

| Chapter 19.100 Introduction and Approval Procedures | | | |
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| Section | 1998 Current Code | Proposed Code | Explanation of Proposed Change |
| Section 100: Introductory and Approval procedures | The title and heading of first section of 1998 critical areas ordinance | Chapter 19.100: Introduction and Approval Procedures | Clarified and improved language |
| 19.100.105 Statement of Purpose | The purpose of this Ordinance... This Ordinance supplements... This Ordinance is adopted under the authority... | The purpose of the ordinance codified in this title... This title supplements... This chapter is adopted under the authority | Update all uses of word "ordinance" to "title" as appropriate |
| 19.100.105 Statement of Purpose B. Policy Goals | 4. Protect critical areas and their functions by regulating use and management within these areas and adjacent lands | 4. Protect critical areas and their functions and values by regulating uses and management within these areas and adjacent lands | Updated statement to comply with RCW on protecting critical areas functions and values |
| 19.100.105 Statement of Purpose B. Policy Goals | 12. Whenever mitigation is required, restoration and enhancement of previously impacted critical areas and their buffers is preferred | 12. Whenever mitigation is required, pursue as a preferred option, restoration and enhancement of previously impacted critical areas and their buffers is preferred | Clarified the policy goal to protect, restore and enhance critical areas and their functions and values by pursuing mitigation as the preferred option |
| 19.100.110 Applicability | B. This section applies to...clearing and grading...planned unit development,,, | B. This section applies site development activity permit...performance based development... | Updated terminology and replaced with new wording; clearing and grading =site development activity permit planned unit development=performance based development |
| 19.100.110 Applicability | G. ...the area of review is defined as the critical area and the area within 200 feet of a critical area. This defines the area of review only. | G. ...the area of review is defined as the critical area and the area within two hundred fifty feet of a critical area. This defines the area of review only. | Increased the area of review to equal the largest proposed critical area buffer |
| 19.100.115 Relationship to other County Regulations | (A)The Kitsap County Building Code, Chapter 14.04 of this code, pursuant to RCW 19.27, 43.22, and portions of RCW 36.70A, 84.56 and 70.77. The Kitsap County Building Code regulates construction, essential elements of buildings, and site development such as grading and building location; (B)Chapters 16.04 through 16.44 of this code, and RCW 58.17 concerning subdivisions; (C)Chapter 16.48 of this code, concerning short-plats; (D)RCW 90.58, the Shoreline Management Act; Title | A. Title 2 Government B. Title 9 Health, Welfare and Sanitation C. Title 12 Stormwater Management D. Title 14 Buildings and Construction E. Title 15 Flood Hazard Areas F. Title 16 Land Division and Development G. Title 17 Zoning H. Title 18 Environment I. Title 21 Land Use and Development Procedures | Clarified , organized and put in numerical order related county codes |

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| | 22 of this code, the Kitsap County Shoreline Management Master Program; and Chapter 17.450 of this code, the View Blockage Requirements, concerning development on shorelines; (E)Kitsap County Health District ordinances and regulations regarding sewage disposal, and other health matters; (F)Title 21 of this code, the Land Use and Development Procedures Ordinance; (G)RCW 36.70A, the Growth Management Act; (H)Chapter 2.116 of this code, the Kitsap County Civil Enforcement Ordinance; (I)Chapter 18.04 of this code, the Kitsap County SEPA Ordinance; (J)Title 12 of this code, the Kitsap County Storm Water Management Ordinance; (K)Title 17 of this code, the Kitsap County Zoning Ordinance; and (L)Title 15 of this code, the Kitsap County Flood Damage Prevention Ordinance. | J. Title 22 Shoreline Management Master Program K. RCW 36.70A, Growth Management Act L. RCW 90.58, Shoreline Management Act M. RCW 43.21C, State Environmental Policy Act | |
| 19.100.120 General Exemptions and 19.100.125 Review Authority | Original order of procedural sections | 19.100.120 Review Authority comes before 19.100.125 General Exemptions | Exemptions now follow Review Authority for more logical sequence |
| 19.100.120 Review Authority | B. The department shall have the authority to adjust the standards for buffers and building setbacks as outlined in specific critical area sections of this title. The process to reduce standards will be based on site-specific criteria determined through review of individual project circumstances and based on the same criteria as required for the granting of variances in Section 19.100.135 | Strike without replacement "The process to reduce standards will be based on site-specific criteria determined through review of individual project circumstances and based on the same criteria as required for the granting of variances in Section 19.100.135." | Portion deleted because it was out-of-place and redundant to the Variance section. |
| 19.100.120 Review Authority | No Time Limitations | <u>Time Limitations</u> <u>1. Expiration of Approval.</u> <u>a. Approvals granted under this title shall be valid for the same time period as the underlying permit (e.g. preliminary plat, site development, building permit). If the underlying permit does not contain a specified expiration date, then approvals granted under this Title 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.</u> <u>b. The approval shall be considered null and void upon expiration, unless a time extension is requested and granted as set forth in subsection 2 below.</u> <u>2. Time Extensions.</u> <u>a. The applicant or owner(s) may request in writing a one-year extension of the original approval.</u> <u>b. Knowledge of the expiration date and initiation of a request for a time extension is the</u> | A time limit of three years is now proposed; otherwise, the basis for critical areas approval expires. There are several mechanisms to request and to be granted a time extension. |

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| | | <p><u>responsibility of the applicant or owner(s).</u></p> <p><u>c. A written request for a time extension shall be filed with the department at least 60 days prior to the expiration of the approval.</u></p> <p><u>d. Upon filing of a written request for a time extension, a copy shall be sent to each party of record together with governmental departments or agencies that were involved in the original approval process. By letter, the department shall request written comments be delivered to the department within 30 days of the date of the letter.</u></p> <p><u>e. Prior to the granting of a time extension, the Department may require a new application(s), updated study(ies), and fee(s) if:</u></p> <p><u>(1) The original intent of the approval is altered or enlarged by the renewal;</u></p> <p><u>(2) If the circumstances relevant to the review and issuance of the original approval have changed substantially; or</u></p> <p><u>(3) If the applicant failed to abide by the terms of the original approval.</u></p> <p><u>f. If approved, the one-year time extension shall be calculated from the date of granting said approval.</u></p> <p><u>g. The department has the authority to grant or deny any requests for time extensions based upon demonstration by the applicant of good cause for the delay.</u></p> | |
| 19.100.125 | General Exemptions (exempt activities are explained in items A through F) | Exemptions | Moved from Section 120 (now Review Authority) to Section 125 for a more logical order. Removed the word "general" |
| 19.100.125 | General Exemptions | <p>Exemptions – 3 items added:</p> <p><u>G. Maintenance or reconstruction of existing private roads, driveways, onsite septic systems, and wells, provided that reconstruction does not involve expansion of facilities, widening, or relocation.</u></p> <p><u>H. Reconstruction, remodeling, or maintenance of existing single-family residential structures and accessory structures that are located outside a flood hazard area and active landslide hazard area, provided that a one-time only expansion of the building footprint does not increase by more than 25 percent and that the new construction or related activity extends away from the critical area or related buffer. The exemption shall not apply to reconstruction which is proposed as a result of structural damage associated with a critical area, such as slope failure in a landslide hazard area or flooding in a flood hazard area. Expansion up to 25 percent may also occur in a direction parallel to the critical area or related buffer if the expansion takes place upon existing impervious surfaces.</u></p> <p><u>I. Reconstruction, remodeling, or maintenance of structures, other than single-family structures and accessory structures that are located outside a flood hazard area and active landslide hazard area, provided that such reconstruction, remodeling, or maintenance does not increase the floor area nor extend beyond the existing ground coverage. The exemption shall not apply to reconstruction which is proposed as a result of site or structural damage associated with a critical area, such as slope failure in a landslide hazard area or flooding in a flood hazard area.</u></p> <p>*issued draft allows for 25 percent expansion staff desires expansion to be limited back to original 20 percent limit</p> | Old ordinance did not provide exemptions for activities associated with reconstruction, remodeling, maintenance and/or repair of single-family residential structures. New exemptions in items G., H., and I., also referred to in 19.100.130 Standards for Existing Development |

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| 19.100.130 Standards for Existing Development | (Introductory paragraph) Existing development means a development that was lawfully constructed, approved or established prior to the effective date of this ordinance but does not conform to present regulations or standards of this title | Introductory paragraph removed | Paragraph , with changes, moved under item B of this section. |
| 19.100.130 Standards for Existing Development | B. Existing Structures: Structures in existence on the effective date of the ordinance codified in this title that do not meet the setback or buffer requirements of this title may be remodeled or reconstructed provided that the new construction or related activity does not further intrude into the critical area or its associated buffers and is subject to the restrictions of the Kitsap County Flood Damage Prevention Ordinance (Title 15 of this code) for reconstruction; provided further, that new construction or related activity connected with an existing single family dwelling shall not be considered further intruding into an associated buffer so long as the footprint of the structure lying within the critical area or its buffer is not increased by more than twenty percent and no portion of the new structure is located closer to the critical area than the existing structure; and provided further that reconstruction or remodeling will only be allowed if it does not create or continue a circumstance where personal or property damage is likely due to the nature of the critical area. | Strike and replace with B.Existing <u>Nonconforming</u> Structures, 1. <u>Existing nonconforming development means a development that was lawfully constructed, approved or established prior to the effective date of the ordinance codified in this title, but does not conform to present regulations or standards of this title</u> 2. <u>Structures in existence on the effective date of the ordinance codified in this title that do not meet the setback or buffer requirements of this title may be remodeled or reconstructed provided that the new construction or related activity does not further intrude into the critical area or its associated buffers.</u> 3. <u>Existing nonconforming structures shall not be expanded or altered in any manner that will increase the nonconformity without a permit issued pursuant to the provisions of this title, except as allowed through the provisions of 19.100.125 G, H and I.</u> 4. <u>Nonconforming structures which are damaged or destroyed by fire, explosion, or other casualty, may be restored or replaced if reconstruction is commenced within one year of such damage and is substantially completed within 18 months of the date such damage occurred. The reconstruction or restoration shall not serve to expand, enlarge or increase</u> | Clarification on how the existing structures and developments are treated. Also <u>references the three new items added in Exemptions,</u> |
| 19.100.135 Variances | C. The department shall provide notice of the public hearing by publishing in a newspaper of general circulation in the county at least once, not less than ten working days prior to the date set for the hearing. Notice shall also be sent by mail not less than ten working days prior to the date of the hearing on the variance application to the applicants proposing the variance request and to all owners of property within four hundred feet of the boundary of said property. Failure to send notice by mail to any such property owner where the address of a said owner is not a matter of a public record or because the ownership is not of a public record shall not invalidate any proceedings required in this title. | Strike item without replacement | These provisions are described in Title 21 Kitsap County Code Land Use and Development Procedures. |

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Comparing the Current Ordinance with Proposed Changes

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| 19.100.145 Appeals | A. Appealable Actions 2. Any decision to approve, condition or deny an administrative variance application by the department may be appealed by the applicant or affected party to the Kitsap County hearing examiner b. 1. and 2. limits action to be taken in ten working days | The term "administrative variance" is incorrect and will be corrected in final version. The ten day limit to act will be corrected to fourteen calendar days | Before codifying the final revised 2005 Critical Areas Ordinance, it is suggested that "administrative buffer reduction" replace this term. |
| 19.100155 Application Requirements, general | G. All site plan applications for development proposals subject to this title shall include a site plan drawn to scale identifying locations of critical areas, location of proposed structures and activities, including clearing and grading and general topographic information as required by the department. If the department determines that additional critical areas are found on the subject property, the applicant shall amend the site plan to identify the location of the critical area. | Added to end of item G. <u>When it is determined that regulated activities subject to SEPA (Title 18 Kitsap County Code) are likely to cause a significant, adverse environmental impact to the critical areas identified in this title that cannot be adequately mitigated through compliance with this title, environmental assessment and mitigation measures may be imposed consistent with the procedures established in Title 18 Kitsap County Code.</u> | Added reference to SEPA |

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| Chapter 19.150 Definitions | | | |
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| Section | 1998 Current Code | Proposed Code | Explanation of Proposed Change |
| 19.100.170 | Definitions | Chapter 19.150 Definitions | Created new chapter for definitions and gave each term, word or phrase a section number |
| 19.100.170 | Aquifer Susceptibility Bench (geologic) Farming and Agricultural Conservation Land Habitat Hydrophytes Minor New Development Major New Development Organic Debris Shorelines of Statewide Significance Susceptibility Vulnerability Wildlife Nesting Structure | These words, terms and phrase have been deleted in Chapter 19.100.150 | The new definitions section has been updated. Some terms have been combined into one definition (example: aquifer susceptibility, susceptibility, vulnerability) and other terms were deleted because they were not used anywhere in the ordinance. |

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| Chapter 19.150 Definitions | | | |
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| Section | 1998 Current Code | Proposed Code | Explanation of Proposed Change |
| 19.100.170 | | (New terms added) General introduction to definitions section Anadromous Fish Best Available Science Channel Migration Zone Feeder Bluff Fish and wildlife habitat Fisheries biologist Forage Fish Habitat Management Plan Permeability Wetlands, Mosaic | Terms were added as part of the update to the code. Some definitions were updated based on wording a review of the RCW or WAC and on review of best available science. |

| Chapter 19.200 Wetlands | | | |
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| Section | 1998 Current Code | Proposed Code | Explanation of Proposed Change |
| 19.200 | (order of sections) 19.200.205 Purpose. 19.200.215 Wetland Categories. 19.200.220 Regulated and Non-regulated Wetlands Classification. 19.200.225 Development Standards 19.200.230 Regulated Uses and Activities. 19.200.235 Additional Development Standards for Regulated Uses. 19.200.240 Special Use Review. 19.200.245 Application Requirements. 19.200.250 Determination of Wetland Boundaries. 19.200.255 Wetland Mitigation Requirements. 19.200.260 Incentives for Wetlands Protection. | 19.200.205 Purpose. 19.200.210 Wetland Identification and Functional Rating. 19.200.215 Wetland Review Procedures. 19.200.220 Development Standards for Wetland Buffers. 19.200.225 Regulated Uses and Activities. 19.200.230 Additional Development Standards for Regulated Uses. 19.200.235 Special Use Review. 19.200.240 Application Requirements. 19.200.245 Delineation of Wetland Boundaries. 19.200.250 Wetland Mitigation Requirements. 19.200.255 Incentives for Wetlands Protection. | The sections of the wetlands chapter have been revised |
| 19.200.205 | Purpose A. Achieve no net loss and increase the quality and function of wetland acreage, functions and values within Kitsap County. Mitigation measures, as conditions of permits, must have a reasonable expectation of success. Under the conditions of this Section, the Department may deny development proposals that would irreparably impact regulated wetlands; | Purpose A. Achieve no net loss and increase the quality and function and values of wetland acreage, within Kitsap County and maintain and enhance the biological and physical functions and values of wetlands with respect to water quality maintenance, stormwater and floodwater storage and conveyance, fish and wildlife habitat, primary productivity, recreation, and education. | This purpose statement now includes wetland functions and values that had been listed elsewhere in the section. |
| 19.200.215 Wetland Categories | Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, estuaries, marshes, bogs, and similar areas. For regulatory purposes, wetland delineations shall be determined by using the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter. Kitsap County uses the Department of Ecology's Washington State Wetland Rating System for Western Washington, 2nd Edition, 1993, or as amended hereafter to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement ratios for wetlands. This system consists of four wetland categories (see Section 800 Appendices, Appendix "A" for Wetland Categories). | 19.200.210 Wetland Identification and Functional Rating A. General. 1. Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. 2. The County will require the use of the following documents "as now or hereafter amended". Wetlands shall be generally designated as follows: | The order of explanatory sections is changed and the titles are clarified. There is a typographical error in item A.2 It should mention the state/ federal wetlands identification and delineation manual and state wetland rating system This will be corrected. |

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| 19.200.220 Regulated and Non-regulated Wetlands Classification | <p>A. Regulated Wetlands: (See Definition in Section 800)</p> <p>1. Category I Wetlands: All</p> <p>2. Category II Wetlands: All</p> <p>3. Category III Wetlands: 2,500 square feet or greater.</p> <p>4. Category IV Wetlands: 10,000 square feet or greater.</p> <p>5. Wetlands intentionally created from non-wetland areas to mitigate conversion of other wetlands.</p> <p>6. Groups of isolated wetlands, any one or more of which may be smaller than any of the above categories, but which in aggregate may be as valuable as any of the above categories.</p> <p>B. Non-Regulated Wetlands:</p> <p>1. Category III Wetlands: Isolated wetlands less than 2,500 square feet.</p> <p>2. Category IV Wetlands: Isolated wetlands less than 10,000 square feet.</p> <p>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 Ordinance, and landscape amenities. The applicant shall bear the burden of proving that the wetland was intentionally created from a non-wetland site. Where enhancements or restorations are made to non-regulated, or Category IV or III Wetlands for purposes other than mitigation, the original rating shall be maintained even if the changes would otherwise result in a higher classification.</p> | <p><u>B. Regulated Wetlands. (See Chapter 19.800 Appendix A for more detailed description).</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>5. Wetlands intentionally created from non-wetland areas to mitigate conversion of other wetlands.</u></p> <p><u>6. Mosaic wetlands as defined at 19.150.695.</u></p> <p><u>C. Non-Regulated Wetlands.</u></p> <p><u>a. Category III Wetlands: Isolated wetlands less than 2,500 square feet.</u></p> <p><u>b. Category IV Wetlands: Isolated wetlands less than 5,000 square feet.</u></p> <p><u>c. 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.</u></p> | <p>The description of regulated and non-regulated wetlands has been updated using the new "Washington State Wetland Ratings System for Western Washington."</p> |
| 19.200.220 Regulated and Non-regulated Wetlands Classification | | <p><u>D. Criteria for Determining Wetlands Divided by a Manmade Feature.</u></p> <p><u>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:</u></p> <p><u>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</u></p> <p><u>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</u></p> | <p>Added new additional criteria for determining wetlands divided by a manmade feature and for determining mosaic wetlands.</p> |

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| | | <p><u>activity, the wetlands possess similar vegetative or wildlife assemblages or hydrologic regime).</u></p> <p><u>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.</u></p> <p><u>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. (refer to 19.800.XXX Appendix X for more detail)</u></p> | |
| | | <p>19.200.215 Wetland Review Procedures</p> <p><u>Wetland Certification Process for Single-family Dwellings (No Encroachment into a Regulated Wetland or its Standard Buffer).</u></p> <p><u>1. a. Prior to issuance of a building permit, site development permit, or on-site sewage system permit, the applicant shall submit a single-family wetland certification form completed by a wetland specialist that certifies either:</u></p> <p><u>(1) No regulated wetlands are present within 250 feet of the project area; or</u></p> <p><u>(2) Wetlands are present within 250 feet of the project area, but all regulated activities associated with the dwelling (i.e., landscaped areas, septic facilities, outbuildings, etc.) will occur outside of the standard buffer of the identified wetland.</u></p> <p><u>b. If regulated wetland buffers extend onto the site, the wetland specialist shall place permanent, clearly visible, wetland buffer signs at the edge of the buffer. A wetland buffer sign affidavit, signed by the wetland specialist, shall be submitted to the department as verification that the wetland buffer signs have been placed on the site.</u></p> <p><u>c. A survey will not be required.</u></p> <p><u>d. The single-family certification form may be used only to authorize single-family dwellings and associated homesite features such as driveways, gardens, fences, wells, lawns, and on-site septic systems. It may not be used for new agricultural activities, expansion of existing agricultural activities, forest practice activities, commercial projects, land divisions, buffer width modifications, or violations.</u></p> <p><u>e. The single-family certification process will be monitored by the department for accuracy, and enforcement actions will be initiated should encroachment into a regulated wetland or buffer occur.</u></p> <p><u>f. The applicant/property owner assumes responsibility for any and all errors of the single-family certification form and all associated mitigation imposed by the department.</u></p> <p><u>g. Single-family certification forms shall be filed with the Kitsap County Auditor's Office.</u></p> | <p>Proposed new section for Wetland Certification Process for Single Family Dwellings</p> <p>Proposes that all proposed single family dwellings be first certified to either: Declare no wetlands are present; or Declare that wetlands are present but all development activities will occur outside of the buffer for that wetland type/category</p> <p>This certification is proposed to help streamline the permit processing for one of the highest volume permit types to involve critical areas</p> |

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| 19.200.225 Development Standards | <p>A. There shall be no activity allowed within a regulated wetland or its buffer unless specifically allowed under this Ordinance in Table 2. Any regulated uses not specifically listed in Table 2 shall be considered unclassified and may be allowed if granted a Special Use Review in accordance with this Ordinance (see Section 240, Special Use Review).</p> <p>B. Buffers: Buffers shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Any buffer enhancement and/or limited view clearing activity must be reviewed and approved by the Department. No refuse shall be placed in the buffer.</p> <p>C. Buffer Widths: All regulated wetlands shall be surrounded by a buffer zone as follows:</p> <table border="1"> <thead> <tr> <th>Wetland Category</th> <th>Buffer</th> </tr> </thead> <tbody> <tr> <td>I</td> <td>200 feet</td> </tr> <tr> <td>II</td> <td>100 feet</td> </tr> <tr> <td>III</td> <td>50 feet</td> </tr> <tr> <td>IV</td> <td>25 feet</td> </tr> </tbody> </table> | Wetland Category | Buffer | I | 200 feet | II | 100 feet | III | 50 feet | IV | 25 feet | <p><u>19.200.220 Development Standards for Wetland Buffers. For the purpose of this title, a regulated wetland and its buffer are a critical area.</u></p> <p><u>A. Determining Buffer Widths. Buffer widths shall be measured horizontally from a perpendicular line established at the wetland edge based on the Base Buffer Width identified in Table 1 and adjustments made from considerations contained in Table 2, below, and in Section C, Tables 1 through 4.</u></p> <table border="1"> <thead> <tr> <th>Generalized Category of Wetland</th> <th>Base Buffer Width</th> </tr> </thead> <tbody> <tr> <td>Category I</td> <td>200 feet</td> </tr> <tr> <td>Category II</td> <td>100 feet</td> </tr> <tr> <td>Category III</td> <td>50 feet</td> </tr> <tr> <td>Category IV</td> <td>30 feet</td> </tr> </tbody> </table> <p><u>Land use impact "intensity" based on development types</u></p> <table border="1"> <thead> <tr> <th>Rating of impact from proposed changes in land use</th> <th>Examples of land uses that cause the impact based on common zoning categories</th> </tr> </thead> <tbody> <tr> <td>High</td> <td>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</td> </tr> <tr> <td>Moderate</td> <td>Residential with 1unit/acre or less, Moderate - Intensity Open Space (parks), New agriculture (moderate- intensity such as orchards and hay fields), Transportation enhancement projects</td> </tr> <tr> <td>Low</td> <td>Forestry, Open space (low-intensity such as passive recreation and natural resources preservation, minor transportation improvements)</td> </tr> </tbody> </table> | Generalized Category of Wetland | Base Buffer Width | Category I | 200 feet | Category II | 100 feet | Category III | 50 feet | Category IV | 30 feet | 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 1unit/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) | <p>There is new language that describes how the width of a wetland buffer will be determined. A base buffer width is given which can change based on the outcome of the wetland rating system and on the intensity of the proposed land use development. Base buffer widths are presented and examples of land use intensities are given.</p> |
| Wetland Category | Buffer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| I | 200 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| II | 100 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| III | 50 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| IV | 25 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Generalized Category of Wetland | Base Buffer Width | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Category I | 200 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Category II | 100 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Category III | 50 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Category IV | 30 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 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 1unit/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) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 19.200.225 Development Standards (continued) | <p>D. Buffer Measurement: All buffers shall be measured on a horizontal plane from the regulated wetland edge as marked in the field.</p> | <p><u>19.200.220 B. Modification of Buffer Widths. 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.</u></p> <p><u>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.</u></p> <p><u>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:</u></p> <p>(1) <u>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</u></p> <p>(2) <u>Measures to minimize the impacts of different land uses on wetlands, as summarized in the following table, are applied.</u></p> | <p>The information on wetland buffers has been re-ordered. The way wetland buffers are measured is not different. The way wetland buffers can be modified has been changed to be based on the wetland category rating and proposed land use intensity (mentioned above) factors, Examples of how impacts and disturbances to wetland functions can be minimized are provided in a table.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | | 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 19.200.225 Development Standards (now 19.200.220) | C. Buffer Widths: All regulated wetlands shall be surrounded by a buffer zone as follows: <table border="1"> <thead> <tr> <th colspan="4">Table 1: Wetland Development Standards</th> </tr> <tr> <th>Wetland Category</th> <th>Buffer Width Standard</th> <th>Minimum Building Setback</th> <th>Other Development Standards</th> </tr> </thead> <tbody> <tr> <td>I</td> <td>200 feet</td> <td>15 feet beyond buffer</td> <td rowspan="4">See subsections E, F, and G below for criteria relating to buffer averaging, decreased buffer provisions and increased buffer provisions.</td> </tr> <tr> <td>II</td> <td>100 feet</td> <td>15 feet beyond buffer</td> </tr> <tr> <td>III</td> <td>50 feet</td> <td>15 feet beyond buffer</td> </tr> <tr> <td>IV</td> <td>25 feet</td> <td>15 feet beyond buffer</td> </tr> </tbody> </table> | Table 1: Wetland Development Standards | | | | Wetland Category | Buffer Width Standard | Minimum Building Setback | Other Development Standards | I | 200 feet | 15 feet beyond buffer | See subsections E, F, and G below for criteria relating to buffer averaging, decreased buffer provisions and increased buffer provisions. | II | 100 feet | 15 feet beyond buffer | III | 50 feet | 15 feet beyond buffer | IV | 25 feet | 15 feet beyond buffer | 19.200.220 C. Width Tables of Buffers by Category of Wetland <p>Table 1: Width of buffers required to protect Category IV wetlands.</p> <table border="1"> <thead> <tr> <th>Category IV Wetland Characteristics</th> <th>Buffer Width Adjustment to 30 ft base width (based on impact of land use)</th> </tr> </thead> <tbody> <tr> <td>Score for functions < 30 points</td> <td>Low – Decrease by 5 ft. Moderate – Increase by 10 ft. High – Increase by 20 feet</td> </tr> </tbody> </table> <p>Table 2: Width of buffers required to protect Category III wetlands.</p> <table border="1"> <thead> <tr> <th>Category III Wetland Characteristics</th> <th>Buffer Width Adjustments to 50 ft base width (by impact of land use)</th> </tr> </thead> <tbody> <tr> <td>Moderate level of function for habitat (score for habitat is 20 - 28 pts.)</td> <td>Low - Increase by 25 ft Moderate – Increase by 60 ft High – Increase by 100 ft</td> </tr> <tr> <td>Category III wetlands not meeting above criteria</td> <td>Low - Decrease by 10 ft Moderate – increase by 10 ft. High – Increase by 30 ft</td> </tr> </tbody> </table> <p>Table 3: Width of buffers required to protect Category II wetlands.</p> <table border="1"> <thead> <tr> <th>Category II Wetland Characteristics</th> <th>Buffer Widths Adjustments to 100 ft base width (by impact of land use/apply most protective)</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table> | Category IV Wetland Characteristics | Buffer Width Adjustment to 30 ft base width (based on impact of land use) | Score for functions < 30 points | Low – Decrease by 5 ft. Moderate – Increase by 10 ft. High – Increase by 20 feet | Category III Wetland Characteristics | Buffer Width Adjustments to 50 ft base width (by impact of land use) | 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 | Category II Wetland Characteristics | Buffer Widths Adjustments to 100 ft base width (by impact of land use/apply most protective) | | | Wetland buffer requirements have been updated and improved based on new, best available science issued by the Washington Department of Ecology. Under this proposal, wetland buffer widths are based on a combination of wetland category, the intensity of proposed land use, and the wetland's functions. It is site specific and provides flexibility in determining the width of a wetland's buffer. It is a change from the fixed buffers of the 1998 ordinance. Each table displays guidance on how buffer widths should be determined for each kind of wetland category and land use intensity.. |
| Table 1: Wetland Development Standards | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wetland Category | Buffer Width Standard | Minimum Building Setback | Other Development Standards | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| I | 200 feet | 15 feet beyond buffer | See subsections E, F, and G below for criteria relating to buffer averaging, decreased buffer provisions and increased buffer provisions. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| II | 100 feet | 15 feet beyond buffer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| III | 50 feet | 15 feet beyond buffer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| IV | 25 feet | 15 feet beyond buffer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Category IV Wetland Characteristics | Buffer Width Adjustment to 30 ft base width (based on impact of land use) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Score for functions < 30 points | Low – Decrease by 5 ft. Moderate – Increase by 10 ft. High – Increase by 20 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Category III Wetland Characteristics | Buffer Width Adjustments to 50 ft base width (by impact of land use) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Category II Wetland Characteristics | Buffer Widths Adjustments to 100 ft base width (by impact of land use/apply most protective) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | | 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. | | |
| | | 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 | |

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| | | <table border="1"> <tr> <td>Category I wetlands not meeting any of the above criteria</td> <td> Low – Decrease by 150 ft Moderate – Decrease by 125 ft High – Decrease by 100 ft </td> </tr> </table> <p><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 widest one.</u></p> | 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 | |
| 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 | | | | |
| | <p>E. Buffer Averaging: Standard buffer widths may be modified by the Department for a development proposal by averaging buffer widths. The total area contained within the buffer after averaging shall be no less than that contained within the standard buffer prior to averaging. The buffer shall not be reduced by more than 50% of the standard buffer width at any point. The Department may allow wetland buffer averaging where it can be demonstrated that such averaging can clearly provide as great or greater functions and values as would be provided under the standard buffer requirement. Averaging of buffer widths may be allowed where the applicant demonstrates one or more of the following:</p> <ol style="list-style-type: none"> 1. That the wetland contains variations in sensitivity due to existing physical characteristics; 2. That low intensity uses would be located within 200 feet of areas where buffer width is reduced, and that such low intensity uses are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism; 3. That averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property | <p><u>2. Buffer Averaging. Buffer width averaging may be allowed only where the applicant demonstrates all of the following:</u></p> <ol style="list-style-type: none"> <u>a. The decrease in buffer width is minimized by limiting the degree or magnitude of the regulated activity.</u> <u>b. For wetlands and/or required buffers associated with documented habitat for endangered, threatened, or sensitive fish, or wildlife species, a habitat assessment report has been submitted that demonstrates that the buffer modification will not result in an adverse impact to the species of study.</u> <u>c. Width averaging will not adversely impact the wetland.</u> <u>d. The total buffer area after averaging is no less than the buffer area prior to averaging.</u> <u>e. The minimum buffer width will not be less than 50 percent of the widths established after the categorization is done and any buffer adjustments applied.</u> <u>f. If buffer width averaging is utilized and significant trees are identified on the outer edge of the reduced buffer such that their drip line extends beyond the buffer edge, the following tree protection requirements must be followed:</u> <ol style="list-style-type: none"> <u>1. A tree protection area shall be designed to protect each tree or tree stand during site development and construction. Tree protection areas may vary widely in shape, but must extend a minimum of five feet beyond the existing tree canopy area along the outer edge of the dripline of the tree(s), unless otherwise approved by the department.</u> <u>2. Tree protection areas shall be added and clearly labeled on all applicable site development and construction drawings, submitted to the department.</u> <u>3. Temporary construction fencing at least 30 inches tall shall be erected around the perimeter of the tree protection areas prior to the initiation of any clearing or grading. The fencing shall be posted with signage clearly identifying the tree protection area. The fencing shall remain in place through site development and construction.</u> <u>4. No clearing, grading, filling or other development activities shall occur within the tree protection area, except where approved in advance by the department and shown on the approved plans for the proposal.</u> <u>5. No vehicles, construction materials, fuel, or other materials shall be placed in tree protection areas. Movement of any vehicles within tree protection areas shall be prohibited.</u> <u>6. No nails, rope, cable, signs, or fencing shall be attached to any tree proposed for retention.</u> <u>7. The department may approve the use of alternate tree protection techniques if an equal or greater level of protection will be provided.</u> | <p>Buffer averaging for wetlands has not changed and can occur provided certain conditions are met. A tree protection area is proposed for significant trees that may exist on a buffer outer edge. Tree protection areas will be determined using information on a wetland category and rating system score.</p> | | |
| | <p>G. Increased Buffer Provisions: The Department may increase buffer zone widths for a development project on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values. Such determination shall be based on site-specific and project related conditions which include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Wetland sites with known locations of endangered or threatened species for which a habitat management | <p><u>3. Buffer Increases. The Department may require increased buffer width(s) when any of the following are identified:</u></p> <ol style="list-style-type: none"> <u>a. A larger buffer is necessary to maintain viable populations of existing species;</u> <u>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;</u> <u>c. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts;</u> | <p>The provision to increase buffers has been clarified</p> | | |

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| | <p>plan indicates a larger buffer is necessary to protect habitat values for such species;</p> <ol style="list-style-type: none"> 2. The adjacent land is susceptible to severe erosion and erosion control measures alone will not effectively prevent adverse wetland impacts; 3. The adjacent land on the development proposal site has minimal vegetative cover or slopes greater than 30%; or 4. The proposed development within 200 feet of the regulated wetland would be a high intensity use. | <p><u>d. The adjacent land has minimal vegetative cover or slopes greater than 20 percent</u></p> | |
| | <p>F. Decreased Buffer Provisions: The Department may decrease buffer widths upon granting of a variance, according to the procedures of this Ordinance 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:</p> <ol style="list-style-type: none"> 1. For minor new development, the Department may administratively reduce the buffer by up to 25%, pursuant to the variance criteria listed in Section 18.16.135. 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: <ol style="list-style-type: none"> a. use of buffer averaging maintaining 100% of the buffer area under the standard buffer requirement; b. reduction of the overall buffer area by no more than 25% of the area required under the standard buffer requirement; c. enhancement of existing degraded buffer area and replanting of the disturbed buffer area; d. the use of alternative on-site wastewater systems in order to minimize site clearing; e. infiltration of stormwater where soils permit; and, f. retention of existing native vegetation on other portions of the site in order to off set habitat loss from buffer reduction. 2. For major new development, the Department may reduce the buffer by up to 25%, where it can be demonstrated in a Special Report that enhancement | <p><u>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:</u></p> <ol style="list-style-type: none"> <u>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:</u> <ol style="list-style-type: none"> <u>i. Use of buffer averaging maintaining one hundred percent of the buffer area under the standard buffer requirement;</u> <u>ii. Reduction of the overall buffer area by no more than twenty-five percent of the area required under the standard buffer requirement;</u> <u>iii. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area with native vegetation;</u> <u>iv. The use of alternative on-site wastewater systems in order to minimize site clearing;</u> <u>v. Infiltration of stormwater where soils permit; and</u> <u>vi. Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.</u> <u>b. The minimum buffer shall be no less than thirty feet, except as allowed under a formal variance or reasonable use approval.</u> | <p>The provisions to decrease buffer widths has been clarified and renamed from "decreased buffer provisions" to "administrative buffer reductions." The minimum buffer width has changed from twenty five feet to thirty feet.</p> |

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| | <p>of the existing low quality buffer can clearly provide as great or greater functions and values, as would be provided under the standard buffer requirement.</p> <p>3. A buffer enhancement plan must utilize native vegetation.</p> <p>4. The minimum buffer shall be no less than 25 feet, except as allowed under a formal variance or reasonable use approval.</p> | | |
| 19.200.225 | <p>I. Building or Impervious Surface Setback Lines: A building or impervious surface setback line of 15 feet is required from the edge of any wetland buffer. Minor structural or impervious surface intrusions into the areas of the setback may be permitted if the Department determines that such intrusions will not adversely impact the wetland. The setback shall be identified on a site plan and filed as an attachment to the notice to title as required by Section 150 (Notice to Title).</p> | <p>(new item added before setback provision) :</p> <p><u>G. Dedication of Buffers. Buffer areas shall be dedicated as permanent open space tracts, functioning as critical areas buffers or as required by the department. The buffer shall be identified on a site plan and filed as an attachment to the notice to title as required by section 19.100.150 (Notice to Title).</u></p> | <p>Item has been inserted to re-state for wetlands the "notice to title" requirements already stated in Chapter 100. This was added language because setback requirements mthat follow mention the same requirement</p> |
| 19.200.230 Regulated Uses and Activities | <p>Major and minor new development activities on properties containing regulated wetlands and buffers are subject to the development standards in this section, as permitted in the underlying zoning designation. Requirements for additional activities are specified in Table 2. Kitsap County may grant exceptions to these uses and activities according to the intent and specifications of this Ordinance. All authorized uses and activities in a regulated wetland or its buffer shall be subject to conditions established by the Department and may be subject to mitigation as required by this Ordinance.</p> <p>Development shall be classified as "allowed," "permitted," "special use" (Section 240) or "prohibited" according to this Section. Any regulated uses not specifically listed in Table 2 shall be considered unclassified and may be allowed if granted a special use review in accordance with this Ordinance. The wetland categories in Table 2 are defined in the appendices.</p> | <p>19.200.225 Regulated uses and activities.</p> <p>A. There shall be no activity allowed within a regulated wetland or its buffer unless specifically allowed under this title in 19.200.225 C. "Regulated Uses and Activities Table" , below . Kitsap County may grant exceptions to these uses and activities according to the intent and specifications of this title.</p> <p>B. Any regulated uses not specifically listed in "Regulated Uses and Activities Table" shall be considered unclassified and may be allowed if granted a special use review in accordance with this title (See Section 19.200.240 235, Special Use Review). All authorized uses and activities in a regulated wetland or its buffer shall be subject to conditions established by the department and may be subject to mitigation as required by this title.</p> <p>C. Regulated uses and activities shall be classified as "allowed," "permitted," "special use" (Section 19.200.235) or "prohibited" according to this title. The wetland categories in "Regulated Uses and Activities Table" below are defined in the appendices (19.800 Appendices).</p> | <p>This section has been updated and clarified.</p> |
| | <p>Table: Regulated Uses and Activities in Regulated Wetlands and Buffers</p> <p>[35 items listed]</p> | <p>19.200.225 C. Regulated Uses and Activities Table (items removed or modified from Table)</p> <p>7. Draining Wetlands</p> <p>18. Mooring Buoy</p> <p>19. Navigational Aid</p> <p>29.-30 Stormwater Retention/Detention Facility public/private</p> | <p>Title of Table has been clarified. Activities were removed or renamed as part of the update to this table</p> |

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| 19.200.235 Additional development standards for regulated uses. | <p>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 25 feet from the wetland edge, except where wetland crossings or viewing areas have been approved.</p> <p>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.</p> | <p>19.200.230 Additional development standards for regulated uses</p> <p>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 thirty feet from the wetland edge, except where wetland crossings or viewing areas have been approved.</p> <p>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.</p> | <p>New section number.</p> <p>Trails now are to be located a minimum of 30 feet from the wetland edge – which is equal to the smallest proposed wetland buffer width.</p> <p>A requirement that trails be constructed with pervious (allowing water to percolate through) materials has been added, unless other materials are approved for trails.</p> |
| 19.200.245 Application requirements | | <p>(new item added)</p> <p>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.</p> | <p>This section was added so that wetland special reports are able to be utilized in a proper and timely manner.</p> |
| 19.200.250 Determination of Wetland Boundaries | <p>A. The determination of the wetland edge or boundary shall be done in accordance with the delineation methodology specified in the currently accepted County manual.</p> | <p>19.200.245 Delineation of wetland boundaries</p> <p>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.</p> | <p>Item updated.</p> |
| 19.200.255 Wetland Mitigation Requirements | <p>A. Mitigation Sequence</p> <p>1. Projects permitted under this Ordinance will be reviewed in the following order of preference with regard to regulated wetlands or their buffers:</p> <p>a. Avoid the impact by not performing a certain action or parts of an action;</p> <p>b. Minimize the impact by limiting the degree or magnitude of the action and its implementation;</p> <p>c. Mitigate through one of the following methods:</p> <p>i. Restore the impact by repairing or rehabilitating the affected environment;</p> <p>ii. Reduce or eliminate the adverse impact over time; and/or,</p> <p>iii. Compensate for the impact by replacing, enhancing or providing alternative resources or environments within the same drainage basin that substitute as closely as possible for the affected resources or environments (see subsection B).</p> <p>2. Mitigation for individual projects may include any combination of the above measures.</p> | <p>19.200.250 Wetland Mitigation Requirements</p> <p>A. Mitigation. All regulated development activities in wetlands or buffers shall be mitigated according to this title subject to the following order:</p> <p>1. Avoiding the impact altogether by not taking a certain action or parts of actions;</p> <p>2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to reduce impacts;</p> <p>3. The following types of mitigation (in the following order of preference):</p> <p>a. Rectifying the impact by reestablishing, rehabilitating, or restoring the affected environment;</p> <p>b. Compensating for the impact by replacing or providing substitute resources or environments;</p> <p>a. Compensating for the impact by improving the environmental processes that support wetland systems and functions</p> <p>4. Monitoring the impact and compensation and taking appropriate corrective measures; and</p> <p>a. Mitigation for individual actions may include a combination of the above measures.</p> <p>A. Mitigation for Regulated Activities in Wetland Buffers. Specific mitigation plan 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</p> | <p>Mitigation requirements have been updated and improved using new, best-available-science, guidance published by Washington Dept of Ecology and federal wetland regulatory agencies.</p> |

| Chapter 19.200 Wetlands | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | <p>B. Scope of Compensatory Mitigation: In making a determination of the extent to which mitigation shall be required, the Department will consider all of the following:</p> <ol style="list-style-type: none"> 1. The functional characteristics of the wetland and its resource value within the watershed or sub-basin in which the wetland is located. 2. The short and long term adverse impacts of the action upon the wetland and associated ecosystem, and the potential for repair of the impairment or loss. 3. The category, size, and location of the wetland altered, and the effect it may have upon the surrounding system, watershed or wetland; 4. Observed or predicted trends of gains or losses of this category of wetland in the watershed, considering qualitative and/or quantitative information about natural and human processes; and, | <p>recorded with the Kitsap Pierce County Auditor. The agreement shall refer to all requirements for the mitigation project.</p> <p>C. Mitigation for Regulated Activities in Wetlands. Compensatory mitigation shall be required for regulated activities that result in the loss of wetland acreage. Specific mitigation plan requirements are provided in 19.700.715.</p> <ol style="list-style-type: none"> 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 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. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 19.200.255 | <p>E. Wetland Replacement Ratios</p> <table border="1"> <caption>Table 3: Wetland Replacement Ratios</caption> <thead> <tr> <th></th> <th>Enhancement</th> <th>Creation/Restoration</th> </tr> </thead> <tbody> <tr> <td>Category I:</td> <td>6:1</td> <td>3:1</td> </tr> <tr> <td colspan="3">Category II and III:</td> </tr> <tr> <td>Forested Class:</td> <td>4:1</td> <td>2:1</td> </tr> <tr> <td>Scrub/Shrub Class:</td> <td>3:1</td> <td>1.5:1</td> </tr> <tr> <td>Emergent Class:</td> <td>3:1</td> <td>1.5:1</td> </tr> <tr> <td>Open Water:</td> <td>*</td> <td>1:1</td> </tr> <tr> <td>Category IV:</td> <td>2:1</td> <td>1:1</td> </tr> </tbody> </table> | | Enhancement | Creation/Restoration | Category I: | 6:1 | 3:1 | Category II and III: | | | Forested Class: | 4:1 | 2:1 | Scrub/Shrub Class: | 3:1 | 1.5:1 | Emergent Class: | 3:1 | 1.5:1 | Open Water: | * | 1:1 | Category IV: | 2:1 | 1:1 | <p>19.200.250 Wetland Replacement Ratios</p> <table border="1"> <caption>Wetland Mitigation Replacement Ratios Table</caption> <thead> <tr> <th>CATEGORY and TYPE of WETLAND</th> <th>Re-establishment or Creation</th> <th>Rehabilitation</th> <th>1:1 Reestablishment or Creation (R/C) and Enhancement (E)</th> <th>Enhancement Only</th> </tr> </thead> <tbody> <tr> <td>All Category IV</td> <td>1.5:1</td> <td>3:1</td> <td>1:1 R/C and 2:1 E</td> <td>6:1</td> </tr> <tr> <td>All Category III</td> <td>2:1</td> <td>4:1</td> <td>1:1 R/C and 2:1 E</td> <td>8:1</td> </tr> <tr> <td>Category II estuarine</td> <td>Case-by-case</td> <td>4:1 rehabilitation of an estuarine wetland</td> <td>Case-by-case</td> <td>Case-by-case</td> </tr> <tr> <td>All other Category II</td> <td>3:1</td> <td>8:1</td> <td>1:1 R/C and 4:1 E</td> <td>12:1</td> </tr> <tr> <td>Category I Forested</td> <td>6:1</td> <td>12:1</td> <td>1:1 R/C and 10:1</td> <td>24:1</td> </tr> <tr> <td>Category I based on score for fu</td> <td>4:1</td> <td>8:1</td> <td>1:1 R/C and 6:1 E</td> <td>16:1</td> </tr> <tr> <td>Category I Natural Heritage site</td> <td>Case-by-case</td> <td>6:1 rehabilitation of a Natural Heritage site</td> <td>Case by Case</td> <td>Case by Case</td> </tr> <tr> <td>Category I Coastal Lagoon</td> <td>Case-by-case</td> <td>6:1 rehabilitation of a coastal lagoon</td> <td>Case-by-case</td> <td>Case-by-case</td> </tr> </tbody> </table> | CATEGORY and TYPE of WETLAND | Re-establishment or Creation | Rehabilitation | 1:1 Reestablishment or Creation (R/C) and Enhancement (E) | Enhancement Only | 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 | 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 based on score for fu | 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 | <p>Wetland mitigation replacement ratios have been updated and improved using new, best-available-science, guidance published by Washington Dept of Ecology and federal wetland regulatory agencies.</p> | |
| | Enhancement | Creation/Restoration | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Category I: | 6:1 | 3:1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Category II and III: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Forested Class: | 4:1 | 2:1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Scrub/Shrub Class: | 3:1 | 1.5:1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Emergent Class: | 3:1 | 1.5:1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Open Water: | * | 1:1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Category IV: | 2:1 | 1:1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CATEGORY and TYPE of WETLAND | Re-establishment or Creation | Rehabilitation | 1:1 Reestablishment or Creation (R/C) and Enhancement (E) | Enhancement Only | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 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 based on score for fu | 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | | 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 | |
| | <p>E. Wetland Replacement Ratios</p> <p>2. The Department may increase or decrease the ratios based on one or more of the following:</p> <ul style="list-style-type: none"> a. The probable success of the proposed restoration or enhancement; b. The period of time between destruction and replication of wetland functions; c. Projected losses in functions and value; d. Replacement as a result of an illegal action. | <p>E. Wetland Replacement Ratios (new language)</p> <p><u>2. The department may increase or decrease the ratios based on one or more of the following:</u></p> <p><u>a. Replacement ratios may be increased under the following circumstances:</u></p> <ul style="list-style-type: none"> <u>1. Uncertainty exists as to the probable success of the proposed restoration or creation;</u> <u>2. A significant period of time will elapse between impact and establishment of wetland functions at the mitigation site;</u> <u>3. Proposed compensation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or</u> <u>4. The impact was an unauthorized impact.</u> <p><u>b. Replacement ratios may be decreased under the following circumstances:</u></p> <ul style="list-style-type: none"> <u>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;</u> <u>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</u> <u>3. The proposed mitigation actions are conducted in advance of the impact and are shown to be successful.</u> | | | | | <p>New language replaces outdated mitigation requirements. Provisions for increasing or decreasing wetland mitigation replacement ratios have been updated</p> |
| 19.200.255 | <p>F. Off-Site Compensatory Mitigation:</p> <ul style="list-style-type: none"> 1. The Department may allow off-site compensation mitigation if on-site compensation is not scientifically feasible due to natural conditions; or is not practical due to potentially adverse impacts from existing surrounding land uses; or proposed functions at the site of the proposed restoration are greater than the lost wetland functions. 2. Off-site compensation will occur within an area where mitigation success is most likely and where there will be significant improvement to the water resource. 3. Off-site compensation will occur in the same watershed (drainage basin) which is adversely impacted. 4. Off-site mitigation will be accomplished through the purchase of credit in an established mitigation bank and/or other sites approved by the Department. | <p><u>E. Off-Site Compensatory Mitigation.</u></p> <p><u>1. Considerations for determining whether off-site mitigation is preferable include, but are not limited to:</u></p> <ul style="list-style-type: none"> <u>a. On-site conditions do not favor successful establishment of the required vegetation type, or lack the proper soil conditions, or hydrology;</u> <u>b. On-site compensation would result in an aquatic habitat that is isolated from other natural habitats or severely impaired by the effects of the adjacent development;</u> <u>c. Off-site location is crucial to one or more species that is threatened, endangered, or otherwise of concern, and the on-site location is not;</u> <u>d. Off-site location is crucial to larger ecosystem functions, such as providing corridors between habitats, and the on-site location is not; and,</u> <u>e. Off-site compensation has a greater likelihood of success or will provide greater functional benefits.</u> <p><u>2. When determining whether off-site mitigation is preferable, the value of the site-specific wetland functions at the project site, such as flood control, nutrient retention, sediment filtering, and rare or unique habitats or species, should be fully considered.</u></p> <p><u>3. When conditions do not favor on-site compensation, off-site compensatory mitigation should be</u></p> | | | | | <p>The criteria for determining off-site compensatory wetlands mitigation has been updated and improved.</p> |

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| | | located as close to the impact site as possible, at least within the same watershed, while still replacing lost functions. | |

| Chapter 19.300 Fish and Wildlife Habitat Conservation Areas | | | |
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| 19.300.305 | <p>Purpose This section applies to all regulated uses included in this Ordinance, or uses within 200 feet of areas designated as Fish and Wildlife Habitat Conservation Areas, as categorized in Section 310 below. The intent of this Section is to:</p> <p>A. Preserve natural flood control, stormwater storage and drainage or stream flow patterns;</p> <p>B. Control siltation, protect nutrient reserves and maintain stream flows and stream quality for fish and marine shellfish;</p> <p>C. Prevent turbidity and pollution of streams and fish or shellfish bearing waters;</p> <p>D. Preserve and protect habitat adequate to support viable populations of native wildlife in Kitsap County; and,</p> <p>E. Encourage non-regulatory methods of habitat retention whenever practical, through education, and the Open Space Tax Program.</p> | <p>This section applies to all regulated uses included in this title, or uses within two hundred fifty feet of areas designated as 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:</p> <p>A. Preserve natural flood control, stormwater storage and drainage or stream flow patterns;</p> <p>B. Prevent turbidity and pollution, control siltation, protect nutrient reserves and maintain water flows and water quality for anadromous and resident fish, marine shellfish and forage fish;</p> <p>C. Encourage non-regulatory methods of habitat retention whenever practical, through mechanisms such as education and the open space tax program.</p> | <p>The purpose statement has been updated and clarified.</p> |
| 19.300.310 Fish and Wildlife Habitat Conservation Area Categories | <p>A. Classification. The following categories shall be used in classifying Fish and Wildlife Habitat Conservation Areas:</p> | <p><u>A. Classification and Designation.</u> The following categories shall be used in classifying <u>and designating</u> fish and wildlife habitat conservation areas:</p> | <p>This wording has been updated to include the word "designating" to be more in line with state law.</p> |
| 19.300.310 | <p>1. Streams: All streams which meet the criteria for Type 1, 2, 3, 4 and 5 waters as set forth in WAC 222-16-030 of the DNR Water Typing System (See Section 800).</p> <p>2. 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 Master Program, as now or hereafter amended. Shorelines include: Type 1 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 herring and smelt spawning areas.</p> <p>3. Lakes less than 20 Acres in Surface Area: Those lakes which meet the criteria for Type 2, 3, 4 and 5 waters as set forth in WAC 222-16-030, as now or hereafter amended. This includes lakes and ponds less than twenty (20)</p> | <p>1. Streams. All streams which meet the criteria for Type S, F, Np or Ns waters as set forth in WAC 222-16-030 of the DNR Water Typing System (See Chapter 19.800, Appendix "B").</p> <p>2a. 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.</p> | <p>Kitsap County is proposing to adopt the new Washington Department of Natural Resources stream typing system. This replaces the numerical type 1, 2, 3, 4, or 5 streams into: "Type S Water" (formerly Type 1) which means all waters that are designated as "shorelines of the state" under the state Shoreline Management Act of 1971 including periodically inundated areas of their associated wetlands.</p> <p>"Type F Streams" (formerly Type 2 and 3) are those surface waters which meet the criteria of the Washington Department of Natural</p> |

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| Chapter 19.300 Fish and Wildlife Habitat Conservation Areas | | | |
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| | acres in surface area and their submerged aquatic beds, and lakes and ponds planted with game fish by a governmental or tribal authority. | 2b. Lakes Less Than 20 Acres in Surface Area. Those lakes which meet the criteria for Type F, Np, 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. | 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. "Type Np Streams" (formerly Type 4) 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 go normally go dry any time of a year of normal rainfall. "Type Ns Streams" (formerly Type 5) 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 |
| 19.300.310 (contd) | a. Class I Wildlife Conservation Areas: i. Habitats recognized by Federal or State agencies for Federal and/or State listed <i>endangered, threatened and sensitive species</i> documented in maps or data bases available to Kitsap County and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. | 3. Wildlife Habitat Conservation Areas. a. Class I Wildlife Habitat Conservation Areas. i. 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. | The word "habitat" has been added to these designations and the descriptions clarified and updated. Deleted: 2 |
| | b. Class II Wildlife Conservation Areas: ii. Habitats which 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. 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. | The word "habitat" has been added, as noted above. The reference to maps, databases, reports or studies to assist in identification has been added. |
| 19.300.315 Development Standards | Those regulated uses identified below within designated Fish and Wildlife Habitat Conservation Areas shall comply with the performance standards outlined in this Section. | For the purposes of this title, a designated fish and wildlife habitat conservation area with its buffer is a critical area. Those regulated uses identified below within designated fish and wildlife habitat conservation areas shall comply with the performance standards outlined in this chapter. 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. | This opening statement has been clarified and descriptions have been improved. The order of items in the development standards section has not changed. The numbering has been updated. Deleted: (opening statement) |

Chapter 19.300 Fish and Wildlife Habitat Conservation Areas

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| (Streams) | <p>Table 4: Fish and Wildlife Habitat Conservation Area Development Standards</p> <table border="1"> <thead> <tr> <th data-bbox="279 292 466 423">CATEGORY</th> <th data-bbox="466 292 749 423">BUFFER WIDTH STANDARD</th> <th data-bbox="749 292 997 423">MINIMUM BUILDING SETBACK</th> <th data-bbox="997 292 1202 423">OTHER DEVELOPMENT STANDARDS</th> </tr> </thead> <tbody> <tr> <td colspan="4" data-bbox="279 423 1202 463" style="text-align: center;">Streams</td> </tr> <tr> <th data-bbox="279 463 466 493">Water Type</th> <td colspan="3" data-bbox="466 463 1202 493"></td> </tr> <tr> <td data-bbox="279 493 466 524">1</td> <td data-bbox="466 493 749 524">100 feet¹</td> <td data-bbox="749 493 997 524">15 feet beyond buffer</td> <td data-bbox="997 493 1202 1118" rowspan="5">For minor new development the Department may reduce the buffer width by up to 25% through an administrative buffer reduction process when review with the Washington State Department of Fish and Wildlife determines that conditions are sufficient to protect the affected habitat. The buffer shall not be less than 25 feet. Where applicable, refer to the development standards in Sections 200 (Wetlands) and 400 (Geologically Hazardous Areas). Where such features occur on a site, the more restrictive buffer or building setback will apply.</td> </tr> <tr> <td data-bbox="279 524 466 554">2</td> <td data-bbox="466 524 749 554">100 feet¹</td> <td data-bbox="749 524 997 554">15 feet beyond buffer</td> </tr> <tr> <td data-bbox="279 554 466 584">3</td> <td data-bbox="466 554 749 584">100 feet¹</td> <td data-bbox="749 554 997 584">15 feet beyond buffer</td> </tr> <tr> <td data-bbox="279 584 466 614">4</td> <td data-bbox="466 584 749 614">50 feet</td> <td data-bbox="749 584 997 614">15 feet beyond buffer</td> </tr> <tr> <td data-bbox="279 614 466 1118">5</td> <td data-bbox="466 614 749 1118">¹ Per the Department Interpretation (see explanation), these water types with Hood Canal summer chum or Puget Sound Chinook have 200 foot buffer widths.</td> <td data-bbox="749 614 997 1118">15 feet beyond buffer</td> </tr> </tbody> </table> | CATEGORY | BUFFER WIDTH STANDARD | MINIMUM BUILDING SETBACK | OTHER DEVELOPMENT STANDARDS | Streams | | | | Water Type | | | | 1 | 100 feet ¹ | 15 feet beyond buffer | For minor new development the Department may reduce the buffer width by up to 25% through an administrative buffer reduction process when review with the Washington State Department of Fish and Wildlife determines that conditions are sufficient to protect the affected habitat. The buffer shall not be less than 25 feet. Where applicable, refer to the development standards in Sections 200 (Wetlands) and 400 (Geologically Hazardous Areas). Where such features occur on a site, the more restrictive buffer or building setback will apply. | 2 | 100 feet ¹ | 15 feet beyond buffer | 3 | 100 feet ¹ | 15 feet beyond buffer | 4 | 50 feet | 15 feet beyond buffer | 5 | ¹ Per the Department Interpretation (see explanation), these water types with Hood Canal summer chum or Puget Sound Chinook have 200 foot buffer widths. | 15 feet beyond buffer | <p>Table 4: Fish and Wildlife Habitat Conservation Area Development Standards</p> <table border="1"> <thead> <tr> <th colspan="4" data-bbox="1202 292 2128 352" style="text-align: center;">Streams</th> </tr> <tr> <th data-bbox="1202 352 1445 433">Water Type</th> <th data-bbox="1445 352 1662 433">Buffer Width</th> <th data-bbox="1662 352 1880 433">Minimum Building Setback</th> <th data-bbox="1880 352 2128 433">Other Development Standards</th> </tr> </thead> <tbody> <tr> <td data-bbox="1202 433 1445 725">S Segments of Big Beef Creek, Curley Creek, Chico Creek, Burley Creek, Union River, Blackjack Creek and Tahuya River</td> <td data-bbox="1445 433 1662 725">200 feet</td> <td data-bbox="1662 433 1880 725">15 feet beyond buffer</td> <td data-bbox="1880 433 2128 856" rowspan="4">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.</td> </tr> <tr> <td data-bbox="1202 725 1445 796">F</td> <td data-bbox="1445 725 1662 796">150 feet</td> <td data-bbox="1662 725 1880 796">15 feet beyond buffer</td> </tr> <tr> <td data-bbox="1202 796 1445 856">Np</td> <td data-bbox="1445 796 1662 856">50 feet</td> <td data-bbox="1662 796 1880 856">15 feet beyond buffer</td> </tr> <tr> <td data-bbox="1202 856 1445 917">Ns</td> <td data-bbox="1445 856 1662 917">50 feet</td> <td data-bbox="1662 856 1880 917">15 feet beyond buffer</td> </tr> </tbody> </table> | Streams | | | | Water Type | Buffer Width | Minimum Building Setback | Other Development Standards | S 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. | F | 150 feet | 15 feet beyond buffer | Np | 50 feet | 15 feet beyond buffer | Ns | 50 feet | 15 feet beyond buffer | <p>Since 2000, the Kitsap County Dept of Community Development Departmental Interpretation: Habitat Management Plans for Threatened Salmon Species increased buffers from 100 to 200 feet for those streams that had Hood Canal summer chum and Puget Sound Chinook- federally listed threatened species.</p> <p>The proposed 2005 update retains the 200 foot buffer for only identified lower stream segments that qualify as <u>Type S- shorelines of the state (formerly Type 1)</u>. The buffers for other stream segments that had been affected by the Departmental Interpretation are proposed to be reduced to 150 feet.</p> <p>Type F (fish-bearing, formerly type 2 and 3) stream buffers are proposed to be increased from 100 feet to 150 feet</p> <p><u>Type Np (non-fish bearing streams flowing year-round, formerly Type 4) have no change to their buffer widths which is 50 feet.</u></p> <p>Type Ns (seasonal streams, formerly Type 5) buffers are proposed to be increased from 25 feet to 50 feet</p> |
| CATEGORY | BUFFER WIDTH STANDARD | MINIMUM BUILDING SETBACK | OTHER DEVELOPMENT STANDARDS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Streams | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Water Type | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | 100 feet ¹ | 15 feet beyond buffer | For minor new development the Department may reduce the buffer width by up to 25% through an administrative buffer reduction process when review with the Washington State Department of Fish and Wildlife determines that conditions are sufficient to protect the affected habitat. The buffer shall not be less than 25 feet. Where applicable, refer to the development standards in Sections 200 (Wetlands) and 400 (Geologically Hazardous Areas). Where such features occur on a site, the more restrictive buffer or building setback will apply. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 100 feet ¹ | 15 feet beyond buffer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 100 feet ¹ | 15 feet beyond buffer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | 50 feet | 15 feet beyond buffer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | ¹ Per the Department Interpretation (see explanation), these water types with Hood Canal summer chum or Puget Sound Chinook have 200 foot buffer widths. | 15 feet beyond buffer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Streams | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Water Type | Buffer Width | Minimum Building Setback | Other Development Standards | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| S 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. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| F | 150 feet | 15 feet beyond buffer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Np | 50 feet | 15 feet beyond buffer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ns | 50 feet | 15 feet beyond buffer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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Chapter 19.300 Fish and Wildlife Habitat Conservation Areas

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| (Saltwater Shorelines and Lakes) | <table border="1"> <thead> <tr> <th colspan="4">Saltwater Shorelines, Lakes - 20 Acres and greater (Defined as Type 1 Waters of the State)</th> </tr> <tr> <th>Shoreline Designation¹</th> <th></th> <th></th> <th rowspan="5">For minor new development an administrative building setback reduction may be allowed but the setback shall not be less than 25 feet (see Variance Criteria Section 135). Where applicable, refer to the development standards in Sections 200 (Wetlands) and 400 (Geologically Hazardous Areas). Where such features occur on a site, the more restrictive buffer or building setback will apply.</th> </tr> </thead> <tbody> <tr> <td>Urban</td> <td>None²</td> <td>25 feet³</td> </tr> <tr> <td>Semi-Rural</td> <td>None²</td> <td>35 feet³</td> </tr> <tr> <td>Rural</td> <td>None²</td> <td>35 feet³</td> </tr> <tr> <td>Conservancy</td> <td>None²</td> <td>50 feet³</td> </tr> <tr> <td>Natural</td> <td>100 feet ² Per the Department Interpretation (see explanation), these shorelines with Hood Canal summer chum or Puget Sound Chinook have 35 foot buffer widths and 15 foot building setbacks</td> <td>15 feet beyond buffer ³ Per the Department Interpretation (see explanation), these shorelines with Hood Canal summer chum or Puget Sound Chinook have 15 foot building setbacks</td> </tr> <tr> <td colspan="4">* The buffer width for all major new development shall be 100 feet, with a 15 foot minimum building setback</td> </tr> <tr> <th colspan="4">Lakes - Less than 20 Acres (Non-type 1 Waters of the State)</th> </tr> <tr> <th>Zoning</th> <th></th> <th></th> <th rowspan="5">Where applicable, refer to the development standards in Sections 200 (Wetlands) and 400 (Geologically Hazardous Areas). Where such features occur on a site, the more restrictive</th> </tr> <tr> <td>Urban</td> <td>None</td> <td>50 feet</td> </tr> <tr> <td>Commercial</td> <td>None</td> <td>50 feet</td> </tr> <tr> <td>Industrial</td> <td>None</td> <td>50 feet</td> </tr> <tr> <td>Rural</td> <td>None</td> <td>35 feet</td> </tr> <tr> <th colspan="4">Wildlife Habitat Conservation Areas</th> </tr> <tr> <td>Class I</td> <td colspan="3">Buffer widths and setbacks will be determined through mandatory Habitat Plan.</td> </tr> <tr> <td>Class II</td> <td colspan="3">Site specific conditions will determine the need for the preparation of a Habitat Plan for buffer widths and setbacks.</td> </tr> </tbody> </table> <p>Note : The Kitsap County Dept. of Community Development Departmental Interpretation: Habitat Management Plans for Threatened Salmon Species changed original saltwater shoreline buffers to permanently change from 0 feet to 35 feet</p> | Saltwater Shorelines, Lakes - 20 Acres and greater (Defined as Type 1 Waters of the State) | | | | Shoreline Designation ¹ | | | For minor new development an administrative building setback reduction may be allowed but the setback shall not be less than 25 feet (see Variance Criteria Section 135). Where applicable, refer to the development standards in Sections 200 (Wetlands) and 400 (Geologically Hazardous Areas). Where such features occur on a site, the more restrictive buffer or building setback will apply. | Urban | None² | 25 feet³ | Semi-Rural | None² | 35 feet³ | Rural | None² | 35 feet³ | Conservancy | None² | 50 feet³ | Natural | 100 feet ² Per the Department Interpretation (see explanation), these shorelines with Hood Canal summer chum or Puget Sound Chinook have 35 foot buffer widths and 15 foot building setbacks | 15 feet beyond buffer ³ Per the Department Interpretation (see explanation), these shorelines with Hood Canal summer chum or Puget Sound Chinook have 15 foot building setbacks | * The buffer width for all major new development shall be 100 feet, with a 15 foot minimum building setback | | | | Lakes - Less than 20 Acres (Non-type 1 Waters of the State) | | | | Zoning | | | Where applicable, refer to the development standards in Sections 200 (Wetlands) and 400 (Geologically Hazardous Areas). Where such features occur on a site, the more restrictive | Urban | None | 50 feet | Commercial | None | 50 feet | Industrial | None | 50 feet | Rural | None | 35 feet | Wildlife Habitat Conservation Areas | | | | Class I | Buffer widths and setbacks will be determined through mandatory Habitat Plan. | | | Class II | Site specific conditions will determine the need for the preparation of a Habitat Plan for buffer widths and setbacks. | | | <table border="1"> <thead> <tr> <th colspan="4">Saltwater Shorelines and Lakes</th> </tr> <tr> <th>Shoreline Designation¹</th> <th>Buffer Width</th> <th>Minimum Building Setback</th> <th>Other Development Standards</th> </tr> </thead> <tbody> <tr> <td>Urban, Semi-Rural and Rural shorelines and Lakes less than 20 acres</td> <td>35 feet</td> <td>15 feet beyond buffer</td> <td>See subsection 19.300.315.A. 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.</td> </tr> <tr> <td>Conservancy</td> <td>50 feet</td> <td>15 feet beyond buffer</td> <td></td> </tr> <tr> <td>Natural</td> <td>100 feet</td> <td>15 feet beyond buffer</td> <td></td> </tr> <tr> <th colspan="4">Wildlife Habitat Conservation Areas</th> </tr> <tr> <td>Class I</td> <td colspan="3">Buffer widths and setbacks will be determined through a mandatory habitat management plan (HMP)</td> </tr> <tr> <td>Class II</td> <td colspan="3">Site-specific conditions will determine the need for the preparation of a habitat management plan buffer widths</td> </tr> </tbody> </table> | Saltwater Shorelines and Lakes | | | | Shoreline Designation ¹ | Buffer Width | Minimum Building Setback | Other Development Standards | Urban, Semi-Rural and Rural shorelines and Lakes less than 20 acres | 35 feet | 15 feet beyond buffer | See subsection 19.300.315.A. 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. | Conservancy | 50 feet | 15 feet beyond buffer | | Natural | 100 feet | 15 feet beyond buffer | | Wildlife Habitat Conservation Areas | | | | Class I | Buffer widths and setbacks will be determined through a mandatory habitat management plan (HMP) | | | Class II | Site-specific conditions will determine the need for the preparation of a habitat management plan buffer widths | | | <p>Since 2000, all saltwater shorelines went from 0 foot buffers to 35 foot buffers under the Departmental Interpretation mentioned above.</p> <p>The 35 foot buffer for shorelines is not proposed to be changed.</p> <p>The buffer widths on shorelines designated as conservancy is proposed to go from 35 feet to 50 feet.</p> |
| | Saltwater Shorelines, Lakes - 20 Acres and greater (Defined as Type 1 Waters of the State) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Shoreline Designation ¹ | | | For minor new development an administrative building setback reduction may be allowed but the setback shall not be less than 25 feet (see Variance Criteria Section 135). Where applicable, refer to the development standards in Sections 200 (Wetlands) and 400 (Geologically Hazardous Areas). Where such features occur on a site, the more restrictive buffer or building setback will apply. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Urban | None² | 25 feet³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Semi-Rural | None² | 35 feet³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Rural | None² | 35 feet³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Conservancy | None² | 50 feet³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Natural | 100 feet ² Per the Department Interpretation (see explanation), these shorelines with Hood Canal summer chum or Puget Sound Chinook have 35 foot buffer widths and 15 foot building setbacks | 15 feet beyond buffer ³ Per the Department Interpretation (see explanation), these shorelines with Hood Canal summer chum or Puget Sound Chinook have 15 foot building setbacks | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | * The buffer width for all major new development shall be 100 feet, with a 15 foot minimum building setback | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Lakes - Less than 20 Acres (Non-type 1 Waters of the State) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Zoning | | | Where applicable, refer to the development standards in Sections 200 (Wetlands) and 400 (Geologically Hazardous Areas). Where such features occur on a site, the more restrictive | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Urban | None | 50 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Commercial | None | 50 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Industrial | None | 50 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Rural | None | 35 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wildlife Habitat Conservation Areas | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Class I | Buffer widths and setbacks will be determined through mandatory Habitat Plan. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Class II | Site specific conditions will determine the need for the preparation of a Habitat Plan for buffer widths and setbacks. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Saltwater Shorelines and Lakes | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Shoreline Designation ¹ | Buffer Width | Minimum Building Setback | Other Development Standards | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Urban, Semi-Rural and Rural shorelines and Lakes less than 20 acres | 35 feet | 15 feet beyond buffer | See subsection 19.300.315.A. 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. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Conservancy | 50 feet | 15 feet beyond buffer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Natural | 100 feet | 15 feet beyond buffer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wildlife Habitat Conservation Areas | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Class I | Buffer widths and setbacks will be determined through a mandatory habitat management plan (HMP) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Class II | Site-specific conditions will determine the need for the preparation of a habitat management plan buffer widths | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Chapter 19.300 Fish and Wildlife Habitat Conservation Areas | | | |
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| Section | 1998 Current Code | Proposed Code | Explanation of Proposed Change |
| 19.300.315 Development Standards | <p>Buffer Widths and Setbacks for Shorelines. The building setback or buffer width for new development shall be based on the Kitsap County Shoreline Master Program Environment designation, or as required by the View Blockage Resolution (No. 240-1984), as now or hereafter amended, which ever is greater. <i>(Note: Setbacks for Conservation Public Lands to be determined by the Kitsap County Shoreline Management Master Program.)</i></p> <p>Kitsap County Department of Community Development Departmental Interpretation: Habitat Management Plans for Threatened Salmon Species Minimum thirty five (35) foot buffer along all saltwater shoreline areas and along lakes that are considered shorelines of the state</p> | (There is an omission on Provisions to Decrease the Buffer on Shorelines) | <p>Pursuant to the departmental interpretation the buffer widths and setbacks for shorelines has changed. Provisions to reduce a buffer on saltwater shorelines and along lakes considered shorelines of the state. The final version of the ordinance will have the additional statement added to it:</p> <p>19.300.315 1. Buffer widths for shorelines may be reduced if a habitat management plan (HMP) demonstrates that the buffer reduction will not cause significant harm to habitat.</p> |
| 19.300.315 Development Standards | <p>5. Conditional Buffer Alterations: Water dependent structures and utilities may alter the required buffer when no other reasonable or practicable alternative exists and the development is consistent with the Kitsap County Shoreline Master Program. Any alteration of a buffer shall be the least necessary and shall require, except for approved water dependent uses for minor new development, an approved Habitat Management Plan which adequately protects habitat values.</p> | <p>8. Buffer and Building Setback Alterations for Water-dependent and Water-related Activities. The department may allow an administrative alteration to the required buffer and building setback for water-dependent and water-related when no other reasonable or practicable alternative exists and the development is consistent with the Kitsap County Shoreline Management Master Program. Any alteration of a buffer and building setback shall be the minimum necessary and shall require, an approved habitat management plan which adequately protects habitat values.</p> | <p>This item has been update and clarified.</p> |

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| Chapter 19.300 Fish and Wildlife Habitat Conservation Areas | | | |
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| Section | 1998 Current Code | Proposed Code | Explanation of Proposed Change |
| 19.300.315 Development Standards | <p>2. Provision for Decreasing Buffer: For minor new development the Department may decrease the buffer in consultation with the Washington State Department of Fish and Wildlife, and after review of a mitigation plan when required, if the County determines that conditions are sufficient to protect the affected habitat. A Habitat Plan (Section 700) may be required. The Department may reduce the buffer width by up to 25%, but the buffer shall not be less than 25 feet. Granting of reduced buffer shall be the minimum necessary for the permitted use. The order of sequence for such buffer reductions shall be as follows:</p> | <p>4. Provision for Decreasing Buffer. In lieu of going through the formal variance process, an administrative reduction to buffer widths may be granted subject to the requirements of this section. Where an applicant demonstrates pursuant to the variance criteria that buffer widths cannot be met, a habitat management plan (HMP) will be required that shall meet the requirements as described in Chapter 19.700 of this Title. The department may decrease the buffer if, after consultation with the Washington State Department of Fish and Wildlife, and review of the HMP the department determines that conditions are sufficient to protect the affected habitat. The department may reduce the buffer width by up to fifty percent for construction of a single family dwelling or up to twenty five percent for all other development, but the buffer shall not be less than twenty-five feet. Granting of reduced buffer shall be the minimum necessary for the permitted use.</p> | <p>Provisions for decreasing a buffer on a stream or shoreline have been changed. A buffer may be decreased guided by the criteria for a critical area variance met and a habitat management plan (HMP) demonstrates that the buffer reduction will not cause significant harm to habitat.</p> <p>An additional provision to reduce the buffer up to fifty percent for single family dwellings and up to twenty five percent for all other development has been added. The conditions under which granting these reductions occur include consultation with state agencies and demonstration through a</p> |
| 19.300.315 Development Standards | <p>B. Class I Wildlife Conservation Areas Development Standards</p> | <p>B. Class I Wildlife <u>Habitat</u> Conservation Areas Development Standards</p> | <p>The word "habitat" has been added</p> |

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| Chapter 19.400 Geologically Hazardous Areas | | | |
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| Section | 1998 Current Code | Proposed Code | Explanation of Proposed Change |
| 19.400.405 | Purpose A. Provide standards to protect human life and property from potential risks; B. Control erosion, siltation, and water quality to protect fish and marine shellfish; C. Provide controls to minimize shoreline erosion caused by human activity; D. Use innovative site planning by placing geologically hazardous areas and buffers in open space and transferring density to more suitable areas on the site. | A. Provide standards to protect human life and property from potential risks; B. <u>Regulate uses of land in order to avoid damage to structures and property being developed and damage to neighboring land and structures;</u> 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 density to more suitable areas on the site. | An item was added to the purpose statement regarding avoiding damage to structures and property |
| 19.400.410 | Classification 1. Geologically Hazardous Areas 2. Areas of Geologic Concern | Classification 1. Areas of High Geologic Hazard 2. Areas of Moderate Geologic Hazard | The names of the geologically hazardous areas categories have been improved and clarified. The definitions have not changed. |
| Chapter 19.500 Frequently Flooded Areas | | | |
| Section | 1998 Current Code | Proposed Code | Explanation of Proposed Change |
| 19.500.505 | The purpose of this Section is to protect the public health, safety and welfare from harm caused by flooding. It is also the intent to prevent damage and/or loss to both public and private property. Pursuant to this purpose, Kitsap County uses the <u>Kitsap County Flood Damage Prevention Ordinance No. 80</u> , adopted by reference, which designates special flood hazard areas and establishes permit requirements for these areas. | The purpose of this chapter is to protect the public health, safety and welfare from harm caused by flooding. It is also the intent to prevent damage and/or loss to both public and private property. In addition, this section will give special consideration to anadromous fish habitat in combination with Chapter 19.300 Fish and Wildlife Habitat Conservation Areas. To fulfill this purpose, Kitsap County uses Title 15 Kitsap County Flood Hazard Areas Ordinance, adopted by reference, which designates special flood hazard areas and establishes permit requirements for these areas. | Consideration to anadromous fish has been added to this purpose statement. |

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Comparing the Current Ordinance with Proposed Changes

| Chapter 19.600 Critical Aquifer Recharge Areas | | | |
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| Section | 1998 Current Code | Proposed Code | Explanation of Proposed Change |
| 19.600.605 Purpose | The intent of this Section is to provide water quality protection associated with aquifer recharge areas through the regulation of land use activities that pose a potential contaminant threat or could increase the vulnerability of the aquifer. It is the policy of Kitsap County to accomplish the following: | Potable water is an essential life sustaining element. The majority of Kitsap County drinking water comes from groundwater supplies in aquifers. Critical aquifer recharge areas are very important to shallow and deepwater aquifer recharge. The intent of this chapter is to identify and classify aquifer recharge areas and address land use activities that pose a potential to contaminate or otherwise threaten aquifer water quality. It is the policy of Kitsap County to accomplish the following: | New language was added for increased emphasis on the importance of protecting the major source of drinking water supplies in Kitsap County. Language was also added that indicates an intent to identify and classify aquifer recharge areas. Removal of vulnerability term from purpose section because this term or its determination is related to specific contaminants and conditions. |
| 19.600.605 (cont.) | 1. Identify, preserve and protect aquifer recharge areas and prevent degradation of the quality of potable groundwater; | 1. Identify, preserve and protect aquifer recharge areas, identify areas susceptible to contamination and prevent degradation of the quality of potable groundwater; | Clarifies susceptibility as a more realistic intent than vulnerability determinations. |
| 19.600.610 Critical aquifer recharge area categories. | A Critical Aquifer Recharge Area is a geographical area which provides the recharge to an aquifer(s) which is a current or potential potable water source and, due to its geological properties, is highly susceptible to the introduction of pollutants, or because of special circumstances, has been designated as a Critical Aquifer Recharge Area in accordance with WAC 365-190-080 by the County. Critical Aquifer Recharge Areas under this Ordinance may be established based on general criteria or specifically designated due to special circumstances. | As defined at 19.150.210, a Critical Aquifer Recharge Areas means those land areas that contain hydrogeologic conditions that facilitate aquifer recharge and/or transmit contaminants to an underlying aquifer. Critical aquifer recharge areas under this title may be established based on general criteria, specifically designated due to special circumstances, or based on scientific studies and mapping efforts. Factors considered in the identification of critical aquifer recharge areas include depth to water table, presence of highly permeable soils (specifically Group A Hydrologic Soils), presence of flat terrain, and the presence of more permeable surficial geology. | This item has been update and clarified. |
| 19.600.610 (cont.) | A. Category I: Critical Aquifer Recharge Areas. | A. Category I | Specific names for critical aquifer recharge area categories are dropped in this section. |
| 19.600.610 (cont.) | <p>1. The following general criterion is established to designate Critical Aquifer Recharge Areas: Wellhead Protection Zones around Group A Water System supply wells:</p> <p>a. Areas inside the one year time of travel zone for Group A Water System wells, calculated in accordance with the Washington State Well Head Protection Program.</p> <p>b. Five year time of travel zones in Wellhead Protection Areas are included as critical aquifer recharge areas under the following condition: The five year time of travel zone is included when the well draws it water from an aquifer that is at or above sea level and is overlain by permeable soils listed in Section 18.16.610.B.a. without an underlying protective impermeable layer (see below).</p> <p>2. The following has been designated a critical aquifer recharge area due to special circumstances:</p> <p>Hansville Aquifer Recharge Area:</p> <p>The Hansville Aquifer Recharge Area has been designated as a Critical Recharge Area under the County's SEPA Ordinance. The Hansville Aquifer Recharge Area is a significant potable water supply that has been deemed to be highly susceptible to the introduction of pollutants.</p> | <p>Category 1 critical aquifer recharge areas are those areas where the potential for certain land use activities to adversely affect groundwater is high. Category I critical aquifer recharge areas include:</p> <p>1. Areas inside the five-year time of travel zone for Group A water system wells, calculated in accordance with the Washington State Well Head Protection Program.</p> <p>2. Ten-year time of travel zones in wellhead protection areas are included as critical aquifer recharge areas under the following condition: The ten-year time of travel zone is included when the well draws its water from an aquifer that is at or above sea level and is overlain by permeable soils without an underlying protective impermeable layer.</p> <p>3. Areas identified as Regionally Significant Recharge Areas have been adopted by Kitsap County due to special circumstances. These include the following.</p> <p>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</p> | <p>Changes to clarify Category I areas, namely specifically stating that these areas have a high potential for adverse affects on groundwater.</p> <p>Expanded areas are proposed using larger time of travel zones around water supplies that service large numbers of people and/or areas identified as more susceptible to contamination.</p> <ul style="list-style-type: none"> Expanded critical aquifer recharge areas are proposed around Group A water systems from one to five-year time of travel areas. This is a proposed increase in the distance from a Group A well where land uses that may contaminate potable water supplies will be addressed. Around wells that pump water from shallow aquifers (at or above sea level) or are overlain with soils that allow water to easily pass down to the aquifer, the proposed critical aquifer recharge area |

| Chapter 19.600 Critical Aquifer Recharge Areas | | | | | | | | | | | | | | | |
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| Section | 1998 Current Code | Proposed Code | Explanation of Proposed Change | | | | | | | | | | | | |
| | In the future, additional areas such as the 10 year time of travel zones for wells or other Aquifer Recharge Areas of Concern, as identified through the County Groundwater Management Plan, Well Head Protection Analysis or other studies which identify areas of special circumstances, will be considered for designation as Critical Aquifer Recharge Areas. | <p>Hansville aquifer recharge area is a significant potable water supply that has been deemed to be highly susceptible to the introduction of pollutants.</p> <p>b. 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.</p> | <p>expansion is from a five-year time of travel zone around the well to a ten-year time of travel zone</p> <p>The specific Hansville Aquifer Recharge Area has been dropped in favor of a proposed Regionally Significant Recharge Area designation that continues to provide special consideration for the Hansville aquifer, but allows for special consideration of other sensitive areas that may be identified through future studies, such as coastal areas especially susceptible to saltwater intrusion.</p> | | | | | | | | | | | | |
| 19.600.610 (cont.) | B. Category II: Aquifer Recharge Areas of Concern. Areas which provide recharge to aquifers that provide current or potential potable water supplies and are vulnerable to contamination, and meet any one of the following General Criteria: | <p>B. Category II</p> <p>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. These include the following:</p> | This item has been update and clarified. | | | | | | | | | | | | |
| 19.600.610 (cont.) | <p>1. Highly Permeable Soils:</p> <p>Locations where surface soil layers are highly permeable: Soils that have relatively high permeability high infiltration potential may provide for groundwater recharge, but also may enhance transfer of contaminants from the surface to ground water. For these reasons the locations where surface soils are highly permeable are considered Aquifer Recharge Areas of Concern.</p> <p>The general location and characteristics of soils in Kitsap County is given in the Soil Survey of Kitsap County by the US Department of Agriculture, Natural Resources Conservation Service (SCS). The soil survey information is available on the Kitsap County Geographic Information System (GIS). The following soil types are considered to have relatively high permeability and are Aquifer Recharge Areas of Concern.</p> <p>The following soils have relatively high infiltration:</p> <table border="0"> <thead> <tr> <th><u>SCS Soil Name</u></th> <th><u>SCS Soil Map Units</u></th> </tr> </thead> <tbody> <tr> <td>Grove</td> <td>11, 12, 13</td> </tr> <tr> <td>Indianola</td> <td>18, 19, 20, 21</td> </tr> <tr> <td>Neilton</td> <td>34, 35, 36</td> </tr> <tr> <td>Norma</td> <td>37, 38</td> </tr> <tr> <td>Poulsbo/Ragnar</td> <td>41, 42, 43, 44, 45, 46, 47</td> </tr> </tbody> </table> | <u>SCS Soil Name</u> | <u>SCS Soil Map Units</u> | Grove | 11, 12, 13 | Indianola | 18, 19, 20, 21 | Neilton | 34, 35, 36 | Norma | 37, 38 | Poulsbo/Ragnar | 41, 42, 43, 44, 45, 46, 47 | <p>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).</p> | This item has been update and clarified. |
| <u>SCS Soil Name</u> | <u>SCS Soil Map Units</u> | | | | | | | | | | | | | | |
| Grove | 11, 12, 13 | | | | | | | | | | | | | | |
| Indianola | 18, 19, 20, 21 | | | | | | | | | | | | | | |
| Neilton | 34, 35, 36 | | | | | | | | | | | | | | |
| Norma | 37, 38 | | | | | | | | | | | | | | |
| Poulsbo/Ragnar | 41, 42, 43, 44, 45, 46, 47 | | | | | | | | | | | | | | |
| 19.600.615 Development Standards | B. Affected water purveyors 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. | 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. | Proposed addition of affected tribes and the Kitsap County Health District to for notification and comment solicitation on proposed land use and impacts. | | | | | | | | | | | | |

| Chapter 19.600 Critical Aquifer Recharge Areas | | | |
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| Section | 1998 Current Code | Proposed Code | Explanation of Proposed Change |
| 19.600.615 (cont.) | <p>In addition to the general standards above, the following will apply:</p> <ol style="list-style-type: none"> Category I: Critical Aquifer Recharge Areas. Land uses identified in Table 5 are prohibited in Critical Aquifer Recharge Areas. Requests for waivers shall include a hydrogeological report which includes a detailed risk-benefit analysis that considers credible, worst case scenarios. The waiver will be evaluated and treated as a Special Use Review, similar to the process in the Wetlands Section, by the review Department, the Health District, and the affected water purveyors. Category II: Aquifer Recharge Areas of Concern. Applicants proposing operations that pose a potential threat to groundwater as defined in Table 5 in Aquifer Recharge Areas of Concern may be required to submit a hydrogeological report. 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 and Aquifer Recharge Areas of Concern. | <p>19.600.620 Additional Requirement</p> <p>In addition to the general standards above, the following will apply:</p> <ol style="list-style-type: none"> 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. 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) | <p>This is proposed new section for clarification purposes. Content in this section reflects existing additional requirements.</p> <p>Language is updated to reflect proposed revisions above. (e.g. no specific names for various categories.)</p> <p>Language was added to clarify the content of the hydrogeological report.</p> <p>Affected tribes were added to reviewers for Category I waiver requests.</p> <p>19.600.615.B(3) is included as a paragraph in the newly proposed section 19.600.620.B</p> |
| 19.600 Table 5: | Operations With Potential Threat to Groundwater | Activities With Potential Threat to Groundwater | Operations changed to Activities for clarification. |
| 19.600 Table 5: (cont.) | <ol style="list-style-type: none"> Commercial operations <ol style="list-style-type: none"> Gas stations/service stations/truck terminals Petroleum distributors/storage Auto body repairs shops/rust proofers Auto chemical supply storers/retailers Truck, automobile, and combustion engine repair shops Dry cleaners Photo processors *8. Auto washes *9. Laundromats *10. Beauty Salons Research or chemical testing laboratories which handle significant | <ol style="list-style-type: none"> Commercial operations <ol style="list-style-type: none"> Gas stations/service stations/truck terminals Petroleum distributors/storage Auto body repairs shops/rust proofers Auto chemical supply storers/retailers Truck, automobile, and combustion engine repair shops Dry cleaners Photo processors *8. Auto washes *9. Laundromats *10. Beauty Salons Research or chemical testing laboratories which handle significant quantities of | <p>Addition golf courses and cemeteries based on review of best available science.</p> |

Comparing the Current Ordinance with Proposed Changes

| Chapter 19.600 Critical Aquifer Recharge Areas | | | |
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| | quantities of hazardous materials 12. Food processors/meat packers/slaughter houses 13. Airport maintenance/fueling operation areas 14. Junk and salvage yards 15. Storing or processing manure, feed, or other agriculture by products by commercially permitted businesses 16. Large scale storage or use of pesticides, insecticides, herbicides, or fertilizer by commercial or agricultural operations. | hazardous materials 12. Food processors/meat packers/slaughter houses 13. Airport maintenance/fueling operation areas 14. Junk and salvage yards 15. Storing or processing manure, feed, or other agriculture by products by commercially permitted businesses 16. Large scale storage or use of pesticides, insecticides, herbicides, or fertilizer by commercial or agricultural operations. 17. Golf courses 18. Cemeteries | |

| Chapter 19.700 Special Reports | | | |
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| Section | 1998 Current Code | Proposed Code | Explanation of Proposed Change |
| Entire section | No numbering system | All items now assigned section numbers in Chapter 700 | Numbering system provides easier reference to special reports |
| 19.700.710 | Wetland Delineation Report (items A through H) | 19.700.710 (items A through M) | The content of the Wetlands Delineation Report has not changed. |
| 19.700.715 | <p>Wetland Mitigation Report:</p> <p>Whenever the Department has determined that losses of regulated wetlands are necessary and unavoidable, or 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, a mitigation plan shall be prepared which is considered in the following order of preference:</p> <ol style="list-style-type: none"> 1. Avoiding the impact altogether by not taking a certain action or parts of actions. This may be accomplished by selecting a reasonable alternative that does not involve wetlands or wetland impacts; applying reasonable mitigation measures, such as drainage and erosion control, alternative site planning, and/or using best available technology. In reviewing development proposals required to submit a wetlands mitigation plan, the Department shall first determine if the impact can be avoided (e.g., impacts cannot be avoided if denial of the development proposal or parts thereof or mitigation measures would result in an extraordinary hardship and denial of reasonable use of property). 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts. This may be accomplished by selecting a reasonable alternative that avoids most wetland impacts, applying reasonable mitigation measures, such as drainage and erosion control, alternative site planning, and/or using best available technology. In reviewing development proposals required to submit a wetlands mitigation plan, the Department shall determine if the impact can be first avoided and secondly minimized. Impacts cannot be avoided or minimized if denial of the development proposal or parts thereof or mitigation measures would result in an extraordinary hardship and denial of reasonable use of property. 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment. This may be done by re-establishing wetland and wetland buffer characteristics on a site which have been lost by alterations or activities. Rectifying shall be accomplished in accordance with the requirements in the subsection (D) below and has been approved by the Department. In reviewing development proposals required to submit a wetlands mitigation plan, the Department shall determine if the impact should be rectified. Impacts can be rectified if mitigation measures would not result in an extraordinary hardship and denial of reasonable use of the property. 4. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments. This may be done by intentionally creating wetlands and wetland buffers at another location where none currently exist, improving existing wetlands and wetland buffers at another location, or otherwise providing a substitute wetland resource at another location as compensation for any unavoidable adverse wetland impacts. Compensating shall be accomplished in | <p>19.700.715 <u>WETLAND MITIGATION REPORT,</u></p> <p>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, a mitigation plan shall be prepared.</p> <ol style="list-style-type: none"> A. A detailed mitigation plan shall contain the following: <ol style="list-style-type: none"> 1. Executive Summary which summarizes the project, its potential wetland related impacts, and the proposed mitigation to include the following information: <ol style="list-style-type: none"> a. Applicant Name / Address / Phone b. Agent / Consultant c. Description of land use proposal d. Description of mitigation area e. Description of impact avoidance and minimization measures f. Description of unavoidable wetland impacts and mitigation measures <ul style="list-style-type: none"> • Size (acres) • Wetland classification • Hydrogeomorphic (HGM) classification • Wetland Rating • Functions • Compensation ratios used 2. Explanation of other impacts to waters of the state 3. Goals, Objectives and Monitoring Period B. Project Description <ol style="list-style-type: none"> 1. Summary of project <ol style="list-style-type: none"> a. Type of development (existing and proposed land uses) b. Project size c. Implementation schedule d. Project location, maps C. Ecological Assessment of Impact <ol style="list-style-type: none"> 1. Impacts (acreage) and extent of disturbance to wetlands (wetland delineation) 2. Summary of historic and current on-site and nearby land uses (zoning designations) 3. Description of any known cultural resources on the site 4. Description of the site in context of other wetlands/water bodies 5. Description of the water regime 6. Description of the soils 7. Description of the plant communities 8. Description of any fauna using the site 9. Landscape position and geomorphology 10. Description of functions provided | <p>The Wetland Mitigation Report requirements have changed. The information for a report is now in outline form. It is easier to read and to understand.</p> <p>The mitigation report requirements have been changed based on the update to the wetlands mitigation section 19.200.250</p> |

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| | <p>accordance with a mitigation plan, which has been prepared in accordance with the requirements in the subsection (D) below and has been approved by the Department. In reviewing development proposals required to submit a wetlands mitigation plan, the Department shall determine if the impact should be compensated. Impacts can be compensated if compensation and mitigation measures would not result in an extraordinary hardship and denial of reasonable use of property. Compensation of wetland impacts may be waived by the Department for development authorized by Section 125 (Reasonable Use Exception).</p> <p>B. The overall goal of any mitigation plan shall be no net loss of regulated wetland functions and acreage.</p> <p>C. Those persons proposing wetland compensatory projects shall show that the compensation project is associated with an activity or development otherwise permitted and that the restored, created, or enhanced wetland will be as persistent as the wetland it replaces by accomplishing the following:</p> <ol style="list-style-type: none"> 1. Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the project; 2. Demonstrate the capability for monitoring the site and for making corrections during this period, if the project fails to meet projected goals; and, 3. Protect and manage or provide for the protection and management of the compensation area to avoid further development or degradation. <p>D. Wetland mitigation plans shall be implemented by the project applicant, and include the following components:</p> <ol style="list-style-type: none"> 1. Baseline Information. A written assessment and accompanying maps of the impacted wetland shall be produced by the applicant or applicant's consultant and shall include, at a minimum: Existing wetland acreage; vegetative, faunal and hydrologic characteristics; soil and substrate conditions; and topographic elevations. 2. If the compensation site is off-site from the impacted wetland site, baseline information about it, in addition to the above information about the impacted wetland, shall be provided by the applicant and shall include all those items listed in D.1 above and as well as: The relationship of the compensation site within the watershed and to existing water bodies; existing and proposed existing compensation site conditions; buffers; and ownership. 3. Environmental Goals and Objectives. The report shall identify goals and objectives and include: <ol style="list-style-type: none"> a. The purposes of the compensation measures including a description of site selection criteria, identification of compensation goals, identification of target evaluation species and resource functions, dates for beginning and completion of compensation measures, and a complete description of the structure and functional relationships sought in the new wetland. The goals and objectives | <p>11. Wetland category rating and buffer requirements</p> <p>D. Mitigation Approach</p> <ol style="list-style-type: none"> 1. Mitigation sequencing followed 2. Goals and objectives 3. Performance standards to assess each objective <p>E. Proposed Compensation Site</p> <ol style="list-style-type: none"> 1. Site description (location, size, maps) <ol style="list-style-type: none"> a. Ownership b. Total area of mitigation site (acres) c. Current/past land use 2. Site selection rationale 3. Existing/baseline ecological conditions of the compensation site <ol style="list-style-type: none"> a. Acreage of existing wetlands and uplands b. National Wetland Inventory or local jurisdiction wetland mapping of the site c. Summary of historic and current on-site and nearby land uses (zoning designations) d. Description of any known cultural resources on the site e. Description of the site in context of other wetlands/water bodies f. Description of the water regime g. Description of the soils h. Description of the plant communities i. Description of any fauna using the site j. Landscape position and geomorphology k. Description of functions provided l. Wetland rating of any existing wetlands, buffer requirements 4. Site constraints <p>F. Preliminary Site Plan</p> <ol style="list-style-type: none"> 1. Explanation of how adequate hydrology will be provided 2. Discussion of how project was designed to provide the proposed functions 3. Schematic drawings: Change in topography <ol style="list-style-type: none"> a. Hydrologic structures b. Soils c. Vegetation distributions d. Habitat attributes e. Buffers 4. Section drawings showing relationship of topography to water regime and vegetation <p>G. Final Site Plan / Design</p> <ol style="list-style-type: none"> 1. Site survey and topography 2. Water regime including <ol style="list-style-type: none"> a. Engineering drawings of water control structures b. Source of water (volume, velocity, hydro period) 3. Soil amendments 4. Landscape plans <ol style="list-style-type: none"> a. Drawing of proposed plant distribution b. Location of existing or proposed upland buffers c. Section drawings showing relationship of topography to vegetation d. Erosion control | |

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| | <p>shall be related to the functions of the original wetland or, if out-of-kind, the type of wetland to be emulated; and,</p> <p>b. A review of the available literature and/or experience to date in restoring or creating the type of wetland proposed shall be provided. An analysis of the likelihood of success of the compensation project at duplicating the original wetland shall be provided based on the experiences of comparable projects, if any. An analysis of the likelihood of persistence of the created or restored wetland shall be provided based on such factors as: Surface and groundwater supply and flow patterns; dynamics of the wetland ecosystem; sediment or pollutant influx and/or erosion; periodic flooding and drought; etc., presence of invasive flora or fauna; potential human or animal disturbance; and previous comparable projects, if any.</p> <p>4. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the mitigation plan are being achieved at various stages in the project and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.</p> <p>5. Detailed Construction Plans. Written specifications and descriptions of compensation techniques shall be provided including the proposed construction sequence, grading and excavation details, erosion, sediment and stormwater recharge control features needed for wetland construction and long-term survival, a planting plan specifying plant species, quantities, locations, size, spacing, and density; the source of plant materials, propagules, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrate stockpiling techniques and planting instructions; descriptions of water control structures and water-level maintenance practices needed to achieve the necessary hydrocycle/hydroperiod characteristics; etc. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations which are appropriate for the desired habitat type(s) and which provide sufficient tidal prism and circulation data.</p> <p>6. Monitoring Program. A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring must include sufficient information to adequately assess the progress of a project. Monitoring may include, but is not limited to:</p> <ul style="list-style-type: none"> a. Establishing vegetation plots to track changes in plant species composition and density over time; b. Using photo stations to evaluate vegetation community response; c. Sampling surface and subsurface waters to determine pollutant | <ul style="list-style-type: none"> e. Location of habitat structure f. Location of upland buffers g. Soil amendments <p>5. Construction specifications</p> <p>H. Monitoring Plan</p> <ul style="list-style-type: none"> 1. Vegetation 2. Water regime 3. Soils 4. Fauna 5. Functions and values 6. Development of habitat structure 7. Water Quality 8. Buffers 9. Timetable for reporting monitoring results <p>I. Site Protection</p> <ul style="list-style-type: none"> 1. Physical site protection 2. Legal protection 3. Buffers <p>J. Maintenance and Contingency Plans</p> <ul style="list-style-type: none"> 1. Maintenance schedule 2. Contingency plan <ul style="list-style-type: none"> a. Initiating procedure b. Funding c. Responsible parties <p>K. Implementation Schedule</p> <ul style="list-style-type: none"> 1. Construction schedule 2. Monitoring schedule 3. Reporting schedule 4. Financial assurance <p>L. Permit Conditions. Any compensation project prepared pursuant to this section and approved by the department shall become part of the application for the permit. The department will require an additional growing season year for approval of mitigation plan unless the applicant requests an inspection for final monitoring year during the final monitoring year assessment.</p> <p>M. Performance Bonds and Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the compensation project shall be provided. A compensation project manager shall be named, and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. A performance bond, assignment of savings, or other like security will be required by the department in an amount necessary to provide for future site monitoring and possible corrective action required for compensatory</p> | <p>Deleted: D</p> <p>Formatted</p> |

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| | <p>loading and changes from the natural variability of background conditions (pH., nutrients, heavy metals);</p> <p>d. Measuring base flow rates and storm water runoff to model and evaluate water quantity predictions by a licensed engineer in the State of Washington, where required;</p> <p>e. Measuring sedimentation rates, if applicable; and,</p> <p>f. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity. A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted annually, and at a minimum, documenting milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period of less than three years.</p> <p>7. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluating, indicates project performance standards are not being met.</p> <p>8. Permit Conditions. Any compensation project prepared pursuant to this section and approved by the Department shall become part of the application for the permit.</p> <p>E. Performance Bonds and Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the compensation project shall be provided. A compensation project manager shall be named, and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. In addition, bonds ensuring fulfillment of the compensation project, monitoring program, and any contingency measure shall be posted in the amount of one hundred fifty (150) percent of the expected cost of compensation and shall be effective for a period of no less than three years and no greater than ten years after completion of the mitigation plan.</p> <p>F. Waiver. The Department may waive portions of this report if, in his or her opinion, there is adequate information available on the site to determine its impacts and appropriate measures.</p> <p>G. List of Qualified Consultants. The Department shall establish a list of qualified consultants to prepare mitigation plans.</p> | <p>mitigation projects. This bond, assignment of savings, or the security will be released no later than five years after completion of the mitigation project. If the approved mitigation is not completed or fails to meet its success standards, the property owner must agree to a Property access release form, with forfeiture of funds after the specified monitoring period.</p> <p>F. Waiver. The department may waive portions of this report if, in its opinion, there is adequate information available on the site to determine its impacts and appropriate measures.</p> <p>G. List of Qualified Consultants. The department shall establish a list of qualified consultants to prepare mitigation plans.</p> | <p>Deleted:</p> |

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| Special Reports | <p>II. Habitat Management Plan</p> <p>A. This report shall identify how the development impacts from the proposed project will be mitigated. The Washington Department of Fish and Wildlife Priority Habitat and Species Management Recommendations, dated May 1991, or bald eagle protection rules outlined in WAC 232-12-292, as now or hereafter amended, may serve as guidance for this report. 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 Ordinance, 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.</p> <p>B. The Habitat Management Plan shall contain a map prepared at an easily readable scale, showing:</p> <ol style="list-style-type: none"> 1. The location of the proposed development site; 2. The relationship of the site to surrounding topographic, water features, and cultural features; 3. Proposed building locations and arrangements; 4. A legend which includes a complete legal description, acreage of the parcel, scale, north areas, and date of map revision. <p>C. The Habitat Management Plan shall also contain a report which describes:</p> <ol style="list-style-type: none"> 1. The nature and intensity of the proposed development; 2. An analysis of the effect of the proposed development, activity or land use change upon the wildlife species and habitat identified for protection; and, 3. A plan which identifies how the applicant proposes to mitigate any adverse impacts to wildlife habitats created by the proposed development. (See Mitigation Plan requirements, this Section.) <p>D. Possible mitigation measures to be included in the report, or required by the Department, could include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Establishment of buffer zones; 2. Preservation of critically important plants and trees; 3. Limitation of access to habitat areas; 4. Seasonal restriction of construction activities; and, 5. Establishing phased development requirements and/or a timetable for periodic review of the plan. <p>E. This plan shall be prepared by a person who has been educated in this field and has professional experience as a fish or wildlife biologist. For minor new development, land divisions of 14 lots or less and low income housing, the Department shall complete the plan unless the applicant wishes to employ a qualified professional at the applicant's expense. Fees may be collected for this plan as specified in Kitsap County's Zoning Ordinance. Where this plan is required for the protection of an eagle habitat, the eagle habitat management plan shall normally be prepared by the Department of Wildlife, as required under the Bald Eagle Management Rules.</p> | <p>19.700.720 Habitat Management Plan</p> <p>A. A habitat management plan (HMP) is a site investigation report to evaluate the potential presence or absence of a regulated fish or wildlife species or habitat affecting a subject property and proposed development This report shall identify how development impacts to fish and wildlife habitat from a proposed project will be mitigated. The Washington Department of Fish and Wildlife, Priority Habitat and Species Management Recommendations, dated May 1991, or bald eagle protection rules outlined in WAC 232-12-292, as now or hereafter amended, may serve as guidance for this report. 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.</p> <p>B. The habitat management plan shall contain a map prepared at an easily readable scale, showing:</p> <ol style="list-style-type: none"> 1. The location of the proposed development site; 2. The relationship of the site to surrounding topographic, water features, and cultural features; 3. Proposed building locations and arrangements; 4. A legend which includes a complete legal description, acreage of the parcel, scale, north areas, and date of map revision. 5. A WDFW PHS Data Base search that is no older than one year from the project submittal or two years from the project approval. <p>C. The habitat management plan shall also contain a report which describes:</p> <ol style="list-style-type: none"> 1. The nature and intensity of the proposed development; 2. An analysis of the effect of the proposed development, activity or land use change upon the wildlife species and habitat identified for protection; and, 3. A discussion on how the applicant proposes to mitigate any adverse impacts to wildlife habitats created by the proposed development. (19.700.710 and 19.700.715, Wetland Report/Wetland Mitigation Plan requirements.) <p>D. Examples of mitigation measures to be included in the Habitat Management Plan report, include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Establishment of buffer zones. <ol style="list-style-type: none"> a. When applicable, the order of sequence for buffer reductions shall be as follows: <ol style="list-style-type: none"> 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 | <p>The Habitat Management Plan special report has been changed slightly. The report requirements have been put in outline form and clarified. Revisions are based</p> |

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| | | requirement; iii Enhancement of existing degraded buffer area and replanting of the disturbed buffer area; 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. Preservation of native plants and trees that are essential to maintaining habitat function; 3. Limitation of access to habitat areas; 4. Seasonal restriction of construction activities; and 5. Establishing phased development requirements and/or a timetable for periodic review of the plan. E. Habitat Management Plan shall be prepared by a person who has been educated in this field and has professional experience as a fish or wildlife biologist (as defined at 19.150.330 and 19.150.720). For proposed single family dwelling construction,, the department may complete the plan. Fees may be collected for this plan as specified in Title 17 Kitsap County's Zoning Code. Where this plan is required for the protection of an eagle habitat, the eagle habitat management plan shall normally be prepared by the Department of Fish and Wildlife, as required under the bald eagle management rules. | |

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| Appendix A | <p>Appendix A: Washington State Wetlands Rating System Categories</p> <p>This system utilizes a four-tier process. The following text includes an additional categorization system for wetlands.</p> <p>A. Category I Wetlands:</p> <ol style="list-style-type: none"> 1. Habitat for endangered or threatened fish or animal species or for potentially eradicated plant species recognized by state or federal agencies; 2. 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 of exceptional local significance. The criteria for determining exceptional local significance shall include, but not be limited to the following factors: rarity; high Aquifer recharge function; a significant habitat or unique educational site, including but not limited to unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or consideration of other specific functional values. <p>B. Category II Wetlands: These wetlands satisfy no Category I criteria and are:</p> <ol style="list-style-type: none"> 1. Wetlands with significant habitat value of 22 or more points from the State Rating System; or | <p>This system utilizes a four-tier process. The following text includes an additional categorization system for wetlands.</p> <p>A. Category I Wetlands.</p> <p>Category I Wetlands are:</p> <ol style="list-style-type: none"> 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 <p>B. Category II Wetlands.</p> <p>Category II wetlands satisfy no Category I criteria but are:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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; or | <p>The appendix explaining the wetlands rating system has been updated based on new guidance issued by the Washington Department of Ecology</p> |

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| | <p>2. Habitats for sensitive plant, fish or animal species recognized by federal or state agencies; or</p> <p>3. Rare wetland communities listed in subsection A.2. (under Category I) which are not high quality; or</p> <p>4. Wetland types with significant functions which cannot be adequately replicated through creation or restoration. These are demonstrated by the following characteristics:</p> <ul style="list-style-type: none"> 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; or <p>5. Wetlands with significant habitat value based on diversity and size; or</p> <p>6. Wetlands five acres or greater in size, and containing open water at any time during a normal year, and two or more subclasses of vegetation in a dispersed pattern; or</p> <p>7. Wetlands contiguous with Salmonid fish-bearing water, including streams where flow is intermittent; or</p> <p>8. Wetlands with significant use by fish and wildlife .</p> <p>C. Category III Wetlands: Wetlands that do not contain features outlined in Category I or II, but have one or more of the following features:</p> | <p>5. Wetlands with significant habitat value based on diversity and size; or</p> <p>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;</p> <p>7. Wetlands contiguous with salmonid fish-bearing water, including streams where flow is intermittent; or</p> <p>8. Wetlands with significant use by fish and wildlife.</p> <p>C. Category III Wetlands.</p> <p>Category III wetlands that do not contain features outlined in Category I or II, but are:</p> <ul style="list-style-type: none"> 1. Wetlands scoring between 30-50 points (out of 100) on the questions related to functions in the Washington State Wetland Rating System for Western Washington. 2. Wetlands that are contiguous with a stream, river, pond, lake or marine water; or 3. Isolated wetlands larger than one acre; or 4. Wetlands (isolated or contiguous) that provide a critical A aquifer recharge function; or 5. Wetlands more than .5 acre that have less than eighty percent cover of hardhack, soft rush or alder at least twenty years of age; or 6. Wetlands more than .5 acre that have less than eighty percent cover of non-native species, including, but not limited to, reed canary grass and common pasture grasses. <p>D. Category IV Wetlands.</p> <p>Category IV wetlands that do not meet the criteria of a Category I, II or III wetland and are:</p> <ul style="list-style-type: none"> 1. Isolated wetlands that are less than or equal to one acre in size, are hydrologically isolated, have only one wetland class, and have only one dominant plant species (>80% area cover of monotypic vegetation); or 2. Isolated wetlands that are less than or equal to two acres in size, are hydrologically isolated, have only one wetland class and a predominance of exotic species (>90% area cover). | |

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| | <p>1. Wetlands with a habitat value of 21 points or less from the State Rating System;</p> <p>2. Wetlands that are contiguous with a stream, river, pond, lake or marine water; or</p> <p>3. Isolated wetlands larger than one acre; or</p> <p>4. Wetlands (isolated or contiguous) that provide a critical Aquifer recharge function; or</p> <p>5. Wetlands more than .5 acre that have less than 80% cover of hardhack, soft rush or alder at least 20 years of age; or</p> <p>6. Wetlands more than .5 acre that have less than 80% cover of non-native species, including, but not limited to, reed canary grass and common pasture grasses.</p> <p>D. Category IV Wetlands: Wetlands which do not meet the criteria of a Category I, II or III wetland; and,</p> <p>1. Isolated wetlands that are less than or equal to one acre in size, are hydrologically isolated, have only one wetland class, and have only one dominant plant species (>80% area cover of monotypic vegetation); or</p> <p>2. Isolated wetlands that are less than or equal to two acres in size, are hydrologically isolated, have only one wetland class and a predominance of exotic species (>90% area cover.)</p> <p>E. Additional Categorization Standards: Portions of a Category I or II Wetland may be classified as a Category II or III Wetland based</p> | <p>3. Wetlands scoring below 30 points (out of 100) on questions related to functions in the Washington State Wetland Raing System for Western Washington.</p> <p>E. Dual Categorization Standards.</p> <p>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:</p> <p>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;</p> <p>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.</p> | |

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| | <p>upon its functional characteristics if it meets the following criteria:</p> <ol style="list-style-type: none"> 1. The portion of the wetland subject to Category III distinction meets the minimum threshold of 2,500 sq. ft. required for regulatory purposes; 2. The portion of the wetland subject to Category II or III distinction and meets the technical criteria required for a Category II or III Wetland, as determined in the Wetland Rating System; 3. The portion of the wetland rated lower in category that functions as a buffer for the portion of the wetland rated higher in category; 4. The portion of the wetland rated lower in category which has a width of at least twice the required buffer width of that portion of the wetland immediately within 200 feet to it that is rated higher in category. | | |