ecological functions and values.
- Balance with other GMA goals



“PREDICTIVE MODEL”

- Retains existing stream typing system for predictability.
 - SPTH would likely require frequent site-specific study/analysis
- Increase Type N stream buffers to 100 feet to ensure pollutant removal function & increase riparian function (litter fall, wood recruitment, bank erosion)
- Incorporates larger buffers for Type F streams to better implement WDFW guidance, based on SPTH values.
- Recommended increase of Type F streams from 150-ft to 200-ft to meet or exceed SPTH widths 72% of the time.



19.300 FWHCA: KEY CHANGES (CON'T)

- Alternative UGA Buffer Width
 - 150 feet for Type 'F' streams
 - 75 feet for Type 'N' streams
- Applies to multifamily, redevelopment, and restoration
- Existing buffer has function-limited vegetation or predominantly invasive vegetation
- Provides an HMP which demonstrates greater riparian function will be provided
- Current buffer conditions are not the result of a willful code violation

19.700 SPECIAL REPORTS: KEY CHANGES

- Site Protection – Mitigation
- Require protection of mitigation areas in perpetuity through a conservation easement, tract, or other legal mechanism.
- Require covenant when compensatory mitigation is required.

2024 NEXT STEPS*

*(*DATES ARE TENTATIVE & SUBJECT TO CHANGE)*



MARCH 2024:
RELEASE DRAFT CODE
AMENDMENTS



**MARCH – APRIL
2024:** PUBLIC
COMMENT PERIOD



APRIL 2024:
PLANNING
COMMISSION WORK
STUDIES



MAY 2024:
PLANNING
COMMISSION PUBLIC
HEARING



**JULY – AUGUST
2024:** PUBLIC
COMMENT PERIOD



AUGUST 2024:
BOARD OF COUNTY
COMMISSIONERS
PUBLIC HEARING



SEPTEMBER 2024:
CAO ADOPTION

FOR MORE INFORMATION:

Project webpage: kcowa.us/cao

Comments & Questions:
codeupdates@kitsap.gov

Colin Poff, Planning Supervisor
cpoff@kitsap.gov

Kathlene Barnhart, Long Range Planner
kbarnhart@kitsap.gov

360-337-5777

