

# Kitsap County Critical Areas Ordinance

Title 19 Kitsap County Code

## Staff Draft

Underline/Strikeout



November 1, 2005

Kitsap County  
Department of Community Development

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# Title 19

## CRITICAL AREAS ORDINANCE

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### Chapter 19.100

#### INTRODUCTION AND APPROVAL PROCEDURES

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**19.100.105 Statement of purpose.**

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

- 41
- 42 **A. Goal Statement.** It is the goal of Kitsap County that the beneficial functions and values of critical  
43 areas be preserved, and potential dangers or public costs associated with the inappropriate use of  
44 such areas be minimized by reasonable regulation of uses within, adjacent to, or directly affecting  
45 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
- 4 1. Conserve and protect the environmental factors that add to the quality of life for current and  
5 future residents of Kitsap County and the state of Washington.
- 6
- 7 2. Protect the public against avoidable losses from maintenance and replacement of public  
8 facilities, property damage, ~~publicly subsidizing mitigation of avoidable impacts, and public~~  
9 emergency rescue and relief operations.
- 10
- 11 3. Identify critical areas and their environmental functions and values.
- 12
- 13 4. Protect critical areas and their functions and values by regulating use and management within  
14 these areas and adjacent lands.
- 15
- 16 5. Preserve the habitat, water quality, and water quantity functions and values of wetlands.
- 17
- 18 6. Protect water quality by controlling erosion and carefully siting uses and activities that can  
19 detrimentally affect stream flows or aquatic habitat quality.
- 20
- 21 7. Guide development proposals to the most environmentally suitable and stable portion of a  
22 development site.
- 23
- 24 8. Avoid potential damage due to geological hazards or flooding.
- 25
- 26 9. Preserve natural flood control and stormwater storage.
- 27
- 28 10. Maintain groundwater recharge and prevent the contamination of groundwater.
- 29
- 30 11. Prevent cumulative adverse environmental impacts to water, wetlands, fish and wildlife  
31 habitats, frequently flooded areas, geologically hazardous areas, and aquifer recharge areas.
- 32
- 33 12. Whenever mitigation is required, pursue as a preferred option, restoration and enhancement  
34 of previously impacted critical areas and their buffers.  
35 (Ord. 217 (1998) § 3 (part), 1998)
- 36

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37 **19.100.110 Applicability.**

- 38
- 39 A. Kitsap County shall not grant any permit, license or other development approval to alter the  
40 condition of any land, water or vegetation, or to construct or alter any structure or improvement,  
41 nor shall any person alter the condition of any land, water or vegetation, or construct or alter any  
42 structure or improvement, for any development proposal regulated by this title, except in  
43 compliance with the provisions of this title. Failure to comply with the provisions of this title shall  
44 be considered a violation and subject to enforcement procedures as provided for in this title.
- 45
- 46 B. This title applies to all uses and activities within areas or adjacent to areas designated as regulated  
47 critical areas unless otherwise exempt. The following permits and approvals shall be subject to and

1 coordinate with the requirements of this title: site development activity permit; site plan approval;  
2 subdivision or short subdivision; building permit; performance based development; shoreline  
3 substantial development; variance; conditional use permit; certain forest practice permits (Class IV  
4 General, Class III Conversion Option Harvest Plans); other permits leading to the development or  
5 alteration of land; and rezones if not combined with another development permit.

6  
7 C. Non-project actions including, but not limited to, rezones, annexations, and the adoption of plans  
8 and programs, shall be subject to critical area review.

9  
10 D. This title does not require any permit in addition to those otherwise required by county ordinances.  
11 This title is an overlay to the Zoning Ordinance; while it does not require any additional permits,  
12 activities regulated by the Zoning Ordinance are also subject to critical area requirements.

13  
14 E. The development standards and other requirements of this title shall be applied to uses and  
15 activities for any permit review or approval process otherwise required by county ordinances.

16  
17 F. Uses and activities in critical areas or their buffers for which no permit or approval is required by  
18 any other county ordinance remain subject to the development standards and other requirements of  
19 this title. While this title does not require a review or approval process for such uses and activities,  
20 they remain subject to this title.

21  
22 G. For the purpose of this title, the area of review is defined as the critical area and its largest potential  
23 buffer or setback.. This defines the area of review only. Refer to Chapters 19.200 through 19.600  
24 for specific development standards.

25 (Ord. 217 (1998) § 3 (part), 1998)

26  
27 **19.100.115 Relationship to other county regulations.**

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

31  
32 Applications for permits and approvals are subject to the provisions of this title as well as to other  
33 provisions of state and county law, which include, but are not limited to, the following:

- 34  
35 A. Title 2 Government  
36 B. Title 9 Health, Welfare and Sanitation  
37 C. Title 12 Stormwater Management  
38 D. Title 14 Buildings and Construction  
39 E. Title 15 Flood Hazard Areas  
40 F. Title 16 Land Division and Development  
41 G. Title 17 Zoning  
42 H. Title 18 Environment  
43 I. Title 21 Land Use and Development Procedures  
44 J. Title 22 Shoreline Management Master Program  
45 K. RCW 36.70A, Growth Management Act

- 1 L. RCW 90.58, Shoreline Management Act
- 2 M. RCW 43.21C, State Environmental Policy Act

3  
4 **19.100.120 Review authority.**

- 5
- 6 A. In evaluating a request for a development proposal regulated by this title, it shall be the
- 7 responsibility of the department to determine the following:
- 8
- 9 1. The nature and type of critical area and the adequacy of any special reports required in
- 10 applicable sections of this title;
- 11
- 12 2. Whether the development proposal is consistent with this title, by granting, denying or
- 13 conditioning projects;
- 14
- 15 3. Whether proposed alterations to critical areas are appropriate under the standards contained in
- 16 this title, or whether it is necessary for the applicant to seek a variance or other exception; and
- 17
- 18 4. Whether the protection mechanisms and the mitigation and monitoring plans and bonding
- 19 measures proposed by the applicant are sufficient to protect the public health, safety and
- 20 welfare consistent with the goals, purposes and objectives of this title, and if not, condition the
- 21 permit or approval accordingly.
- 22
- 23 B. The department shall have the administrative authority to adjust the standards for buffers and
- 24 building setbacks as outlined in specific critical area sections of this title.
- 25
- 26 C. Where projects have been approved with conditions to protect critical areas under previous
- 27 protection policies in effect prior to the ordinance codified in this title, those conditions will apply.
- 28 Nevertheless, this title may apply in cases where the department determines, based on review of
- 29 current information that the prior conditions will result in a detrimental impact to a critical area.
- 30
- 31 D. **Time Limitations.**

32  
33 **1. Expiration of Approval.**

- 34 a. Approvals granted under this title shall be valid for the same time period as the
- 35 underlying permit (e.g. preliminary plat, site development, building permit). If the
- 36 underlying permit does not contain a specified expiration date, then approvals granted
- 37 under this Title shall be valid for a period of three years from the date of issue, unless a
- 38 longer or shorter period is specified by the department.
- 39 b. The approval shall be considered null and void upon expiration, unless a time
- 40 extension is requested and granted as set forth in subsection 2 below.

41  
42 **2. Time Extensions.**

- 43 a. The applicant or owner(s) may request in writing a one-year extension of the original
- 44 approval.
- 45 b. Knowledge of the expiration date and initiation of a request for a time extension is the
- 46 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 party  
4 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 approval  
11 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.

17 (Ord. 217 (1998) § 3 (part), 1998)

18  
19 **19.100.125 Exemptions.**

20  
21 The following activities are exempt from the requirements of this title:

- 22  
23 A. Emergencies that threaten the public health, safety and welfare. An "emergency" is an  
24 unanticipated and immediate threat to public health, safety, or the environment that requires action  
25 within a time too short to allow compliance with this title.
- 26  
27 B. Pre-existing and ongoing agricultural activities on lands containing critical areas. For the purpose  
28 of this title, "existing and ongoing" means that the activity has been conducted and/or maintained  
29 within the past five years.
- 30  
31 C. Normal and routine maintenance and operation of pre-existing retention/detention facilities,  
32 biofilters and other stormwater management facilities, irrigation and drainage ditches, farm ponds,  
33 fish ponds, manure lagoons, and livestock water ponds, provided that such activities shall not  
34 involve conversion of any wetland not currently being used for such activity.
- 35  
36 D. Structural alterations to buildings, permitted under the Kitsap County Code that do not alter the  
37 structural footprint or introduce new adverse impacts to an adjacent critical area.
- 38  
39 E. Normal and routine maintenance or repair of existing utility structures within a right-of-way or  
40 existing utility corridor or easements, including the cutting, removal and/or mowing of vegetation  
41 above the ground.
- 42  
43 F. Forest practices conducted pursuant to RCW 76.09, except Class IV (general conversions) and  
44 Conversion Option Harvest Plans (COHP).
- 45  
46 G. Maintenance or reconstruction of existing private roads, driveways, onsite septic systems, and  
47 wells, provided that reconstruction does not involve expansion of facilities, widening, or relocation.

1  
2 H. Reconstruction, remodeling, or maintenance of existing single-family residential structures and  
3 accessory structures that are located outside a flood hazard area and active landslide hazard area,  
4 provided that a one-time only expansion of the building footprint does not increase by more than  
5 20, percent and that the new construction or related activity extends away from the critical area or  
6 related buffer. The exemption shall not apply to reconstruction which is proposed as a result of  
7 structural damage associated with a critical area, such as slope failure in a landslide hazard area or  
8 flooding in a flood hazard area. Expansion up to 20, percent may also occur in a direction parallel  
9 to the critical area or related buffer if the expansion takes place upon existing impervious surfaces.

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11 I. Reconstruction, remodeling, or maintenance of structures, other than single-family structures and  
12 accessory structures that are located outside a flood hazard area and active landslide hazard area,  
13 provided that such reconstruction, remodeling, or maintenance does not increase the floor area nor  
14 extend beyond the existing ground coverage. The exemption shall not apply to reconstruction  
15 which is proposed as a result of site or structural damage associated with a critical area, such as  
16 slope failure in a landslide hazard area or flooding in a flood hazard area.

17  
18 (Ord. 217 (1998) § 3 (part), 1998)

19  
20 **19.100.130 Standards for existing development.**

21  
22 A. **Shorelines.** This section incorporates by reference the existing development standards provided in  
23 Title 22 Kitsap County Code Shoreline Management Program applicable to development on  
24 shorelines of the state (WAC 173-27-080), as now or hereafter amended.

25  
26 **B. Existing Nonconforming Structures**

- 27  
28 1. Existing nonconforming development means a development that was lawfully constructed,  
29 approved or established prior to the effective date of the ordinance codified in this title, but  
30 does not conform to present regulations or standards of this title.  
31  
32 2. Structures in existence on the effective date of the ordinance codified in this title that do not  
33 meet the setback or buffer requirements of this title may be remodeled or reconstructed  
34 provided that the new construction or related activity does not further intrude into the critical  
35 area or its associated buffers.  
36  
37 3. Existing nonconforming structures shall not be expanded or altered in any manner that will  
38 increase the nonconformity without a permit issued pursuant to the provisions of this title,  
39 except as allowed through the provisions of 19.100.125 G, H and I.  
40  
41 4. Nonconforming structures which are damaged or destroyed by fire, explosion, or other  
42 casualty, may be restored or replaced if reconstruction is commenced within one year of such  
43 damage and is substantially completed within 18 months of the date such damage occurred.  
44 The reconstruction or restoration shall not serve to expand, enlarge or increase the  
45 nonconformity except as allowed through the provisions in 19.100.125 G, H and I.  
46

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

11 (Ord. 217 (1998) § 3 (part), 1998)

12  
13 **19.100.135 Variances.**

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

- 18 1. Because of special circumstances applicable to the subject property, including size, shape, or  
19 topography, the strict application of this title is found to deprive subject property of rights and  
20 privileges enjoyed by other properties in the vicinity; provided, however, the fact that those  
21 surrounding properties have been developed under regulations in force prior to the adoption of  
22 this ordinance shall not be the sole basis for the granting of a variance.
- 23 2. The special circumstances referred to in subsection 1 above are not the result of the actions of  
24 the current or previous owner.
- 25 3. The granting of the variance will not result in substantial detrimental impacts to the critical  
26 area, to the public welfare nor be injurious to the property or improvements in the vicinity nor  
27 be contrary to the goals, policies and purpose of this title.
- 28 4. The granting of the variance is the minimum necessary to accommodate the permitted use.
- 29 5. No other practicable or reasonable alternative exists. (See Definitions, Section 19.150.520 and  
30 19.150.560.)
- 31 6. A mitigation plan (where required) has been submitted and is approved for the proposed use of  
32 the critical area.

33  
34 B. Kitsap County shall conduct a public hearing on all ~~variance applications pursuant to the review~~  
35 process and notice requirements established in Chapter 17.500 of the Kitsap County Zoning  
36 Ordinance, as now or hereafter amended.

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37  
38 C. Except when application of this title would deny all reasonable use of the property (19.100.140), an  
39 applicant who seeks an exception from the standards and requirements of this title shall pursue  
40 relief by means of a variance as provided for in this title.

- 1 D. Requests for variances shall include the application requirements of Section 19.100.155 (General  
2 Application Requirements), or Section 19.200.240 (Wetland Application Requirements),  
3 whichever is applicable.  
4
- 5 E. The department shall review administrative buffer reductions based on the criteria and standards  
6 referenced in this chapter.  
7
- 8 F. The department may grant variances for public utilities to the substantive or procedural  
9 requirements of this title when:  
10
- 11 1. Application of this title to the utility's activities would be inconsistent with the Comprehensive  
12 Plan or the utility's public service obligations;
  - 13 2. The proposed utility activity does not pose an unreasonable threat to the public health, safety or  
14 welfare on or off the development proposal site; and
  - 15 3. Any alterations permitted to these critical areas shall be the minimum necessary to reasonably  
16 accommodate the proposed utility activity and shall be mitigated when feasible.
- 17 (Ord. 217 (1998) § 3 (part), 1998)  
18  
19

20  
21 **19.100.140 Reasonable use exception.**  
22

23 If the application of this title would deny all reasonable use of the property, the applicant may apply  
24 for a reasonable use exception pursuant to this section:  
25

- 26 A. The applicant shall apply to the department, and the department shall prepare a recommendation to  
27 the hearing examiner. The applicant may apply for a reasonable use exception without first having  
28 applied for a variance, if the requested exception includes relief from standards for which a  
29 variance cannot be granted pursuant to the provisions of the section. The property owner and/or  
30 applicant for a reasonable use exception has the burden of proving that the property is deprived of  
31 all reasonable uses. The examiner shall review the application and shall conduct a public hearing  
32 pursuant to the provisions of Title 21 Kitsap County Code (Land Use and Development  
33 Procedures). The examiner shall make a final decision based on the following criteria:  
34
- 35 1. The application of this title would deny all reasonable use of the property;
  - 36 2. There is no other reasonable use which would result in less impact on the critical area;
  - 37 3. The proposed development does not pose an unreasonable threat to the public health, safety or  
38 welfare on or off the development proposal site and is consistent with the general purposes of  
39 this title and the public interest, and does not conflict with the Endangered Species Act or other  
40 relevant state or federal laws; and
  - 41 4. Any alterations permitted to the critical area shall be the minimum necessary to allow for  
42 reasonable use of the property.  
43  
44  
45  
46

1 B. Any authorized alterations of a critical area under this section shall be subject to conditions  
2 established by the examiner including, but not limited to, mitigation under an approved mitigation  
3 plan.  
4 (Ord. 217 (1998) § 3 (part), 1998)

5  
6 **19.100.145 Appeals.**

7  
8 A. **Appealable Actions.** The following decisions or actions required by this title may be appealed:

- 9  
10 1. Any decision to approve, condition or deny a development proposal, or any disagreement on  
11 conclusions, methodology, rating systems, etc., between the department and such person or  
12 firm which prepares special reports pursuant to Chapter 19.700 may be appealed by the  
13 applicant or affected party to the Kitsap County hearing examiner.  
14  
15 2. Any decision to approve, condition or deny a variance application by the department may be  
16 appealed by the applicant or affected party to the Kitsap County hearing examiner. Deleted: n administrative  
17  
18 3. Any decision to require, or not require a special report pursuant to this title may be appealed by  
19 the applicant or affected party to the Kitsap County hearing examiner.  
20

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

- 23  
24 1. Any appeal regarding a decision to require, or not require a special report shall be made within  
25 fourteen calendar days of the decision. The appeal shall be in writing stating the basis that such  
26 reports should or should not be required for the proposed development. The hearing examiner  
27 may: (i) remand the decision back to the department requesting that specific issues be  
28 reconsidered; (ii) modify the decision of the department; or (iii) uphold the decision of the  
29 department. Deleted: ten working  
30  
31 2. Any appeal regarding a decision to approve, condition or deny a development proposal based  
32 on this title, or any decision to approve, condition or deny a variance, shall be made within  
33 fourteen calendar days of the decision. A fee in an amount as established under the Kitsap  
34 County Code shall be paid to the department at the time an appeal is filed. The appeal shall be  
35 in writing and shall state specifically the issues that are the subject of the appeal, focusing on  
36 the specific inadequacies of the particular decision under dispute. The hearing examiner may:  
37 (i) remand the decision back to the department requesting that specific issues be reconsidered;  
38 (ii) modify the decision of the department; or (iii) uphold the decision of the department. Deleted: ten working  
39  
40 3. Kitsap County shall not issue any permit, license or other development approval on the  
41 development proposal site pending the outcome of the appealed decision.

42 (Ord. 217 (1998) § 3 (part), 1998)

43  
44  
45 **19.100.150 Critical area and buffer notice to title.**  
46

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

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8  
9 Notice to title may not be required in cases where the clearing or building footprint will not adversely  
10 impact a critical area or its buffer (i.e., normal repair and maintenance, not adjacent to a critical area).  
11 Lack of such notice to title on a specific parcel does not indicate that Kitsap County has determined  
12 critical areas or buffers do not exist on that parcel.  
13 (Ord. 217 (1998) § 3 (part), 1998)

14  
15 **19.100.155 Application requirements, general.**

- 16  
17 A. All applicants are required to meet with the department prior to submitting an application subject to  
18 the Kitsap County Zoning Ordinance; all applicants for construction of a single family dwelling are  
19 encouraged to do so. The purpose of this meeting is to discuss Kitsap County's zoning and  
20 applicable critical area requirements, to review any conceptual site plans prepared by the applicant  
21 and to identify potential impacts and mitigation measures. Such conference shall be for the  
22 convenience of the applicant and any recommendations shall not be binding on the applicant or the  
23 county.  
24  
25 B. The applicant must comply with the standards and requirements of this title as well as standards  
26 relating to Title 12 Stormwater Management set forth by the department, as now or hereafter  
27 amended. To expedite the permit review process, the department shall be the lead agency on all  
28 work related to critical areas. Development may be prohibited in a proposed development site  
29 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  
32 C. Application for development proposals, reasonable use exceptions or variances regulated by this  
33 title or for review of special reports shall be made with the department by the property owner,  
34 lessee, contract purchaser, other person entitled to possession of the property, or by an authorized  
35 agent as listed in Chapter 19.700 (Special Reports).  
36  
37 D. A filing fee in an amount established under Title 17 Kitsap County Code (Zoning), shall be paid to  
38 the department at the time an application for a permit relating to a critical area or a special report  
39 review is filed.  
40  
41 E. Applications for any development proposal subject to this title shall be reviewed by the department  
42 for completeness and consistency with this title.  
43  
44 F. At every stage of the application process, the burden of demonstrating that any proposed  
45 development is consistent with this title is upon the applicant.  
46

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

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Deleted: al Policy Act (SEPA)]

12  
13 H. ~~Zone Reclassification or Comprehensive plan Amendment~~ Prior to taking action on a zone  
14 reclassification or a Comprehensive Plan amendment, the proponent shall complete an  
15 environmental review to confirm the nature and extent of any critical areas on or adjacent to the  
16 property; determine if the subsequent development proposal would be consistent with this title; and  
17 determine whether mitigation or other measures would be necessary if the proposal were approved.  
18 Such review shall occur prior to any SEPA threshold determination. Findings of such review may  
19 be used to condition or mitigate the impact through the SEPA threshold determination or to deny  
20 the proposal if the impacts are significant and cannot be mitigated.

21 (Ord. 217 (1998) § 3 (part), 1998)

22 **19.100.160 Inventory provisions.**

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23  
24 The approximate location and extent of mapped critical areas within Kitsap County are shown on the  
25 maps adopted as part of this title, and incorporated herein by this reference. These maps shall be used  
26 only as a general guide for the assistance of the department and the public; the type, extent and  
27 boundaries may be determined in the field by a qualified specialist or staff person according to the  
28 requirements of this title. In the event of a conflict between a critical area location shown on the  
29 county's maps and that of an on-site determination, the on-site determination will apply.

30  
31 Kitsap County will review map inventory information of all critical areas as it becomes available.

Deleted: or on ¶  
a quarterly basis

32 Mapping will include critical areas that are identified through site-specific analysis  
33 by local, state and federal agencies, the Kitsap Conservation District, tribal governments, citizen  
34 groups and other sources.

35 (Ord. 217 (1998) § 3 (part), 1998)

36  
37 **19.100.165 Enforcement.**

38  
39 A. **Authorization.** The director is authorized to enforce this title, and to designate county employees  
40 as authorized representatives of the department to investigate suspected violations of this title, and  
41 to issue orders to correct violations and notices of infraction.

42  
43 B. **Right of Entry.** When it is necessary to make an inspection to enforce the provisions of this title,  
44 or when the director or his/her designee has reasonable cause to believe that a condition exists on  
45 property which is contrary to or in violation of this chapter, the director or his/her designee may  
46 enter the property to inspect, provided that if the property is occupied that the inspector's  
47 credentials be presented to the occupant and entry requested. If the property is unoccupied, the

- 1 director or his/her designee shall first make a reasonable effort to locate the owner or other person  
2 having charge or control of the premises and request entry. If entry is refused, the director or  
3 his/her designee shall have recourse to the remedies provided by law to secure entry.  
4
- 5 **C. Stop Work Orders.** Whenever any work or activity is being done contrary to the provisions of this  
6 title the director or his/her designee may order the work stopped by notice in writing, served on any  
7 persons engaged in the doing or causing such work to be done, or by posting the property, and any  
8 such persons shall forthwith stop such work or activity until authorized by the director or his/her  
9 designee to proceed.  
10
- 11 **D. Penalties.** The violation of any provision of this title shall constitute a Class I civil infraction. Each  
12 violation shall constitute a separate infraction for each and every day or portion thereof during  
13 which the violation is committed, continued, or permitted. Infractions shall be processed in  
14 accordance with the provisions of Chapter 2.116 of this code, the Kitsap County Civil Enforcement  
15 Ordinance, as now or hereafter amended.  
16
- 17 **E. Imminent and Substantial Dangers.** Notwithstanding any provisions of these regulations, the  
18 director or his/her designee may take immediate action to prevent an imminent and substantial  
19 danger to the public health, welfare, safety or the environment by the violation of any provision of  
20 this chapter.  
21
- 22 **F. Other Legal or Equitable Relief.** Notwithstanding the existence or use of any other remedy, the  
23 director or his/her designee may seek legal or equitable relief to enjoin any acts or practices or  
24 abate any conditions which constitute or will constitute a violation of the provisions of this chapter.  
25 (Ord. 217 (1998) § 3 (part), 1998)  
26

Chapter 19.150  
DEFINITIONS

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- 1 19.150.310 Feeder Bluff
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- 22 19.150.415 Hearing Examiner
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- 35 19.150.490 Ordinary High Water Mark
- 36 19.150.495 Out-of-Kind Compensation
- 37 19.150.500 Performance Based Development (PBD)
- 38 19.150.505 Permeability
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- 41 19.150.520 Practicable Alternative
- 42 19.150.525 Priority Habitat
- 43 19.150.530 Priority Species
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- 45 19.150.540 Public Project of Significant Importance
- 46 19.150.545 Public Right-of-Way
- 47 19.150.550 Public Utility
- 48 19.150.555 Ravine

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1	<b>19.150.560</b>	<b>Reasonable Alternative</b>
2	<b>19.150.565</b>	<b>Reasonable Use</b>
3	<b>19.150.570</b>	<b>Reasonable Use Exception</b>
4	<b>19.150.575</b>	<b>Refuse</b>
5	<b>19.150.580</b>	<b>Regulated Use or Activity</b>
6	<b>19.150.585</b>	<b>Restoration</b>
7	<b>19.150.590</b>	<b>Retention Facilities</b>
8	<b>19.150.595</b>	<b>Riparian Area</b>
9	<b>19.150.600</b>	<b>Salmonid</b>
10	<b>19.150.605</b>	<b>Sensitive Species <u>(State Listed)</u></b>
11	<b>19.150.610</b>	<b>Shorelines</b>
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13	<b><u>19.150.620</u></b>	<b>Special Flood Hazard Areas</b>
14	<b>19.150.625</b>	<b>Species of Concern</b>
15	<b>19.150.630</b>	<b>State Environmental Policy Act or SEPA</b>
16	<b>19.150.635</b>	<b>Streams</b>
17	<b>19.150.640</b>	<b>Swale</b>
18	<b>19.150.645</b>	<b>Threatened Species <u>(State Listed)</u></b>
19	<b>19.150.650</b>	<b>Toe of Slope</b>
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22	<b>19.150.665</b>	<b>Utilities</b>
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24	<b>19.150.671</b>	<b>Wellhead Protection <u>Area</u></b>
25	<b><u>19.150.674</u></b>	<b><u>Wetland Delineation</u></b>
26	<b>19.150.675</b>	<b>Wetland Determination</b>
27	<b>19.150.680</b>	<b>Wetland Edge</b>
28	<b>19.150.685</b>	<b>Wetlands</b>
29	<b>19.150.690</b>	<b>Wetlands, Isolated</b>
30	<b>19.150.695</b>	<b>Wetlands, Mosaic</b>
31	<b>19.150.700</b>	<b>Wetlands of Regional Significance</b>
32	<b>19.150.705</b>	<b>Wetlands of Statewide Significance</b>
33	<b>19.150.710</b>	<b>Wetlands Report</b>
34	<b>19.150.715</b>	<b>Wetlands Specialist</b>
35	<b>19.150.720</b>	<b>Wildlife Biologist</b>

1  
2 **19.150.050 Generally.** As used in this title, the following terms have the meanings given in this  
3 chapter.

4  
5 **19.150.100 Adjacent.** "Adjacent" means an area of review as defined 19.100.110 G within two  
6 hundred feet of a critical area.

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7  
8 **19.150.105 Agricultural activities.** "Agricultural activities" means activities related to vegetation  
9 and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect  
10 pests, soil maintenance and fertilization as well as animal husbandry.

11  
12 **19.150.110 Alteration.** "Alteration" means a human-induced action which changes the existing  
13 condition of a critical area. Alterations include but are not limited to: grading; grubbing; dredging;  
14 channelizing; cutting, clearing, relocating or removing vegetation, except noxious weeds identified by  
15 the Washington State Department of Agriculture or the Kitsap County Cooperative Extension;  
16 applying herbicides, pesticides or any hazardous or toxic substance; discharging pollutants; grazing  
17 domestic animals; modifying for surface water management purposes; or any other human activity that  
18 changes the existing vegetation, hydrology, wildlife or wildlife habitat.

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19  
20 **19.150.115 Anadromous fish.** "Anadromous fish" means fish whose life cycle includes time spent  
21 in both fresh and salt water.

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22  
23 **19.150.120 Applicant.** "Applicant" means the person, party, firm, corporation or legal entity, or  
24 agent thereof, that proposes a development of property in Kitsap County.

25  
26 **19.150.125 Aquaculture Practices.** "Aquaculture practices" means the harvest, culture or farming  
27 of food fish, shellfish, or other aquatic plants and animals including fisheries enhancement and the  
28 mechanical harvesting of shellfish and hatchery culture.

29  
30 **19.150.130 Aquifer.** "Aquifer" means a saturated body of rock, sand, gravel or other geologic  
31 material that is capable of storing, transmitting and yielding water to a well or spring.

32  
33 **19.150.135 Aquifer Recharge.** "Aquifer recharge" means the process by which water is added to  
34 an aquifer. It may occur naturally by the percolation (infiltration) of surface water, precipitation, or  
35 snowmelt from the ground surface to a depth where the earth materials are saturated with water. The  
36 aquifer recharge can be augmented by "artificial" means through the addition of surface water (e.g.,  
37 land application of wastewater or stormwater) or by the injection of water into the underground  
38 environment (e.g., drainfields and drywells).

39  
40 **19.150.140 Aquifer Recharge Area.** "Aquifer recharge areas" means those areas overlying  
41 aquifer(s) where natural or artificial sources of water can move downward to an aquifer(s).

42  
43 **19.150.145 Aquifer Vulnerability.** "Aquifer vulnerability" means the combined effect of  
44 hydrogeological susceptibility to contamination and the contamination loading potential as indicated  
45 by the type of activities occurring on a project area.

46  
47 **19.150.147 Aquitard.** "Aquitard" means an underground geologic layer that has low permeability.

1 **19.150.150 Bank Stabilization.** “Bank stabilization” means lake, stream and open water shoreline  
2 modification including vegetation enhancement, used for the purpose of retarding erosion, protecting  
3 channels or shorelines, and retaining uplands.

4  
5 | **19.150.155 Best Available Science.** “Best Aavailable Science” means scientifically valid  
6 information in accordance with WAC 365-195-905, now or as amended hereafter, that is used to  
7 develop and implement critical areas policies or regulations.

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9 | **19.150.160 Best Management Practices (BMPs).** “Best management practices” or “BMPs”  
10 means conservation practices (physical, structural and/or managerial) or systems of practices and  
11 management measures that:

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12  
13 A. Control soil loss and reduce water quality degradation caused by nutrients, pathogens, bacteria,  
14 toxic substances, pesticides, oil and grease, and sediment; and,

15  
16 | B. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and the  
17 chemical, physical, and biological characteristics of critical areas.

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18  
19 **19.150.165 Bog.** “Bogs” are a type of wetland typically composed of acidic, low nutrient soils and  
20 waters, and high organic matter and that support plants specifically adapted to such conditions that are  
21 not commonly found elsewhere. Bogs may have an overstory of spruce, shore pine and may be  
22 associated with open water.

23  
24 **19.150.170 Buffer.** “Buffer” means a non-clearing native vegetation area which is intended to  
25 protect the functions and values of critical areas.

26  
27 **19.150.175 Candidate Species (state-listed).** “Candidate species (state listed)” means species  
28 under review by the Department of Fish and Wildlife for possible listing as endangered, threatened or  
29 sensitive. A species will be considered for state-candidate designation if sufficient scientific evidence  
30 suggests that its status may meet criteria defined for endangered, threatened, or sensitive in WAC 232-  
31 12-297 as now or hereafter amended. Currently listed state-threatened or state-sensitive species may  
32 also be designated as a state-candidate species if their status is in question. State-candidate species will  
33 be managed by the Department of Fish and Wildlife, as needed, to ensure the long-term survival of  
34 populations in Washington. They are listed in WDFW Policy 4802.

35  
36 **19.150.180 Channel Migration Zone (CMZ).** “Channel migration zones” as defined by WAC  
37 173-26-020(6), as now or hereafter amended, means the area along a river or creek within which the  
38 channel(s) can be reasonably predicted to migrate over time as a result of natural and normally  
39 occurring hydrological and related processes when considered with the characteristics of the river or  
40 creek and its surroundings.

41  
42 **19.150.185 Clearing.** “Clearing” means the destruction, disturbance or removal of vegetation by  
43 physical, mechanical, chemical or other means.

44  
45 **19.150.190 Compensation.** “Compensation” means replacement of project-induced critical area  
46 (e.g., wetland) losses of acreage or functions.

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1 **19.150.195 Creation.** "Creation" means actions performed to intentionally establish a critical area  
2 at a site where it did not formerly exist.

3  
4 **19.150.200 Conversion Option Harvest Plan (COHP).** A "COHP" means a plan for landowners  
5 who want to harvest their land but wish to maintain the option for conversion pursuant to WAC 222-  
6 20-050. "Conversion" to a use other than commercial timber operation shall mean a bona fide  
7 conversion to an active use that is incompatible with timber growing.

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19.150.205 Critical Area Buffer.  
"Critical area buffer" means an area of protection around a critical area.

8  
9  
10 **19.150.210 Critical Aquifer Recharge Areas.** "Critical Aquifer Recharge Areas" means those  
11 land areas that contain hydrogeologic conditions that facilitate aquifer recharge and/or transmitting  
12 contaminants to an underlying aquifer.

13  
14 **19.150.215 Critical Areas.** "Critical areas" are those areas identified as: (a) wetlands; (b) areas  
15 with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat  
16 conservation areas; (d) geologically hazardous areas; and (e) frequently flooded areas.

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18 **19.150.220 Critical Area Protection Easement.** "Critical Area Protection Easement" means an  
19 agreement conveyed through a notice to title, or shown on the face of a plat or site plan, for the  
20 purpose of perpetual or long-term conservation.

21  
22 **19.150.225 Critical Facilities.** "Critical facilities" means those facilities necessary to protect the  
23 public health, safety and welfare, and which are defined as essential facilities or Category III and IV  
24 buildings in accordance with Title 14.04 Kitsap County Building and Fire Code. These facilities  
25 include, but are not limited to schools, hospitals, police stations, fire departments and other emergency  
26 response facilities, and nursing homes. Critical facilities also include sites of hazardous material  
27 storage or production.

28  
29 **19.150.230 Danger Trees.** "Danger trees" means any tree of any height, dead or alive, that  
30 presents a hazard to the public because of rot, root stem or limb damage, lean or any other observable  
31 condition created by natural process or man-made activity consistent with WAC 296-54-529(28), [as](#)  
32 [now or hereafter amended](#).

33  
34 **19.150.235 Debris.** See "Refuse."

35  
36 **19.150.240 Department.** "department" means the Kitsap County Department of Community  
37 Development.

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38  
39 **19.150.245 Detention Facilities.** "Detention facilities" means stormwater facilities designed to  
40 store runoff while gradually releasing it at a predetermined controlled rate. "Detention facilities" shall  
41 include all appurtenances associated with their designed function, maintenance and security.

**Deleted:** stormwater

42  
43 **19.150.250 Development Proposal Site.** "Development proposal site" means the legal boundaries  
44 of the parcel or parcels of land on which an applicant has applied for authority from Kitsap County to  
45 carry out a development proposal.

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1 | **19.150.255 Director.** “Director” means the director of the Kitsap County Department of  
2 | Community Development or a duly authorized designee in the department.

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3  
4 | **19.150.260 Draining (related to wetland).** “Draining” means any human activity that diverts or  
5 | reduces wetland groundwater and/or surface water sources.

6  
7 | **19.150.265 Endangered Species (state listed).** “Endangered species” means a species native to the  
8 | state of Washington that is seriously threatened with extinction throughout all or a significant portion  
9 | of its range within the state. Endangered species are legally designated in WAC 232-12-014, as now or  
10 | hereafter amended.

11  
12 | **19.150.270 Enhancement.** “Enhancement” means actions performed to improve the condition of  
13 | an existing degraded critical area (e.g., wetlands or streams) such that the functions or values are of a  
14 | higher quality, provided that this activity does not significantly degrade another existing function or  
15 | value.

16  
17 | **19.150.275 Erosion.** “Erosion” means the process whereby the land surface is worn away by the  
18 | action of water, wind, ice or other geologic agents, by processes such as gravitational creep or events  
19 | such as landslides caused by natural or manmade impacts.

20  
21 | **19.150.280 Erosion Hazard Areas.** “Erosion hazard areas” means land characterized by any of the  
22 | soil types identified by the U.S. Department of Agriculture Natural Resources Conservation Service as  
23 | “highly erodible land.” This designation pertains to water erosion, not wind erosion. These areas may  
24 | not be highly erodible until or unless the soil is disturbed by activities such as clearing or grading.

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26 | **19.150.285 Excavation.** “Excavation” means the removal of earth material.

27  
28 | **19.150.290 Existing and Ongoing Agriculture.** “Existing and ongoing agriculture” means those  
29 | activities conducted within the last five years on lands defined in RCW 84.34.020(2) or defined as  
30 | “agricultural activities,” in this title. For example, the operation and maintenance of existing farm and  
31 | stock ponds or drainage ditches, operation and maintenance of ditches, irrigation systems including  
32 | laterals, canals, or irrigation drainage ditches, changes between agricultural activities, such as rotating  
33 | crops or grasses used for grazing, and normal maintenance, repair, or operation of existing serviceable  
34 | structures, facilities, or improved areas can be existing and ongoing agriculture. The alteration of the  
35 | contour of wetlands or streams by leveling or filling other than that which results from normal  
36 | cultivation, or draining of wetlands shall not be considered normal or necessary farming or ranching  
37 | activities.

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39 | **19.150.295 Exotic.** “Exotic” means any species of plant or animal that is not indigenous (native) to  
40 | an area.

41  
42 | **19.150.300 Extraordinary Hardship.** “Extraordinary hardship” means where the strict application  
43 | of this title and/or other programs adopted to implement this title by the regulatory authority would  
44 | prevent all reasonable use of the parcel.

1 **19.150.305 Farm Pond.** “Farm pond” means an open-water habitat of less than five acres and not  
2 contiguous with a stream, river, lake or marine water created from a non-wetland site in connection  
3 with agricultural activities.  
4

5 **19.150.310 Feeder Bluff.** “Feeder bluff” means an eroding and/or retreating shore bluff that is part  
6 of natural coastal processes yielding sediment to area beaches.  
7

8 **19.150.315 Fen.** “Fen” means a wetland with peat soils sixteen inches or more in depth, or any  
9 depth of organic soil over bedrock, and vegetation such as certain sedges, hardstem bulrush and  
10 cattails. Fens may have an overstory of spruce, and may be associated with open water.  
11

12 **19.150.320 Filling or Fill.** “Filling or fill” means a deposit of earth or other natural or manmade  
13 material placed by artificial means, including, but not limited to, soil materials, debris, or dredged  
14 sediments.  
15

16 **19.150.325 Fish and wildlife habitat.** “Fish and wildlife habitat” means those areas identified as  
17 being of critical importance to the maintenance of fish, wildlife, and plant species, including: areas  
18 with which endangered, threatened, and sensitive species have a primary association; habitats and  
19 species of local importance; commercial and recreational shellfish areas; kelp and eelgrass beds, forage  
20 fish spawning areas; naturally occurring ponds and their submerged aquatic beds that provide fish or  
21 wildlife habitat; waters of the State; lakes, ponds, streams or rivers planted with game fish by a  
22 government or tribal entity, or private organization; State natural area preserves and natural resource  
23 conservation areas.  
24

25 **19.150.330 Fisheries biologist.** “Fisheries biologist” means a person with experience and training  
26 in fisheries who is able to submit substantially correct reports on fish population surveys, stream  
27 surveys and other related data analyses of fisheries resources. Substantially correct is interpreted to  
28 mean that technical or scientific errors, if any, will be minor and do not delay or affect the site plan  
29 review process. Qualifications of a fisheries biologist include:

30 A. Certification by the American Fisheries Society;

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

33 C. Five or more years professional experience as a practicing fisheries biologist with a minimum three  
34 years professional field experience.  
35

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36 **19.150.335 Floodplain.** “Floodplain” means the floodway and associated special flood hazard areas  
37 having the potential to flood once every one hundred years, or having a one percent chance of being  
38 equaled or exceeded in any given year. The regulatory flood hazard areas, floodplains and floodways  
39 are depicted on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps  
40 (FIRM) for Kitsap County.  
41

42 **19.150.340 Floodway.** “Floodway” means the channel of a river or other watercourse and the  
43 adjacent land areas that must be reserved in order to discharge the base flood without cumulatively  
44 increasing the water surface elevation more than one foot.  
45

46 **19.150.345 Forage Fish.** “Forage fish” means anchovy, herring, sand lance and smelt.  
47

1 **19.150.350 Forest Practices.** “Forest practices” means, as defined in WAC 222-16-010(21), as  
2 now or hereafter amended, any activity conducted on or directly pertaining to forest land that is related  
3 to growing, harvesting, or processing timber, including but not limited to:

- 4
- 5 A. Road and trail construction;
- 6
- 7 B. Harvesting, final and intermediate;
- 8
- 9 C. Pre-commercial thinning;
- 10
- 11 D. Reforestation;
- 12
- 13 E. Fertilization;
- 14
- 15 F. Prevention and suppression of diseases and insects;
- 16
- 17 G. Salvage of trees; and,
- 18
- 19 H. Brush control.

20  
21 "Forest practices" shall not include preparatory work such as tree marking, surveying and road  
22 flagging, or the removal or harvest of incidental vegetation from forest lands such as berries, ferns,  
23 greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to  
24 result in damage to forest soils, timber or public resources.

25  
26 **19.150.355 Frequently Flooded Areas.** “Frequently flooded areas” means all Kitsap County lands,  
27 shorelands and waters that are within the one-hundred-year floodplain as designated by the FEMA, on  
28 Flood Insurance Rate and Boundary Maps.

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Management Agency

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29  
30 **19.150.360 Geologically Hazardous Areas.** “Geologically hazardous areas” means, as defined by  
31 WAC 365-190-030(8), as now or hereafter amended, areas, that because of their susceptibility to  
32 erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential  
33 or industrial development consistent with public health or safety concerns.

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35 **19.150.365 Geologist.** “Geologist” means a person who is licensed in the State of Washington, and  
36 meets all experience and training requirements in accordance with WAC 308-15, as now or hereafter  
37 amended.

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Code

38  
39 **19.150.370 Geotechnical Engineer.** “Geotechnical engineer” means a practicing geotechnical/civil  
40 engineer licensed as a professional civil engineer with the state of Washington, with professional  
41 training and experience in geotechnical engineering, including at least four years of professional  
42 experience in evaluating geologically hazardous areas.

43  
44 **19.150.375 Geotechnical Report and Geological Report.** “Geotechnical report and geological  
45 report” means a study of potential site development impacts related to retention of natural vegetation,  
46 soil characteristics, geology, drainage, groundwater discharge, and engineering recommendations  
47 related to slope and structural stability. The geotechnical report shall be prepared by or in conjunction

1 with a licensed geotechnical engineer meeting the minimum qualifications as defined by this title.  
2 Geological reports may contain the above information with the exception of engineering  
3 recommendations, and may be prepared by a geologist (See Chapter 19.700, Special Reports, for  
4 minimum qualifications).

5  
6 **19.150.380 Grading (relating to construction).** “Grading” means any excavating, filling,  
7 grubbing, recontouring or removal of earth materials on the surface layer or any combination thereof.

8  
9 **19.150.385 Grazed Wet Meadows.** “Grazed wet meadows” means wetlands whose vegetative  
10 cover has been greatly modified as a result of grazing, seeding, or cutting for hay. Grazed wet  
11 meadows are typically dominated by a pasture species (such as blue grass, orchard grass, fescue,  
12 clovers, reed canary grass, etc.) as well as non-native wetland species such as soft rush and buttercup.  
13 They are saturated or have standing water during the wet season and part of the growing season, but  
14 are dry during the summer months. Grazed wet meadows are used, or have been used within the last  
15 five years, for livestock grazing, seeding or cutting for hay.

16  
17 **19.150.390 Grubbing.** “Grubbing” means the removal of vegetative matter from underground, such  
18 as sod, stumps, roots, buried logs, or other debris, and includes the incidental removal of topsoil to a  
19 depth not exceeding twelve inches.

20  
21 **19.150.395 Groundwater.** “Groundwater” means water in a saturated zone or stratum beneath the  
22 surface of land or water.

23  
24 **19.150.400 Habitat Management Plan.** “Habitat Management Plan” means a report prepared by a  
25 professional wildlife biologist or fisheries biologist which discusses and evaluates critical fish and  
26 wildlife habitat functions, and evaluates the measures necessary to maintain, enhance and improve  
27 habitat conservation on a proposed development site.

28  
29 **19.150.405 Habitat of Local Importance.** “Habitat of local importance” means a seasonal range or  
30 habitat element with which a given species has a primary association, and which, if altered, may  
31 reduce the likelihood that the species will maintain and reproduce over the long-term. These might  
32 include areas of high relative density or species richness, breeding habitat, winter range, and  
33 movement corridors. These might also include habitats that are of limited availability or areas of high  
34 vulnerability to alteration, such as cliffs, talus, and wetlands.

35  
36 **19.150.410 Hazardous Substance(s).** “Hazardous substance” means any liquid, solid, gas or  
37 sludge, including any materials, substance, product, commodity or waste, regardless of quantity, that  
38 exhibits any of the characteristics or criteria of hazardous waste described in WAC 173-303-090 and  
39 WAC 173-303-100 including waste oil and petroleum products.

40  
41 **19.150.415 Hearing Examiner.** “Hearing examiner” means a person appointed to hear or review  
42 certain land use decisions pursuant to RCW 36.70.970.

43  
44 **19.150.420 Hydric Soils.** “Hydric soils” means soils which are wet long enough to periodically  
45 produce anaerobic conditions, thereby influencing the growth of hydrophitic plants.  
46

1 **19.150.425 Hydrologist or Hydrogeologist.** “Hydrologist or hydrogeologist” means a person who  
2 is qualified to engage in the practice of hydrogeology, has met the qualifications in hydrogeology  
3 established under RCW 18.220, and has been issued a license in hydrogeology by the Washington  
4 State Geologist Licensing Board.

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6 **19.150.430 Infiltration Rate.** “Infiltration rate” means a general description of how quickly or  
7 slowly water travels through a particular soil type.

9 **19.150.435 Landslide Hazard Areas.** “Landslide hazard areas” means areas potentially subject to  
10 risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

12 **19.150.440 Liquefaction.** “Liquefaction” means a process in which a water-saturated soil, upon  
13 shaking, suddenly loses strength and behaves as a fluid.

15 **19.150.445 Lot.** “Lot” shall mean a platted or unplatted parcel of land which has the minimum  
16 area, setbacks, widths and open space required by Title 17 Kitsap County Code (Zoning), for  
17 occupancy by a principal use and meets the access requirements of Title 17 Kitsap County Code  
18 (Zoning).

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20 **19.150.450 Low Impact Activities.** “Low impact activities” means activities that do not require a  
21 development permit and/or do not result in any alteration of hydrology or adversely impact the  
22 environment.

24 **19.150.455 Mitigation.** “Mitigation” means avoiding, minimizing or compensating for adverse  
25 critical area impacts. Mitigation includes the following specific categories:

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

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

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

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

40 **19.150.470 Native Vegetation.** “Native vegetation” means vegetation indigenous to the Puget  
41 Sound coastal lowlands.

43 **19.150.475 Non-conforming Use or Structure.** “Non-conforming use or structure” means a use of  
44 land or structure which was lawfully established or built and which has been lawfully continued but  
45 which does not conform to the current regulations of the zone in which it is located as established by  
46 the provisions of Title 17 Kitsap County Code (Zoning).

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1 **19.150.480 Normal Maintenance.** “Normal maintenance” means those usual acts to prevent a  
2 decline, lapse or cessation from a lawfully established condition. Normal maintenance includes  
3 removing debris from and cutting or manual removal of vegetation in crossing and bridge areas.  
4 Normal maintenance does not include:

- 6 A. Use of fertilizer or pesticide application in wetlands, fish and wildlife habitat conservation areas, or  
7 their buffers;
- 8
- 9 B. Re-digging ditches in wetlands or their buffers to expand the depth and width beyond the original  
10 ditch dimensions;
- 11
- 12 C. Re-digging existing drainage ditches in order to drain wetlands on lands not classified as existing  
13 and ongoing agriculture under Section 19.100.125 (Exemptions).
- 14

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15 **19.150.485 Open Space.** “Open space” means land used for outdoor recreation, critical area or  
16 resource land protection, amenity, safety or buffer, and includes structures incidental to these open  
17 space uses, but excludes yards required by this title and land occupied by dwellings or impervious  
18 surfaces not related to the open space uses.

19  
20 **19.150.490 Ordinary High Water Mark.** “Ordinary high water mark” means that mark that will  
21 be found by examining the bed and banks and ascertaining where the presence and action of waters are  
22 so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character  
23 distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1,  
24 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits  
25 issued by a local government or the department. This definition is further guided by the additional  
26 criteria to clarify this mark in salt and fresh water environments, as contained in WAC 173-22-030,  
27 now or hereafter amended.

28  
29 **19.150.495 Out-of-Kind Compensation.** “Out-of-kind compensation” means to replace a critical  
30 area (e.g., wetland) with a substitute critical area (e.g., wetland) whose characteristics do not closely  
31 approximate those destroyed or degraded by a regulated activity. It does not refer to replacement “out-  
32 of-category” such as replacement of wetland loss with new stream segments.

33  
34 **19.150.500 Performance Based Development (PBD)** “Performance Based Development” means  
35 development characterized by comprehensive planning of the total project, though it may contain a  
36 variety of individual lots and/or uses. Typically a project may include clustering of structures and  
37 preservation of open space with a number of flexible and customized design features specific to the  
38 natural features of the property and the uses sought to be implemented. Specific lot area and setback  
39 requirements may be reduced or deleted in order to allow maximization of open space, critical areas  
40 and other components of the project.

41  
42 **19.150.505 Permeability.** “Permeability” means the capacity of an aquifer or confining bed to  
43 transmit water.

44  
45 **19.150.510 Permit.** “Permit” means any development, variance, conditional use permit, or revision  
46 authorized under RCW 90.58 or Kitsap County regulations.  
47

1 **19.150.515 Pond.** “Pond” means a naturally existing or artificially created body of standing water  
2 less than twenty acres in size and not defined as "Shorelines of the State" by Chapter 90.58 RCW  
3 (Shoreline Management Act).  
4

5 **19.150.520 Practicable Alternative.** “Practicable alternative” means an alternative that is available  
6 and capable of being carried out after taking into consideration cost, existing technology, and logistics  
7 in light of overall project purposes, and having less impacts to critical areas. It may include an area not  
8 owned by the applicant which can reasonably be obtained, utilized, expanded, or managed in order to  
9 fulfill the basic purpose of the proposed activity.  
10

11 **19.150.525 Priority Habitat.** “Priority habitat” means a seasonal range or habitat element with  
12 which a given species has a primary association, and which, if altered may reduce the likelihood that  
13 the species will maintain and reproduce over the long term. These might include areas of high relative  
14 density or species richness; breeding, nesting, feeding, foraging, and migratory habitat; winter range,  
15 movement corridors; and/or habitats that are of limited availability or high vulnerability to alteration.  
16 Priority habitats are established by the Washington State Department of Fish and Wildlife within their  
17 Priority Habitats and Species Database.  
18

19 **19.150.530 Priority Species.** “Priority species “ means species requiring protective measures  
20 and/or management to ensure their persistence at genetically viable population levels. Priority species  
21 include state-listed or state proposed endangered, threatened or sensitive species and candidate and  
22 monitored species.  
23

24 **19.150.535 Public Facilities.** “Public facilities” means facilities which are owned, operated and  
25 maintained by a public agency.  
26

27 **19.150.540 Public Project of Significant Importance.** “Public project of significant importance”  
28 means a project funded by a public agency, department or jurisdiction that is found to be in the best  
29 interests of the citizens of Kitsap County and is so declared by the Kitsap County board of  
30 commissioners in a resolution.  
31

32 **19.150.545 Public Right-of-Way.** “Public right-of-way” means any road, alley, street, avenue,  
33 arterial, bridge, highway, or other publicly owned ground or place used or reserved for the free passage  
34 of vehicular and/or pedestrian traffic or other services, including utilities.  
35

36 **19.150.550 Public Utility.** “Public utility” means a business or service, either governmental or  
37 having appropriate approval from the state, which is engaged in regularly supplying the public with  
38 some commodity or service which is of public consequence and need, such as, electricity, gas, sewer  
39 and/or wastewater, water, transportation or communications.  
40

41 **19.150.555 Ravine.** “Ravine” means a V-shaped landform, generally having little to no floodplain  
42 and normally containing steep slopes, which is deeper than ten vertical feet as measured from the  
43 centerline of the ravine to the top of the slope. Ravines are typically created by the wearing action of  
44 streams.  
45

1 **19.150.560 Reasonable Alternative.** “Reasonable alternative” means an activity that could feasibly  
2 attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of  
3 environmental degradation.

4  
5 **19.150.565 Reasonable Use.** “Reasonable use” means a property that is deprived of all reasonable  
6 use when the owner can realize no reasonable return on the property or make any productive use of the  
7 property. Reasonable return does not mean a reduction in value of the land, or a lack of a profit on the  
8 purchase and sale of the property, but rather, where there can be no beneficial use of the property; and  
9 which is attributable to the implementation of the Critical Areas Ordinance.

10  
11 **19.150.570 Reasonable Use Exception.** “Reasonable use exception” means an exception to the  
12 standards of this title that allows for the use of a property that cannot otherwise conform to the  
13 requirements set forth in this title, including the variance criteria. (See Section 19.100.140 for  
14 Reasonable Use Exception procedures.)

15  
16 **19.150.575 Refuse.** “Refuse” means material placed in a critical area or its buffer without  
17 permission from any legal authority. Refuse includes, but is not limited to, stumps, wood and other  
18 organic debris, as well as tires, automobiles, construction and household refuse. This does not include  
19 large woody debris used with an approved enhancement plan.

20  
21 **19.150.580 Regulated Use or Activity.** “Regulated use or activity” means any development or  
22 activity proposal which includes or directly affects a critical area or its buffer, or occurs within the  
23 area of review, as described in 19.100.110 G.

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of this title

24  
25 **19.150.585 Restoration.** “Restoration” means the return of a critical area (e.g., stream or wetland)  
26 to a state in which its functions and values approach its unaltered state as closely as possible.

**Deleted:** two hundred and fifty feet of a  
critical area (See definition of "adjacent"  
and "development").

27  
28 **19.150.590 Retention Facilities.** “Retention facilities” means drainage facilities designed to store  
29 runoff for gradual release by evaporation, plant transpiration, or infiltration into the soil. Retention  
30 facilities shall include all such drainage facilities designed so that none or only a portion of the runoff  
31 entering the facility will be eventually discharged as surface water. Retention facilities shall include all  
32 appurtenances associated with their designed function, maintenance and security.

33  
34 **19.150.595 Riparian Area.** “Riparian area” means an area of land that supports riparian vegetation  
35 and may include some upland areas, depending on site conditions. These generally occur adjacent to  
36 water bodies where specific measures are needed to protect fish and wildlife habitat and watershed  
37 functions.

38  
39 **19.150.600 Salmonid.** “Salmonid” means a member of the fish family salmonidae. This family  
40 includes chinook coho, chum, sockeye and pink salmon; rainbow, steelhead, cutthroat, brook and  
41 brown trout; and Dolly Varden char, kokanee, and whitefish.

42  
43 **19.150.605 Sensitive Species (State Listed).** “Sensitive species” means a species, native to the  
44 state of Washington, that is vulnerable or declining and is likely to become endangered or threatened in  
45 a significant portion of its range within the state without cooperative management or the removal of  
46 threats. Sensitive species are legally designated in WAC-232-12-011, as now or hereafter amended.

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1 **19.150.610 Shorelines.** “Shorelines” means all of the water areas of the state, as defined by Chapter  
2 90.58 RCW, including reservoirs, and their associated wetlands, together with the lands underlying  
3 them; except (i) shorelines on segments of streams upstream of a point where the mean annual flow is  
4 twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (ii)  
5 shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

6  
7 **19.150.615 Single-Family Dwelling.** “Single family dwelling” means a building or structure which  
8 is intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes by  
9 one family and including accessory structures and improvements.

10  
11 **19.150.620 Special Flood Hazard Areas.** “Special flood hazard area” means the area adjoining the  
12 floodway which is subject to a one percent or greater chance of flooding in any year, as determined by  
13 engineering studies acceptable to Kitsap County. The coastal high hazard areas are included within  
14 special flood hazard areas.

15  
16 **19.150.625 Species of Concern.** “Species of concern” means those species that have been  
17 classified as endangered, threatened, sensitive, candidate, or monitored by the Washington State  
18 Department of Fish and Wildlife.

19  
20 **19.150.630 State Environmental Policy Act or SEPA.** “State Environmental Policy Act or SEPA”  
21 means the state environmental law (Chapter 43.21C RCW) and rules (Chapter 197-11 WAC) as  
22 implemented by Kitsap County Code, Title 18 (Environment).

23  
24 **19.150.635 Streams.** “Streams” means those areas in Kitsap County where the surface water flows  
25 are sufficient to produce a defined channel or bed. A defined channel or bed is an area that  
26 demonstrates clear evidence of the passage of water and includes, but is not limited to bedrock  
27 channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not  
28 contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or  
29 surface water runoff devices or other artificial watercourses unless they are used by fish or used to  
30 convey streams naturally occurring prior to construction.

31  
32 **19.150.640 Swale.** “Swale” means a shallow drainage conveyance with relatively gentle side  
33 slopes, generally with flow depths less than one foot.

34  
35 **19.150.645 Threatened Species (state listed).** “Threatened species” means a species, native to the  
36 state of Washington, that is likely to become endangered in the foreseeable future throughout a  
37 significant portion of its range within the state without cooperative management or the removal of  
38 threats. Threatened species are legally designated in WAC 232-12-011, as now or hereafter amended.

39  
40 **19.150.650 Toe of Slope.** “Toe of slope” means a distinct topographic break in a slope. Where no  
41 distinct break exists, this point shall be the lowermost limits of the landslide hazard area as defined and  
42 classified in Chapter 19.400.

43  
44 **19.150.655 Top of Slope.** “Top of slope” means a distinct topographic break in a slope. Where no  
45 distinct break in a slope exists, this point shall be the uppermost limit of the geologically hazardous  
46 area as defined and classified in Chapter 19.400.

1 **19.150.660 Unavoidable and Necessary Impacts.** “Unavoidable and necessary impacts” means an  
2 impact to a critical area that remains after an applicant proposing to alter such an area has  
3 demonstrated that no practicable alternative exists for the proposed project.  
4

5 **19.150.665 Utilities.** “Utilities” means facilities and/or structures that produce or carry electrical  
6 power, gas, sewage, water, communications, oil, publicly maintained stormwater facilities, etc.  
7

8 **19.150.670 Utility Corridor.** “Utility corridor” means areas identified in the Comprehensive Plan  
9 for utility lines, including electrical, gas, sewer, water lines; and public right-of-way and other  
10 dedicated utility right-of-way on which one or more utility lines are currently located. The term "other  
11 dedicated utility right-of-way" means ownership, easements, permits, licenses or other authorizations  
12 affording utilities the right to operate and maintain utility facilities on private property.  
13

14 **19.150.671 Wellhead Protection Area.** “Wellhead protection area” means the surface and  
15 subsurface area surrounding a well or well field that supplies a public water system.  
16

17 **19.150.674 Wetland Delineation.** “Wetland delineation” means the identification of the wetland  
18 boundary as determined by using the Washington State Wetlands Identification and Delineation  
19 Manual, March 1997, or as hereafter amended.  
20

21 **19.150.675 Wetland Determination.** “Wetland determination” means an on-site determination as  
22 to whether a wetland exists on a specific parcel, conditioned by either a wetland specialist or the  
23 department. A wetland determination does not require a formal delineation.  
24

25 **19.150.680 Wetland Edge.** “Wetland edge” means the line delineating the outer edge of a wetland  
26 established in Section 19.200.210.  
27

28 **19.150.685 Wetlands.** “Wetlands” means those areas that are inundated or saturated by surface or  
29 ground water at a frequency and duration sufficient to support, and that under normal circumstances do  
30 support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands  
31 generally include, but are not limited to swamps, marshes, estuaries, bogs, and ponds less than twenty  
32 acres, including their submerged aquatic beds and similar areas. Wetlands do not include those  
33 artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation  
34 and drainage ditches, grass-lined swales, canals, stormwater facilities, wastewater treatment facilities,  
35 farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were  
36 unintentionally created as a result of the construction of a road, street, or highway. Wetlands include  
37 those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of  
38 wetlands.  
39

40 **19.150.690 Wetlands, Isolated.** “Wetlands, isolated” or “isolated wetlands” means wetlands that  
41 (1) are outside of and not contiguous to any one-hundred-year floodplain of a lake, river, or stream;  
42 and (2) have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface  
43 water or other wetland within a 100 foot radius.  
44

45 **19.150.695 Wetlands, Mosaic.** “Wetlands, mosaic” or “mosaic wetlands” means groups of isolated  
46 wetlands, any one or more of which may be smaller than any of the regulated categories, but which in  
47 aggregate may be as valuable as any of the regulated categories.

1  
2 **19.150.700 Wetlands of Regional Significance.** “Wetlands of regional significance” means those  
3 regulated wetlands determined by the department, or otherwise determined, to have characteristics of  
4 exceptional resource value which should be afforded the highest levels of protection  
5

6 **19.150.705 Wetlands of Statewide Significance.** “Wetlands of statewide significance” means  
7 those regulated wetlands recommended by the Washington State Department of Ecology and  
8 determined by the department to have characteristics of exceptional resource value which should be  
9 afforded the highest levels of protection.  
10

11 **19.150.710 Wetlands Report.** “Wetlands report” means a wetland delineation, characterization and  
12 analysis of potential impacts to wetlands consistent with applicable provisions of Chapter 19.200  
13 (Wetlands) and 19.700.710 (Special Reports),

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15 **19.150.715 Wetlands Specialist.** “Wetlands specialist” means a person with experience and  
16 training in wetland issues who is able to submit substantially correct reports on wetland delineations,  
17 classifications, functional assessments and mitigation plans. Substantially correct is interpreted to  
18 mean that errors, if any, will be minor and do not delay or affect the site plan review process.  
19 Qualifications of a wetlands specialist include:

21 A. Certification as a Professional Wetland Scientist (PWS) or Wetland Professional In Training  
22 (WPIT) through the Society of Wetland Scientists;

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

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

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30 **19.150.720 Wildlife Biologist.** “Wildlife biologist” means a person with experience and training in  
31 the principles of wildlife management and with practical knowledge in the habits, distribution and  
32 environmental management of wildlife. Qualifications include:

34 A. Certification as Professional Wildlife Biologist through The Wildlife Society;

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

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

1  
2  
3 **Chapter 19.200**  
4 **WETLANDS**  
5

- 6 **19.200.205 Purpose.**  
7 **19.200.210 Wetland Identification and Functional Rating .**  
8 **19.200.215 Wetland Review Procedures.**  
9 **19.200.220 Wetland Buffer Requirements**  
10 **19.200.225 Regulated Uses and Activities.**  
11 **19.200.230 Additional Development Standards for Regulated Uses.**  
12 **19.200.235 Special Use Review.**  
13 **19.200.250 Wetland Mitigation Requirements.**  
14 **19.200.255 Incentives for Wetlands Protection.**

Deleted: Development Standards for Wetland Buffers.

Deleted: 19.200.240 Application Requirements.¶  
19.200.245 Delineation of Wetland Boundaries.¶

15  
16  
17 **19.200.205 Purpose.**

18  
19 This chapter applies to all regulated uses within or adjacent to areas designated as wetlands, as defined  
20 in Section 19.150.685. The intent of this chapter is as follows :

- 21  
22 A. Achieve no net loss and increase the quality and function and values of wetland acreage within  
23 Kitsap County and maintain and enhance the biological and physical functions and values of  
24 wetlands with respect to water quality maintenance, stormwater and floodwater storage and  
25 conveyance, fish and wildlife habitat, primary productivity, recreation, and education;  
26  
27 B. Protect the public's health, safety and welfare, while preventing public expenditures that could arise  
28 from improper wetland uses and activities;  
29  
30 C. Plan wetland uses and activities in a manner that allows property holders to benefit from wetland  
31 property ownership wherever allowable under the conditions of this chapter and the ordinance from  
32 which it derives;  
33  
34 D. Prevent turbidity and pollution of wetlands fish or shellfish-bearing waters, and maintain the  
35 wildlife habitat.  
36 (Ord. 217 (1998) § 3 (part), 1998)

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37  
38 **19.200.210 Wetland Identification and Functional Rating**

39  
40 **A. General.**

- 41 1. Wetlands are those areas that are inundated or saturated by surface water or groundwater at a  
42 frequency and duration sufficient to support, and that under normal circumstances do support, a  
43 prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands  
44 generally include swamps, estuaries, marshes, bogs, and similar areas. For regulatory purposes,  
45 wetland delineations shall be determined by the *Washington State Wetlands Identification and*  
46 *Delineation Manual*, March 1997, or as amended hereafter.

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2. Kitsap County uses the Washington Department of Ecology *Washington State Wetland Rating System for Western Washington*, 2<sup>nd</sup> Edition, 1993, or as amended hereafter, to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement ratios for wetlands. Wetlands shall be generally designated as follows:

**Deleted:** The County will require the use of the following documents "as now or hereafter amended".

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

- 1. Category I Wetlands: Category I wetlands are those regulated wetlands that include but are not limited to rare, unique wetland types that are more sensitive to disturbance than most wetlands and that contain ecological attributes that are impossible to replace within a human lifetime. Category I wetlands score 70 points or more out of 100 on the wetlands ratings systems.
- 2. Category II Wetlands: Category II wetlands are those regulated wetlands that score between 51-69 points out of 100 on the wetlands ratings system.
- 3. Category III Wetlands: Category III wetlands are those regulated wetlands, 2,500 square feet or greater, that score between 30-50 points on the wetlands ratings system.
- 4. Category IV Wetlands: Category IV wetlands are those regulated wetlands, 5,000 square feet or greater, that score less than 30 points out of 100 on the wetlands ratings system.
- 5. Wetlands intentionally created from non-wetland areas to mitigate conversion of other wetlands.
- 6. Mosaic wetlands as defined at 19.150.695.

**C. Non-Regulated Wetlands.**

- 1. Category III Wetlands: Isolated wetlands less than 2,500 square feet.
- 2. Category IV Wetlands: Isolated wetlands less than 5,000 square feet.
- 3. Created Wetlands: Wetlands created intentionally from a non-wetland site that were not required to be constructed as mitigation for adverse wetland impacts. These may include, but are not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment ponds, farm ponds not contiguous, as defined in this title, and landscape amenities.

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

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

- a. It can be demonstrated that the separate wetlands were one discrete wetland prior to construction of the manmade feature. This may be accomplished through an analysis of secondary information such as aerial photographs and soils maps; or
- b. The two separated wetlands can be shown to function as one wetland. This shall be determined based on normal conditions (i.e., in the absence of unauthorized activity, the wetlands possess similar vegetative or wildlife assemblages or hydrologic regime).
- c. Separated wetland areas may be rated jointly in the absence of a perfectly level culvert where it can be demonstrated that a level surface water connection is present within the culvert that permits flow of water, fish, or other organisms in both directions. Separated wetland areas may also be rated jointly in the absence of a perfectly level culvert with two-way water flow if the bottom of the culvert is below the high water marks in the receiving wetland or if the high water marks on either side differ by six inches or less in elevation.

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

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(Ord. 217 (1998) § 3 (part), 1998)

## 19.200. 215 Wetland Review Procedures

### A. Application requirements.

1. Application Procedures for New Development. Any new development containing a regulated wetland or its buffer, or proposed within the largest potential wetland buffer width, ~~two hundred feet of a regulated wetland or its buffer~~, shall provide the special reports listed below, as required by the department, prior to any development authorization by the department. Additional reports or information to further identify potential impacts to any part of the environment may also be required.

a. Wetland delineation report (19.700.710);

b. Wetland mitigation report (19.700.715); and

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

2. Time Limitations. Special reports submitted in accordance with this section shall be valid for a period of three years from the date of the report unless a longer or shorter period is specified by the department. ~~An extension of an original report may be granted upon submittal of a written request to the department prior to expiration. Prior to granting any extension, the department~~

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1 may require updated studies if, in its judgment, the original intent of the application is altered,  
2 enlarged or if circumstances relevant to the review and issuance of the original permit have  
3 changed substantially, or if the applicant failed to abide by the terms of the original approval.

4  
5 **B. Delineation of wetland boundaries.**

6  
7 1. For regulatory purposes, wetland delineations shall be determined by using the Washington State  
8 Wetlands Identification and Delineation Manual, March 1997, or as hereafter amended.

9  
10 2. The applicant shall be responsible for hiring a qualified wetlands specialist to determine the  
11 wetland boundaries by means of a wetland delineation through a field survey. This specialist  
12 shall stake or flag the wetland boundary. When required by the department, the applicant shall  
13 hire a professional land surveyor licensed by the state of Washington to survey the wetland  
14 boundary line. The regulated wetland boundary and regulated wetland buffer shall be identified  
15 on all grading, landscaping, site, on-site septic system designs, utility or other development  
16 plans submitted in support of the project.

17  
18 3. The department may perform a delineation of a wetland boundary on parcels where no more  
19 than one single-family dwelling unit is allowed.

20  
21 4. Where the applicant has provided a delineation of a wetland boundary, the department may  
22 verify the wetland boundary at the cost of the applicant and may require that a wetland  
23 specialist make adjustments to the boundary.

24  
25  
26 **C. Wetland Certification Process for Single-family Dwellings (No Encroachment into a**  
27 **Regulated Wetland or its Standard Buffer).**

28  
29 1. Prior to issuance of a building permit, site development permit, or on-site sewage system  
30 permit, the applicant may submit a single-family wetland certification form completed by a  
31 wetland specialist that certifies either:

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32  
33 (a) No regulated wetlands are present within 250 feet of the project area; or

34  
35 (b) Wetlands are present within 250 feet of the project area, but all regulated activities  
36 associated with the dwelling (i.e., landscaped areas, septic facilities, outbuildings, etc.)  
37 will occur outside of the standard buffer of the identified wetland.

38  
39 2. If regulated wetland buffers extend onto the site, the wetland specialist shall place  
40 permanent, clearly visible, wetland buffer signs at the edge of the buffer. A wetland buffer  
41 sign affidavit, signed by the wetland specialist, shall be submitted to the department as  
42 verification that the wetland buffer signs have been placed on the site.

43  
44 3. A survey will not be required.

45  
46 4. The single-family certification form may be used only to authorize single-family dwellings  
47 and associated homesite features such as driveways, gardens, fences, wells, lawns, and on-

1 site septic systems. It may not be used for new agricultural activities, expansion of  
 2 existing agricultural activities, forest practice activities, commercial projects, land  
 3 divisions, buffer width modifications, or violations.  
 4

- 5 5. The single-family certification process will be monitored by the department for accuracy,  
 6 and enforcement actions will be initiated should encroachment into a regulated wetland or  
 7 buffer occur.  
 8
- 9 6. The applicant/property owner assumes responsibility for any and all errors of the single-  
 10 family certification form and all associated mitigation imposed by the department.  
 11
- 12 7. Single-family certification forms shall be filed with the Kitsap County Auditor's Office.  
 13

14 **19.200.220 Wetland Buffer Requirements.** For the purpose of this title, a regulated wetland and  
 15 its buffer are subject to the regulatory provisions of this chapter. **A. Determining**  
 16 **Buffer Widths.** Buffer widths shall be measured horizontally from a perpendicular line  
 17 established at the wetland edge based on the Base Buffer Width identified in Table [19.200.220](#)  
 18 [A](#), and adjustments made from considerations contained in Table [19.200.220 B](#), [Land Use](#)  
 19 [Impact Intensity](#) below, and [as applied](#) in [Tables 19.200.220 C](#), [through F](#),  
 20  
 21  
 22

Table [19.200.220 A](#),

Category of Wetland	Base Buffer Width
Category I	200 feet
Category II	100 feet
Category III	50 feet
Category IV	30 feet

23 Table [19.200.220 B](#); Land use impact “intensity” based on development types  
 24

Rating of impact from proposed changes in land use	Examples of land uses that cause the impact based on common zoning categories
High	Commercial, Urban, Industrial, Institutional, Retail Sales, Residential with more than 1 unit/acre, New agriculture (high-intensity processing such as dairies, nurseries and green houses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), New transportation corridors, High intensity recreation (golf courses, ball fields), hobby farms
Moderate	Residential 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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**Deleted: Modification of Buffer Widths.**

**Deleted:** The standard buffer widths of this section may be decreased through the averaging or reduction mechanisms of this section. The standard buffer width may also be increased as contained in item number 3, below. ¶

1. **Standard Conditions.** The buffer widths recommended for land uses with “high intensity” impacts to wetlands can be reduced to those recommended for “moderate intensity” impacts under the conditions identified below.¶

a. For wetlands that score moderate or high for habitat (20 points or more), the width of the buffer around the wetland can be reduced if both the following conditions are met.¶

(1) A relatively undisturbed vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the Priority Habitat through some type of legal protection such as a conservation easement; and¶

(2) Measures to minimize the impacts of different land uses on wetlands, as summarized in the following table, are applied.¶

¶

**Examples of Disturbance** ... [1]

**Deleted:** b. For wetlands that score less than 20 points for habitat, the buffer width can be reduced to those required for moderate land use impacts if measures to minimize the impacts of different land uses on wetland as summarized in the table above.

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

**Table 19.200.220 C: Width of buffers required to protect Category IV wetlands.**

<u>Category IV Wetland Characteristics</u>	<u>Buffer Width Adjustment to 30 ft base width (based on impact of land use)</u>
<u>Score for functions &lt; 30 points</u>	<u>Low – Decrease by 5 ft.</u> <u>Moderate – Increase by 10 ft.</u> <u>High – Increase by 20 feet</u>

**Table 19.200.220 D: Width of buffers required to protect Category III wetlands.**

<u>Category III Wetland Characteristics</u>	<u>Buffer Width Adjustments to 50 ft base width (by impact of land use)</u>
<u>Moderate level of function for habitat (score for habitat is 20 - 28 pts.)</u>	<u>Low - Increase by 25 ft</u> <u>Moderate – Increase by 60 ft</u> <u>High – Increase by 100 ft</u>
<u>Category III wetlands not meeting above criteria</u>	<u>Low - Decrease by 10 ft</u> <u>Moderate – Increase by 10 ft.</u> <u>High – Increase by 30 ft</u>

**Table 19.200.220 E: Width of buffers required to protect Category II wetlands.**

<u>Category II Wetland Characteristics</u>	<u>Buffer Widths Adjustments to 100 ft base width (by impact of land use/apply most protective)</u>
<u>High level of function for habitat (score for habitat is 29-36 pts.)</u>	<u>Low - Increase by 50 ft</u> <u>Moderate – Increase by 125 ft</u> <u>High – Increase by 100 ft</u>
<u>Moderate level of function for habitat (score for habitat is 20 - 28 pts.)</u>	<u>Low - Decrease by 25 ft</u> <u>Moderate – Increase by 10 ft</u> <u>High – Increase by 50 ft</u>
<u>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)</u>	<u>Low - Decrease by 50 ft</u> <u>Moderate – Decrease by 25 ft</u> <u>High – No change</u>
<u>Estuarine</u>	<u>Low - Decrease by 25 ft</u> <u>Moderate – Increase by 10 ft</u> <u>High – Increase by 50 ft</u>
<u>Category II wetlands not meeting above criteria</u>	<u>Low - Decrease by 50 ft</u> <u>Moderate – Decrease by 25 ft</u> <u>High – No Change</u>

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**Table 19.200.220 F: Width of buffers required to protect Category I wetlands.**

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<u>Category I Wetland Characteristics</u>	<u>Buffer Widths Adjustments to 200 ft base width (by impacts of land use/apply most protective)</u>
<u>Natural Heritage Wetlands</u>	<u>Low - Decrease by 75 ft</u> <u>Moderate – Decrease by 10 ft</u> <u>High – Increase by 50 ft</u>
<u>Bogs</u>	<u>Low - Decrease by 75 ft</u> <u>Moderate – Decrease by 10 ft</u> <u>High – Increase by 50 ft</u>
<u>Forested</u>	<u>Buffer size to be based on score for habitat functions or water quality functions</u>
<u>Estuarine</u>	<u>Low - Decrease by 100 ft</u> <u>Moderate – No Change</u> <u>High – Increase by 50 ft</u>
<u>Wetlands in Coastal Lagoons</u>	<u>Low - Decrease by 100 ft</u> <u>Moderate – No Change</u> <u>High – Increase by 50 ft</u>
<u>High level of function for habitat (score for habitat is 29-36 pts.)</u>	<u>Low – Decrease by 50 ft.</u> <u>Moderate – Increase by 25 ft</u> <u>High – Increase by 50 ft</u>
<u>Moderate level of function for habitat (score for habitat is 20 - 28 pts.)</u>	<u>Low – Decrease by 125 ft</u> <u>Moderate – Decrease by 90 ft</u> <u>High – No change</u>
<u>High level of function for water quality improvement (score for WQI is 24-32) and low for habitat (score for habitat is less than 20 points)</u>	<u>Low – Decrease by 150 ft</u> <u>Moderate – Decrease by 125 ft</u> <u>High – Decrease by 100 ft</u>
<u>Category I wetlands not meeting any of the above criteria</u>	<u>Low – Decrease by 150 ft</u> <u>Moderate – Decrease by 125 ft</u> <u>High – Decrease by 100 ft</u>

NOTE: If the wetland meets more than one of the criteria listed in each table, the buffer needed to protect the wetland is ~~the one that allows for the greatest protection.~~

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**C. Modification of Buffer Widths**

Modifications to buffer widths may be considered provided that mitigation sequencing is first demonstrated to first avoid, then minimize, and as a last resort, mitigate for unavoidable reductions or alterations to the required wetland buffers.

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

a. Buffer Averaging. Buffer width averaging may be allowed only where the applicant demonstrates all of the following:

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

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

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

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

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

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

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

17 | (ii). Tree protection areas shall be added and clearly labeled on all applicable site  
18 | development and construction drawings, submitted to the department.

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19 | (iii). Temporary construction fencing at least 30 inches tall shall be erected around the  
20 | perimeter of the tree protection areas prior to the initiation of any clearing or grading.  
21 | The fencing shall be posted with signage clearly identifying the tree protection area.  
22 | The fencing shall remain in place through site development and construction.

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23 | (iv). No clearing, grading, filling or other development activities shall occur within the  
24 | tree protection area, except where approved in advance by the department and shown on  
25 | the approved plans for the proposal.

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26 | (v). No vehicles, construction materials, fuel, or other materials shall be placed in tree  
27 | protection areas. Movement of any vehicles within tree protection areas shall be  
28 | prohibited.

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29 | (vi). No nails, rope, cable, signs, or fencing shall be attached to any tree proposed for  
30 | retention.

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31 | (vii). The department may approve the use of alternate tree protection techniques if an  
32 | equal or greater level of protection will be provided.

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33 | **b. Administrative Buffer Reductions.** ~~The department may decrease buffer widths according~~  
34 | ~~to the procedures of this title or through buffer averaging as outlined above.~~ Granting of a  
35 | reduced buffer shall be the minimum necessary to accommodate the permitted use. In lieu  
36 | of going through the formal variance process, an administrative reduction to buffer widths  
37 | may be granted subject to the following criteria:

38 | (1) For proposed single family dwellings, the department may administratively reduce the  
39 | buffer by up to twenty-five percent, pursuant to the variance criteria listed in Section  
40 | 19.100.135. Where an administrative buffer reduction is granted, fencing or signage of  
41 | the buffer edge shall be required. The order of sequence for such buffer reductions shall  
42 | be as follows:

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

(2). The minimum buffer shall be no less than thirty feet, except as allowed under a formal variance or reasonable use approval.

c. Variance. In cases where proposed development cannot meet the administrative buffer reduction criteria described in this section, a variance shall be required as described in 19.100.135.

2. Buffer Increases. The Department may require increased buffer width(s) when any of the following are identified:

- a. A larger buffer is necessary to maintain viable populations of existing species;
- b. The wetland is used by, or associated with, species listed by the Federal government or the State as endangered, threatened, sensitive, or as documented priority species or habitats, or essential or outstanding potential sites such as heron rookeries or raptor nesting areas;
- c. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts;
- d. The adjacent land has minimal vegetative cover or slopes greater than 20 percent.

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

- 1. Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required by the department, between the area where the construction activity occurs and the buffer. Fences shall be made of a durable protective barrier and shall be highly visible. Silt fences and plastic construction fences may be used to prevent encroachment on wetlands or their

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**Deleted:** C. Width Tables of Buffers by Category of Wetland¶  
 ¶ Table 1: Width of buffers required to protect Category IV wetlands.¶  
 Category IV Wetland Character ... [2]

**Deleted:** NOTE: If the wetland meets more than one of the criteria listed in each table, the buffer needed to protect the wetland is the widest one.

**Deleted:** D. Administrative Buffer Reductions. The department may decrease buffer widths according to the procedures of this title or through buffer averaging as outlined above. Granting of a reduced buffer shall be the minimum necessary to accommodate the permitted use. In lieu of going through the formal variance process, an administrative reduction to buffer widths may be granted subject to the following criteria:¶  
 ¶ a. For proposed single family dwellings, the department may administratively reduce the buffer by up to twenty-five percent, pursuant to the variance criteria listed in Section 19.100.135. Where an administrative buffer reduction is granted, fencing or signage of the buffer edge shall be required. The order of sequence for such buffer reductions shall be as follows:¶  
 ¶ i. Use of buffer averaging maintaining one hundred percent of the buffer area under the standard buffer requirement;¶  
 ¶ ii. Reduction of the overall buffer area by no more than twenty-five percent of the area required under the standard buffer requirement;¶  
 ¶ iii. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area with native vegetation;¶  
 ¶ iv. The use of alternative on-site wastewater systems in order to minimize site clearing;¶  
 ¶ v. Infiltration of stormwater where soils permit; and¶  
 ¶ vi. Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.¶  
 ¶ b. The minimum buffer shall be no less than thirty feet, except as allowed under a formal variance or reasonable use ... [3]

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1 buffers by construction. Temporary fencing shall be removed after the site work has been  
 2 completed and the site is fully stabilized per county approval.

- 3  
 4 2. The department may require that permanent signs and/or fencing be placed on the common  
 5 boundary between a wetland buffer and the adjacent land. Such signs will identify the  
 6 wetland buffer. The department may approve an alternate method of wetland and buffer  
 7 identification, if it provides adequate protection to the wetland and buffer.

9 ~~E. **Protection of Buffers.** Buffer areas shall be protected as required by the department.~~ The buffer  
 10 shall be identified on a site plan and filed as an attachment to the notice to title as required by  
 11 section 19.100.150 (Notice to Title).

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13 ~~F. **Building or Impervious Surface Setback Lines.** A building or impervious surface setback line of  
 14 fifteen feet is required from the edge of any wetland buffer. Minor structural or impervious surface  
 15 intrusions into the areas of the setback may be permitted if the department determines that such  
 16 intrusions will not adversely impact the wetland. The setback shall be identified on a site plan and  
 17 filed as an attachment to the notice to title as required by Section 19.100.150 (Notice to Title).~~

19 **19.200.225 Regulated Uses and Activities.**

21 A. There shall be no activity allowed within a regulated wetland or its buffer unless specifically  
 22 allowed under this title in 19.200.225.C. ~~“Regulated Uses and Activities Table” below.~~ Kitsap  
 23 County may grant exceptions to these uses and activities according to the intent and specifications  
 24 of this title.

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26 B. Any regulated uses not specifically listed in “Regulated Uses and Activities Table” shall be  
 27 considered unclassified and may be allowed if granted a special use review in accordance with this  
 28 title (See Section 19.200.235, Special Use Review). All authorized uses and activities in a  
 29 regulated wetland or its buffer shall be subject to conditions established by the department and may  
 30 be subject to mitigation as required by this title.

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32 C. Regulated uses and activities shall be classified as "allowed," "permitted," "special use" (Section  
 33 19.200.235) or "prohibited" according to this title. The wetland categories in “Regulated Uses and  
 34 Activities Table” below are defined in the appendices 19.800 Appendices. For the purpose of the  
 35 table below, "W" and "B" refer to the terms "wetland" and "buffer."

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37 **Table 19.200.225 Key:**

- 38 **A** = Allowed Outright
- 39 **P** = Permitted Use Subject to Development Standards and any
- 40 Underlying Permit
- 41 **S** = Special Use Review Required
- 42 **X** = Prohibited

Regulated Uses and Activities Table				
Wetland Category	<u>Category I</u>	<u>Category II</u>	<u>Category III</u>	<u>Category IV</u>

Regulated Uses and Activities									
1. Agriculture-Existing & ongoing	A	A	A	A	A	A	A	A	Deleted: e
2. Agriculture-Building (Grazed Wet Meadows)	X	X	X	S	S	P	S	P	
3. A. Agriculture Conversion (Wetland Dependent)	X	X	X	S	S	S	S	S	Deleted: d
B. (Non-Wetland Dependent)	X	X	X	X	S	S	S	S	Deleted: w
									Deleted: d
4. Bank stabilization	X	X	S	S	S	S	P	P	
5. Boat Ramp	X	X	S	S	S	S	S	S	Deleted: r
6. Dock/float	S	S	S	S	S	S	P	P	... [4]
7. Education and Scientific Research (no permanent structures)	P	P	P	P	P	P	A	A	Deleted: 8
									Deleted: .
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8. Enhancement	S	S	P	P	P	P	P	P	Deleted: 9
9. Excavation (not associated with enhancement)	X	X	S	S	S	S	S	S	Deleted: 10
									Deleted: .
10. Fill (associated with no other use)	X	X	X	X	X	X	X	X	Deleted: 11
11. Fish Hatchery	X	X	S	S	S	S	S	S	Deleted: 12
12. Flooding (associated with no other use)	X	X	S	S	S	S	S	S	Deleted: 13
13. Forest Practice-Class IV General or COHP	X	X	X	S	S	S	S	S	Deleted: 14
14. Golf Course	X	X	S	S	S	S	S	S	Deleted: 15
15. Land Division	P	P	P	P	P	P	P	P	Deleted: 16
16. Mineral Extraction	X	X	S	S	S	S	S	S	Deleted: 17
									Deleted: e
17. Parks-Public & Private	S	S	S	S	S	S	P	P	Deleted: 20
									Deleted: 21
18. Ponds-Stock Watering	X	X	X	S	X	S	S	P	Deleted: 22
19. Public Facility	X	X	X	S	S	S	S	S	Deleted: 23
20. Public Project of Significant	S	S	S	S	S	S	S	S	

Regulated Uses and Activities Table								
Wetland Category	Category I		Category II		Category III		Category IV	
	W	B	W	B	W	B	W	B
Regulated Uses and Activities								
Importance								
21. Radio/TV Towers	X	X	S	S	S	S	S	S
22. Restoration/Revegetation of Site	S	S	P	P	P	P	P	P
23. Road/Street-Public/Private Access								
A. Expand within existing ROW	S	S	S	S	S	S	P	P
B. New Facilities	X	X	S	S	S	S	P	P
24. Signs-(Interpretation, Hazard, Critical Area Boundary, Survey Markers)	P	P	P	P	P	P	P	P
25. Site Investigation	A	A	A	A	A	A	A	A
26. Stormwater, R/D Facility	X	X	X	S	S	S	S	S
27. Trails and Trail Related Facilities	S	S	S	S	S	S	S	S
28. Utility Facility	X	X	S	S	S	S	S	S
29. Utility-On-Site Sewage Facility	X	X	X	S	X	S	X	S
30. Utility Line-Overhead	S	S	S	S	S	S	P	P
31. Utility Line-Underground	X	S	S	S	S	S	S	S

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**19.200.230 Additional Development Standards for Regulated Uses.**

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In addition to meeting the development standards above (Section 19.200.220), those regulated uses identified below shall also comply with the standards of this section and other applicable state, federal and local ordinances.

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

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

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5 | **C. Agricultural Restrictions.** In all development proposals which would permit introduction of  
6 | agricultural uses, damage to all regulated wetlands shall be avoided. These restrictions shall not  
7 | apply to those regulated wetlands defined as grazed wet meadows, regardless of their classification  
8 | only where grazing has occurred within the last five years. Wetlands shall be protected by  
9 | installation of fencing located not closer than the outer buffer edge.

11 | **D. Road/Street Repair and Construction.** Any private or public road or street repair, maintenance,  
12 | expansion or construction may be permitted, subject to the following standards:

- 14 | 1. No other reasonable or practicable alternative exists and the road or street ✓ serves multiple  
15 | properties whenever possible;
- 17 | 2. Publicly owned or maintained road or street crossings should provide for other purposes, such  
18 | as utility crossings, pedestrian or bicycle easements, viewing points, etc.; ✓
- 20 | 3. The road or street repair and construction are the minimum necessary to provide safe roads and  
21 | streets; and ✓
- 23 | 4. Mitigation shall be performed in accordance with specific project mitigation plan requirements.

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

- 31 | 1. Regulated wetlands, except the area with permanent open water, and wetland buffers may be  
32 | included in the calculation of minimum lot area for proposed lots ✓
- 34 | 2. Land division approvals shall be conditioned to require that regulated wetlands and regulated  
35 | wetland buffers be dedicated as open space tracts, or as an easement or covenant encumbering  
36 | the wetland and wetland buffer. Such dedication, easement or covenant shall be recorded  
37 | together with the land division and represented on the final plat, short plat or binding site plan,  
38 | and title.
- 40 | 3. In order to implement the goals and policies of this title, to accommodate innovation, creativity,  
41 | and design flexibility, and to achieve a level of environmental protection that would not be  
42 | possible by typical lot-by-lot development, the use of the clustered development or similar  
43 | innovative site planning is strongly encouraged for projects with regulated wetlands on the site.
- 45 | 4. After preliminary approval and prior to final land division approval, the department may  
46 | require that the common boundary between a regulated wetland or associated buffer and the  
47 | adjacent land be identified using permanent signs and/or fencing. In lieu of signs and/or

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including subsection (3) below, are met

fencing, alternative methods of wetland and buffer identification may be approved when such methods are determined by the department to provide adequate protection to the wetland and buffer.

**F. Surface Water Management.**

1. Surface water discharges from stormwater facilities or structures may be allowed when they are in accordance with Title 12 Kitsap County Code (Stormwater Management). The discharge shall ~~neither significantly increase or decrease the rate of flow and/or hydro-period, nor decrease the water quality of the wetland.~~ Pre-treatment of surface water discharge through biofiltration or other BMPs shall be required.
2. Stormwater facilities may be allowed in wetland buffers as specified in Table 19.200.225.A above.

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

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

**H. Utilities in Wetlands or Wetland Buffers.**

1. The utility development authorized in Section 19.100. 125 E, shall be allowed, subject to best management practices in wetlands and wetland buffers.
2. Construction of new utilities outside the road right-of-way or existing utility corridors may be permitted in wetlands or wetland buffers only when no reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of

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1 | vegetation and maintenance outlined in 5 and 6, below, and as required in the filing and  
2 | approval of applicable permits and special reports (Chapter 19.700) required by this title.

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- Deleted: Sewer or On-Site Sewage Utility
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3. ~~Construction of sewer lines or on-site sewage systems may be permitted in regulated wetland buffers only when: (a) The applicant demonstrates it is necessary to meet state and/or local health code minimum design standards (not requiring a variance for either horizontal setback or vertical separation); and/or (b) There are no other practicable or reasonable alternatives available and construction meets the requirements of this section. Joint use of the sewer utility corridor by other utilities may be allowed. Special Use Review (Section 19.200.235) will be required when such activities occur in wetland buffers.~~

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

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

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

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

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c. Any additional utility corridor access for maintenance shall be provided as much as possible at specific points, rather than by parallel roads. Mitigation will be required for any additional access through restoration of vegetation in disturbed areas.

d. The department may require other additional mitigation measures.

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

a. Where feasible, painting of utility equipment such as power towers shall not be sprayed or sandblasted, nor should lead-based paints be used.

b. No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers except those approved by the [U.S. Environmental Protection Agency \(EPA\)](#) and the [Washington Department of Ecology](#). Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.

1 I. **Parks.** Development of public park and recreation facilities may be permitted provided that no  
2 alteration of wetlands or wetland buffers occurs except for such uses which are allowed in [Table](#)  
3 19.200.225 [A Regulated Uses and Activities](#). For example, enhancement of wetlands and  
4 development of trails may be allowed in wetlands and wetland buffers subject to special use  
5 requirements and approval of a wetland mitigation plan.

6  
7 **19.200.235 Special Use Review.**

8  
9 Development identified as requiring a Special Use Review in [Table 19.200.225 A](#), may be approved,  
10 conditioned, or denied according to the procedures and criteria outlined in this section. Special use  
11 review is an administrative process unless the underlying permit requires a public hearing.  
12 The department is authorized to approve or deny permits as required by this title.

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

21  
22 B. The department shall deny a [Special Use Review](#) request when it finds that the proposed use or  
23 activity is inconsistent with this title and/or will cause adverse impacts to the wetland or wetland  
24 buffer, that cannot be adequately mitigated and/or avoided.

25  
26 C. [Special Use Review](#) determinations are appealable to the hearing examiner pursuant to Section  
27 19.100.145 (Appeals).

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29  
30  
31 **19.200.250 Wetland Mitigation Requirements.**

- 32  
33 A. **Mitigation.** All regulated development activities in wetlands or buffers shall be mitigated  
34 according to this title subject to the following order:  
35 1. Avoiding the impact altogether by not taking a certain action or parts of actions;  
36 2. Minimizing impacts by limiting the degree or magnitude of the action and its  
37 implementation by using appropriate technology or by taking affirmative steps to reduce  
38 impacts;  
39 3. [Using one of the following mitigation types, listed in order of preference:](#)  
40 a. Rectifying the impact by reestablishing, rehabilitating, or restoring the affected  
41 environment;  
42 b. Compensating for the impact by replacing or providing substitute resources or  
43 environments; [or](#)  
44 c. Compensating for the impact by improving the environmental processes that support  
45 wetland systems and functions

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¶ A. Application Procedures for New Development. Any new development containing a regulated wetland or its buffer, or within two hundred feet of a regulated wetland or its buffer, shall provide the special reports listed below, as required by the department, prior to any development authorization by the department. Additional reports or information to further identify potential impacts to any part of the environment may also be required. ¶

¶ 1. Wetland delineation report (19.700.710);¶

¶ 2. Wetland mitigation report (19.700.715); and,¶

¶ 3. Erosion and sedimentation control measures and/or a site development activity permit as required by Title 12 Kitsap County Stormwater Management Ordinance.¶

¶ B. Time Limitations. Special reports submitted in accordance with this section shall be valid for a period of three years from the date of issue unless a longer or shorter period is specified by the department. An extension of an original report may be granted upon submittal of a written request to the department ¶ ... [5]

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**B. Mitigation for Regulated Activities in Wetland Buffers.** A specific mitigation plan is required and the requirements are provided in 19.700.715. Approval of the mitigation plan shall be signified by a notarized memorandum of agreement signed by the applicant and Department Director or designee, and recorded with the Kitsap County Auditor. The agreement shall refer to all requirements for the mitigation project.

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**C. Mitigation for Regulated Activities in Wetlands.** Compensatory mitigation shall be required for regulated activities that result in the loss of wetland acreage. A specific mitigation plan is required and the requirements are provided in 19.700.715.

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1. A compensatory mitigation plan shall be completed. The applicant shall submit a detailed mitigation plan for compensatory mitigation to the department. See 19.700.715 for specific requirements of the detailed mitigation plan.
2. The detailed mitigation plan shall be prepared, signed, and dated by the wetland specialist to indicate that the plan is in accordance with specifications as determined by the wetland specialist. A signed original mitigation plan shall be submitted to the department.
3. Approval of the detailed mitigation plan shall be signified by a notarized memorandum of agreement signed by the applicant and department Director or designee, and recorded with the Kitsap County Auditor. The agreement shall refer to all requirements for the mitigation project.
4. The mitigation project shall be completed according to a schedule agreed upon between the department and the applicant.
5. Wetland mitigation shall occur according to the approved wetland mitigation plan and shall be consistent with provisions of this chapter and title.
6. The wetland specialist shall be onsite during construction and plant installation phases of all mitigation projects.
7. On completion of construction for the wetland mitigation project, the wetland specialist shall submit an as-built report to the department for review and approval.

**D. Wetland Replacement Ratios.**

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

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<b>Table 19.200.250 Wetland Mitigation Replacement Ratios Table</b>				
<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

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**Table 19.200.250 Wetland Mitigation Replacement Ratios Table**

<u>WETLAND CATEGORY</u>	Re-establishment or Creation	Rehabilitation	1:1 Reestablishment or Creation (R/C) and Enhancement (E)	Enhancement Only
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 <u>other</u>	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

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2. The department may increase or decrease the ratios based on one or more of the following:

a. Replacement ratios may be increased under the following circumstances:

- (1) Uncertainty exists as to the probable success of the proposed restoration or creation;
- (2) A significant period of time will elapse between impact and establishment of wetland functions at the mitigation site;
- (3) Proposed compensation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
- (4) The impact was an unauthorized impact.

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

- (1) Documentation by the applicant provides more certainty that the proposed compensation actions will be successful. For example, demonstrated prior success with similar compensation actions as those proposed, and/or extensive hydrologic data to support the proposed water regime;
- (2) Documentation by the applicant demonstrates that the proposed compensation actions will provide functions and values that are significantly greater than the wetland being impacted; or
- (3) The proposed mitigation actions are conducted in advance of the impact and are shown to be successful.

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**E. Off-Site Compensatory Mitigation.**

- 1 1. Considerations for determining whether off-site mitigation is preferable include, but are not  
2 limited to:
  - 3 a. On-site conditions do not favor successful establishment of the required vegetation type, or  
4 lack the proper soil conditions, or hydrology;
  - 5 b. On-site compensation would result in an aquatic habitat that is isolated from other natural  
6 habitats or severely impaired by the effects of the adjacent development;
  - 7 c. Off-site location is crucial to one or more species that is threatened, endangered, or  
8 otherwise of concern, and the on-site location is not;
  - 9 d. Off-site location is crucial to larger ecosystem functions, such as providing corridors  
10 between habitats, and the on-site location is not; and,
  - 11 e. Off-site compensation has a greater likelihood of success or will provide greater functional  
12 benefits.
- 13
- 14 2. When determining whether off-site mitigation is preferable, the value of the site-specific  
15 wetland functions at the project site, such as flood control, nutrient retention, sediment filtering,  
16 and rare or unique habitats or species, should be fully considered.
- 17
- 18 3. When conditions do not favor on-site compensation, off-site compensatory mitigation should  
19 be located as close to the impact site as possible, at least within the same watershed, while still  
20 replacing lost functions.

21  
22 **F. Monitoring Requirements.**

23  
24 Kitsap County shall require monitoring reports on an annual basis for a minimum of five years and  
25 up to ten years, or until the department determines that the mitigation project has achieved success.  
26 The wetlands mitigation plan shall provide specific criteria for monitoring the mitigation project.  
27 Criteria shall be project-specific and use best available science to aid the department in evaluating  
28 whether or not the project has achieved success (See Chapter 19.700, 710 and 19.700.715 Special  
29 Reports).

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31 **G. Mitigation Banking.**

32 Kitsap County encourages the creation of a public or private mitigation banking system when  
33 feasible.

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35 **19.200.255 Incentives for Wetlands Protection.**

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37 Kitsap County recognizes that property owners wish to gain economic benefits from their land. The  
38 county encourages such mechanisms as the open space tax program, conservation easements and  
39 donations to land trusts, in order to provide taxation relief upon compliance with the regulations in this  
40 title.

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42 (Ord. 217 (1998) § 3 (part), 1998)

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Chapter 19.300

FISH AND WILDLIFE HABITAT CONSERVATION AREAS

19.300.305 Purpose.

19.300.310 Fish and Wildlife Habitat Conservation Area Categories.

19.300.315 Development Standards.

19.300.305 Purpose.

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

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A. Preserve natural flood control, stormwater storage, and drainage or stream flow patterns;

B. Prevent turbidity and pollution, control siltation, protect nutrient reserves, and maintain water flows and quality for anadromous and resident fish, marine shellfish and forage fish; and

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C. Encourage non-regulatory methods of habitat retention whenever practical, through mechanisms such as education and the open space tax program.

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(Ord. 217 (1998) § 3 (part), 1998)

19.300.310 Fish and Wildlife Habitat Conservation Area Categories.

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

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

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

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Table 19.300.310 DNR Water Typing System

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

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2. Shorelines

a. **Saltwater Shorelines, and Lakes 20 Acres and Greater in Surface Area.** Those saltwater shorelines and lakes defined as shorelines of the state in the Shoreline Management Act of 1971 and the Kitsap County Shoreline Management Master Program, as now or hereafter amended. Shorelines include: Type S waters as set forth in WAC 222-16-030 (DNR Water Typing System) as now or hereafter amended; commercial and recreational shellfish areas; kelp and eelgrass beds; and forage fish spawning areas.

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b. **Lakes Less Than 20 Acres in Surface Area.** Those lakes which meet the criteria for Type F, Np, and Ns waters as set forth in WAC 222-16-030, as now or hereafter amended. This includes lakes and ponds less than twenty acres in surface area and their submerged aquatic beds, and lakes and ponds planted with game fish by a governmental or tribal authority.

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3. Wildlife Habitat Conservation Areas.

a. **Class I Wildlife Habitat Conservation Areas.**

(1) Habitats recognized by federal or state agencies for federal and/or state listed endangered, threatened and sensitive species documented in maps or databases available to Kitsap County.

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

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

Deleted: ii. Habitats that have been identified through maps, data bases, reports or studies that include attributes such as comparatively high wildlife density; high wildlife species richness; significant wildlife breeding habitat, seasonal ranges or movement corridors of limited availability and/or high vulnerability. These habitats may include caves, cliffs, islands, meadows, old-growth/mature forest, snag-rich areas, talus slopes, and urban natural open space.

b. **Class II Wildlife Habitat Conservation Areas.**

Habitats for state listed candidate and monitored species documented in maps or databases available to Kitsap County and its citizens, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

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Deleted: A habitat management plan (HMP) is a site investigation to evaluate the potential presence or absence of a regulated fish or wildlife species or habitat affecting a subject property and proposed development.

(Ord. 217 (1998) § 3 (part), 1998)

**19.300.315 Development Standards.**

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

**A. Buffers and Building Setbacks.**

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

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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, Blackjack Creek and Tahuya 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 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	
Saltwater Shorelines and Lakes			
Shoreline Designation <sup>1</sup>	Buffer Width	Minimum Building Setback	Other Development Standards
<b>Urban, Semi-Rural and Rural shorelines and Lakes less than 20 acres</b>	35 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.
<b>Conservancy</b>	50 feet	15 feet beyond buffer	
<b>Natural</b>	100 feet	15 feet beyond buffer	
Wildlife Habitat Conservation Areas			
<b>Class I</b>	Buffer widths and setbacks will be determined through a mandatory <u>H</u> abitat <u>M</u> anagement <u>P</u> lan (HMP)		
<b>Class II</b>	Site-specific conditions will determine the need for the preparation of a HMP		

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<sup>1</sup>as defined in Title 22 Kitsap County Code (Shoreline Management Master Program)

2. **Buffer Measurement.** Distances shall be measured from the ordinary high water mark (OHM) or from the top of the bank where the OHM cannot be identified. Buffers shall be retained in their natural condition. It is acceptable, however, to enhance the buffer by planting indigenous vegetation, as approved by the department. Alteration of buffer areas and building setbacks may be allowed for water-dependent and water-related activities subject to subsection g below.

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1 and for development authorized by Section 19.100.140 (Reasonable Use Exception), Section  
2 19.100.125 (Exemptions), Section 19.100.130 (Standards for Existing Development) or Section  
3 19.100.135 (Variances). The buffer width shall be increased to include streamside wetlands  
4 which provide overflow storage for stormwaters, feed water back to the stream during low  
5 flows or provide shelter and food for fish. In braided channels, the ordinary high water mark or  
6 top of bank shall be ~~the entire stream feature.~~

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Table 4: Fish and Wildlife Habitat Conservation Area Development Standards ... [10]
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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  
16 Lands to be determined by the Kitsap County Shoreline Management Master Program.)

17  
18 4. **Provision for Decreasing Buffer.** In lieu of going through the formal variance process, an  
19 administrative reduction to buffer widths may be granted subject to the requirements of this  
20 section. Where an applicant demonstrates pursuant to the variance criteria that buffer  
21 widths cannot be met, a habitat management plan (HMP) will be required that shall meet  
22 the requirements as described in Chapter 19.700 ~~(Special Reports)~~. The department may  
23 decrease the buffer if, after consultation with the Washington State Department of Fish and  
24 Wildlife, and review of the HMP the department determines that conditions are sufficient  
25 to protect the affected habitat. The department may reduce the buffer width by up to fifty  
26 percent for construction of a single family dwelling or up to twenty five percent for all  
27 other development, but the buffer shall not be less than twenty-five feet. Granting of  
28 reduced buffer shall be the minimum necessary for the permitted use. When applicable, the  
29 order of sequence for buffer reductions shall be as follows:

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31 a. Use of buffer averaging, maintaining one hundred percent of the buffer area under the  
32 standard buffer requirement;

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34 b. Reduction of the overall buffer area by no more than twenty-five percent of the area  
35 required under the standard buffer requirement;

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37 c. Enhancement of existing degraded buffer area and replanting of the disturbed buffer  
38 area;

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40 d. Use of alternative on-site wastewater systems in order to minimize site clearing;

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42 e. Infiltration of stormwater where soils permit; and,

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43  
44 f. Retention of existing native vegetation on other portions of the site in order to offset  
45 habitat loss from buffer reduction.

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

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

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10 7. **Channel Migration Zones.** In areas where channel migration zones occur outside of Urban  
11 Growth Areas (as of the date of the adoption of this ordinance), the buffer distance shall be  
12 measured from the edge of the channel migration zone.

14 8. **Buffer and Building Setback Alterations for Water-dependent and Water-related**  
15 **Activities.** The department may allow an administrative alteration to the required buffer and  
16 building setback for water-dependent and water-related activities when no other reasonable or  
17 practicable alternative exists and the development is consistent with the Kitsap County  
18 Shoreline Management Master Program. Any alteration of a buffer and building setback shall  
19 be the minimum necessary and shall require, an approved habitat management plan which  
20 adequately protects habitat values.

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

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Deleted: as permanent open space tracts, functioning as critical areas buffers or

Deleted: All development as described within this title or within two hundred fifty feet of designated Class I wildlife habitat conservation areas shall adhere to the following standards:

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1.

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Deleted: 2. All new development within ranges and habitat elements of Class I wildlife habitat conservation areas may require the submittal of a HMP as specified in Chapter 19.700.720 (Special Reports). An HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation. The requirement for an HMP shall be determined during the SEPA/critical areas review on the project.¶

Deleted: shall adhere to the following standards:¶  
All new development within Class II wildlife conservation areas

26 10. **Building or Impervious Surface Setback Lines:** A building or impervious surface setback  
27 line of 15 feet is required from the edge of any fish and wildlife habitat conservation area  
28 buffer. Minor structural or impervious surface intrusions into the areas of the setback may be  
29 permitted if the department determines that such intrusions will not adversely impact the fish  
30 and wildlife habitat conservation area. The setback shall be identified on a site plan and filed  
31 as an attachment to the notice to title as required by 19.100.150 (Critical Area and Buffer  
32 Notice to Title).

34 B. **Class I Wildlife Habitat Conservation Areas Development Standards.**

35 ~~All sites with known Class I wildlife habitat conservation areas will require, for all development~~  
36 ~~permits, the submittal and approval of a habitat management plan (HMP) as specified in Chapter~~  
37 ~~19.700 (Special Reports). In the case of bald eagles, an approved bald eagle management plan by~~  
38 ~~the Washington State Department of Fish and Wildlife (WDFW), meeting the requirements and~~  
39 ~~guidelines of the bald eagle protection rules (WAC 232-12-292), as now or hereafter amended,~~  
40 ~~shall satisfy the requirements for a habitat management plan (HMP). In the case of listed fish~~  
41 ~~species, a HMP shall be required if a buffer reduction is proposed under the provisions of~~  
42 ~~19.300.315 A.~~ An HMP shall consider measures to retain and protect the wildlife habitat and shall  
43 consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and  
44 retention of natural vegetation.

46 C. **Class II Wildlife Habitat Conservation Area Development Standards.** All development  
47 within designated Class II wildlife conservation areas may require the submittal of a habitat

1 management plan (HMP). An HMP shall consider measures to retain and protect the wildlife  
2 habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces,  
3 erosion control and retention of natural vegetation. The requirement for an HMP shall be  
4 determined during the SEPA/critical areas review on the project.  
5

6 **D. Stream Crossings.** Any private or public road expansion or construction which is allowed and  
7 must cross streams classified within this title, shall comply with the following minimum  
8 development standards:  
9

- 10 1. Bridges or bottomless culverts shall be required for all Type S or F streams that have salmonid  
11 breeding habitat. Other alternatives may be allowed upon submittal of a habitat management  
12 plan that demonstrates that other alternatives would not result in significant impacts to the fish  
13 and wildlife conservation area, as determined appropriate through the Washington State  
14 Department of Fish and Wildlife, Hydraulics Project Approval process. The plan must  
15 demonstrate that salmon habitat will be replaced on a 1:1 ratio.  
16
- 17 2. Crossings shall not occur in salmonid spawning areas unless no other feasible crossing site  
18 exists. For new development proposals, if existing crossings are determined to adversely impact  
19 salmon spawning or passage areas, new or upgraded crossings shall be relocated as determined  
20 by the Washington State Department of Fish and Wildlife (WDFW).  
21
- 22 3. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary  
23 high water marks unless no other feasible alternative placement exists.  
24
- 25 4. Crossings shall not diminish flood carrying capacity.  
26
- 27 5. Crossings shall serve multiple properties whenever possible.  
28
- 29 6. Where there is no reasonable alternative to providing a culvert, the culvert shall be the  
30 minimum length necessary to accommodate the permitted activity.  
31

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32 **E. Stream Relocations.** Stream relocations for the purpose of flood protection and/or fisheries  
33 restoration shall only be permitted when adhering to the following minimum performance  
34 standards and when consistent with WDFW hydraulic project approval (HPA):  
35

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- 36 1. The channel, bank and buffer areas should be replanted with native vegetation that replicates a  
37 natural, undisturbed riparian condition; and  
38
- 39 2. For those shorelands and waters designated as frequently flooded areas pursuant to Chapter  
40 19.500, a professional engineer licensed in the state of Washington shall provide information  
41 demonstrating that the equivalent base flood storage volume and function will be maintained.  
42
- 43 3. Relocated stream channels shall be designed to meet or exceed the functions and values of the  
44 stream to be relocated.  
45

46 **F. Pesticides, Fertilizers and Herbicides.** No pesticides, herbicides or fertilizers may be used in fish  
47 and wildlife habitat conservation areas or their buffers, except those approved by the U.S.EPA or

1 | ~~Washington Department of Ecology for use in fish and wildlife habitat conservation area~~  
2 | environments. Where approved, herbicides must be applied by a licensed applicator in accordance  
3 | with the safe application practices on the label.

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

- 10 |  
11 | 1. The open water area of lakes, streams, and tidal lands shall not be permitted for use in  
12 | calculating minimum lot area.  
13 |  
14 | 2. Land division approvals shall be conditioned so that all required buffers are dedicated as open  
15 | space tracts, or as an easement or covenant encumbering the buffer. Such dedication, easement  
16 | or covenant shall be recorded together with the land division and represented on the final plat,  
17 | short plat or binding site plan, and title.

- 18 |  
19 | 3. In order to avoid the creation of non-conforming lots, each new lot shall contain at least one  
20 | building site that meets the requirements of this title, including buffer requirements for habitat  
21 | conservation areas. This site shall also have access and a sewage disposal system location that  
22 | ~~is~~ suitable for development and does not adversely impact the fish and wildlife conservation  
23 | area.

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- 24 |  
25 | 4. After preliminary approval and prior to final land division approval, the department may  
26 | require that the common boundary between a required buffer and the adjacent lands be  
27 | identified using permanent signs. In lieu of signs, alternative methods of buffer identification  
28 | may be approved when such methods are determined by the department to provide adequate  
29 | protection to the buffer.

- 30 |  
31 | 5. In order to implement the goals and policies of this title, ~~to accommodate innovation, creativity,~~  
32 | ~~and design flexibility, and to achieve a level of environmental protection that would not be~~  
33 | ~~possible by typical lot-by-lot development, the use of the performance based development~~  
34 | process is strongly encouraged for projects within designated fish and wildlife habitat  
35 | conservation areas.

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36 |  
37 | **H. Agricultural Restrictions.** In all development proposals that would permit introduction of  
38 | agriculture to fish and wildlife habitat conservation areas, damage to the area shall be avoided by  
39 | the installation of fencing located not closer than the outer buffer edge.

40 |  
41 | **I. Trails and Trail-Related Facilities.** Construction of public and private trails and trail-related  
42 | facilities, such as benches, interpretive centers, and viewing platforms, may be allowed in fish and  
43 | wildlife habitat conservation areas or their buffers pursuant to the following standards:

- 44 |  
45 | 1. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility  
46 | corridors, or other such previously disturbed areas.  
47 |

- 1 2. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags and  
2 important wildlife habitat.
- 3
- 4 3. Viewing platforms, interpretive centers, benches and access to them, shall be designed and  
5 located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected  
6 conservation area.
- 7
- 8 4. Trails and related facilities shall generally be located outside required buffers. Where trails are  
9 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
- 13 5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike  
14 or horse trails have been specifically allowed and mitigation has been provided. Trail width  
15 shall not exceed five feet unless there is demonstrated need, subject to review and approval by  
16 the department. Trails shall be constructed with pervious materials unless otherwise approved  
17 by the department.

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

- 22 1. The normal and routine utility maintenance or repair authorized in Section 19.100.125 shall be  
23 allowed within designated fish and wildlife habitat conservation areas, subject to best  
24 management practices.
- 25
- 26 2. Construction of utilities may be permitted in fish and wildlife habitat conservation areas or their  
27 buffers, only when no practicable or reasonable alternative location is available. Utility  
28 construction shall adhere to the development standards set forth in 5 and 6, below. As required,  
29 Special Reports (Chapter 19.700) shall be reviewed and approved by the department.
- 30
- 31 3. Construction of sewer lines or on-site sewage systems may be permitted in fish and wildlife  
32 habitat conservation areas or their buffers when the applicant demonstrates it is necessary to  
33 meet state and/or local health code requirements, there are no other practicable alternatives  
34 available, and construction meets the requirement of this section. Joint use of the sewer utility  
35 corridor by other utilities may be allowed and is encouraged.
- 36
- 37 4. New utility corridors shall not be allowed in Class I or II fish and wildlife habitat conservation  
38 areas (19.300.310 B), except in those circumstances where an approved HMP indicates that the  
39 utility corridor will not significantly impact the conservation area.
- 40
- 41 5. Utility corridor construction and maintenance shall protect the environment of fish and wildlife  
42 habitat conservation areas and their buffers.
  - 44 a. New utility corridors shall be aligned when possible to avoid cutting trees greater than  
45 twelve inches in diameter at breast height (four and one-half feet) measured on the uphill  
46 side.

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**Deleted:** and the utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined in 5 and 6 below, and

**Deleted:** as required in the filing and approval of special reports (Chapter 19.700) which may be required by this title

**Deleted:** Sewer or On-site Sewage Utility.

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**Deleted:** with known locations of federal or state listed endangered, threatened or sensitive species, heron rookeries or nesting sites of raptors which are listed as state candidate or state monitor,

**Deleted:** habitat management plan

**Deleted:** New Utility Corridor Construction.

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

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

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

a. Utility towers shall be painted with brush, pad or roller and shall not be sandblasted or spray painted, nor use lead-base paints.

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

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K. **Bank Stabilization.** A stream channel and bank, bluff, and shore may be stabilized when documented naturally occurring earth movement presents an imminent threat to existing structures (defined as requiring a building permit pursuant to Title 14.04 Kitsap County Building and Fire Code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of fish and wildlife habitat, flood control and improved water quality.

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

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

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

4. The department may require that bank stabilization be designed by a professional engineer licensed in the state of Washington with demonstrated expertise in hydraulic actions of

shorelines. Bank stabilization projects may also require a Kitsap County ~~s~~Site development activity permit per Title 12 Kitsap County Code (Stormwater Management) and ~~a~~ Hydraulic Project Approval (HPA) from the WDFW.

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

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

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

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- Deleted: No other reasonable or practicable alternative exists and t
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- Deleted: Expansion or construction of any private or public road shall only be allowed when adverse impacts cannot be avoided;
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1. The road or street, shall serve multiple properties whenever possible;

2.

2. Public and private roads should provide for other purposes, such as utility corridor crossings, pedestrian or bicycle easements, viewing points, etc. ;

3. The road or street construction is the minimum necessary, as required by the department of public works, and shall comply with the department of public works' guidelines to provide public safety and mitigated stormwater impacts; and

4. Construction time limits shall be determined in consultation with WDFW in order to ensure habitat protection.

(Ord. 217 (1998) § 3 (part), 1998)

**Chapter 19.400**  
**GEOLOGICALLY HAZARDOUS AREAS**

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**19.400.405 Purpose.**

**19.400.410 Geologically hazardous area categories.**

**19.400.415 Development standards.**

**19.400.405 Purpose.**

This section applies to all regulated uses included in this title within two hundred fifty feet of areas designated as geologically hazardous areas, as categorized in Section 19.400.410 below. The intent of this section is to:

A. Provide standards to protect human life and property from potential risks;

B. Regulate uses of land in order to avoid damage to structures and property being developed and damage to neighboring land and structures;

C. Control erosion, siltation, and water quality to protect anadromous and resident fish and marine shellfish;

D. Provide controls to minimize shoreline erosion caused by human activity;

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

(Ord. 217 (1998) § 3 (part), 1998)

**19.400.410 Geologically Hazardous Area Categories.**

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A. **Classification.** The following categories shall be used in classifying geologically hazardous areas:

**1. Areas of High Geologic Hazard.**

a. Areas with slopes greater than or equal to thirty percent and mapped by the Coastal Zone Atlas, Quaternary Geology and Stratigraphy of Kitsap County, or by Light Distance and Radar (LiDAR) mapping as "Unstable" (U), "Unstable Old Land Slides" (UOS) or "Unstable Recent Slides" (URS).

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

**2. Areas of Moderate Geologic Hazard.**

a. Areas designated U, UOS, or URS in the Coastal Zone Atlas, Quaternary Geology and Stratigraphy of Kitsap County, or LiDAR maps, with slopes less than thirty percent; or

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1 areas found by a qualified geologist to meet the criteria for U, URS, and UOS with slopes  
2 less than thirty percent;

- 3  
4 b. Slopes identified as "Intermediate" (I) in the Coastal Zone Atlas, Quaternary Geology and  
5 Stratigraphy of Kitsap County or LiDAR maps, or areas found by a qualified geologist to  
6 meet the criteria of I;  
7  
8 c. Slopes fifteen percent or greater, not classified as I, U, UOS, or URS, with soils classified  
9 by the [U.S. Department of Agriculture](#) Natural Resources Conservation Service as "highly  
10 erodible" or "potentially highly erodible;"  
11  
12 d. Slopes of fifteen percent or greater with springs or groundwater seepage not identified in a  
13 or b above; or,  
14  
15 e. Seismic areas subject to liquefaction from earthquakes (seismic hazard areas) such as  
16 hydric soils as identified by the Natural Resources Conservation Service, and areas that  
17 have been filled to make a site more suitable. Seismic areas may include former wetlands  
18 which have been covered with fill.  
19

20 **B. Site Specific Determinations.**

21  
22 A geologic or geotechnical report is a site investigation process to evaluate the on-site geology  
23 affecting a subject property and proposed development. Should the applicant question the  
24 information the county must rely on to determine whether a location contains a geologically  
25 hazardous area, the county may ask the applicant to submit the appropriate site specific  
26 geotechnical or geologic report to confirm or modify the existing information known about the  
27 area. The requirements for reports are contained in [Chapter 19.700 \(Special Reports\)](#).

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28  
29 The intent of this provision is to allow obviously non-geologically hazardous sites to be determined  
30 as such. Where there is any ambiguity about the potential for geologic hazards whatsoever, the  
31 department will require a geotechnical or geological report, rather than make a non-geologically  
32 hazardous determination.

33 (Ord. 217 (1998) § 3 (part), 1998)  
34  
35

36 **19.400.415 Development Standards.**

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37  
38 This section applies to all regulated uses, within [designated geologically hazardous areas and their](#)  
39 [setbacks](#).

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40  
41 A. **Review.** Where applicable the department will approve, approve with conditions or deny the  
42 development proposal based on the department's evaluation of [site specific](#) conditions. The  
43 department will also consider any proposed mitigation measures included in a geotechnical report,  
44 if one is required.

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45  
46 B. **Minimum Buffer Requirement.** The buffer for all geologically hazardous areas shall include  
47 native vegetation from the toe of the slope to twenty-five feet beyond the top of the slope unless

1 otherwise allowed through a geological report or a site-specific determination (Refer to Section  
2 19.400.410B).

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3  
4 **C. Building/Impervious Surface Setback Requirements.**

5  
6 1. **Areas of High Geologic Hazard.** Minimum building and impervious surface setback from the  
7 top of slope shall be equal to the height of the slope (1:1 horizontal to vertical) plus the greater  
8 of 1/3 of the vertical slope height or twenty-five feet.

9  
10 2. **Areas of Moderate Geologic Hazard.** Minimum building and impervious surface setback  
11 shall be forty feet from the top of slope. As required in subsection B above, the twenty-five feet  
12 adjacent to the top of the slope shall be retained as a native vegetation buffer, with an additional  
13 minimum fifteen-foot building and impervious surface setback. The department may decrease  
14 the setback when such a setback would result in a greater than 1:1 slope setback or as may be  
15 allowed under Section 19.400.410.B. (Site Specific Determinations).

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16  
17 3. **Toe of Slope Building Setback.** A geotechnical report may be required based on slope height  
18 and stability indicators. Where slope hazard indicators are not identified, the requirements of  
19 Title 14.04 Kitsap County Building and Fire Code will apply.

Deleted: for any new construction within two hundred feet of an area of high geologic hazard. The department will make a determination

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20  
21 **D. Buffer and Building Setback Modifications.**

22  
23 1. **Report Recommendations.** The minimum native vegetation buffer and/or building setback  
24 requirement may be decreased if a geotechnical report demonstrates that a lesser distance,  
25 through design and engineering solutions, will adequately protect both the proposed  
26 development and the erosion hazard and/or landslide hazard area (see Chapter 19.700). Should  
27 the geotechnical report indicate that a greater buffer and/or building setback is required than  
28 specified in subsections B and/or C above, the greater buffer and/or building setback shall be  
29 required. The department may determine through a site visit, a special report or mapping that  
30 an increased buffer and/or building setback is required from the critical area.

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31  
32 2. **Vegetation Removal.** Minor pruning of vegetation or tree removal for view enhancement, or  
33 elimination of danger trees to maintain slope integrity may be allowed, provided that such  
34 activity is approved by the department. The thinning of limbs on individual trees is preferred to  
35 the removal or topping of trees for view corridors. At a minimum, no more than thirty percent  
36 of the live tree crowns shall be removed. Total buffer thinning shall not exceed twenty-five  
37 percent.

38  
39 E. **Seasonal Restrictions.** , Clearing and grading shall be limited to the period between May 1 to  
40 October 1, unless the applicant provides an erosion and sedimentation control plan prepared by a  
41 professional engineer licensed in the state of Washington that specifically and realistically  
42 identifies methods of erosion control for wet weather conditions.

43  
44 F. **Field Marking Requirements.** The proposed clearing for the project and all critical area buffers  
45 shall be marked in the field for inspection and approval by the department prior to beginning work.  
46 Field marking requirements for construction of a single-family dwelling will be determined on a  
47 case-by-case basis by the department. The field marking of all buffers shall remain in place until

1 | construction is completed, and final approval is granted by the department. Permanent marking  
2 | may be required as determined necessary to protect critical areas or its buffer.

3 |  
4 | **G. Cut and Fill Slopes.** The faces of all cut and fill slopes shall be protected to prevent erosion as  
5 | required by the engineered erosion and sedimentation control plan.

6 |  
7 | **H. Stormwater Standards.** Stormwater discharges shall be in compliance with Title 12 [Kitsap](#)  
8 | [County Code](#) (Stormwater Management).

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

13 |  
14 | **J. Additional Clearing Standards.**

15 |  
16 | 1. Only the clearing necessary to install temporary erosion control measures will be allowed prior  
17 | to the clearing for roads and utilities construction.

18 |  
19 | 2. Clearing for roads and utilities shall be the minimum necessary and shall remain within marked  
20 | construction limits.

21 |  
22 | 3. Clearing for overhead power lines shall be the minimum necessary for construction and will  
23 | provide the required minimum clearances of the serving utility [corridor](#).

24 |  
25 | **K. Existing Logging Roads.** Where existing logging roads occur in geologically hazardous areas, a  
26 | geological or geotechnical report ([19.700.725](#)) may be required prior to use as a temporary haul  
27 | road or permanent access road under a conversion or COHP forest practices application.

28 |  
29 | **L. Clustering Requirements.** The department may require clustering to increase protection to  
30 | geologically hazardous areas.

31 |  
32 | **M. Vegetation Enhancement.** The department may require enhancement of buffer vegetation to  
33 | increase protection to geologically hazardous areas.

34 |  
35 | **N. Seismic Hazard Area Development Standards.**

36 |  
37 | 1. Proposed new development within a seismic hazard area shall be in accordance with Title  
38 | 14.04 Kitsap County Building and Fire Code.

39 |  
40 | 2. Applicants for public and commercial building proposals within seismic hazard areas shall  
41 | submit a geotechnical report ([19.700.725](#)) addressing any fill or grading that has occurred on  
42 | the subject parcel. Any fill placed for such development shall have documented construction  
43 | monitoring as required by Title 14.04 Kitsap County Building and Fire Code.

44 |  
45 | 3. The development proposal may be approved, approved with conditions or denied based on the  
46 | department's evaluation of the proposed mitigation measures [in the geotechnical report](#) to  
47 | reduce seismic risk.

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1  
2 **O. Prohibitions.**  
3

4 | 1 Critical facilities, as defined in Section 19.150, are prohibited in areas of high  
5 | geologic hazard.

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7 | 2 In areas of high geologic hazard with slopes greater than eighty percent, no development  
8 | will be allowed either on or within the defined buffer area, unless approved by the  
9 | department after review of a geotechnical report. The defined buffer zone for geologically  
10 | hazardous areas is defined in subsection C above.

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

16 (Ord. 217 (1998) § 3 (part), 1998)  
17  
18

19 **Chapter 19.500**  
20 **FREQUENTLY FLOODED AREAS**  
21

22 **19.500.505 Purpose.**  
23

24 The purpose of this chapter is to protect the public health, safety and welfare from harm caused by  
25 flooding. It is also the intent to prevent damage and/or loss to both public and private property. In  
26 addition, this section will give special consideration to anadromous fish habitat in combination with  
27 Chapter 19.300 Fish and Wildlife Habitat Conservation Areas. To fulfill this purpose, Kitsap County  
28 | uses Title 15 Kitsap County Code (Flood Hazard Areas), adopted by reference, which designates  
29 | special flood hazard areas and establishes permit requirements for these areas.

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31 In addition, the Kitsap County Geographic Information System (GIS) database for critical drainage  
32 | areas, as defined in Title 12 Kitsap County Code (Stormwater), will be included for areas of review  
33 | under frequently flooded areas.

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34 (Ord. 217 (1998) § 3 (part), 1998)  
35  
36

37 **Chapter 19.600**  
38 **CRITICAL AQUIFER RECHARGE AREAS**

39 **19.600.605 Purpose.**

40 **19.600.610 Critical aquifer recharge area categories.**

41 **19.600.615 Development standards.**

42 **19.600.620 Additional requirements**  
43

44 **19.600.605 Purpose.**  
45

46 Potable water is an essential life sustaining element. The majority of Kitsap County drinking water  
47 comes from groundwater supplies in aquifers. Critical aquifer recharge areas are very important to

1 shallow and deepwater aquifer recharge. The intent of this chapter is to identify and classify aquifer  
2 recharge areas in accordance with RCW 36.70A.170 and address land use activities that pose a  
3 potential to contaminate or otherwise threaten aquifer water quality. This section shall not affect any  
4 right to use or appropriate water as allowed under state or federal law. In addition, these requirements  
5 do not apply to those activities which have potential contaminant sources below threshold amounts as  
6 set forth in applicable statutes of the Revised Code of Washington, or local regulations.

7  
8 It is the policy of Kitsap County to accomplish the following:

9  
10 A. Identify, preserve and protect aquifer recharge areas, identify areas susceptible to contamination  
11 and prevent degradation of the quality of potable groundwater;

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12  
13 B. Recognize the relationship between surface and groundwater resources; and,

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14  
15 C. Give priority to potable water resource areas per WAC 365-190-080 (2) in the planning and  
16 regulation of land uses that may contaminate or degrade groundwater,  
17 (Ord. 217 (1998) § 3 (part), 1998)

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Deleted: Balance competing needs for water while preserving essential natural functions and processes.

18  
19 **19.600.610 Critical Aquifer Recharge Area Categories.**

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¶

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20  
21 As defined at 19.150.210, a Critical Aquifer Recharge Areas means those land areas that contain  
22 hydrogeologic conditions that facilitate aquifer recharge and/or transmit contaminants to an underlying  
23 aquifer. Critical aquifer recharge areas under this title may be established based on general criteria,  
24 specifically designated due to special circumstances, or based on scientific studies and mapping  
25 efforts. Factors considered in the identification of critical aquifer recharge areas include depth to water  
26 table, presence of highly permeable soils (specifically Group A Hydrologic Soils), presence of flat  
27 terrain, and the presence of more permeable surficial geology.

28  
29  
30 **A. Category I Critical Aquifer Recharge Areas**

31  
32 Category 1 critical aquifer recharge areas are those areas where the potential for certain land use  
33 activities to adversely affect groundwater is high. Category I critical aquifer recharge areas include:

- 34  
35 1. Areas inside the five-year time of travel zone for Group A water system wells, calculated in  
36 accordance with the Washington State Well Head Protection Program.
- 37  
38 2. Areas inside the ten-year time of travel zones in wellhead protection areas when the well draws  
39 its water from an aquifer that is at or above sea level and is overlain by permeable soils without  
40 an underlying protective impermeable layer.
- 41  
42 3. Areas identified as Regionally Significant Recharge Areas have been adopted by Kitsap County  
43 due to special circumstances or identified in accordance with WAC 365-190-080 (2) (c) as  
44 aquifer areas of significant potable water supply with susceptibility to groundwater  
45 contamination (see Chapter 19.800 Appendix F).

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Deleted: are included as critical aquifer recharge areas under the following condition: The ten-year time of travel zone is included

Deleted: These include the following.

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

**Deleted:** a. Hansville Aquifer Recharge Area. The Hansville aquifer recharge area has been designated as a critical recharge area under the county's SEPA Ordinance (Chapter 18.04 of this code). The Hansville aquifer recharge area is a significant potable water supply that has been deemed to be highly susceptible to the introduction of pollutants.¶

**Deleted:** ¶  
a.

**Deleted:** b

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**Deleted:** In the future, Regionally Significant Recharge Areas will be identified through additional studies that constitute best available science, including the county groundwater management plan, wellhead protection analysis or other studies which identify areas of special circumstances, including but not limited to saltwater intrusion advisory areas.

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**Deleted:** above shallow, principal aquifer(s) (See Appendix "F," Chapter 19.800)

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**Deleted:** , are considered aquifer recharge areas of concern. This generally includes principal aquifers in subsurface hydrogeologic units Og1, Og1a, Og2 and portions of Og3 that are within three hundred feet of the ground surface.

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**B. Category II Critical Aquifer Recharge Areas**

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. The general location of these areas is available on the Kitsap County Geographic Information System. Category II critical aquifer recharge areas include :

1. Highly Permeable Soils (Group A Hydrologic Soils). The general location and characteristics of Group A Hydrogeologic soils in Kitsap County is given in the Soil Survey of Kitsap County by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). The soil survey information is available on the Kitsap County geographic information system (GIS).
2. Areas above shallow aquifers and/or surface areas which are not separated from the underlying aquifers by an impermeable layer that provides adequate protections from contamination to the aquifer(s) below.
3. Areas with high concentration of Group B water system well and private domestic wells. Locations with well concentrations of thirty-six map units or more within a one-half mile radius of the proposed land use are considered aquifer recharge areas of concern.

(Ord. 217 (1998) § 3 (part), 1998)

**19.600.615 Development standards.**

**A. Category I Critical Aquifer Recharge Areas**

1. Land uses identified in Table 19.600.620 are prohibited in Category I critical aquifer recharge areas.
2. Requests for waivers for activities listed in Table 19.600.620 shall include a hydrogeological report (Chapter 19.700 Special Reports) that includes a detailed risk-benefit analysis that considers credible, worst-case scenarios. The hydrogeological report shall evaluate potential impacts of a proposed land use or activity on both groundwater and surface water quality. The waiver will be evaluated and treated as a special use review and be reviewed by the department, the health district, affected tribes, and the affected water purveyors.

**B. Category II Critical Aquifer Recharge Areas.**

2. Applicants proposing operations that pose a potential threat to groundwater as listed in Table 19.600.620 in Category II aquifer recharge areas may be required to submit a hydrogeological report (Chapter 19.700 Special Reports). The scope of the report shall be based on site-specific conditions.
3. The need for additional information will be determined by the department, the health district and the affected water purveyor. Based on the results of the report, controls, mitigation, and/or

1 other requirements will be established as a prerequisite for the development proposal being  
2 approved.

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**Deleted:** Standards for development shall be in accordance with the provisions below and the requirements of the underlying zoning.¶

¶  
A. A hydrogeological report will be required on sites that have been identified as having characteristics with high infiltration rates, or having a high aquifer recharge or infiltration potential for land uses identified in Table 5, unless determined unnecessary upon coordination with agencies with jurisdiction (Kitsap County Health District and/or affected water purveyors). This evaluation shall apply to impacts on both groundwater and surface water, as it relates to recharge areas (See requirements in Special Reports, Chapter 19.700).¶

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

**Deleted:** C. This section shall not affect any right to use or appropriate water as allowed under state or federal law. In addition, these requirements do not apply to those activities which have potential contaminant sources below threshold amounts as set forth in applicable statutes of the Revised Code of Washington, or local regulations (... [11])

**Deleted:** Stormwater infiltration best management practices shall be encouraged to the maximum extent possible as a first priority in stormwater management

**Deleted:** <#>Additional requirements¶  
¶  
In addition to the general standards above, the following will apply:¶

**Deleted:** A. Category I.¶  
¶  
Land uses identified in Table 5 are prohibited in Category I critical aquifer recharge areas. Requests for waivers shall include a hydrogeological report (Special Reports, Chapter 19.700) that includes a detailed risk-benefit analysis that considers credible, worst-case sc (... [12])

**Deleted:** B. Category II.¶  
¶  
Applicants proposing operations that pose a potential threat to groundwater as defined in Table 5 in Category II aquifer recharge areas of concern may be required to submit a hydrogeological report (Special Reports, Chapter 19.700). The scope of the report shall be (... [13])

3  
4 **C. Notification and Review**

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

11  
12 2. The department will also notify the health district and affected water purveyors through the  
13 environmental review process, when those development activities listed in Table 19.600.620  
14 are proposed outside the areas designated critical aquifer recharge areas.

15  
16 **D. Stormwater**

17  
18 Stormwater infiltration best management practices shall be encouraged to the maximum extent  
19 possible as a first priority in stormwater management  
20 (Ord. 217 (1998) § 3 (part), 1998)

21  
22  
23 **D.**  
24  
25  
26



1	<b>A. Above &amp; Below ground storage tanks</b>	40	<b>E. De-icing salts storage piles</b>
2	1. Hazardous and industrial waste	41	<b>F. Industrial operations</b>
3	treatment	42	1. Furniture strippers/painters/finishers
4	2. Hazardous and industrial waste storage	43	2. Concrete/asphalt/tar/coal companies
5	3. Hazardous material storage	44	3. Industrial manufacturers: chemicals,
6	<b>B. Animal feedlots</b>	45	pesticides/herbicides, paper, leather
7	<b>C. Commercial operations</b>	46	products, textiles, rubber,
8	1. Gas stations/service stations/truck	47	plastic/fiberglass, silicone/glass,
9	terminals	48	pharmaceuticals, electrical equipment
10	2. Petroleum distributors/storage	49	4. Metal platers/heat treaters/smelters/
11	3. Auto body repairs shops/rust proofers	50	annealers/descalers
12	4. Auto chemical supply storers/retailers	51	5. Wood preserves
13	5. Truck, automobile, and combustion	52	6. Chemical reclamation facilities
14	engine repair shops	53	7. Boat refinishers
15	6. Dry cleaners	54	8. Hydrocarbon extraction
16	7. Photo processors	55	<b>G. Land application</b>
17	*8. Auto washes	56	1. Waste-water application (spray
18	*9. Laundromats	57	irrigation)
19	*10. Beauty Salons	58	2. Waste-water byproduct (sludge)
20	11. Research or chemical testing	59	application
21	laboratories which handle significant	60	3. Petroleum refining waste application
22	quantities of hazardous materials	61	4. Hazardous waste applications
23	12. Food processors/meat packers/slaughter	62	<b>H. Landfills</b>
24	houses	63	1. Industrial hazardous and non-hazardous
25	13. Airport maintenance/fueling operation	64	landfill
26	areas	65	2. Municipal sanitary landfill
27	14. Junk and salvage yards	66	<b>I. Material transfer operations</b>
28	15. Storing or processing manure, feed, or	67	1. Hazardous and industrial waste transfers
29	other agriculture by products by	68	2. Hazardous material transfers
30	commercially permitted businesses	69	<b>J. Materials stockpiles</b>
31	16. Large scale storage or use of pesticides,	70	<b>K. Mining and mine drainage</b>
32	insecticides, herbicides, or fertilizer by	71	<b>L. On-site Septic Systems (LOSS category)</b>
33	commercial or agricultural operations.	72	of greater than 14,500 G.P.D. capacity
34	17. Golf courses	73	without pre-treatment
35	18. Cemeteries	74	<b>M. Pipelines</b>
36	<b>D. Deep injection wells</b>	75	1. Hazardous and industrial waste transfer
37	1. Waste-water disposal wells	76	2. Hazardous material transfer
38	2. Oil and gas activity disposal wells	77	<b>N. Radioactive disposal sites and processing</b>
39	3. Mineral extraction disposal wells	78	<b>of radioactive wastes</b>

- 1 **O. Sand and gravel mining operations**
- 2 \*If not on a sewer system with a treatment plant.

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**Chapter 19.700**  
**SPECIAL REPORTS**

- 4 **19.700.710 WETLAND DELINEATION REPORT**
- 5 **19.700.715 WETLAND MITIGATION REPORT**
- 6 **19.700.720 HABITAT MANAGEMENT PLAN**
- 7 **19.700.725. GEOTECHNICAL REPORT AND GEOLOGICAL REPORT**
- 8 **19.700.730 HYDROGEOLOGICAL REPORT**

10 **19.700.705 Special reports.**

11  
12 **A. Purpose.**

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

- 16  
17 1. Wetland Report/Wetland Mitigation Plan (19.700.710 and 19.700.715)
- 18  
19 2. Habitat Management Plan (19.700.720)
- 20  
21 3. Geotechnical Report /Geological Report (19.700.725)
- 22  
23 4. Hydrogeological Report (19.700.730)

24  
25 **B. When Required**

26  
27 Special reports shall be submitted by the applicant and approved by the department for  
28 regulated uses when required by this title for the protection of a critical area. Refer to specific  
29 critical area protection standards for when special reports are required.

30  
31 **C. Special Reports - Responsibility for Completion.**

32  
33 The applicant shall pay for or reimburse the county for the costs incurred in the preparation  
34 of special reports or tests, and for the costs incurred by the county to engage technical  
35 consultants or staff for review and interpretation of data and findings submitted by or on  
36 behalf of the applicant. The applicant shall pay permit fees or technical assistance fees as  
37 required by the Kitsap County Zoning Ordinance, as now or hereafter amended. In such  
38 circumstances where a conflict in the findings of a special report and the findings of the  
39 county in review of the special report exists, the applicant or affected party may appeal such  
40 decisions of the county pursuant to the procedures in Section 19.100.145 (Appeals).

41  
42 **D. Qualifications of Professionals.**

1 Any special report as described below shall be prepared by a professional (see those  
2 professionals described in Chapter 19.150), and shall include his or her resume, or other list  
3 of qualifications, to aid the department in assessing these qualifications.  
4 (Ord. 217 (1998) § 3 (part), 1998)  
5  
6  
7  
8

9 **19.700.710 WETLAND DELINEATION REPORT**

10  
11 A wetland delineation report shall include, but not be limited to, the following:

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- 12  
13 A. Vicinity map;  
14  
15 B. When available, a copy of a National Wetland Inventory Map (U.S. Fish and Wildlife  
16 Service) and/or a Kitsap County Wetland Inventory Map identifying the wetlands on or  
17 within two hundred fifty feet of the site;  
18  
19 C. A site map setting forth all of the following:  
20  
21 1. Surveyed wetland boundaries based upon a delineation by a wetlands specialist;  
22  
23 2. Site boundary property lines and roads;  
24  
25 3. Internal property lines, right-of-way, easements, etc.;  
26  
27 4. Existing physical features of the site including buildings, fences, and other structures,  
28 roads, parking lots, utilities, water bodies, etc.;  
29  
30 5. Contours at the smallest readily available intervals, preferably at two-foot  
31 intervals;  
32  
33 6. Hydrologic mapping showing patterns of surface water movement and known subsurface  
34 water movement into, through, and out of the site area.  
35  
36 7. Location of all test holes and vegetation sample sites, numbered to correspond with  
37 flagging in the field and field data sheets.  
38  
39 8. The department may require an air photo with overlays displaying the site boundaries and  
40 wetland delineation.  
41  
42 D. Location information (legal description, parcel number and address);  
43

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;

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4  
5 F. General site conditions including topography, acreage, and surface areas of all wetlands  
6 identified in the Kitsap County Wetland Inventory Map and water bodies within one quarter  
7 mile of the subject wetland(s);

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8  
9 G. Hydrological analysis, including topography, of existing surface and known significant sub-  
10 surface flows into and out of the subject wetland(s);

11  
12 H. Analysis of functional values of existing wetlands, including vegetative, fauna, and  
13 hydrologic conditions;

14  
15 I. A summary of proposed activity and potential impacts to the wetland(s);

16  
17 J. Recommended wetland category using the Washington State Wetlands Rating System  
18 Categories (Appendix A), including rationale for the recommendation;

19  
20 K. Recommended buffer boundaries, including rationale for boundary locations;

21  
22 L. Site plan of proposed activity, including location of all parcels, tracts, easements, roads,  
23 structures, and other modifications to the existing site. The location of all wetlands and  
24 buffers shall be identified on the site plan.

25  
26 M. Administrative Wetland Boundary and Ranking Evaluation.

27  
28 1. The department may delineate and evaluate wetland areas for any proposed single family  
29 dwelling project listed in Chapter 19.200 (Wetlands), unless the applicant wishes to  
30 employ a qualified wetland biologist at the applicant's expense, or if such a report is  
31 required by the department. Fees may be collected for this determination and evaluation,  
32 as specified in Title 17 (Zoning).

Deleted: the Kitsap County Zoning Ordinance

33  
34 2. Methodology for delineation of the regulated wetland boundary shall be the "plant  
35 community assessment" procedure which is described in the Washington State Wetlands  
36 Identification and Delineation Manual, March 1997, or as amended hereafter.

37  
38 3. The wetland boundary shall be field-staked and this line shall be depicted on the building  
39 site plan application.

40  
41 4. The regulated wetland boundary and regulated wetland buffer shall be identified on all  
42 grading, building site, utility or other development plans submitted on the project.

43  
44  
45

1 **19.700.715 WETLAND MITIGATION REPORT.**

2  
3 As required by Chapter 19.200.250 (Wetland Mitigation Requirements), a mitigation plan shall  
4 be prepared. A detailed mitigation plan shall contain the following:

5  
6 A. Executive Summary which summarizes the project, its potential wetland related impacts, and  
7 the proposed mitigation to include the following information:

- 8 a. Applicant Name / Address / Phone
- 9 b. Agent / Consultant
- 10 c. Description of land use proposal
- 11 d. Description of mitigation area
- 12 e. Description of impact avoidance and minimization measures
- 13 f. Description of unavoidable wetland impacts and mitigation measures
  - 14 • Size (acres)
  - 15 • Wetland classification
  - 16 • Hydrogeomorphic (HGM) classification
  - 17 • Wetland Rating
  - 18 • Functions
  - 19 • Compensation ratios used
- 20 2. Explanation of other impacts to waters of the state
- 21 3. Goals, Objectives and Monitoring Period

22  
23 **B. Project Description**

- 24 1. Type of development (existing and proposed land uses)
- 25 2. Project size
- 26 3. Implementation schedule
- 27 4. Project location, maps

28 4. Project summary

29  
30 **C. Ecological Assessment of Impact**

- 31 1. Impacts (acreage) and extent of disturbance to wetlands (wetland  
32 delineation)
- 33 2. Summary of historic and current on-site and nearby land uses (zoning  
34 designations)
- 35 3. Description of any known cultural resources on the site
- 36 4. Description of the site in context of other wetlands/water bodies
- 37 5. Description of the water regime
- 38 6. Description of the soils
- 39 7. Description of the plant communities
- 40 8. Description of any fauna using the site
- 41 9. Landscape position and geomorphology
- 42 10. Description of functions provided
- 43 11. Wetland category rating and buffer requirements

44  
45 **D. Mitigation Approach**

**Deleted:** Whenever the department has determined that wetland impacts are unavoidable, a review of a regulated wetland or its buffer is proposed, or an exception to uses is allowed or a variance to standards is granted

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- 1 1. Mitigation sequencing followed
- 2 2. Goals and objectives
- 3 3. Performance standards to assess each objective
- 4
- 5 E. Proposed Compensation Site
- 6 1. Site description (location, size, maps)
- 7 a. Ownership
- 8 b. Total area of mitigation site (acres)
- 9 c. Current/past land use
- 10 2. Site selection rationale
- 11 3. Existing/baseline ecological conditions of the compensation site
- 12 a. Acreage of existing wetlands and uplands
- 13 b. National Wetland Inventory or local jurisdiction wetland mapping of the
- 14 site
- 15 c. Summary of historic and current on-site and nearby land uses (zoning
- 16 designations)
- 17 d. Description of any known cultural resources on the site
- 18 e. Description of the site in context of other wetlands/water bodies
- 19 f. Description of the water regime
- 20 g. Description of the soils
- 21 h. Description of the plant communities
- 22 i. Description of any fauna using the site
- 23 j. Landscape position and geomorphology
- 24 k. Description of functions provided
- 25 l. Wetland rating of any existing wetlands, buffer requirements
- 26 4. Site constraints
- 27
- 28 F. Preliminary Site Plan
- 29 1. Explanation of how adequate hydrology will be provided
- 30 2. Discussion of how project was designed to provide the proposed functions
- 31 3. Schematic drawings: Change in topography
- 32 a. Hydrologic structures
- 33 b. Soils
- 34 c. Vegetation distributions
- 35 d. Habitat attributes
- 36 e. Buffers
- 37 4. Section drawings showing relationship of topography to water regime and
- 38 vegetation
- 39
- 40 G. Final Site Plan / Design
- 41 1. Site survey and topography
- 42 2. Water regime including
- 43 a. Engineering drawings of water control structures
- 44 b. Source of water (volume, velocity, hydro period)
- 45 3. Soil amendments
- 46 4. Landscape plans

- 1 a. Drawing of proposed plant distribution
- 2 b. Location of existing or proposed upland buffers
- 3 c. Section drawings showing relationship of topography to vegetation
- 4 d. Erosion control
- 5 e. Location of habitat structure
- 6 f. Location of upland buffers
- 7 g. Soil amendments
- 8 5. Construction specifications
- 9

10 H. Monitoring Plan

- 11 1. Vegetation
- 12 2. Water regime
- 13 3. Soils
- 14 4. Fauna
- 15 5. Functions and values
- 16 6. Development of habitat structure
- 17 7. Water Quality
- 18 8. Buffers
- 19 9. Timetable for reporting monitoring results
- 20

21 I. Site Protection

- 22 1. Physical site protection
- 23 2. Legal protection
- 24 3. Buffers
- 25

26 J. Maintenance and Contingency Plans

- 27 1. Maintenance schedule
- 28 2. Contingency plan
  - 29 a. Initiating procedure
  - 30 b. Funding
  - 31 c. Responsible parties
- 32

33 K. Implementation Schedule

- 34 1. Construction schedule
- 35 2. Monitoring schedule
- 36 3. Reporting schedule
- 37 4. Financial assurance
- 38

39 L. Permit Conditions. Any compensation project prepared pursuant to this section and approved  
40 by the department shall become part of the application for the permit. The department will  
41 require an additional growing season year for approval of mitigation plan unless the applicant  
42 requests an inspection for final monitoring year during the final monitoring year assessment.  
43

44 M. Performance Bonds and Demonstration of Competence. A demonstration of financial  
45 resources, administrative, supervisory, and technical competence and scientific expertise of

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1 sufficient standing to successfully execute the compensation project shall be provided. A  
2 compensation project manager shall be named, and the qualifications of each team member  
3 involved in preparing the mitigation plan and implementing and supervising the project shall  
4 be provided, including educational background and areas of expertise, training and  
5 experience with comparable projects. A performance bond, assignment of savings, or other  
6 like security will be required by the department in an amount necessary to provide for future  
7 site monitoring and possible corrective action required for compensatory mitigation projects.  
8 This bond, assignment of savings, or the security will be released no later than five years  
9 after completion of the mitigation project. If the approved mitigation is not completed or fails  
10 to meet its success standards, the property owner must agree to a Property access release  
11 form, with forfeiture of funds after the specified monitoring period.

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

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16 | O List of Qualified Consultants. The department shall establish a list of qualified consultants to  
17 prepare mitigation plans.  
18 (Ord. 217 (1998) § 3 (part), 1998)

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21 | **19.700.720 HABITAT MANAGEMENT PLAN (HMP)**

23 | A. A HMP is a site investigation report to evaluate the potential presence or absence of a  
24 regulated fish or wildlife species or habitat affecting a subject property and proposed  
25 development This report shall identify how development impacts to fish and wildlife habitat  
26 from a proposed project will be mitigated. The Washington DFW, Priority Habitat and  
27 Species (PHS) management recommendations, dated May 1991, or bald eagle protection  
28 rules outlined in WAC 232-12-292, as now or hereafter amended, may serve as guidance for  
29 this report.

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Deleted: The recommendation in the Washington Department of Fish and Wildlife, Priority Habitat and Species Management Recommendations, dated May 1991, shall not serve as mandatory standards or policy of this title, until such time as the Department of Fish and Wildlife holds public hearings on the recommendations and the State Wildlife Commission endorses the recommendations following the public hearings.

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

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

Deleted: habitat management plan

Deleted: or two years from the project approval.

- 1 | C. The habitat management plan shall also include: Deleted: contain a report which describes
- 2 |
- 3 | 1. The nature and intensity of the proposed development;
- 4 |
- 5 | 2. An analysis of the effect of the proposed development, activity or land use change upon
- 6 | the wildlife species and habitat identified for protection; and, Deleted: ;
- 7 |
- 8 | 3. A discussion on how the applicant proposes to mitigate any adverse impacts to wildlife
- 9 | habitats created by the proposed development. (19.700.710 and 19.700.715, Wetland
- 10 | Report/Wetland Mitigation Plan requirements.)
- 11 |
- 12 | D. Examples of mitigation measures to be included in the HMP, report, include, but are not Deleted: abitat Management Plan
- 13 | limited to:
- 14 |
- 15 | 1. Establishment of buffer zones.
- 16 |
- 17 | When applicable, methods for buffer reduction may include the following: Deleted: a.
- 18 |
- 19 | a. Use of buffer averaging maintaining one hundred percent of the buffer area under Deleted: the order of sequence for buffer reductions shall be as follows
- 20 | the standard buffer requirement; Deleted: i
- 21 |
- 22 | b. Reduction of the overall buffer area by no more than twenty-five percent of the Deleted: ii.
- 23 | area required under the standard buffer requirement;
- 24 |
- 25 | c. Enhancement of existing degraded buffer area and replanting of the disturbed Deleted: iii
- 26 | buffer area;
- 27 |
- 28 | d. The use of alternative on-site wastewater systems in order to minimize site Deleted: iv
- 29 | clearing;
- 30 |
- 31 | e. Infiltration of stormwater where soils permit; and, Deleted: v
- 32 |
- 33 | f. Retention of existing native vegetation on other portions of the site in order to Deleted: vi
- 34 | offset habitat loss from buffer reduction.
- 35 |
- 36 | 2. Preservation of native plants and trees that are essential to maintaining habitat function;
- 37 |
- 38 | 3. Limitation of access to habitat areas;
- 39 |
- 40 | 4. Seasonal restriction of construction activities; and
- 41 |
- 42 | 5. Establishing phased development requirements and/or a timetable for periodic review of
- 43 | the plan.
- 44 |

1 E. A HMP, shall be prepared by a fish or wildlife biologist, as defined at 19.150.330 and  
2 19.150.720. For proposed single family dwelling construction, the department may complete  
3 the plan. Fees may be collected for this plan as specified in Title 17 Kitsap County Zoning  
4 Code. Where this plan is required for the protection of an eagle habitat, the eagle habitat  
5 management plan shall meet bald eagle management rules and will normally be prepared by  
6 the WDFW.  
7 (Ord. 217 (1998) § 3 (part), 1998)

- Deleted: abitat Management Plan
- Deleted: person who has been educated in this field and has professional experience as a
- Deleted: (
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- Deleted: epartment of Fish and Wildlife, as required under the bald eagle management rules

## 19.700.725. GEOTECHNICAL REPORT AND GEOLOGICAL REPORT

10 Whenever development is proposed in a geologically hazardous area or shoreline setback as  
11 defined in Sections 300 and 400 of this title, or when the department determines that additional  
12 soils and slope analysis is appropriate on a particular site, the applicant is required to submit a  
13 geotechnical or geological report that evaluates the surface and subsurface soil conditions on the  
14 site.  
15

### A. Qualifications

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

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### B. General Provisions

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

1. an existing residential structure or other permitted existing public or private structures or public facilities such as roads or highways cannot be safely maintained without such measures;
2. other non-structural methods of beach stabilization have been considered and determined infeasible; and
3. the resulting stabilization structure is the minimum necessary to provide stability for the existing structure and appurtenances.

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40 Minor repair activities on existing permitted structures (e.g., those that do not involve design  
41 modifications, changes in structure location, and/or demolition or abandonment of failed  
42 structure and replacement with new structure) are not subject to the following project submittal  
43 standards.  
44

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1 **C. Geological Report Submittal Standards**

2  
3 A Geological Report is required for site development proposals that involve development  
4 activity or the installation of structures within a geologically hazardous area or shoreline  
5 setbacks, or as otherwise required pursuant to Sections 300 and 400 of this Title, but do not  
6 involve or require engineering design recommendations. The following minimum  
7 information is required:

- 9 1. Site information regarding the Kitsap County ~~Shoreline Environment Designation and~~  
10 ~~critical areas~~ designations that affect site features;
- 11
- 12 2. Description of surface and subsurface conditions, including ground materials, vegetation,  
13 surface drainage, groundwater, and a preliminary geologic hazard assessment which  
14 includes the locations of structures and the identification of the slope and/or coastal  
15 processes occurring at the site and factors that contribute to them;
- 16
- 17 3. Review of available site information, literature, and mapping;
- 18
- 19 4. Detailed description of slope and other topographic features; and
- 20
- 21 5. Conceptual siting of structures and general recommendations which include methods and  
22 practices that avoid and/or reduce slope and shore impacts. Minimum recommendations  
23 should include upland and slope drainage control, groundwater control, site vegetation  
24 management, and erosion control.
- 25

- Deleted: Shoreline Inventory
- Deleted: d
- Deleted: C
- Deleted: A
- Deleted: Ordinance
- Deleted: and shorelines;

26 **D. Geotechnical Report Submittal Standards**

27  
28 A Geotechnical Report is required when the department or a Geological Report determines  
29 that a site development proposal requires additional site information such as engineering  
30 design recommendations, slope stability analysis, subsurface exploration and testing, coastal  
31 process analyses, ~~or construction recommendations~~. Depending on the level of activity  
32 proposed, the report will either be a more limited Geotechnical Slope Evaluation Report or a  
33 full Geotechnical Design Investigation Report as described below.

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35 **1. Geotechnical Slope Evaluation Report:**

36  
37 A Geotechnical Slope Evaluation Report is required when slope stability analyses are  
38 confined to addressing only existing surface and/or drainage conditions, including the  
39 relationship of natural and constructed slope features to proposed changes in  
40 environmental conditions such as drainage, vegetation removal and slope geometry. The  
41 following minimum information is required:

- 42
- 43 a. All the information required under subsection C, above (Geological Report);
- 44
- 45 b. Subsurface data, exploration logs, and testing data, when required by the geotechnical  
46 engineer;

- c. Estimated (or surveyed) site plan with ground surface profiles and typical cross-sections;
- d. Relative location of Ordinary High Water (OHW) on the surface profile and cross-sections which includes Mean Higher High Water (MHHW) for the site location, where applicable;
- e. Soil strength parameters;
- f. Stability analysis of existing site;
- g. Analysis of the relationship of vegetation and slope stability; and
- h. Conceptual site development plans and cross-sections.

2. **Geotechnical Design Investigation Report**

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A Geotechnical Design Investigation Report is required for site development activities that propose design and construction measures at the slope crest, face and/or toe. If a designed structure does not impact slope stability or coastal processes, the report will not be required to perform all items listed under this section, as long as each item is addressed and the report details why a particular item does not apply. The report shall include all items considered necessary by the engineer to fully address the engineering design requirements of the site. The following minimum information is required:

- a. All the information required under subsection D.1., above (Geotechnical Report);
- b. Geotechnical requirements and measures to reduce risks;
- c. Geotechnical criteria used for any designs including all critical dimensions, lateral earth pressures, soil bearing pressures, location and limits of structures on or near the slope, maximum constructed slope angles, minimum soil reinforcement embedment, soil compaction requirements, and structure heights;
- d. Temporary construction slope stability recommendations and analysis of proposed final site stability measures;
- e. Required construction specifications and construction monitoring procedures;
- f. Revegetation and surface and groundwater management requirements;

- 1 | g. Evaluation of erosion potential, ~~recommendations for erosion avoidance and any~~ Deleted: and  
2 | proposed mitigation measures;
- 3 |
- 4 | h. Detailed tabulation of all basic geotechnical engineering test results pertinent to  
5 | design and construction, and when required for clarification, detailed examples of  
6 | tests conducted for the project; and
- 7 |
- 8 | i. Information outlined in the Geotechnical Design Investigation Report Site Evaluation  
9 | Checklist (see section F, below).
- 10 |
- 11 |

## 12 | **E. Additional Requirements for Sites in Geologically Hazardous Areas**

14 | When a project site is located within a landslide-prone, ~~geologically hazardous area,~~ Deleted: a as classified  
15 | in Section 19.400.410, the following additional project submittal requirements shall apply:

### 17 | **1. Erosion Control Information**

19 | An evaluation of the erosion potential on the site during and after construction is  
20 | required. The evaluation shall include recommendations for mitigation, including  
21 | retention of vegetative buffers and a revegetation program. The geotechnical engineer  
22 | shall provide a statement identifying buffer areas at the top or toe of a slope based on  
23 | geotechnical site constraints and the impacts of proposed construction methods on the  
24 | erosion potential of the slope.

### 26 | **2. Seismic Information**

28 | The geotechnical engineer shall submit a statement that the design criteria consider the  
29 | one-in-100 year seismic event (an earthquake ground motion that has a 40% probability  
30 | of exceedance in 50 years). Calculations of soil bearing capacity, general soil stability,  
31 | and wall lateral earth pressures shall be adjusted to reflect a one-in-100 year seismic  
32 | event and the structural plans for the project shall be reviewed by the geotechnical  
33 | engineer for consistency with these design criteria.

35 | Analysis for the one-in-100 year seismic event shall be based on a near crustal event  
36 | having an assumed magnitude of 6.5 and occurring directly below the site. Based on  
37 | regional studies performed by others, ~~the department will allow the use of the following~~ Deleted: D  
38 | minimum general values of horizontal peak ground accelerations for this event:

- 40 | a = 0.2g for fill, alluvial soils
- 41 | a = 0.17g for till, firm glaciated soils
- 42 | a = 0.15g for rock
- 43 |

1 The appropriateness of the above accelerations shall be confirmed by the geotechnical  
2 engineer based on the actual site characteristics. Reduction in the above values may be  
3 considered when supported by the appropriate analytical evidence. Slope stability, lateral  
4 pressures, and liquefaction of the site shall be assessed by using subsurface soil, rock and  
5 groundwater conditions, as well as the seismic parameters discussed above.  
6

7 **3. Recommendations on Relative Site Stability**

8  
9 The geotechnical engineer shall make recommendations as to which portion of the site is  
10 the least prone to instability and the preferred location of the structure. The limits of any  
11 area proposed for grading activity shall be identified.

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12  
13 **4. Construction Season Limitation**

14  
15 In general, no excavation will be permitted in landslide-prone geologically hazardous  
16 areas during the typically wet winter months. When excavation is proposed, including  
17 the maintenance of open temporary slopes, between October 1 and April 30, technical  
18 analysis shall be provided to ensure that no environmental harm, threat to adjacent  
19 properties, or safety issues would result. In addition, recommendations for temporary  
20 erosion control and shoring/mitigating measures shall be provided. The technical  
21 analysis shall consist of plans showing mitigation techniques and a technical  
22 memorandum from the geotechnical engineer.  
23

Deleted: shall be submitted to the department and

24 **5. Revisions to Geotechnical Report**

25  
26 Further recommendations shall be provided by the geotechnical engineer should there be  
27 additions or exceptions to the original recommendations based on the plans, site  
28 conditions, or other supporting data. If the geotechnical engineer who revises the plans  
29 and specifications is not the same engineer who prepared the geotechnical report, the new  
30 engineer shall, in a letter to the department, express his or her agreement or disagreement  
31 with the recommendations in the geotechnical report and state whether the plans and  
32 specifications conform to his or her recommendations.  
33

34 **6. Plan and Specification Review:**

35  
36 The geotechnical engineer shall submit a statement that in his or her judgment, the plans  
37 and specifications (if prepared by others) conform to the recommendations in the  
38 geotechnical report and that all portions of the site which are disturbed or impacted by the  
39 proposed development have appropriate measures or specifications that permit  
40 construction to occur while addressing slope stability so that the work does not create  
41 additional risk. The statement shall also indicate whether or not a relative gain in slope  
42 stability will be achieved after construction is complete.  
43

1       **7. Construction Inspection:**

2  
3       A final inspection report shall be provided by the geotechnical engineer stating that  
4       construction has or has not implemented the design recommendations of the geotechnical  
5       report, and evaluating of any deviation from the design recommendations.  
6

7  
8       **F. Geotechnical Design Investigation Report - Site Evaluation Checklist**

9  
10       The following are general report guidelines for Geotechnical Design Investigation Reports.  
11       The following guidelines are not intended to be all inclusive. It is the responsibility of the  
12       geotechnical engineer to address all factors which in their opinion, are relevant to the site.  
13       The checklist information shall be included as part of the Geotechnical Design Investigation  
14       Report. All items listed below must be addressed in the report. Information shall be  
15       provided for those items which are not relevant to a given site to demonstrate why the items  
16       are not applicable.  
17

18       **1. Project Information:**

- 19       a. Site Owner Name;  
20  
21       b. Project Proponent Name;  
22  
23       c. Shoreline Environment Designation (where applicable); and  
24  
25       d. Critical Areas Ordinance (CAO) designations affecting site features.  
26  
27

28  
29       **2. Project Description:**

- 30       a. Description of proposed structures, site improvements, and adverse impact avoidance  
31       and reduction methods.  
32  
33       b. Location and total area of the construction zone.  
34

1 **19.700.730 HYDROGEOLOGICAL REPORT**

2  
3 The report shall address the impact the proposed land use will have on both the quality and  
4 quantity of the water transmitted to the aquifer.

**Deleted:** A hydrogeological report shall be required for certain proposed operations based on a consultation with the appropriate local and state agencies.

5  
6 A. The report shall be submitted to the department and shall address, at a minimum, the  
7 following criteria:

**Deleted:** The report shall also address the types of pesticides and herbicides and fertilizers that can safely be used for the care of landscaping proposed by the applicant

- 8 1. Surficial soil type and geologic setting;
- 9
- 10 2. Location and identification of wells within 1,000 feet of the site;
- 11
- 12 3. Location and identification of surface water bodies and springs within 1,000 feet of the
- 13 site with recharge potential;
- 14
- 15 4. Description of underlying aquifers and aquitards, including water level, gradients and
- 16 flow direction;
- 17
- 18 5. Available surface water and groundwater quality data;
- 19
- 20 6. Effects of the proposed development on water quality;
- 21
- 22 7. Sampling schedules required to assure water quality;
- 23
- 24 8. Discussion of the effects of the proposed development on the groundwater resource;
- 25
- 26 9. Recommendations on appropriate BMPs (Best Management Practices) or mitigation to
- 27 assure no significant degradation of groundwater quality; and
- 28

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29  
30 10. Other information as required by the Kitsap County Health District.

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31  
32 11. The report shall also address the types of pesticides, herbicides and fertilizers that can  
33 safely be used for the care of landscaping proposed by the applicant

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- 34
- 35 B. The hydrogeologic report shall be prepared by a professional geologist/hydrologist or by a
- 36 soil scientist with a strong background in geology (see Section 19.150.365).
- 37
- 38 C. Applications for development or operations with underground storage of petroleum products
- 39 will be processed using the appropriate procedure as specified in existing Kitsap County
- 40 ordinances.
- 41
- 42 D. Analysis for a specific parcel(s), using the criteria outlined below, will be employed to
- 43 confirm if the soils present require a recharge area designation. Data collection will include,
- 44 at a minimum, six soil logs to a depth of ten feet (or to a depth four feet below the lowest
- 45 proposed excavation point whichever is greater) for each acre in the parcel(s) being
- 46 evaluated. At least one well, two hundred feet or greater in depth with an adequate drilling

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1 | report, must be available within one mile. The associated data shall be analyzed and included  
2 | in the hydrogeologic report to determine the presence of highly permeable soils with the  
3 | recharge area designation.

4 |  
5 | For development proposals within aquifer recharge areas of concern, the hydrogeological  
6 | report may be based on quarter-quarter section basis where the number of wells within a half-  
7 | mile radius is thirty-six or more. To facilitate computer analysis, the evaluation may be done  
8 | on a quarter-quarter section basis using the quarter-quarter section in which a parcel of  
9 | interest is located and all the surrounding quarter-quarter sections, in place of the half-mile  
10 | circle.

11 | (Ord. 217 (1998) § 3 (part), 1998)

12 |

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1  
2  
3 **Chapter 19.800**  
4 **APPENDICES**

5 The purpose of the appendices is to provide supporting documentation to assist in the  
6 implementation of this ordinance.  
7  
8  
9

10 **Appendix A Washington State Wetlands Rating System Categories.**

11  
12 **Appendix B Washington State Department of Natural Resources (DNR) Stream**  
13 **Typing System.**

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15 **Appendix C Kitsap County GIS Database of Critical Areas Information.**

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16  
17 **Appendix D Site Development Figures.**

18  
19 **Appendix E Kitsap County Critical Area and Buffer Notice.**

20  
21 **Appendix F Kitsap County Aquifer Listing.**

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22  
23 **Appendix G Kitsap County Wetland Buffer Alteration**  
24 **General Authorization Form.**  
25  
26

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**APPENDIX A**  
**Washington State Wetlands Rating System Categories (19.200.210)**

This system utilizes a four-tier process. The following text includes an additional categorization system for wetlands.

**A. Category I Wetlands.**

Category I Wetlands are:

1. Wetlands with habitat for endangered or threatened fish or animal species or for potentially eradicated plant species recognized by state or federal agencies;
2. Wetlands with high quality native or regionally rare wetland communities with irreplaceable ecological functions including, but not limited to, sphagnum bogs and fens, estuarine wetlands, mature forested wetlands, or wetlands which qualify for inclusion in the Natural Heritage Information System; or
3. Wetlands scoring 70 points or more (out of 100) on the questions related to functions in the Washington State Wetland Rating System for Western Washington

**B. Category II Wetlands.**

Category II wetlands satisfy no Category I criteria but are:

1. Wetlands scoring between 51-69 points (out of 100) on the questions related to functions in the Washington State Wetland Rating System for Western Washington.
2. Wetlands with habitats for sensitive plant, fish or animal species recognized by federal or state agencies;
3. Wetlands with rare wetland communities listed in subsection (A)(2) that are not high quality;
4. Wetland types with significant functions that cannot be adequately replicated through creation or restoration. These types have the following characteristics:
  - a. Significant peat systems;
  - b. Forested wetlands that have three canopy layers, excluding single species stands of red alder averaging eight inches in diameter at breast height or less; or
  - c. Significant spring fed systems;
5. Wetlands with significant habitat value based on diversity and size; or
6. Wetlands five acres or greater in size that contain open water at any time during a normal year and two or more subclasses of vegetation in a dispersed pattern;

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- 1 7. Wetlands contiguous with salmonid fish-bearing water, including streams where flow is
- 2 intermittent; or
- 3
- 4 8. Wetlands with significant use by fish and wildlife.
- 5

6 **C. Category III Wetlands.**

7 Category III wetlands that do not contain features outlined in Category I or II, but are:

- 8
- 9
- 10 1. Wetlands scoring between 30-50 points (out of 100) on the questions related to functions
- 11 in the Washington State Wetland Rating System for Western Washington.
- 12
- 13 2. Wetlands that are contiguous with a stream, river, pond, lake or marine water; or
- 14
- 15 3. Isolated wetlands larger than one acre; or
- 16
- 17 4. Wetlands (isolated or contiguous) that provide a critical aquifer recharge function; or
- 18
- 19 5. Wetlands more than 0.5 acre that have less than eighty percent cover of hardhack, soft
- 20 rush or alder at least twenty years of age; or
- 21
- 22 6. Wetlands more than 0.5 acre that have less than eighty percent cover of non-native
- 23 species, including, but not limited to, reed canary grass and common pasture grasses.
- 24

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25 **D. Category IV Wetlands.**

26 Category IV wetlands that do not meet the criteria of a Category I, II or III wetland and are:

- 27
- 28
- 29 1. Isolated wetlands that are less than or equal to one acre in size, are hydrologically
- 30 isolated, have only one wetland class, and have only one dominant plant species (>80%
- 31 area cover of monotypic vegetation); or
- 32
- 33 2. Isolated wetlands that are less than or equal to two acres in size, are hydrologically
- 34 isolated, have only one wetland class and a predominance of exotic species (>90% area
- 35 cover).
- 36 3. Wetlands scoring below 30 points (out of 100) on questions related to functions in the
- 37 Washington State Wetland Raing System for Western Washington.
- 38

Deleted: E. Dual Categorization Standards. ¶  
 ¶ Portions of a Category I or II wetland may be classified as a Category II or III wetland based upon its functional characteristics if it meets the following criteria:¶  
 ¶  
 1. The portion of the wetland to be categorized as a Category II or III meets the technical criteria required for a Category II or III wetland, as determined in the Wetland Rating System;¶  
 ¶  
 2. The portion of the wetland to be rated lower in category must have a width of at least twice the required buffer width of the higher rated wetland category.¶

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**APPENDIX B**  
**Washington State Department of Natural Resources Stream Typing System**

**Water Type Conversion Table**

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

- A. **"Type S Streams"** are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030(1) as now or hereafter amended, as a Type S Water and are inventoried as "Shorelines of the State" under the Shoreline Management Master Program for Kitsap County, pursuant to RCW Chapter 90.58. Type S waters contain salmonid fish habitat.
  
- B. **"Type F Streams"** are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030(2) as now or hereafter amended, as a Type F Water. Type F streams contain habitat for salmonid fish, game fish and other and anadromous fish.
  
- D. **"Type Np Streams"** are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 (3) as now or hereafter amended, as a Type Np Water. Type Np waters do not contain salmonid fish habitat.
  
- E. **"Type Ns Streams"** are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 (4) as now or hereafter amended, as a Type Ns Water. These streams are areas of perennial or intermittent seepage, ponds, and drainage ways having short periods of spring or storm runoff. Type Ns waters do not contain salmonid fish.

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2  
3 **APPENDIX C - Kitsap County's GIS Database of Critical Areas Information**  
4

<b>CRITICAL AREA</b>	<b>GIS DATA</b>	<b>INFORMATION SOURCE</b>
<b>WETLANDS -</b>		
	National Wetlands Inventory	U.S. Fish and Wildlife Service
	Soil Survey of Kitsap County	U.S. Dept. of Agriculture – Natural Resource Conservation Service
<b>AQUIFERS –</b>		
	Critical Aquifer Recharge Areas	Kitsap Public Utilities District (PUD) #1
	Aquifer Recharge Areas of Concern	Kitsap PUD #1
	Principle Aquifers	Kitsap PUD #1
	Soil Survey of Kitsap County	U.S. Dept. of Agriculture – Natural Resource Conservation Service
<b>FISH AND WILDLIFE</b>		
<b>HABITAT CONSERVATION</b>		
<b>AREAS -</b>		
	National Wetlands Inventory	U.S. Fish and Wildlife Service
	Non-game & Priority Species Habitat Database	WA. Dept. of Fish and Wildlife
	Washington Rivers Information System Database	WA. Dept. of Fish and Wildlife
	Waters of Washington State	WA. Dept. of Natural Resources
	WA. Coastal Zone Atlas	WA Dept. of Ecology
<b>FREQUENTLY</b>		
<b>FLOODED AREAS –</b>		
	Flood Insurance Rate Map	Federal Emergency Management Agency
<b>GEOLOGICALLY</b>		
<b>HAZARDOUS AREAS -</b>		
	WA. Coastal Zone Atlas	WA Dept. of Ecology
	Soil Survey of Kitsap County	U.S. Dept. of Agriculture – Natural Resource Conservation Service
	Quaternary Geology and Stratigraphy of Kitsap County	Jerald Deeter, 1979
	Light Distancing and Radar (LiDAR) Mapping	Puget Sound LiDAR Consortium

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## APPENDIX D - Site Development Figures

| *Kitsap County Department of Community Development*  
| *Critical Areas Ordinance Final Staff Draft*  
| *November 1, 2005*

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1 **APPENDIX E - Kitsap County Critical Area and Buffer Notice**

2  
3 Return Address: **KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**  
4 614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682  
5 (360) 337-7181 FAX (360) 337-4925  
6

7  
8 KITSAP COUNTY CRITICAL AREA AND BUFFER NOTICE

9  
10 Tax Account# \_\_\_\_\_

11  
12 Legal Description \_\_\_\_\_

13  
14 Present Owner (please print) \_\_\_\_\_

15  
16 NOTICE: The subject property contains a critical area and/or its required buffer as defined by Title 19 Kitsap County Critical  
17 Areas Ordinance. The property was the subject of a development proposal for:

18  
19  
20 \_\_\_\_\_ filed on \_\_\_\_\_  
21 type of permit application # month / day / year  
22

23 Restrictions on use or alteration of the critical area and/or its buffer may exist due to natural conditions of the property and  
24 resulting regulations. Review of such application has provided information on the location of the critical area and/or its buffer  
25 and restrictions on their use through setback areas. A copy of the plan showing such setback areas is included in the above-  
26 referenced permit file. Any alterations to the critical area and/or its buffer will be subject to further review for compliance with  
27 the Kitsap County Critical Area Ordinance.

28  
29 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

30  
31 \_\_\_\_\_  
32 Owner/Agent

33  
34 STATE OF WASHINGTON )  
35 )  
36 COUNTY OF KITSAP )

37  
38 On this day, before me, personally appeared \_\_\_\_\_, to me known to be the  
39 individual(s) described herein and who executed the within and foregoing instrument, and acknowledged that they signed the  
40 same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

41  
42 GIVEN under my hand and official seal the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

43  
44 Notary Seal \_\_\_\_\_  
45 NOTARY PUBLIC in and for the State of Washington  
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47 \_\_\_\_\_  
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49 My Commission Expires: \_\_\_\_\_  
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APPENDIX F - Kitsap County Aquifer Listing

The following is a list of aquifers that have been identified for further study or inclusion as Category I Critical Aquifer Recharge Areas.

A. Hansville Aquifer Significant Recharge Area. The Hansville aquifer is a significant potable water supply that is highly susceptible to the introduction of pollutants; its recharge area has been designated as a critical recharge area under the county's SEPA Ordinance (Chapter 18.04 of this code).

B. Seabeck Significant Recharge Area. The Seabeck aquifer is a significant potable water supply for use in central and north Kitsap County. Additional information regarding this aquifer is available from the Kitsap Public Utility District.

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

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

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

F. Areas above the Vashon Aquifer. Surface areas above the Vashon Aquifer which are not separated from the underlying aquifers by a poorly permeable layer that provides adequate protections to preclude the proposed land use from contaminating the Vashon aquifer below.

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Approximate Elevations ¶

¶ Hansville	+ 250 ¶
Gorst	+ 50 ¶
North Lake (McCormick Woods)	+ 300 ¶
Port Gamble	+ 100 ¶
¶ Og2 ¶	
¶ Island Lake (upper)	+ 150 ¶
Port Gamble South	- 50 ¶
Wilson Creek	+ 150 ¶
¶ Og3 ¶	
Bangor (upper)	+ 100 ¶
Clam Bay	0 ¶
Edgewater	+ 130 ¶
Island Lake	+ 150 ¶
Kingston (upper)	- 25 ¶
Poulsbo	+ 225 ¶
Manette-Bremerton North	0 ¶
Seabeck	+ 100 ¶
Suquamish-Miller Bay	0 ¶
Yukon	0 ¶

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**Appendix G**  
**KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**Wetland Buffer Alteration General Authorization Form**

**Application No.** \_\_\_\_\_

**1. Landowner** \_\_\_\_\_ **Phone** \_\_\_\_\_  
**Mailing Address** \_\_\_\_\_

**2. Authorized Agent/Contact** \_\_\_\_\_ **Phone** \_\_\_\_\_  
**Mailing Address** \_\_\_\_\_

**3. Person Responsible for Work** \_\_\_\_\_ **Phone** \_\_\_\_\_  
**Mailing Address** \_\_\_\_\_

**4. Project Location** \_\_\_\_\_  
\_\_\_\_\_  
**Watershed** \_\_\_\_\_ **Tax Acct No.** \_\_\_\_\_  
**Adjacent Water Body (river, lake):** \_\_\_\_\_  
**Township** \_\_\_\_\_ **Range** \_\_\_\_\_ **Section** \_\_\_\_\_

**5. Project Information**  
Total square footage of regulated buffer \_\_\_\_\_ . Project Will:  
Require \_\_\_\_\_ square feet of buffer averaging  
Require \_\_\_\_\_ square feet of buffer reduction under 25% agreement  
Enhance \_\_\_\_\_ square feet of buffer or \_\_\_\_\_ square feet wetland  
Restore \_\_\_\_\_ square feet of buffer or \_\_\_\_\_ square feet wetland

- 6. Required Attachments (on 8.5x11 or .5x14 paper)**  
Vicinity map showing project location  
Aerial photograph showing project boundaries  
Photographs of the site and project areas  
Site plan map and/or aerial photo showing:  
Location of existing structures, roads, streams and other pertinent features  
Location and approximate boundaries of existing wetlands  
Location and boundaries of proposed buffer alteration areas

I agree that the information provided above is accurate to the best of my knowledge

\_\_\_\_\_  
Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Return completed for and attachments to: \_\_\_\_\_ Kitsap County DCD  
614 Division St. MS-36  
Port Orchard, WA 98366

\_\_\_\_\_ Staff Initials

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The standard buffer widths of this section may be decreased through the averaging or reduction mechanisms of this section. The standard buffer width may also be increased as contained in item number 3, below.

1. **Standard Conditions.** The buffer widths recommended for land uses with “high intensity” impacts to wetlands can be reduced to those recommended for “moderate intensity” impacts under the conditions identified below.

a. For wetlands that score moderate or high for habitat (20 points or more), the width of the buffer around the wetland can be reduced if both the following conditions are met:

- (1) A relatively undisturbed vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the Priority Habitat through some type of legal protection such as a conservation easement; and
- (2) Measures to minimize the impacts of different land uses on wetlands, as summarized in the following table, are applied.

Examples of Disturbance	Examples of Measures to Minimize Impacts	Examples of Activities that Cause the Disturbance
Lights	Direct lights away from wetland and/or replant with dense evergreen native vegetation	Parking Lots, Warehouses, Manufacturing, High Density Residential
Noise	Place activity that generates noise away from the wetland and/ or replant with dense evergreen native vegetation.	Manufacturing, High Density Residential
Toxic runoff	Route all new untreated runoff away from wetland, Covenants limiting use of pesticides within 150 ft of wetland Integrated pest management programs	Parking Lots, Roads, Manufacturing, Residential Areas, Application of Agricultural Pesticides, Landscaping
Change in water regime	Infiltrate or treat, detain & disperse into buffer new runoff from surfaces	Any impermeable surface, Lawns, Tilling
Pets and Human disturbance	Fence around buffer Plant buffer with “impenetrable” natural vegetation appropriate for region	Residential areas
Dust	BMP’s for dust	Tilled fields

### C. Width Tables of Buffers by Category of Wetland

**Table 1: Width of buffers required to protect Category IV wetlands.**

Category IV Wetland Characteristics	Buffer Width Adjustment to 30 ft base width
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	<b>(based on impact of land use)</b>
Score for functions < 30 points	Low – Decrease by 5 ft. Moderate – Increase by 10 ft. High – Increase by 20 feet

**Table 2: 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 Moderate – increase by 10 ft. High – Increase by 30 ft

**Table 3: Width of buffers required to protect Category II wetlands.**

<b>Category II Wetland Characteristics</b>	<b>Buffer Widths Adjustments to 100 ft base width (by impact of land use/apply most protective)</b>
High level of function for habitat (score for habitat is 29-36 pts.)	Low - Increase by 50 ft Moderate – Increase by 125 ft High – Increase by 100 ft
Moderate level of function for habitat (score for habitat is 20 - 28 pts.)	Low -- Decrease by 25 ft Moderate – Increase by 10 ft High – Increase by 50 ft
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)	Low - Decrease by 50 ft Moderate – Decrease by 25 ft High – No change
Estuarine	Low -- Decrease by 25 ft Moderate – Increase by 10 ft High – Increase by 50 ft
Category II wetlands not meeting above criteria	Low - Decrease by 50 ft Moderate – Decrease by 25 ft High – No Change

**Table 4: Width of buffers required to protect Category I wetlands.**

<b>Category I Wetland Characteristics</b>	<b>Buffer Widths Adjustments to 200 ft base width (by impacts of land use/apply most protective)</b>
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Category I Wetland Characteristics	Buffer Widths Adjustments to 200 ft base width (by impacts 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 (score for WQI 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

- D. Administrative Buffer Reductions.** The department may decrease buffer widths according to the procedures of this title or through buffer averaging as outlined above. Granting of a reduced buffer shall be the minimum necessary to accommodate the permitted use. In lieu of going through the formal variance process, an administrative reduction to buffer widths may be granted subject to the following criteria:
- a. For proposed single family dwellings, the department may administratively reduce the buffer by up to twenty-five percent, pursuant to the variance criteria listed in Section 19.100.135. Where an administrative buffer reduction is granted, fencing or signage of the buffer edge shall be required. The order of sequence for such buffer reductions shall be as follows:

- i. Use of buffer averaging maintaining one hundred percent of the buffer area under the standard buffer requirement;
  - ii. Reduction of the overall buffer area by no more than twenty-five percent of the area required under the standard buffer requirement;
  - iii. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area with native vegetation;
  - iv. The use of alternative on-site wastewater systems in order to minimize site clearing;
  - v. Infiltration of stormwater where soils permit; and
  - vi. Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.
- b. The minimum buffer shall be no less than thirty feet, except as allowed under a formal variance or reasonable use approval.

**E. Variance.** In cases where proposed development cannot meet the administrative buffer reduction criteria described in this section, a variance shall be required as described in 19.100.135.

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**Application requirements.**

- A. Application Procedures for New Development. Any new development containing a regulated wetland or its buffer, or within two hundred feet of a regulated wetland or its buffer, shall provide the special reports listed below, as required by the department, prior to any development authorization by the department. Additional reports or information to further identify potential impacts to any part of the environment may also be required.
- 1. Wetland delineation report (19.700.710);
  - 2. Wetland mitigation report (19.700.715); and,
  - 3. Erosion and sedimentation control measures and/or a site development activity permit as required by Title 12 Kitsap County Stormwater Management Ordinance.

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

**19.200.245 Delineation of wetland boundaries.**

- A. For regulatory purposes, wetland delineations shall be determined by using the Washington State Wetlands Identification and Delineation Manual, March 1997, or as hereafter amended.
- B. The applicant shall be responsible for hiring a qualified wetlands specialist to determine the wetland boundaries through a field survey. This specialist shall stake or flag the wetland boundary. When required by the department, the applicant shall be responsible for hiring a professional land surveyor licensed by the state of Washington to survey the wetland boundary line. The regulated wetland boundary and regulated wetland buffer shall be identified on all grading, landscaping, site, on-site septic system designs, utility or other development plans submitted in support of the project.
- C. The department may perform a delineation of a wetland boundary on parcels where no more than one single-family dwelling unit is allowed.
- D. Where the applicant has provided a delineation of a wetland boundary, the department may verify the wetland boundary at the cost of the applicant and may require that a wetland specialist make adjustments to the boundary.

The following types of mitigation (in the following order of preference)

- 4. Monitoring the impact and compensation and taking appropriate corrective measures; and or  
Combining any of the above measures to mitigate Mitigation for individual actions may include a combination of the above measures.

<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



**A. Category I.**

Land uses identified in Table 5 are prohibited in Category I critical aquifer recharge areas. Requests for waivers shall include a hydrogeological report (Special Reports, Chapter 19.700) that includes a detailed risk-benefit analysis that considers credible, worst-case scenarios. The hydrogeological report shall evaluate potential impacts of a proposed land use or activity on both groundwater and surface water quality. The waiver will be evaluated and treated as a special use review and be reviewed by the department, the health district, affected tribes, and the affected water purveyors.

**B. Category II.**

Applicants proposing operations that pose a potential threat to groundwater as defined in Table 5 in Category II aquifer recharge areas ~~of concern~~ may be required to submit a hydrogeological report (Special Reports, Chapter 19.700). The scope of the report shall be based on site-specific conditions. The need for additional information will be determined by the department, the health district and the affected water purveyor. Based on the results of the report, controls, mitigation, and/or other requirements will be established as a prerequisite for the development proposal being approved.

The department will also notify the health district and affected water purveyors through the environmental review process, when those development activities listed in Table 5 are proposed outside the areas designated critical aquifer recharge areas.

(Ord. 217 (1998) § 3 (part), 1998)