



## KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682  
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - [www.kitsapgov.com/dcd/](http://www.kitsapgov.com/dcd/)

CINDY BAKER, INTERIM DIRECTOR

June 22, 2004

Dear Interested Kitsap County Resident:

It is our pleasure to provide to you a first public draft of the revised Critical Areas Ordinance (CAO).

As you may be aware, the Washington Growth Management Act requires counties to include the "best available science" ("BAS") when developing plans, policies and regulations to protect the functions and values of critical areas. Kitsap County has completed a cooperative "BAS" review which identified needed updates to better manage the county's critical areas.

We would appreciate receiving written public comments by August 22, 2004, prior to the public hearing process. The process is tentatively scheduled to begin September 2004. If you have any questions or need additional information, please contact Rick Kimball, Project Manager, at (360) 337-4966.

Sincerely,

Rick Kimball, Senior Planner  
Environmental Review

Attachment



# KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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CINDY BAKER, INTERIM DIRECTOR

## Kitsap County Critical Areas Ordinance

- Kitsap County is currently undertaking revision of the critical areas ordinance which addresses, among other things, development standards for streams, wetlands and their buffer areas.
- The Washington Growth Management Act requires counties to include the “best available science” (“BAS”) when developing plans, policies and regulations to protect the functions and values of critical areas. In addition, special consideration must be given to conservation or protection measures to preserve or enhance anadromous fisheries.
- Kitsap County has completed a cooperative “BAS” review process which identified needed updates to better manage critical areas. Public comments are now being accepted on the revised critical areas ordinance.

<b>REVISION HIGHLIGHTS</b>	
<ul style="list-style-type: none"> <li>● <b>WETLANDS</b></li> </ul>	<ul style="list-style-type: none"> <li>● No change to buffer widths on Category I or II wetlands</li> <li>● Buffer reduction options retained</li> <li>● Buffer increases to Category III (additional 25 feet) and Category IV wetlands (additional 5 feet)</li> </ul>
<ul style="list-style-type: none"> <li>● <b>FISH &amp; WILDLIFE HABITAT CONSERVATION AREAS</b></li> </ul>	<ul style="list-style-type: none"> <li>● Buffer reduction options applied to all streams</li> <li>● Modified buffer widths for fish-bearing streams to a minimum 150 feet</li> <li>● Minimum 35 foot buffer on all saltwater shorelines and lakes</li> </ul>
<ul style="list-style-type: none"> <li>● <b>CRITICAL AQUIFER RECHARGE AREAS</b></li> </ul>	<ul style="list-style-type: none"> <li>● Revised classifications</li> <li>● Areas classified by geology and soils</li> </ul>
<ul style="list-style-type: none"> <li>● <b>FREQUENTLY FLOODED AREAS</b></li> <li>● <b>GEOLOGICALLY HAZARDOUS AREAS</b></li> </ul>	<ul style="list-style-type: none"> <li>● No substantive changes</li> <li>● No substantive changes</li> </ul>

June 22, 2004

For more information or to provide comments on the First Public Draft Critical Areas Ordinance, please contact Rick Kimball, Project Manager at (360) 337-4966.

# Kitsap County Critical Areas Ordinance

First Public Draft



June 22, 2004

**KITSAP COUNTY**  
*FIRST PUBLIC DRAFT – JUNE 22, 2004*

**Title 19**  
**CRITICAL AREAS ORDINANCE**

**Chapters:**

<b>19.100</b>	<b>Introduction and Approval Procedures</b>
<b>19.150</b>	<b><u>Definitions</u></b>
<b>19.200</b>	<b>Wetlands</b>
<b>19.300</b>	<b>Fish and Wildlife Habitat Conservation Areas</b>
<b>19.400</b>	<b>Geologically Hazardous Areas</b>
<b>19.500</b>	<b>Frequently Flooded Areas</b>
<b>19.600</b>	<b>Critical Aquifer Recharge Areas</b>
<b>19.700</b>	<b>Special Reports</b>
<b>19.800</b>	<b>Appendices</b>

**Chapter 19.100**

**INTRODUCTION AND APPROVAL PROCEDURES**

<b>19.100.105</b>	<b>Statement of Purpose.</b>
<b>19.100.110</b>	<b>Applicability.</b>
<b>19.100.115</b>	<b>Relationship to other county regulations.</b>
<b>19.100.120</b>	<b>General exemptions.</b>
<b>19.100.125</b>	<b>Review authority.</b>
<b>19.100.130</b>	<b>Standards for existing development.</b>
<b>19.100.135</b>	<b>Variances.</b>
<b>19.100.140</b>	<b>Reasonable Use Exception.</b>
<b>19.100.145</b>	<b>Appeals.</b>
<b>19.100.150</b>	<b>Critical area and buffer notice to title.</b>
<b>19.100.155</b>	<b>Application requirements, general.</b>
<b>19.100.160</b>	<b>Inventory provisions.</b>
<b>19.100.165</b>	<b>Enforcement.</b>

**19.100.105 Statement of purpose.**

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

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

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

- 3
- 4 1. Conserve and protect the environmental factors that add to the quality of life for residents of  
5 both Kitsap County and the state of Washington.
- 6
- 7 2. Protect the public against avoidable losses from maintenance and replacement of public  
8 facilities, property damage, costs of publicly subsidizing mitigation of avoidable impacts, and costs  
9 for public emergency rescue and relief operations.
- 10
- 11 3. Identify critical areas and their environmental functions.
- 12
- 13 4. Protect critical areas and their functions and values by regulating use and management within  
14 these areas and adjacent lands.
- 15
- 16 5. Preserve the habitat, water quality, and water quantity functions and values of wetlands.
- 17
- 18 6. Protect water quality by controlling erosion and carefully siting uses and activities which can  
19 detrimentally affect stream flows or aquatic habitat quality.
- 20
- 21 7. Guide development proposals to the most environmentally suitable and stable portion of a  
22 development site.
- 23
- 24 8. Avoid potential damage due to geological hazards or flooding.
- 25
- 26 9. Preserve natural flood control and storm water storage.
- 27
- 28 10. Maintain groundwater recharge and prevent the contamination of groundwater.
- 29
- 30 11. Prevent cumulative adverse environmental impacts to water, wetlands, fish and wildlife  
31 habitats, frequently flooded areas, geologically hazardous areas, and aquifer recharge areas.
- 32
- 33 12. Whenever mitigation is required, restoration and enhancement of previously impacted critical  
34 areas and their buffers is preferred.

35 (Ord. 217 (1998) § 3 (part), 1998)

36  
37 **19.100.110 Applicability.**

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

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

- 7
- 8 C. Non-project actions including, but not limited to, rezones, annexations, and the adoption of plans  
9 and programs, shall be subject to critical area review.
- 10
- 11 D. This ~~chapter~~ title does not require any permit in addition to those otherwise required by county  
12 ordinances. This title is an overlay to the Zoning Ordinance; while it does not require any  
13 additional permits, activities regulated by the Zoning Ordinance are also subject to critical area  
14 requirements.
- 15
- 16 E. The development standards and other requirements of this ~~chapter~~ title shall be applied to uses and  
17 activities for any permit review or approval process otherwise required by county ordinances.
- 18
- 19 F. Uses and activities in critical areas or their buffers for which no permit or approval is required by  
20 any other county ordinance remain subject to the development standards and other requirements of  
21 this ~~chapter~~ title. While this ~~chapter~~ title does not require a review or approval process for such  
22 uses and activities, they remain subject to the title.
- 23
- 24 G. For the purpose of this title the area of review is defined as the critical area and area within two  
25 hundred feet of a critical area. This defines the area of review only. Refer to Chapters 19.200  
26 through 19.600 for specific development standards.  
27 (Ord. 217 (1998) § 3 (part), 1998)

28

29 **19.100.115 Relationship to other county regulations.**

30

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

33

34 Applications for permits and approvals are subject to the provisions of this title ~~and as well as~~ to other  
35 ~~ordinances and laws~~ provisions of state and county law which include, but are not limited to the  
36 following:

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

- 1 K. RCW 36.70A, Growth Management Act
- 2 L. RCW 90.58, Shoreline Management Act
- 3 M. RCW 43.21C, State Environmental Policy Act

4

5 ~~(A)The Kitsap County Building Code, Chapter 14.04 of this code, pursuant to RCW 19.27, 43.22, and~~  
6 ~~portions of RCW 36.70A, 84.56 and 70.77. The Kitsap County Building Code regulates construction,~~  
7 ~~essential elements of buildings, and site development such as grading and building location;~~  
8 ~~(B)Chapters 16.04 through 16.44 of this code, and RCW 58.17 concerning subdivisions;~~  
9 ~~(C)Chapter 16.48 of this code, concerning short plats;~~  
10 ~~(D)RCW 90.58, the Shoreline Management Act; Title 22 of this code, the Kitsap County Shoreline~~  
11 ~~Management Master Program; and Chapter 17.450 of this code, the View Blockage Requirements;~~  
12 ~~concerning development on shorelines;~~  
13 ~~(E)Kitsap County Health District ordinances and regulations regarding sewage disposal, and other~~  
14 ~~health matters;~~  
15 ~~(F)Title 21 of this code, the Land Use and Development Procedures Ordinance;~~  
16 ~~(G)RCW 36.70A, the Growth Management Act;~~  
17 ~~(H)Chapter 2.116 of this code, the Kitsap County Civil Enforcement Ordinance;~~  
18 ~~(I)Chapter 18.04 of this code, the Kitsap County SEPA Ordinance;~~  
19 ~~(J)Title 12 of this code, the Kitsap County Storm Water Management Ordinance;~~  
20 ~~(K)Title 17 of this code, the Kitsap County Zoning Ordinance; and~~  
21 ~~(L)Title 15 of this code, the Kitsap County Flood Damage Prevention Ordinance.~~  
22 ~~(Ord. 217 (1998) § 3 (part), 1998)~~

23

24 **19.100.120 General exemptions.**

25

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

- 27
- 28 A. Emergencies that threaten the public health, safety and welfare. An "emergency" is an  
29 unanticipated and immediate threat to public health, safety, or the environment ~~which~~ that requires  
30 action within a time too short to allow compliance with this title.
  - 31
  - 32 B. Pre-existing and ongoing agricultural activities on lands containing critical areas. For the purpose  
33 of this title, "existing and ongoing" means that the activity has been conducted within the past five  
34 years.
  - 35
  - 36 C. Normal and routine maintenance and operation of pre-existing retention/detention facilities,  
37 biofilters and other stormwater management facilities, irrigation and drainage ditches, farm ponds,  
38 fish ponds, manure lagoons, and livestock water ponds, provided that such activities shall not  
39 involve conversion of any wetland not currently being used for such activity.
  - 40
  - 41 D. Structural alterations to buildings, permitted under the ~~underlying~~ Kitsap County ordinance Code,  
42 that do not alter the structural footprint or introduce new adverse impacts to an adjacent critical  
43 area.
  - 44
  - 45 E. Normal and routine maintenance or repair of existing utility structures within a right-of-way or  
46 existing utility corridor or easements, including the cutting, removal and/or mowing of vegetation  
47 above the ground.

1  
2 F. Forest practices conducted pursuant to RCW 76.09, except Class IV (general conversions) and  
3 Conversion Option Harvest Plans (COHP).  
4 (Ord. 217 (1998) § 3 (part), 1998)  
5

6 **19.100.125 Review authority.**  
7

8 A. In evaluating a request for a development proposal regulated by this title, it shall be the  
9 responsibility of the department to determine the following:  
10

- 11 1. The nature and type of critical area and the adequacy of any special reports required in  
12 applicable sections of this title;
- 13 2. Whether the development proposal is consistent with this title, by granting, denying or  
14 conditioning projects;
- 15 3. Whether proposed alterations to critical areas are appropriate under the standards contained  
16 in this title, or whether it is necessary for the applicant to seek a variance or other  
17 exception; and  
18 4. If the protection mechanisms and the mitigation and monitoring plans and bonding  
19 measures proposed by the applicant are sufficient to protect the public health, safety and  
20 welfare consistent with the goals, purposes and objectives of this title, and if so, condition  
21 the permit or approval accordingly.  
22

23 B. The department shall have the administrative authority to adjust the standards for buffers and  
24 building setbacks as outlined in specific critical area sections of this title. The process to reduce  
25 standards will be based on site-specific criteria determined through review of individual project  
26 circumstances and based on the same criteria as required for the granting of variances in Section  
27 19.100.135.  
28

29 C. Where projects have been approved with conditions to protect critical areas under previous  
30 protection policies in effect prior to the ordinance codified in this title (from either the "Strategies  
31 for Critical Area Designations and Interim Development Regulations" or Kitsap County subarea  
32 plans), those conditions will apply. ~~¶ Nevertheless, this title shall apply in cases where the~~  
33 department determines, based on review of current information that the prior conditions will result  
34 in a detrimental impact to a critical area.  
35

36 (Ord. 217 (1998) § 3 (part), 1998)  
37

38 **19.100.130 Standards for existing development.**  
39

40 Existing development means a development that was lawfully constructed, approved or established  
41 prior to the effective date of ~~this the~~ ordinance codified in this title, but does not conform to present  
42 regulations or standards of this title.  
43

44 A. **Shorelines.** This section incorporates by reference the existing development standards applicable  
45 to development on shorelines of the state (WAC 173-27-080), as now or hereafter amended.  
46  
47

1     ~~and/or,~~

2     B. **Existing Structures:** Structures in existence on the effective date of the ordinance codified in this  
3     title that do not meet the setback or buffer requirements of this title may be remodeled or  
4     reconstructed provided that the new construction or related activity does not further intrude into the  
5     critical area or its associated buffers and is subject to the restrictions of the Kitsap County Flood  
6     Damage Prevention Ordinance (Title 15 of this code) for reconstruction; provided further, that new  
7     construction or related activity connected with an existing single family dwelling shall not be  
8     considered further intruding into an associated buffer so long as the footprint of the structure lying  
9     within the critical area or its buffer is not increased by more than twenty percent and no portion of  
10    the new structure is located closer to the critical area than the existing structure; and provided  
11    further that reconstruction or remodeling will only be allowed if it does not create or continue a  
12    circumstance where personal or property damage is likely due to the nature of the critical area.

13  
14    C. **Danger Tree Removal.** Where a threat to human life or property is demonstrated, the department  
15    may allow removal of danger or hazard trees subject to the following criteria: (1) tree removal is  
16    the minimum necessary to balance protection of the critical area and its buffer with protection of  
17    life and property; and (2) the critical area or its buffer shall be replanted as determined by the  
18    department. The department shall coordinate review with the Washington State Department of Fish  
19    and Wildlife as determined necessary to assure habitat protection. The Department may require the  
20    applicant to consult with a professional forester or a certified arborist prior to tree removal. Danger  
21    tree abatement can sometimes be achieved by felling the tree or topping the tree. Habitat needs  
22    may require leaving the fallen tree in the riparian corridor or maintaining a high stump for wildlife  
23    habitat.

24    (Ord. 217 (1998) § 3 (part), 1998)

25  
26  
27    **19.100.135    Variances.**

28  
29    A. A variance in the application of the regulations or standards of this title to a particular piece of  
30    property or a variance to the use prohibitions of this title may be granted by Kitsap County when it  
31    can be shown that the application meets all of the following criteria:

- 32  
33    1. Because of special circumstances applicable to the subject property, including size, shape, or  
34    topography, the strict application of this title is found to deprive subject property of rights and  
35    privileges enjoyed by other properties in the vicinity; provided, however, the fact that those  
36    surrounding properties have been developed under regulations in force prior to the adoption of  
37    this ordinance shall not be the sole basis for the granting of a variance.  
38  
39    2. The special circumstances referred to in subsection (1) above are not the result of the actions of  
40    the current or previous owner.  
41  
42    3. The granting of the variance will not result in substantial detrimental impacts to the critical  
43    area, public welfare or injurious to the property or improvements in the vicinity and area in  
44    which the property is situated or contrary to the goals, policies and purpose of this title.  
45  
46    4. The granting of the variance is the minimum necessary to accommodate the permitted use.  
47

1 5. No other practicable or reasonable alternative exists. (See Definitions, Section 19.150.520 and  
2 19.150.560.)

3  
4 6. A mitigation plan (where required) has been submitted and is approved for the proposed use of  
5 the critical area.

6  
7 B. Kitsap County shall conduct a public hearing on all non-administrative variance applications  
8 pursuant to the review process established in Chapter 17.500 of the Kitsap County Zoning  
9 Ordinance, as now or hereafter amended.

10  
11 C. The department shall provide notice of the public hearing by publishing in a newspaper of general  
12 circulation in the county at least once, not less than ~~ten working~~ fourteen calendar days prior to the  
13 date set for the hearing. Notice shall also be sent by mail not less than ~~ten working~~ fourteen  
14 calendar days prior to the date of the hearing on the variance application to the applicants  
15 proposing the variance request and to all owners of property within four hundred feet of the  
16 boundary of said property. Failure to send notice by mail to any such property owner where the  
17 address of a said owner is not a matter of a public record or because the ownership is not of a  
18 public record shall not invalidate any proceedings required in this title.

19  
20 D. Except when application of this title would deny all reasonable use of the property, an applicant  
21 who seeks an exception from the standards and requirements of this title shall pursue relief by  
22 means of a variance as provided for in this title.

23  
24 E. Requests for variances shall include the application requirements of Section 19.100.155 (General  
25 Application Requirements), and Section 19.200.245 240 (Wetland Application Requirements), ~~and~~  
26 ~~Chapter 19.700 (Mitigation Plan and Wetland Mitigation Plan)~~, whichever is applicable.

27  
28 F. The department shall review administrative variances based on the criteria and standards  
29 referenced in this chapter.

30  
31 G. The department may grant variances for public utilities to the substantive or procedural  
32 requirements of this title when:

- 33
- 34 1. Application of this title to the utility's activities would be inconsistent with the Comprehensive  
35 Plan or the utility's public service obligations;
  - 36  
37 2. The proposed utility activity does not pose an unreasonable threat to the public health, safety or  
38 welfare on or off the development proposal site; and
  - 39  
40 3. Any alterations permitted to these critical areas shall be the minimum necessary to reasonably  
41 accommodate the proposed utility activity and mitigate when feasible.

42 (Ord. 217 (1998) § 3 (part), 1998)

43  
44 **19.100.140 Reasonable use exception.**

45  
46 If the application of this title would deny all reasonable use of the property, the applicant may apply  
47 for a reasonable use exception pursuant to this section:

1  
2  
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- A. The applicant shall apply to the department, and the department shall prepare a recommendation to the hearing examiner. The applicant may apply for a reasonable use exception without first having applied for a variance if the requested exception includes relief from standards for which a variance cannot be granted pursuant to the provisions of the section. The property owner and/or applicant for a reasonable use exception has the burden of proving that the property is deprived of all reasonable use;
  
- B. The examiner shall review the application and shall conduct a public hearing pursuant to the provisions of Title 21 of this code, the Land Use and Development Procedures Ordinance. The examiner shall make a final decision based on the following criteria:
  - 1. The application of this title would deny all reasonable use of the property;
  - 2. There is no other reasonable use which would result in less impact on the critical area;
  - 3. The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest, and does not conflict with the Endangered Species Act or other relevant state or federal laws; and,
  - 4. Any alterations permitted to the critical area shall be the minimum necessary to allow for reasonable use of the property.
  
- C Any authorized alterations of a critical area under this section shall be subject to conditions established by the examiner including, but not limited to, mitigation under an approved mitigation plan.  
(Ord. 217 (1998) § 3 (part), 1998)

**19.100.145 Appeals.**

- A. **Appealable Actions.** The following decisions or actions required by this title may be appealed:
  - 1. Any decision to approve, condition or deny a development proposal, or any disagreement on conclusions, methodology, rating systems, etc., between the department and such person or firm which prepares special reports pursuant to Chapter 19.700 may be appealed by the applicant or affected party to the Kitsap County hearing examiner.
  - 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.
  - 3. Any decision to require, or not require a special report pursuant to this title may be appealed by the applicant or affected party to the Kitsap County hearing examiner.
  
- B. **Appeal Process.** The following process shall be followed in submitting an appeal and taking action:

- 1  
2 1. Any appeal regarding a decision to require, or not require a special report shall be made within  
3 ten working days of the decision. The appeal shall be in writing stating the basis that such  
4 reports should or should not be required for the proposed development. The hearing examiner  
5 may: (i) remand the decision back to the department requesting that specific issues be  
6 reconsidered; (ii) modify the decision of the department; or (iii) uphold the decision of the  
7 department.  
8  
9 2. Any appeal regarding a decision to approve, condition or deny a development proposal based  
10 on this title, or any decision to approve, condition or deny a variance, shall be made within ten  
11 working days of the decision. A fee in an amount as established under the Kitsap County Code  
12 shall be paid to the department at the time an appeal is filed. The appeal shall be in writing and  
13 shall state specifically the issues that are the subject of the appeal, focusing on the specific  
14 inadequacies of the particular decision under dispute. The hearing examiner may: (i) remand  
15 the decision back to the department requesting that specific issues be reconsidered; (ii) modify  
16 the decision of the department; or (iii) uphold the decision of the department.  
17  
18 3. Kitsap County shall not issue any permit, license or other development approval on the  
19 development proposal site pending the outcome of the appeal decision.

20 (Ord. 217 (1998) § 3 (part), 1998)  
21

22 **19.100.150 Critical area and buffer notice to title.**  
23

24 Project ~~proponents~~ applicants shall ~~file~~ sign a "Critical Area and Buffer Notice to Title" (See Chapter  
25 19.800, Appendix "E") which shall be filed with the Kitsap County auditor on all development  
26 proposals subject to this title and containing any critical area or its buffer. After review of the  
27 development proposal, the department will condition critical area development in accordance with this  
28 title. These standards will be ~~identified~~ referenced on the approved notice to title, which shall run with  
29 the land in perpetuity. This notice shall serve as an official notice to subsequent landowners that the  
30 landowner shall accept sole responsibility for any risk associated with land's identified critical area.  
31

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

36 (Ord. 217 (1998) § 3 (part), 1998)  
37

38 **19.100.155 Application requirements, general.**  
39

- 40 A. All applicants for major new development are required to meet with the department prior to  
41 submitting an application subject to the Kitsap County Zoning Ordinance; all applicants for minor  
42 new development are encouraged to do so. The purpose of this meeting is to discuss Kitsap  
43 County's zoning and applicable critical area requirements, to review any conceptual site plans  
44 prepared by the applicant and to identify potential impacts and mitigation measures. Such  
45 conference shall be for the convenience of the applicant and any recommendations shall not be  
46 binding on the applicant or the county.  
47

- 1 B. The applicant must comply with the standards and requirements of this ~~chapter title~~ as well as  
2 standards relating to Title 12 storm water in Stormwater Management set forth by the department  
3 of ~~public works~~, as now or hereafter amended. To expedite the permit review process, the  
4 department shall be the lead agency on all work related to critical areas. Development may be  
5 prohibited in a proposed development site based on criteria set forth in this title; the applicant  
6 should first determine whether this is the case before applying for permits from the ~~public works~~  
7 department.  
8
- 9 C. Application for development proposals, reasonable use exceptions or variances regulated by this  
10 title or for review of special reports shall be made with the department by the property owner,  
11 lessee, contract purchaser, other person entitled to possession of the property, or by an authorized  
12 agent as listed in Chapter 19.700 (Special Reports).  
13
- 14 D. A filing fee in an amount established under the Kitsap County Zoning Ordinance shall be paid to  
15 the department of community development at the time an application for a permit relating to a  
16 critical area or a special report review is filed.  
17
- 18 E. Applications for any development proposal subject to this title shall be reviewed by the department  
19 for completeness and consistency or inconsistency with this title.  
20
- 21 F. At every stage of the application process, the burden of demonstrating that any proposed  
22 development is consistent with this title is upon the applicant.  
23
- 24 G. All site plan applications for development proposals subject to this title shall include a site plan  
25 drawn to scale identifying locations of critical areas, location of proposed structures and activities,  
26 including clearing and grading and general topographic information as required by the department.  
27 If the department determines that additional critical areas are found on the subject property, the  
28 applicant shall amend the site plan to identify the location of the critical area.  
29
- 30 H. Zone Reclassification or Comprehensive Plan Amendment. Prior to taking action on a zone  
31 reclassification or a Comprehensive Plan amendment, the proponent shall complete an  
32 environmental review to confirm the nature and extent of any critical areas on or adjacent to the  
33 property; determine if the subsequent development proposal would be consistent with this title; and  
34 determine whether mitigation or other measures would be necessary if the proposal were approved.  
35 Such review shall occur prior to any SEPA threshold determination. Findings of such review may  
36 be used to condition or mitigate the impact through the SEPA threshold determination or to deny  
37 the proposal if the impacts are significant and cannot be mitigated.

38 (Ord. 217 (1998) § 3 (part), 1998)  
39

40 **19.100.160 Inventory provisions.**  
41

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

1  
2 — ~~**Future Inventory Provisions.**~~ Kitsap County will review map inventory information of all critical  
3 areas as it becomes available or on a quarterly basis. Mapping will include critical areas that are  
4 identified through site-specific analysis by local, state and federal agencies, the Kitsap  
5 Conservation District, tribal governments, citizen groups and other sources.  
6 (Ord. 217 (1998) § 3 (part), 1998)

7  
8 **19.100.165 Enforcement.**

- 9  
10 **A. Authorization.** The director is authorized to enforce this title, and to designate county employees  
11 as authorized representatives of the department to investigate suspected violations of this title, and  
12 to issue orders to correct violations and notices of infraction.  
13  
14 **B. Right of Entry.** When it is necessary to make an inspection to enforce the provisions of this title,  
15 or when the director or his/her designee has reasonable cause to believe that a condition exists on  
16 property which is contrary to or in violation of this chapter, the director or his/her designee may  
17 enter the property to inspect, provided that if the property is occupied that the inspector's  
18 credentials be presented to the occupant and entry requested. If the property is unoccupied, the  
19 director or his/her designee shall first make a reasonable effort to locate the owner or other person  
20 having charge or control of the premises and request entry. If entry is refused, the director or  
21 his/her designee shall have recourse to the remedies provided by law to secure entry.  
22  
23 **C. Stop Work Orders.** Whenever any work or activity is being done contrary to the provisions of this  
24 chapter the director or his/her designee may order the work stopped by notice in writing, served on  
25 any persons engaged in the doing or causing such work to be done, or by posting the property, and  
26 any such persons shall forthwith stop such work or activity until authorized by the director or  
27 his/her designee to proceed.  
28  
29 **D. Penalties.** The violation of any provision of this title shall constitute a Class I civil infraction. Each  
30 violation shall constitute a separate infraction for each and every day or portion thereof during  
31 which the violation is committed, continued, or permitted. Infractions shall be processed in  
32 accordance with the provisions of Chapter 2.116 of this code, the Kitsap County Civil Enforcement  
33 Ordinance, as now or hereafter amended.  
34  
35 **E. Imminent and Substantial Dangers.** Notwithstanding any provisions of these regulations, the  
36 director or his/her designee may take immediate action to prevent an imminent and substantial  
37 danger to the public health, welfare, safety or the environment by the violation of any provision of  
38 this chapter.  
39  
40 **F. Other Legal or Equitable Relief.** Notwithstanding the existence or use of any other remedy, the  
41 director or his/her designee may seek legal or equitable relief to enjoin any acts or practices or  
42 abate any conditions which constitute or will constitute a violation of the provisions of this chapter.  
43 (Ord. 217 (1998) § 3 (part), 1998)

44  
45 **Chapter 19.150**  
46 **DEFINITIONS**  
47

KITSAP COUNTY  
FIRST PUBLIC DRAFT – JUNE 22, 2004

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1	<b><u>19.150.335</u></b>	<b>Floodplain</b>
2	<b><u>19.150.340</u></b>	<b>Floodway</b>
3	<b><u>19.150.345</u></b>	<b>Forage Fish</b>
4	<b><u>19.150.350</u></b>	<b>Forest Practices</b>
5	<b><u>19.150.355</u></b>	<b>Frequently Flooded Areas</b>
6	<b><u>19.150.360</u></b>	<b>Geologically Hazardous Areas</b>
7	<b><u>19.150.365</u></b>	<b>Geologist</b>
8	<b><u>19.150.370</u></b>	<b>Geotechnical Engineer</b>
9	<b><u>19.150.375</u></b>	<b>Geotechnical Report and Geological Report</b>
10	<b><u>19.150.380</u></b>	<b>Grading</b>
11	<b><u>19.150.385</u></b>	<b>Grazed Wet Meadows</b>
12	<b><u>19.150.390</u></b>	<b>Grubbing</b>
13	<b><u>19.150.395</u></b>	<b>Groundwater</b>
14	<b><u>19.150.400</u></b>	<b>Habitat Management Plan</b>
15	<b><u>19.150.405</u></b>	<b>Habitat of Local Importance</b>
16	<b><u>19.150.410</u></b>	<b>Hazardous Substance</b>
17	<b><u>19.150.415</u></b>	<b>Hearing Examiner</b>
18	<b><u>19.150.420</u></b>	<b>Hydric Soils</b>
19	<b><u>19.150.425</u></b>	<b>Hydrologist or Hydrogeologist</b>
20	<b><u>19.150.430</u></b>	<b>Infiltration Rate</b>
21	<b><u>19.150.435</u></b>	<b>Landslide Hazard Areas</b>
22	<b><u>19.150.440</u></b>	<b>Liquefaction</b>
23	<b><u>19.150.445</u></b>	<b>Lot</b>
24	<b><u>19.150.450</u></b>	<b>Low Impact Activities</b>
25	<b><u>19.150.455</u></b>	<b>Major New Development</b>
26	<b><u>19.150.460</u></b>	<b>Minor New Development</b>
27	<b><u>19.150.465</u></b>	<b>Mitigation</b>
28	<b><u>19.150.470</u></b>	<b>Native Vegetation</b>
29	<b><u>19.150.475</u></b>	<b>Non-conforming Use or Structure</b>
30	<b><u>19.150.480</u></b>	<b>Normal Maintenance</b>
31	<b><u>19.150.485</u></b>	<b>Open Space</b>
32	<b><u>19.150.490</u></b>	<b>Ordinary High Water Mark</b>
33	<b><u>19.150.495</u></b>	<b>Out-of-Kind Compensation</b>
34	<b><u>19.150.500</u></b>	<b>Performance Based Development</b>
35	<b><u>19.150.505</u></b>	<b>Permeability</b>
36	<b><u>19.150.510</u></b>	<b>Permit</b>
37	<b><u>19.150.515</u></b>	<b>Pond</b>
38	<b><u>19.150.520</u></b>	<b>Practicable Alternative</b>
39	<b><u>19.150.525</u></b>	<b>Priority Habitat</b>
40	<b><u>19.150.530</u></b>	<b>Priority Species</b>
41	<b><u>19.150.535</u></b>	<b>Public Facilities</b>
42	<b><u>19.150.540</u></b>	<b>Public Project of Significant Importance</b>
43	<b><u>19.150.545</u></b>	<b>Public Right-of-Way</b>
44	<b><u>19.150.550</u></b>	<b>Public Utility</b>
45	<b><u>19.150.555</u></b>	<b>Ravine</b>
46	<b><u>19.150.560</u></b>	<b>Reasonable Alternative</b>
47	<b><u>19.150.565</u></b>	<b>Reasonable Use</b>
48	<b><u>19.150.570</u></b>	<b>Reasonable Use Exception</b>

1	<b><u>19.150.575</u></b>	<b>Refuse</b>
2	<b><u>19.150.580</u></b>	<b>Regulated Use or Activity</b>
3	<b><u>19.150.585</u></b>	<b>Restoration</b>
4	<b><u>19.150.590</u></b>	<b>Retention Facilities</b>
5	<b><u>19.150.595</u></b>	<b>Riparian Area</b>
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16	<b><u>19.150.650</u></b>	<b>Toe of Slope</b>
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20	<b><u>19.150.670</u></b>	<b>Utility Corridor</b>
21	<b><u>19.150.675</u></b>	<b>Wetland Determination</b>
22	<b><u>19.150.680</u></b>	<b>Wetland Edge</b>
23	<b><u>19.150.685</u></b>	<b>Wetlands</b>
24	<b><u>19.150.690</u></b>	<b>Wetlands, Isolated</b>
25	<b><u>19.150.695</u></b>	<b>Wetlands, Mosaic</b>
26	<b><u>19.150.700</u></b>	<b>Wetlands of Regional Significance</b>
27	<b><u>19.150.705</u></b>	<b>Wetlands of Statewide Significance</b>
28	<b><u>19.150.710</u></b>	<b>Wetlands Report</b>
29	<b><u>19.150.715</u></b>	<b>Wetlands Specialist</b>
30	<b><u>19.150.720</u></b>	<b>Wildlife Biologist</b>

31  
32

33 **19.150.050** **Generally.** As used in this title, the following terms have the meanings given in this  
34 chapter.

35

36 **19.150.100** **Adjacent.** ~~For the purpose of this title, "a Adjacent" is defined as the~~ means an area  
37 within two hundred feet of a critical area.

38

39 **19.150.105** **Agricultural Practices.** "Agricultural activities" means A activities related to  
40 vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and  
41 insect pests, soil maintenance and fertilization as well as animal husbandry.

42

43 **19.150.110** **Alteration.** "Alteration" means A a human-induced action which changes the existing  
44 condition of a critical area. Alterations include but are not limited to: grading; grubbing; dredging;  
45 channelizing; cutting, clearing, relocating or removing vegetation, except noxious weeds identified by  
46 the Washington State Department of Agriculture or the Kitsap County Cooperative Extension;  
47 applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants; grazing

1 domestic animals; modifying for surface water management purposes; or any other human activity that  
2 changes the existing vegetation, hydrology, wildlife or wildlife habitat.

3  
4 **19.150.115 Anadromous fish.** “Anadromous fish” means fish whose life cycle includes time spent  
5 in both fresh or salt water

6  
7 **19.150.120 Applicant.** “Applicant” means ~~T~~the person, party, firm, corporation or legal entity, or  
8 agent thereof, that proposes a development of property in Kitsap County.

9  
10 **19.150.125 Aquaculture Practices.** “Aquaculture Practices” means ~~T~~the harvest, culture or  
11 farming of food fish, shellfish, or other aquatic plants and animals including fisheries enhancement and  
12 the mechanical harvesting of shellfish and hatchery culture.

13  
14 **19.150.130 Aquifer.** “Aquifer” means ~~A~~ a saturated body of rock, sand, gravel or other geologic  
15 material that is capable of storing, transmitting and yielding water to a well.

16  
17 **19.150.135 Aquifer Recharge.** “Aquifer recharge” means ~~T~~ the process by which water is added  
18 to an aquifer. It may occur naturally by the percolation (infiltration) of surface water, precipitation, or  
19 snowmelt from the ground surface to a depth where the earth materials are saturated with water. The  
20 aquifer recharge can be augmented by "artificial" means through the addition of surface water (e.g.,  
21 land application of wastewater or storm water) or by the injection of water into the underground  
22 environment (e.g., drainfields and drywells).

23  
24 **19.150.140 Aquifer Recharge Area.** “Aquifer recharge areas” means ~~T~~ those areas overlying  
25 aquifer(s) where natural or artificial sources of water can move downward to an aquifer(s).

26  
27 ~~**Aquifer Susceptibility.** The ability of the natural system to transmit contaminants to and through the  
28 groundwater system.~~

29  
30 ~~**19.150.145 Aquifer Vulnerability.** The likelihood that the natural system will transmit  
31 contaminants to and through a groundwater system, based on natural geological and hydrogeological  
32 characteristics and land use practices. The combined effect of hydrogeological susceptibility to  
33 contamination and the contamination loading potential as indicated by the type of activities occurring  
34 on a project area.~~

35  
36 **19.150.150 Bank Stabilization.** “Bank stabilization” means ~~L~~ lake, stream and open water  
37 shoreline modification including vegetation enhancement, used for the purpose of retarding erosion,  
38 protecting channels or shorelines, and retaining uplands.

39  
40 ~~———— **Bench (geologic).** A relatively flat and wide landform along a valley wall.~~

41  
42 **19.150.155 Best Available Science.** “Best available science” means scientifically valid  
43 information in accordance with WAC 365-195-905, now or as amended hereafter, that is used to  
44 develop and implement critical areas policies or regulations.

1 **19.150.160 Best Management Practices (BMPs).** For the purposes of this title, “best management  
2 practices” or “BMPs” means  $\in$  conservation practices (physical, structural and/or managerial) or  
3 systems of practices and management measures that:

4  
5 A. Control soil loss and reduce water quality degradation caused by nutrients, pathogens, bacteria,  
6 toxic substances, pesticides, oil and grease, and sediment; and,

7  
8 B. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the  
9 chemical, physical, and biological characteristics of critical areas.

10  
11 ~~**Biologist** A person who has a minimum of a Bachelor of Science degree in biological or related field  
12 from an accredited college or university and two or more years of experience; or a person who has five  
13 or more years of experience as a practicing biologist~~

14  
15 **19.150.165 Bog.** Wetlands which have the following characteristics: peat soils sixteen inches or  
16 more in depth; any depth over bedrock; and vegetation such as sphagnum moss, labrador tea, bog  
17 laurel, bog rosemary, sundews, and sedges. Bogs are a type of wetland typically composed of acidic,  
18 low nutrient soils and waters, high organic matter and that support plants specifically adapted to such  
19 conditions that are not commonly found elsewhere. Bogs may have an overstory of spruce, shore pine  
20 and may be associated with open water.

21  
22 **19.150.170 Buffer.** “Buffer” means ~~A~~ a non-clearing native vegetation area which is intended to  
23 protect the functions and values of critical areas.

24  
25 **19.150.175 Candidate Species (state-listed).** “Candidate species (state listed)” means  $\S$  species  
26 under review by the Department of Fish and Wildlife for possible listing as endangered, threatened or  
27 sensitive. A species will be considered for state-candidate designation if sufficient scientific evidence  
28 suggests that its status may meet criteria defined for endangered, threatened, or sensitive in WAC 232-  
29 12-297. Currently listed state-threatened or state-sensitive species may also be designated as a state-  
30 candidate species if their status is in question. State-candidate species will be managed by the  
31 Department of Fish and Wildlife, as needed, to ensure the long-term survival of populations in  
32 Washington. They are listed in WDFW, Policy 4802.

33  
34 **19.150.180 Channel Migration Zone (CMZ).** “Channel migration zones” as defined by WAC  
35 173-26-020(6), as now or hereafter amended means the area along a river within which the channel(s)  
36 can be reasonably predicted to migrate over time as a result of natural and normally occurring  
37 hydrological and related processes when considered with the characteristics of the river and its  
38 surroundings.

39  
40 **19.150.185 Clearing.** “Clearing” means  $\mp$  the destruction, disturbance or removal of vegetation by  
41 physical, mechanical, chemical or other means.

42  
43 **19.150.190 Compensation.** “Compensation” means  $\Re$  replacement of project-induced critical area  
44 (e.g., wetland) losses of acreage or functions, including but not limited to restoration, creation, or  
45 enhancement.

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

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

9  
10 **19.150.205** **Critical Area Buffer.** “Critical area buffer means ~~A~~ an area of protection around a  
11 critical area.

12  
13 **19.150.210** **Critical Aquifer Recharge Areas.** “Critical Aquifer Recharge Areas” means ~~F~~ those  
14 land areas which that contain hydrogeologic conditions which that facilitate aquifer recharge and/or  
15 transmitting contaminants to an underlying aquifer.

16  
17 **19.150.215** **Critical Areas.** “Critical areas” means ~~F~~ those areas identified as: (a) wetlands; (b)  
18 areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat  
19 conservation areas; (d) geologically hazardous areas; and (e) frequently flooded areas.

20  
21 **19.150.220** ~~**Easement of Critical Area Protection Easement.**~~ “Critical Area Protection Easement”  
22 means an ~~A~~ agreement conveyed through a deed notice to title, or shown on the face of a plat or site  
23 plan, for the purpose of perpetual or long-term conservation.

24  
25 **19.150.225** **Critical Facilities.** “Critical facilities” means ~~F~~ those facilities necessary to protect the  
26 public health, safety and welfare and which are defined under the occupancy categories of Essential  
27 Facilities, Hazardous Facilities and Special Occupancy Structures in the Uniform Building Code, Table  
28 No. 23-K (1988), as essential facilities or Category III and IV buildings in accordance with Title 14  
29 Kitsap County Building and Fire Code. These facilities include but are not limited to schools,  
30 hospitals, police stations, fire departments and other emergency response facilities, and nursing homes.  
31 Critical facilities also include sites of hazardous material storage or production.

32  
33 **19.150.230** **Danger Trees.** “Danger Trees” means ~~A~~ any tree of any height, dead or alive, that  
34 presents a hazard to the public because of rot, root stem or limb damage, lean or any other observable  
35 condition created by natural process or man-made activity consistent with WAC 296-54-529(28).

36  
37 **19.150.235** **Debris.** See "Refuse."

38  
39 **19.150.240** **Department.** “Department” means ~~F~~ the Kitsap County department of community  
40 development.

41  
42 **19.150.245** **Detention Facilities.** ~~Storm water facilities designed to store runoff while gradually~~  
43 ~~releasing it at a pre-determined controlled rate. "Detention facilities" shall include all appurtenance~~  
44 ~~associated with their designed functions, maintenance and security. “Detention facilities” means~~  
45 stormwater facilities, including all the appurtenances associated with their designed functions,  
46 maintenance and security, that are designed to store runoff while gradually releasing it at a pre-  
47 determined controlled rate.

1  
2 **19.150.250 Development Proposal Site.** “Development Proposal Site” means ~~F~~ for purposes of  
3 this title, the legal boundaries of the parcel or parcels of land on which an applicant has applied for  
4 authority from Kitsap County to carry out a development proposal.

5  
6 **19.150.255 Director.** “Director” means ~~F~~ the director of the Kitsap County department of  
7 community development or a duly authorized designee in the department.

8  
9 **19.150.260 Draining** (related to wetland). “Draining” means ~~A~~ any human activity that diverts or  
10 reduces wetland groundwater and/or surface water sources.

11  
12 **19.150.265 Endangered Species** (state listed). “Endangered species” means ~~A~~ a species native to  
13 the state of Washington that is seriously threatened with extinction throughout all or a significant  
14 portion of its range within the state. Endangered species are legally designated in WAC 232-12-014.

15  
16 **19.150.270 Enhancement.** “Enhancement” means ~~A~~ actions performed to improve the condition of  
17 an existing degraded critical area (e.g., wetlands or streams) such that the functions or values are of a  
18 higher quality, provided that this activity does not significantly degrade another existing function or  
19 value.

20  
21 **19.150.275 Erosion.** “Erosion” means ~~F~~ the process whereby the land surface is worn away by the  
22 action of water, wind, ice or other geologic agents, by processes such as gravitational creep or events  
23 such as landslides caused by natural or manmade impacts.

24  
25 **19.150.280 Erosion Hazard Areas.** “Erosion hazard areas” means ~~L~~ land characterized by any of  
26 the soil types identified by the Natural Resources Conservation Service as "highly erodible land." This  
27 designation pertains to water erosion and not wind erosion. These areas may not be highly erodible  
28 until or unless the soil is disturbed by activities such as clearing or grading.

29  
30 **19.150.285 Excavation.** “Excavation” means the ~~R~~removal of earth material.

31  
32 **19.150.290 Existing and Ongoing Agriculture.** “Existing and ongoing agriculture” means ~~F~~those  
33 activities conducted within the last five years on lands defined in RCW 84.34.020(2) or defined as  
34 agricultural practices in this title. For example, the operation and maintenance of existing farm and  
35 stock ponds or drainage ditches, operation and maintenance of ditches, irrigation systems including  
36 irrigation laterals, canals, or irrigation drainage ditches, changes between agricultural activities, such as  
37 rotating crops or grasses used for grazing, and normal maintenance, repair, or operation of existing  
38 serviceable structures, facilities, or improved areas; provided, that alteration of the contour of wetlands  
39 or streams by leveling or filling other than that which results from normal cultivation, or draining of  
40 wetlands shall not be considered normal or necessary farming or ranching activities. The regulatory  
41 flood hazard areas, floodplains and floodways are depicted on the Federal Emergency Management  
42 Agency (FEMA) Flood Insurance Rate Maps for Kitsap County.

43  
44 **19.150.295 Exotic.** “Exotic” means ~~A~~any species of plant or animal that is not indigenous (native)  
45 to an area.

1 **19.150.300 Extraordinary Hardship.** “Extraordinary hardship” means ~~W~~where the strict  
2 application of this title and/or other programs adopted to implement this title by the regulatory  
3 authority would prevent all reasonable use of the parcel.

4  
5 ~~———— **Farm and Agricultural Conservation Land:**~~

6  
7 ~~A. — Land that was previously classified under RCW 84.34.020(2) (“Farm and agricultural land”)~~  
8 ~~that no longer meets the criteria of said subsection (2) and that is reclassified under RCW~~  
9 ~~84.34.020(1) (“Open space land”); or,~~

10  
11 ~~B. — Land that is traditional farmland that is not classified under Chapters 84.33 or 84.34 RCW that~~  
12 ~~has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a~~  
13 ~~high potential of returning to commercial agriculture.~~

14  
15 **19.150.305 Farm Pond.** “Farm pond” means ~~A~~an open-water habitat of less than five acres and not  
16 contiguous with a stream, river, lake or marine water created from a non-wetland site in connection  
17 with agricultural activities.

18  
19 **19.150.310 Feeder Bluff.** “Feeder bluff” means an eroding and/or retreating shore bluff that is part  
20 of natural coastal processes yielding sediment to area beaches.

21  
22 **19.150.315 Fen.** “Fen” means a ~~W~~wetland with peat soils sixteen inches or more in depth, or any  
23 depth of organic soil over bedrock, and vegetation such as certain sedges, hardstem bulrush and  
24 cattails. Fens may have an overstory of spruce and may be associated with open water.

25  
26 **19.150.320 Filling or Fill.** “Filling or fill” means ~~A~~a deposit of earth or other natural or manmade  
27 material placed by artificial means, including, but not limited to, soil materials, debris, or dredged  
28 sediments.

29  
30 **19.150.325 Fish and wildlife habitat.** “Fish and wildlife habitat” means those areas identified as  
31 being of critical importance to the maintenance of fish, wildlife, and plant species, including: areas  
32 with which endangered, threatened, and sensitive species have a primary association; habitats and  
33 species of local importance; commercial and recreational shellfish areas; kelp and eelgrass beds, forage  
34 fish spawning areas; naturally occurring ponds and their submerged aquatic beds that provide fish or  
35 wildlife habitat; waters of the State; lakes, ponds, streams or rivers planted with game fish by a  
36 government or tribal entity, or private organization; State natural area preserves and natural resource  
37 conservation areas.

38  
39 **19.150.330 Fisheries biologist.** “Fisheries biologist” means a person with experience and training  
40 in fisheries who is able to submit substantially correct reports on fish population surveys, stream  
41 surveys and other related data analyses of fisheries resources. *Substantially correct* is interpreted to  
42 mean that technical or scientific errors, if any, will be minor and do not delay or affect the site plan  
43 review process. Qualifications of a fisheries biologist include:  
44 i) certification by the American Fisheries Society;  
45 ii) a Bachelor of Science degree in fisheries or the biological sciences from an accredited  
46 institution and two years of professional fisheries experience; or,

1           iii) five or more years professional experience as a practicing fisheries biologist with a  
2           minimum three years professional field experience.

3  
4 **19.150.335**   **Floodplain.** “Floodplain” means ~~T~~the floodway and associated special flood hazard  
5 areas having the potential to flood once every one hundred years, or having a one percent chance of  
6 being equaled or exceeded in any given year.

7  
8 **19.150.340**   **Floodway.** “Floodway” means ~~T~~the channel of a river or other watercourse and the  
9 adjacent land areas that must be reserved in order to discharge the base flood without cumulatively  
10 increasing the water surface elevation more than one foot.

11  
12 **19.150.345**   **Forage Fish.** “Forage fish” means anchovy, herring, sand lance and smelt.

13  
14 **19.150.350**   **Forest Practices.** “Forest practices” means, ~~A~~as defined in WAC 222-16-010(21), as  
15 now or hereafter amended, any activity conducted on or directly pertaining to forest land that is related  
16 to growing, harvesting, or processing timber, including but not limited to:

- 17  
18 A.     Road and trail construction;  
19  
20 B.     Harvesting, final and intermediate;  
21  
22 C.     Pre-commercial thinning;  
23  
24 D.     Reforestation;  
25  
26 E.     Fertilization;  
27  
28 F.     Prevention and suppression of diseases and insects;  
29  
30 G.     Salvage of trees; and,  
31  
32 H.     Brush control.

33  
34 "Forest practices" shall not include preparatory work such as tree marking, surveying and road  
35 flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns,  
36 greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to  
37 result in damage to forest soils, timber or public resources.

38  
39 **19.150.355**   **Frequently Flooded Areas.** “Frequently flooded areas” means ~~A~~all Kitsap County  
40 lands, shorelands and waters ~~which that~~ are within the one-hundred-year floodplain (~~floodway~~) as  
41 designated by the Federal Emergency Management Agency on Flood Insurance Rate and Boundary  
42 Maps (FIRM).

43  
44 **19.150.360**   **Geologically Hazardous Areas.** “Geologically hazardous areas” means, as defined in  
45 WAC 365-190-030(8), as now or hereafter amended, areas, that because of their susceptibility to  
46 erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential

1 or industrial development consistent with public health or safety concerns. ~~Source: WAC 365-190-~~  
2 ~~030(8).~~

3  
4 **19.150.365 Geologist.** “Geologist” means ~~A~~a person who is licensed by Washington State and has a  
5 bachelor of science degree in geologic sciences from an accredited college or university and has a  
6 minimum of four years experience in soil or slope evaluation.

7  
8 **19.150.370 Geotechnical Engineer.** “Geotechnical engineer” means ~~A~~a practicing  
9 geotechnical/civil engineer licensed as a professional civil engineer with the state of Washington, with  
10 professional training and experience in geotechnical engineering, including at least four years'  
11 professional experience in evaluating geologically hazardous areas.

12  
13 **19.150.375 Geotechnical Report and Geological Report.** “Geotechnical report and geological  
14 report” means ~~A~~a study of potential site development impacts related to retention of natural vegetation,  
15 soil characteristics, geology, drainage, groundwater discharge, and engineering recommendations  
16 related to slope and structural stability. The geotechnical report shall be prepared by or in conjunction  
17 with a licensed geotechnical engineer meeting the minimum qualifications as defined by this title.  
18 Geological reports may contain the above information with the exception of engineering  
19 recommendations, and may be prepared by a geologist (See Chapter 19.700, Special Reports, for  
20 minimum qualifications).

21  
22 **19.150.380 Grading (construction).** “Grading” means ~~A~~any excavating, filling, grubbing,  
23 recontouring or removal of earth materials on the surface layer or any combination thereof.

24  
25 **19.150.385 Grazed Wet Meadows.** “Grazed wet meadows” means ~~W~~wetlands whose vegetative  
26 cover has been greatly modified as a result of grazing, seeding, or cutting for hay. Grazed wet  
27 meadows are typically dominated by a pasture species (such as blue grass, orchard grass, fescue,  
28 clovers, reed canary grass, etc.) as well as non-native wetland species such as soft rush and buttercup.  
29 They are saturated or have standing water during the wet season and part of the growing season but are  
30 dry during the summer months. ~~Grazed wet meadows have been (within the last five years)-~~Grazed  
31 wet meadows are used, or have been used within the last five years, for livestock grazing, seeding or  
32 cutting for hay.

33  
34 **19.150.390 Grubbing.** “Grubbing” means ~~T~~the removal of vegetative matter from underground,  
35 such as sod, stumps, roots buried logs, or other debris, and ~~shall~~includes the incidental removal of  
36 topsoil to a depth not exceeding twelve inches.

37  
38 **19.150.395 Groundwater.** “Groundwater” means water in a saturated zone or stratum beneath the  
39 surface of land or water.

40  
41 ~~Habitat. The specific areas or environments in which a particular type of plant or animal lives. An~~  
42 ~~organism's primary and secondary habitat provides all the basic requirements for life of the organism~~

43  
44 **19.150.400 Habitat Management Plan.** “Habitat Management Plan” means a report prepared by a  
45 professional wildlife biologist or fisheries biologist which discusses and evaluates critical fish and  
46 wildlife habitat functions and evaluates the measures necessary to maintain, enhance and improve  
47 habitat conservation on a proposed development site.

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

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

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

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

**19.150.425 Hydrologist or Hydrogeologist.** “Hydrologist or hydrogeologist” means Aa person who has a bachelor of science degree in geologic sciences with an emphasis in hydrogeology or related field from an accredited college or university and has a minimum of five years<sup>2</sup> experience in groundwater investigations, modeling and remediation.

~~**Hydrophyte** Those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. Source: WAC 173-22-030.~~

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

~~**Investigation** Work necessary for land use application submittals such as surveys, soil logs, percolation tests or other related activities.~~

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

**19.150.440 Liquefaction.** “Liquefaction” means Aa process in which a water-saturated soil, upon shaking, suddenly loses strength and behaves as a fluid (See Chapter 19.200, Wetlands).

**19.150.445 Lot.** ~~A single parcel of land, legally severed from a larger parcel, which is described and delineated in a long or short plat or which is described in a real estate conveyance. Source: Kitsap County Zoning Ordinance, amended 1994.~~ “Lot” means a fractional part of divided lands, having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area.

1 **19.150.450** **Low Impact Activities.** “Low impact activities” means ~~A~~activities that do not require a  
2 development permit and/or do not result in any alteration of hydrology or adversely impact the  
3 environment.  
4

5 **19.150.455** **Major New Development.** For the purposes of this title, “major new development”  
6 means ~~Any new development, as defined below, the following activities if proposed within or within~~  
7 two hundred feet of a critical area:  
8

- 9 A. Subdivisions of land;
- 10
- 11 B. Clearing, grading or filling one acre or greater in area;
- 12
- 13 C. Any new commercial development in excess of 750 square feet in area authorized in the Kitsap  
14 County Zoning Ordinance;
- 15
- 16 D. Development requiring conditional use permits required under Title 17 the Kitsap County  
17 Zoning Ordinance;
- 18
- 19 E. ~~Planned unit~~ Performance Based developments authorized under Title 17 the Kitsap County  
20 Zoning Ordinance;
- 21
- 22 F. Any structure footprint in excess of 4,000 square feet in area, except for single family  
23 residences;
- 24
- 25 G. Any residential development except as exempted ~~below~~ under 19.150.460 minor new  
26 development.
- 27

28 **19.150.460** **Minor New Development.** ~~Any new development, as defined below, For the purposes~~  
29 of this title, minor new development means ~~Any new development, as defined below, the following~~  
30 activities if proposed within or within two hundred feet of a critical area:  
31

- 32 A. Normal maintenance or repair of existing structures or developments, including damage by  
33 accident, fire or elements;
- 34
- 35 B. Emergency construction necessary to protect property from damage by the elements;
- 36
- 37 C. Construction and practices normal or necessary for farming, irrigation, and ranching activities,  
38 including agricultural service roads and utilities, construction of an agricultural building less  
39 than 3,000 square feet in size used exclusively for agricultural activities and the construction  
40 and maintenance of irrigation structures including but not limited to head gates, pumping  
41 facilities and irrigation channels; ~~;~~ provided, that a feedlot of any size, all processing plants,  
42 other activities of a commercial nature, alteration of the contour of wetlands or streams by  
43 leveling or filling other than that which results from normal cultivation, shall not be considered  
44 normal or necessary farming or ranching activities;
- 45
- 46 D. Construction of one single family residence and normal appurtenances necessarily connected to  
47 the use and enjoyment of a single-family residence, ~~and~~ which may include a garage; a deck; a

1 driveway, utilities, fences, grading less than one acre in area, and home occupations  
2 pursuant to Title 17 the Kitsap County Zoning Ordinance, as now or hereafter amended;

- 3
- 4 E. Construction of a dock, designed for pleasure craft only, for the private noncommercial use of  
5 the owner, lessee, or contract purchaser of a single-family residence;
- 6
- 7 F. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing  
8 prior to the date of adoption of this title, which were created, developed, or utilized primarily as  
9 a part of an agricultural drainage or diking system.
- 10
- 11 G. Development authorized by Section 19.100.120 (General Exemptions) and/or by Section  
12 19.100.130 (Standards for Existing Development).

13

14 **19.150.465 Mitigation.** “Mitigation” means ~~A~~avoiding, minimizing or compensating for adverse  
15 critical area impacts. Mitigation includes the following specific categories:

16

17 A. Compensatory ~~M~~mitigation ~~, compensatory~~: replacing project-induced critical area losses or  
18 impacts, including, but not limited to, restoration, creation, or enhancement.

19

20 B. Creation ~~M~~mitigation ~~, creation~~: mitigation performed to intentionally establish a critical  
21 area (e.g., wetland) at a site where it does not currently exist.

22

23 C. Enhancement ~~M~~mitigation ~~, enhancement~~: mitigation performed to improve the condition  
24 of existing degraded critical areas (e.g., wetlands) so that the functions they provide are of a  
25 higher quality.

26

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

31

32 **19.150.470 Native Vegetation.** “Native vegetation” means ~~V~~vegetation indigenous to the Puget  
33 Sound coastal lowlands.

34

35 **19.150.475 Non-conforming Use or Structure.** “Non-conforming use or structure” means ~~A~~a use  
36 of land or structure which was lawfully established or built and which has been lawfully continued, but  
37 which does not conform to the current regulations of the zone in which it is located as established by  
38 the provisions of Title 17 the Kitsap County Zoning Ordinance relating to repair of damaged  
39 structures, this title, or amendments thereto.

40

41 **19.150.480 Normal Maintenance.** “Normal maintenance” means ~~I~~ncludes those usual acts to  
42 prevent a decline, lapse or cessation from a lawfully established condition. Normal maintenance  
43 includes removing debris from and cutting or manual removal of vegetation in crossing and bridge  
44 areas. Normal maintenance does not include:

- 45
- 46 1. Use of fertilizer or pesticide application in wetlands, fish and wildlife habitat  
47 conservation areas, or their buffers;

- 1  
2 2. Re-digging ditches in wetlands or their buffers to expand the depth and width beyond  
3 the original ditch dimensions;  
4  
5 3. Re-digging existing drainage ditches in order to drain wetlands on lands not classified  
6 as existing and ongoing agriculture under Section 19.100.120 (General Exemptions).  
7

8 **19.150.485 Open Space.** ~~This is~~ "Open space" means land used for outdoor recreation, critical area  
9 or resource land protection, amenity, safety or buffer, and including structures incidental to these  
10 open space uses, but excluding yards required by this title and land occupied by dwellings or  
11 impervious surfaces not related to the open space uses.  
12

13 **19.150.490 Ordinary High Water Mark.** "Ordinary high water mark" means ~~that~~ that mark that will  
14 be found by examining the bed and banks and ascertaining where the presence and action of waters are  
15 so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character  
16 distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1,  
17 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits  
18 issued by a local government or the department; ~~provided,~~ provided, that in any area where the ordinary high  
19 water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of  
20 mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean  
21 high water.  
22

23 ~~**Organic Debris.** Includes, but is not limited to, stumps, logs, branches, leaves and other organic~~  
24 ~~materials.~~  
25

26 **19.150.495 Out-of-Kind Compensation.** "Out-of-kind compensation" ~~M~~means to replace a critical  
27 area (e.g., wetland) with a substitute critical area (e.g., wetland) whose characteristics do not closely  
28 approximate those destroyed or degraded by a regulated activity. It does not refer to replacement "out-  
29 of-category," ~~such as~~ such as replacement of wetland loss with new stream segments.  
30

31 **19.150.500 Performance Based Development (PBD) Planned Unit Development (PUD).**  
32 "Performance based development" ~~D~~development characterized by comprehensive planning of  
33 the total project, though it may contain a variety of individual lots and/or uses. Typically a project may  
34 include clustering of structures and preservation of open space with a number of flexible and  
35 customized design features specific to the natural features of the property and the uses sought to be  
36 implemented. Specific lot area and setback requirements ~~are~~ may be reduced or deleted in order to  
37 allow maximization of open space, critical areas and other components of the project.  
38

39 **19.150.505 Permeability.** "Permeability" means the capacity of an aquifer or confining bed to  
40 transmit water.  
41

42 **19.150.510 Permit.** "Permit" means ~~A~~any development, variance, conditional use permit, or  
43 revision authorized under RCW 90.58 or Kitsap County regulations.  
44

45 **19.150.515 Pond.** "Pond" means ~~A~~a naturally existing or artificially created body of standing water  
46 less than twenty acres in size and not defined as "Shorelines of the State" by Chapter 90.58 RCW  
47 (Shoreline Management Act).

1  
2 **19.150.520 Practicable Alternative.** “Practicable alternative” means Aan alternative that is  
3 available and capable of being carried out after taking into consideration cost, existing technology, and  
4 logistics in light of overall project purposes, and having less impacts to critical areas. It may include an  
5 area not owned by the applicant which ~~could~~ can reasonably ~~have been or~~ be obtained, utilized,  
6 expanded, or managed in order to fulfill the basic purpose of the proposed activity.  
7

8 **19.150.525 Priority Habitat.** “Priority habitat” means Aa seasonal range or habitat element with  
9 which a given species has a primary association, and which, if altered may reduce the likelihood that  
10 the species will maintain and reproduce over the long term. These might include areas of high relative  
11 density or species richness; breeding, nesting, feeding, foraging, and migratory habitat; winter range,  
12 movement corridors; and/or habitats that are of limited availability or high vulnerability to alteration.  
13 Priority habitats are established by the Washington State Department of Fish and Wildlife within their  
14 Priority Habitats and Species Database.  
15

16 **19.150.530 Priority Species.** ~~Priority species include those which are state-listed endangered,~~  
17 ~~threatened, sensitive, candidates and monitor, species as well as priority game and non-game species.~~  
18 “Priority species “ means species requiring protective measures and/or management to ensure their  
19 persistence at genetically viable population levels. Priority species include state-listed or state  
20 proposed endangered, threatened or sensitive species and candidate and monitored species.  
21

22 **19.150.535 Public Facilities.** “Public facilities” means Ffacilities which are owned, operated and  
23 maintained by a public agency.  
24

25 **19.150.540 Public Project of Significant Importance.** “Public project of significant importance”  
26 means Aa project funded by a public agency, department or jurisdiction ~~which that~~ is found to be in the  
27 best interests of the citizens of Kitsap County and is so declared by the Kitsap County board of  
28 commissioners in a resolution.  
29

30 **19.150.545 Public Right-of-Way.** “Public right-of-way” means Aany road, alley, street, avenue,  
31 arterial, bridge, highway, or other publicly owned ground or place used or reserved for the free passage  
32 of vehicular and/or pedestrian traffic or other services, including utilities.  
33

34 **19.150.550 Public Utility.** “Public utility” means Aa business or service, either governmental or  
35 having appropriate approval from the state, which is engaged in regularly supplying the public with  
36 some commodity or service which is of public consequence and need, such as, electricity, gas, sewer  
37 and/or wastewater, water, transportation or communications.  
38

39 **19.150.555 Ravine.** “Ravine” means Aa V-shaped landform, generally having little to no floodplain  
40 and normally containing steep slopes, which is deeper than ten vertical feet as measured from the  
41 centerline of the ravine to the top of the slope. Ravines are typically created by the wearing action of  
42 streams.  
43

44 ~~**Refuse.** Material placed in a critical area or its buffer without permission from any legal authority.~~  
45 ~~Refuse includes, but is not limited to, stumps, wood and other organic debris, as well as tires,~~  
46 ~~automobiles, construction and household refuse. This does not include large woody debris used with an~~  
47 ~~approved enhancement plan.~~

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

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

11  
12 **19.150.570 Reasonable Use Exception.** ~~The process by which Kitsap County determines~~  
13 “Reasonable use exception” means an exception to the standards of this title that allowab ~~e~~s for the  
14 use of a property which cannot otherwise conform to the requirements set forth in this title, including  
15 the variance criteria. (See Section 19.100.140 for Reasonable Use Exception procedures.)

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

21  
22 **19.150.580 Regulated Use or Activity.** “Regulated use or activity” means ~~A~~any development  
23 proposal which includes or directly affects a critical area or its buffer, or occurrings within two  
24 hundred feet of a critical area (See definition of "adjacent" and "development").

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

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

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

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

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

1  
2 **19.150.610 Shorelines.** For the purposes of this title, “shorelines” means ~~A~~All of the water areas of  
3 the state, including reservoirs, and their associated wetlands, together with the lands underlying them;  
4 except ~~(i) shorelines of statewide significance; (ii) (i) shorelines on segments of streams upstream of a~~  
5 point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated  
6 with such upstream segments; and ~~(iii) (ii) shorelines on lakes less than twenty acres in size and~~  
7 wetlands associated with such small lakes.

8  
9 ~~**Shorelines of Statewide Significance.** Those areas designated under RCW 90.58.030(e) (See Chapter~~  
10 ~~22.24 of this code, the Shoreline Management Master Program).~~

11 ~~A. Marine shorelines designated as shorelines of statewide significance:~~

12 ~~1. Hood Canal – from Foulweather Bluff to the southwestern corner of the boundary of Kitsap County,~~  
13 ~~near Chinum Point (includes tidelands and associated wetlands).~~

14 ~~2. Puget Sound – line waterward from line of extreme low tide.~~

15  
16 **19.150.615 Single-Family Dwelling.** “Single family dwelling” means ~~A~~Aa building or structure  
17 which is intended or designed to be used, rented, leased, let or hired out to be occupied for living  
18 purposes by one family and including accessory structures and improvements.

19  
20 **19.150.620 Special Flood Hazard Areas.** “Special flood hazard area” means ~~T~~The area adjoining  
21 the floodway which is subject to a one percent or greater chance of flooding in any year, as determined  
22 by engineering studies acceptable to Kitsap County. The coastal high hazard areas are included within  
23 special flood hazard areas.

24  
25 **19.150.625 Species of Concern.** “Species of concern” means those ~~These are~~ species that have  
26 been classified as endangered, threatened, sensitive, candidate, or monitored by the Washington State  
27 Department of Fish and Wildlife.

28  
29 **19.150.630 State Environmental Policy Act or SEPA.** “State Environmental Policy Act or SEPA”  
30 means ~~T~~The state environmental law (Chapter 43.21C RCW) and rules (Chapter 197-11 WAC) as  
31 implemented by Kitsap County Code, ~~Chapter 18-04~~ Title 18 Environment.

32  
33 **19.150.635 Streams.** “Streams” means ~~T~~Those areas in Kitsap County where the surface water  
34 flows are sufficient to produce a defined channel or bed. A defined channel or bed is an area which  
35 demonstrates clear evidence of the passage of water and includes but is not limited to bedrock  
36 channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not  
37 contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or  
38 surface water runoff devices or other artificial watercourses unless they are used by fish or used to  
39 convey streams naturally occurring prior to construction.

40  
41 ~~**Susceptibility (groundwater).** The potential an aquifer has for groundwater contamination, based on~~  
42 ~~factors which include but are not limited to depth of aquifer, soil permeability, topography, hydraulic~~  
43 ~~gradient and conductivity, and precipitation.~~

44  
45 **19.150.640 Swale.** “Swale” means ~~A~~Aa shallow drainage conveyance with relatively gentle side  
46 slopes, generally with flow depths less than one foot.

1 **19.150.645 Threatened Species (state listed).** “Threatened species” means ~~A~~a species, native to  
2 the state of Washington, that is likely to become endangered in the foreseeable future throughout a  
3 significant portion of its range within the state without cooperative management or the removal of  
4 threats. Threatened species are legally designated in WAC 232-12-011.  
5

6 **19.150.650 Toe of Slope.** “Toe of slope” means ~~A~~a distinct topographic break in a slope. Where no  
7 distinct break exists, this point shall be the lowermost limits of the landslide hazard area as defined and  
8 classified in Chapter 19.600.  
9

10 **19.150.655 Top of Slope.** “Top of slope” means ~~A~~a distinct topographic break in a slope. Where no  
11 distinct break in a slope exists, this point shall be the uppermost limit of the geologically hazardous  
12 area as defined and classified in Chapter 19.400.  
13

14 **19.150.660 Unavoidable and Necessary Impacts.** “Unavoidable and necessary impacts” means  
15 ~~A~~an impact to a critical area that remains after an applicant proposing to alter such an area has  
16 demonstrated that no practicable alternative exists for the proposed project.  
17

18 **19.150.665 Utilities.** “Utilities” means ~~F~~facilities and/or structures which produce or carry electric  
19 power, gas, sewage, water, communications, oil, publicly maintained storm water facilities, etc.  
20

21 **19.150.670 Utility Corridor.** “Utility corridor” means ~~A~~areas identified in the Comprehensive Plan  
22 for utility lines, including electric, gas, sewer, water lines; and public right-of-way and other dedicated  
23 utility right-of-way on which one or more utility lines are currently located. The term "other dedicated  
24 utility right-of-way" means ownership, easements, permits, licenses or other authorizations affording  
25 utilities the right to operate and maintain utility facilities on private property.  
26

27 ~~**Vulnerability (groundwater).** The likelihood that an aquifer could be contaminated, based on both  
28 susceptibility and land use. High vulnerability generally means an aquifer which has high susceptibility  
29 to contamination, and is located in a land use area conducive to contamination, such as industrial or  
30 residential. High vulnerability includes high potential areas for overdrafting and/or saltwater intrusion.~~  
31

32 **19.150.675 Wetland Determination.** “Wetland determination” means ~~A~~an on-site determination as  
33 to whether a wetland exists on a specific parcel, conditioned by either a wetland specialist or the  
34 department. A wetland determination does not require a formal delineation.  
35

36 **19.150.680 Wetland Edge.** “Wetland edge” means ~~T~~the line delineating the outer edge of a  
37 wetland established in Section 19.200.210.  
38

39 **19.150.685 Wetlands.** “Wetlands” means ~~T~~those areas that are inundated or saturated by surface or  
40 ground water at a frequency and duration sufficient to support, and that under normal circumstances do  
41 support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands  
42 generally include, but are not limited to swamps, marshes, estuaries, bogs, and ponds less than twenty  
43 acres, including their submerged aquatic beds and similar areas. Wetlands do not include those  
44 artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation  
45 and drainage ditches, grass-lined swales, canals, storm water facilities, wastewater treatment facilities,  
46 farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were  
47 unintentionally created as a result of the construction of a road, street, or highway. Wetlands include

1 those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of  
2 wetlands.

3  
4 **19.150.690 Wetlands, Isolated.** “Wetlands, isolated” or “isolated wetlands” means wetlands ~~which~~  
5 ~~that~~ (1) are outside of and not contiguous to any one-hundred-year floodplain of a lake, river, or  
6 stream; and (2) have no contiguous hydric soil or hydrophytic vegetation between the wetland and any  
7 surface water or other wetland within a 100 foot radius.

8  
9 **19.150.695 Wetlands, Mosaic.** “Wetlands, mosaic” or “mosaic wetlands” means ~~groups of isolated~~  
10 ~~wetlands, any one or more of which may be smaller than any of the regulated categories, but which in~~  
11 ~~aggregate may be as valuable as any of the regulated categories.~~

12  
13 **19.150.700 Wetlands of Regional Significance.** “Wetlands of regional significance” means ~~Those~~  
14 regulated wetlands determined by the department, or otherwise determined, to have characteristics of  
15 exceptional resource value which should be afforded the highest levels of protection

16 ~~Isolated Wetlands. Wetlands which: (1) are outside of and not contiguous to any one-hundred-year~~  
17 ~~floodplain of a lake, river, or stream; and (2) have no contiguous hydric soil or hydrophytic vegetation~~  
18 ~~between the wetland and any surface water or other wetland.~~

19  
20 **19.150.705 Wetlands of Statewide Significance.** “Wetlands of statewide significance” means  
21 ~~Those~~ regulated wetlands recommended by the Washington State Department of Ecology and  
22 determined by the department to have characteristics of exceptional resource value which should be  
23 afforded the highest levels of protection.

24  
25 **19.150.710 Wetlands Report.** “Wetlands report” means ~~A~~ a wetland delineation characterization  
26 and analysis of potential impacts to wetlands consistent with applicable provisions of Chapter 19.200  
27 (Wetlands) and 19.700.710.

28  
29 **19.150.715 Wetlands Specialist.** ~~A person who has earned a bachelor's degree in biological~~  
30 ~~sciences with specific course work concerning the functions and values of wetlands from an accredited~~  
31 ~~college or university with a minimum of two years of related work experience; or a qualified~~  
32 ~~consultant or professional person who has equivalent education and training or with equivalent~~  
33 ~~experience acceptable to the department. The county will maintain a list of approved wetland~~  
34 ~~specialists. “Wetlands specialist” means a person with experience and training in wetland issues who~~  
35 ~~is able to submit substantially correct reports on wetland delineations, classifications, functional~~  
36 ~~assessments and mitigation plans. Substantially correct is interpreted to mean that errors, if any, will~~  
37 ~~be minor and do not delay or affect the site plan review process. Qualifications of a wetlands specialist~~  
38 ~~include:~~

- 39 i) certification as a Professional Wetland Scientist (PWS) or Wetland Professional In  
40 Training (WPIT) through the Society of Wetland Scientists;  
41 ii) a Bachelor of Science degree in the biological sciences from an accredited institution  
42 and two years of professional field experience; or,  
43 iii) five or more years professional experience as a practicing wetlands biologist with a  
44 minimum three years professional experience delineating wetlands.

45  
46 ~~Wetpond. An artificial water body constructed as a part of a surface water management system.~~  
47

1 **19.150.720 Wildlife Biologist.** ~~A person who has earned a minimum of a bachelor's degree in~~  
2 ~~wildlife biology and has a minimum of five years of field experience in wildlife biology and habitat~~  
3 ~~evaluation. "Wildlife biologist" means a person with experience and training in the principles of~~  
4 ~~wildlife management and with practical knowledge in the habits, distribution and environmental~~  
5 ~~management of wildlife. Qualifications include:~~

- 6 i) Certification as Professional Wildlife Biologist through The Wildlife Society;  
7 ii) Bachelor of Science or Bachelor of Arts degree in wildlife management, wildlife  
8 biology, ecology, zoology, or a related field, from an accredited institution and two  
9 years of professional field experience; or,  
10 iii) Five or more years of experience as a practicing wildlife biologist with a minimum of  
11 three years of practical field experience.

12  
13 **19.150.630 Wildlife Nesting Structure.** ~~Structure erected for the sole purpose of providing a~~  
14 ~~wildlife nesting site.~~  
15 (Ord. 217 (1998) § 3 (part), 1998)

16  
17  
18 **Chapter 19.200**  
19 **WETLANDS**

20  
21 **19.200.205 Purpose.**  
22 ~~19.200.215~~ **210 Wetland Categories.**  
23 ~~19.200.220~~ **215 Regulated and Non-regulated Wetlands Classification.**  
24 ~~19.200.225~~ **220 Development Standards for Wetland Buffers.**  
25 ~~19.200.230~~ **225 Regulated Uses and Activities.**  
26 ~~19.200.235~~ **230 Additional Development Standards for Regulated Uses.**  
27 ~~19.200.240~~ **235 Special Use Review.**  
28 ~~19.200.245~~ **240 Application Requirements.**  
29 ~~19.200.250~~ **245 ~~Determination~~ Delineation of Wetland Boundaries.**  
30 ~~19.200.255~~ **250 Wetland Mitigation Requirements.**  
31 ~~19.200.260~~ **255 Incentives for Wetlands Protection.**

32  
33  
34 **19.200.205 Purpose.**

35  
36 This chapter applies to all regulated uses within or adjacent to areas designated as wetlands, as defined  
37 ~~categorized~~ in Section ~~19.200.210~~ 150.685 below. The intent of this chapter is to:

- 38  
39 A. Achieve no net loss and increase the quality and function and values of wetland acreage,  
40 ~~functions and values~~ within Kitsap County. Mitigation measures, as conditions of permits, must  
41 have a reasonable expectation of success. Under the conditions of this chapter, the department  
42 may deny development proposals that would irreparably impact regulated wetlands;  
43  
44 B. Protect the public's health, safety and welfare, while preventing public expenditures that could  
45 arise from improper wetland uses and activities;  
46

- 1 C. Plan wetland uses and activities in a manner that allows property holders to benefit from  
2 wetland property ownership wherever allowable under the conditions of this chapter and the  
3 ordinance from which it derives;  
4
- 5 D. Preserve natural flood control, storm water storage and drainage or stream flow patterns; and,  
6
- 7 E. Prevent turbidity and pollution of wetlands, and fish or shellfish-bearing waters and to maintain  
8 the wildlife habitat.  
9 (Ord. 217 (1998) § 3 (part), 1998)

10  
11 **19.200.215210 Wetland categories.**

12  
13 ~~Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and~~  
14 ~~duration sufficient to support, and that under normal circumstances, do support a prevalence of~~  
15 ~~vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps,~~  
16 ~~estuaries, marshes, bogs, fens, and similar areas. For regulatory purposes, wetland delineations shall be~~  
17 ~~determined by using the Washington State Wetlands Identification and Delineation Manual, March~~  
18 ~~1997, or as amended hereafter.~~

19  
20 Kitsap County uses the ~~Department of Ecology's~~ Washington State Wetland Rating System for  
21 Western Washington, 2nd Edition, 1993, issued by the Washington Department of Ecology (DOE), or  
22 as now or amended hereafter, and adopted by the department, to categorize wetlands for the purposes  
23 of establishing wetland buffer widths, wetland uses and replacement ratios for wetlands. This system  
24 consists of four wetland categories (See Chapter 19.800, Appendices, Appendix "A" for Wetland  
25 Categories).  
26 (Ord. 217 (1998) § 3 (part), 1998)

27  
28 **19.200.220215 Regulated and non-regulated wetlands classification.**

29  
30 **A. Regulated Wetlands.** (See ~~definition in~~ Chapter 19.800 Appendix A).

- 31
- 32 1. Category I Wetlands: All.
  - 33
  - 34 2. Category II Wetlands: All.
  - 35
  - 36 3. Category III Wetlands: 2,500 square feet or greater.
  - 37
  - 38 4. Category IV Wetlands: 10,000 square feet or greater.
  - 39
  - 40 5. Wetlands intentionally created from non-wetland areas to mitigate conversion of other  
41 wetlands.
  - 42
  - 43 6. ~~Groups of isolated wetlands~~ Mosaic wetlands ~~groups of isolated wetlands, any one or~~  
44 ~~more of which may be smaller than any of the above categories, but which in aggregate~~  
45 ~~may be as valuable as any of the above categories. (as defined at 19.150.695).~~
  - 46

47 **B. Non-Regulated Wetlands.**

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1. Category III Wetlands: Isolated wetlands less than 2,500 square feet.
2. Category IV Wetlands: Isolated wetlands less than 10,000 square feet.
3. Created Wetlands: Wetlands created intentionally from a non-wetland site that were not required to be constructed as mitigation for adverse wetland impacts. These may include, but are not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment ponds, farm ponds not contiguous, as defined in this title, and landscape amenities. 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 III or IV wetlands for purposes other than mitigation, the original rating shall be maintained even if the changes would otherwise result in a higher classification.

(Ord. 217 (1998) § 3 (part), 1998)

**19.200.225220 Development Standards for Wetland Buffers.**

For the purpose of this title, a regulated wetland and its buffer ~~is~~ are a critical area.

~~A. There shall be no activity allowed within a regulated wetland or its buffer unless specifically allowed under this title 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 title (See Section 19.200.240 235, Special Use Review).~~

**BA. 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.

**CB. Buffer Widths.** All regulated wetlands shall be surrounded by a buffer zone as shown in Table 1.

<b>Table 1. Wetland Development Standards</b>			
<b>Wetland Category</b>	<b>Buffer Width Standard</b>	<b>Minimum Building Setback</b>	<b>Other Development Standards</b>
<b>I</b>	200 feet	15 feet beyond buffer	See subsections <u>D</u> , E, F, and G below for criteria relating to buffer averaging, decreased buffer provisions and increased buffer provisions.
<b>II</b>	100 feet	15 feet beyond buffer	
<b>III</b>	<del>50</del> <u>75</u> feet	15 feet beyond buffer	
<b>IV</b>	<del>25 feet</del> <u>30 feet</u>	15 feet beyond buffer	

35

1 ~~D~~ C. **Buffer Measurement.** All buffers shall be measured on a horizontal plane from the regulated  
2 wetland edge as marked in the field.  
3

4 ~~E~~ D. **Buffer Averaging.** Standard buffer widths may be modified by the department for a  
5 development proposal by averaging buffer widths. The total area contained within the buffer  
6 after averaging shall be no less than that contained within the standard buffer prior to  
7 averaging. The buffer shall not be reduced by more than fifty percent of the standard buffer  
8 width at any point. The department may allow wetland buffer averaging where it can be  
9 demonstrated that such averaging can clearly provide as great or greater functions and values as  
10 would be provided under the standard buffer requirement. Averaging of buffer widths may be  
11 allowed where the applicant demonstrates one or more of the following:  
12

- 13 1. That the wetland contains variations in sensitivity due to existing physical  
14 characteristics;
- 15  
16 2. Activities with less disturbance to wetland functions and values shall be located in the  
17 areas closest to the wetland buffer that is to be reduced. The location of these activities  
18 shall be ~~That lower intensity disturbance uses would be located within two hundred feet~~  
19 ~~of areas where buffer width is reduced, and that uses are guaranteed in perpetuity by~~  
20 ~~covenant, deed restriction, easement, or other legally binding mechanism;~~  
21
- 22 3. That averaging is necessary to avoid an extraordinary hardship to the applicant caused  
23 by circumstances peculiar to the property.  
24

25 ~~F~~ E. **Decreased Buffer Provisions.** The department may decrease buffer widths upon granting of a  
26 variance, according to the procedures of this title or through buffer averaging as outlined above.  
27 Granting of a reduced buffer shall be the minimum necessary to accommodate the permitted  
28 use. In lieu of going through the formal variance process, an administrative reduction to buffer  
29 widths may be granted subject to the following criteria:  
30

- 31 1. For minor new development, the department may administratively reduce the buffer by  
32 up to twenty-five percent, pursuant to the variance criteria listed in Section 19.100.135.  
33 Where an administrative buffer reduction is granted, fencing or signage of the buffer  
34 edge shall be required. The order of sequence for such buffer reductions shall be as  
35 follows:  
36
  - 37 a. Use of buffer averaging maintaining one hundred percent of the buffer area  
38 under the standard buffer requirement;
  - 39  
40 b. Reduction of the overall buffer area by no more than twenty-five percent of the  
41 area required under the standard buffer requirement;
  - 42  
43 c. Enhancement of existing degraded buffer area and replanting of the disturbed  
44 buffer area;
  - 45  
46 d. The use of alternative on-site wastewater systems in order to minimize site  
47 clearing;

1  
2 e. Infiltration of storm water where soils permit; and

3  
4 f. Retention of existing native vegetation on other portions of the site in order to  
5 offset habitat loss from buffer reduction.  
6

7 2. For major new development, the department may reduce the buffer by up to twenty-five  
8 percent; where it can be demonstrated in a special report that enhancement of the  
9 existing low quality buffer can clearly provide as great or greater functions and values,  
10 as would be provided under the standard buffer requirement.

11  
12 3. A buffer enhancement plan must utilize native vegetation.

13  
14 4. The minimum buffer shall be no less than ~~twenty-five~~ thirty feet, except as allowed  
15 under a formal variance or reasonable use approval.  
16

17 **G E. Increased Buffer Provisions.** The department may increase buffer zone widths for a  
18 development project on a case-by-case basis when a larger buffer is necessary to protect  
19 wetland functions and values. Such determination shall be based on site-specific and project-  
20 related conditions which include, but are not limited to:  
21

22 1. Wetland sites with known locations of endangered or threatened species for which a  
23 habitat management plan indicates a larger buffer is necessary to protect habitat values  
24 for such species;

25  
26 2. The adjacent land is susceptible to severe erosion and erosion control measures alone  
27 will not effectively prevent adverse wetland impacts; or  
28

29 3. The adjacent land on the development proposal site has minimal vegetative cover or  
30 slopes greater than thirty percent; ~~or~~

31  
32 4. ~~The proposed development within two hundred feet of the regulated wetland would be a~~  
33 ~~high intensity use.~~  
34

35 **G. Provisions for Wetland Buffers in Class I Wildlife Conservation Areas.** When an existing  
36 wetland category is upgraded due to the designation of a Class I Wildlife Conservation Area,  
37 the wetland buffer shall be 200 feet from the identified habitat edge or the existing wetland  
38 buffer required in Table 1, whichever is greater. Habitat will be identified by a qualified  
39 fisheries or wildlife biologist, or by the department, to determine the extent of Class I Wildlife  
40 Conservation Area species presence and use.  
41

42 **H Fencing and Signs.** This subsection applies to those wetlands and their buffers that are within  
43 two hundred feet of regulated development activities.  
44

45 1. Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required  
46 by the department, between the area where the construction activity occurs and the  
47 buffer. Fences shall be made of a durable protective barrier and shall be highly visible.

1 Silt fences and plastic construction fences may be used to prevent encroachment on  
2 wetlands or their buffers by construction. Temporary fencing shall be removed after the  
3 site work has been completed and the site is fully stabilized per county approval.  
4

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

10  
11 I **Building or Impervious Surface Setback Lines.** A building or impervious surface setback  
12 line of fifteen feet is required from the edge of any wetland buffer. Minor structural or  
13 impervious surface intrusions into the areas of the setback may be permitted if the department  
14 determines that such intrusions will not adversely impact the wetland. The setback shall be  
15 identified on a site plan and filed as an attachment to the notice to title as required by Section  
16 19.100.150 (Notice to Title).  
17 (Ord. 217 (1998) § 3 (part), 1998)

18  
19  
20 **19.200.230225 Regulated uses and activities.**

- 21  
22 A. There shall be no activity allowed within a regulated wetland or its buffer unless specifically  
23 allowed under this title in Table 2. Kitsap County may grant exceptions to these uses and  
24 activities according to the intent and specifications of this title.  
25  
26 B. Any regulated uses not specifically listed in Table 2 shall be considered unclassified and may be  
27 allowed if granted a special use review in accordance with this title (See Section 19.200.240235,  
28 Special Use Review). All authorized uses and activities in a regulated wetland or its buffer shall  
29 be subject to conditions established by the department and may be subject to mitigation as  
30 required by this title.

31  
32 ~~Major and minor new development activities on properties containing regulated wetlands and~~  
33 ~~buffers are subject to the development standards in this section, as permitted in the underlying~~  
34 ~~zoning designation. Requirements for additional activities are specified in Table 2. Kitsap County~~  
35 ~~may grant exceptions to these uses and activities according to the intent and specifications of this~~  
36 ~~title.~~

37  
38 C. Development Regulated uses and activities shall be classified as "allowed," "permitted,"  
39 "special use" (Section 19.200.24035) or "prohibited" according to this ~~chapter~~ title. ~~Any regulated~~  
40 ~~uses not specifically listed in Table 2 shall be considered unclassified and may be allowed if~~  
41 ~~granted a special use review in accordance with this title.~~ The wetland categories in Table 2 are  
42 defined in the appendices (19.800 Appendices). For the purpose of Table 2, "W" and "B" refer to  
43 the terms "wetland" and "buffer."  
44

45 **Table 2 Key:**

46 **A** = Allowed Outright  
47 **P** = Permitted Use Subject to Development Standards

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5

**S** = Underlying Permit  
**X** = Special Use Review Required  
**X** = Prohibited

<b>Table 2.</b>									
<b>Regulated Uses and Activities in Regulated Wetlands and Buffers</b>	<u>Category I</u>		<u>Category II</u>		<u>Category III</u>		<u>Category IV</u>		
	<u>W</u>	<u>B</u>	<u>W</u>	<u>B</u>	<u>W</u>	<u>B</u>	<u>W</u>	<u>B</u>	
1. Agriculture-existing & ongoing	A	A	A	A	A	A	A	A	A
2. Agriculture-Building (Grazed Wet Meadows)	X	X	X	S	S	P	S	P	
3. A. Agriculture Conversion (Wetland dependent)	X	X	X	S	S	S	S	S	S
B. (Non-wetland dependent)	X	X	X	X	S	S	S	S	S
4. Bank stabilization	X	X	S	S	S	S	P	P	
5. Boat ramp	X	X	S	S	S	S	S	S	
6. Dock/float	S	S	S	S	S	S	P	P	
7. Draining Wetlands (associated with no other permitted use, except as allowed under Section 120.C.)	X	N/A	X	N/A	X	N/A	X	N/A	
8. Education and Scientific Research (no permanent structures)	P	P	P	P	P	P	A	<u>AP</u>	
9. Enhancement	S	S	P	P	P	P	P	P	
10. Excavation (not associated with enhancement)	X	X	S	S	S	S	S	S	
11. Fill (associated with no other use)	X	X	X	X	X	X	X	X	
12. Fish Hatchery	X	X	S	S	S	S	S	S	
13. Flooding (associated with no other use)	X	X	S	S	S	S	S	S	
14. Forest Practice-Class IV	X	X	X	S	S	S	S	S	

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**Table 2.**

Regulated Uses and Activities in Regulated Wetlands and Buffers	Category I		Category II		Category III		Category IV	
	W	B	W	B	W	B	W	B
General or COHP								
15. Golf Course	X	X	S	S	S	S	S	S
16. Land Division	P	P	P	P	P	P	P	P
17. Mineral extraction	X	X	S	S	S	S	S	S
<del>18. Mooring Buoy</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>19. Navigational Aid</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
20. Parks-Public & Private	S	S	S	S	S	S	P	P
21. Ponds-Stock Watering	X	X	X	S	X	S	S	P
22. Public Facility	X	X	X	S	S	S	S	S
23. Public Project of Significant Importance	S	S	S	S	S	S	S	S
24. Radio/TV Towers	X	X	S	S	S	S	S	S
25. Restoration/Revegetation of Site	S	S	P	P	P	P	P	P
26. Road/Street-Public/Private Access								
A. Expand within existing ROW	S	S	S	S	S	S	P	P
B. New Facilities	X	X	S	S	S	S	P	P
27. Signs-(Interpretation, Hazard, Critical Area Boundary, Survey Markers)	P	P	P	P	P	P	P	P
28. Site Investigation	A	A	A	A	A	A	A	A
29. Stormwater, Private R/D Facility	X	X	X	S	S	S	S	S
<del>30. Stormwater, Regional R/D Facility</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>
31. Trails and Trail Related Facilities	S	S	S	S	<del>P</del> S	<del>P</del> S	<del>P</del> S	<del>P</del> S

Table 2.								
Regulated Uses and Activities in Regulated Wetlands and Buffers	Category I		Category II		Category III		Category IV	
	W	B	W	B	W	B	W	B
32. Utility Facility	X	X	S	S	S	S	S	S
33. Utility-On-Site Sewage Facility	X	X	X	S	X	S	X	S
34. Utility Line-Overhead	S	S	S	S	S	S	P	P
35. Utility Line-Underground	X	S	S	S	S	S	S	S

(Ord. 217 (1998) § 3 (part), 1998)

**19.200.235230 Additional development standards for regulated uses.**

In addition to meeting the development standards above (Section 19.200.2250), those regulated uses identified below shall also comply with the standards of this section and other applicable state, federal and local ordinances.

- A. **Docks.** Construction of a dock, pier, moorage, float or launch facility may be permitted subject to criteria in the Kitsap County Shoreline Management Master Program and where no existing buffer or wetland vegetation would be significantly altered.
- B. **Forest Practice, Class IV General, and Conversion Option Harvest Plans (COHP's).** All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this title, including the maintenance of buffers around regulated wetlands.
- C. **Agricultural Restrictions.** In all development proposals which would permit introduction of agricultural uses, damage to ~~Category I, II and III~~ all regulated wetlands shall be avoided. These restrictions shall not apply to those regulated wetlands defined as grazed wet meadows, regardless of their classification only where grazing has occurred within the last five years. Wetlands shall be ~~avoided~~ protected by installation of ~~one of the following methods:~~
  - 1. ~~Implementation of a farm conservation plan agreed upon by the conservation district and the applicant to protect and enhance the water quality of the wetland; and/or,~~
  - 2. ~~F~~ fencing located not closer than the outer buffer edge.
- D. **Road/Street Repair and Construction.** Any private or public road or street repair, maintenance, expansion or construction ~~which is allowed shall comply with the following minimum development~~ may be permitted, subject to the following standards:
  - 1. No other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;

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2. Publicly owned or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.; and,
3. The road or street repair and construction are the minimum necessary to provide safe roads and streets.
4. Mitigation shall be performed in accordance with specific project mitigation plan requirements.

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

1. Regulated wetlands, except the area with permanent open water, and wetland buffers may be included in the calculation of minimum lot area for proposed lots provided that other standards, including subdivision (3) below, are met.
2. Land division approvals shall be conditioned to require that regulated wetlands and regulated wetland buffers be dedicated as open space tracts, or as an easement or covenant encumbering the wetland and wetland buffer. Such dedication, easement or covenant shall be recorded together with the land division and represented on the final plat, short plat or binding site plan, and title.
3. In order to implement the goals and policies of this title, to accommodate innovation, creativity, and design flexibility, and to achieve a level of environmental protection that would not be possible by typical lot-by-lot development, the use of the clustered development or similar innovative site planning is strongly encouraged for projects with regulated wetlands on the site.
4. After preliminary approval and prior to final land division approval, the department may require that the common boundary between a regulated wetland or associated buffer and the adjacent land be identified using permanent signs and/or fencing. In lieu of signs and/or fencing, alternative methods of wetland and buffer identification may be approved when such methods are determined by the department to provide adequate protection to the wetland and buffer.

F. **Surface Water Management.** ~~The following storm water management activities within wetland or buffer areas may be allowed only if they meet the following requirements, in addition to the development standards in this chapter and in conformance with the Storm Water Management Ordinance (Title 12 of this code):~~

1. Surface water discharges from stormwater facilities or structures may be allowed ~~provided that when they are in accordance with Title 12 Stormwater Management Ordinance, the new surface water discharges to regulated wetlands from retention/detention facilities, pre-settlement ponds, or other surface water management structures may be allowed provided that~~ The discharge does shall not significantly increase or decrease the rate of flow and/or hydro-period, nor decrease the water quality of the wetland. ~~Water quality treatment best management practices will be required prior to discharge.~~ Pre-treatment of surface water discharge through biofiltration or other ~~means~~ best management practices (BMPs) shall be required.
2. Stormwater facilities may be allowed in wetland buffers as specified in Table 2.

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

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

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

1. The utility development authorized in Section 19.100.120 shall be allowed, subject to best management practices in wetlands and wetland buffers in accordance with Table 1.
2. Construction of new utilities outside the road right-of-way or existing utility corridors may be permitted in wetlands or wetland buffers, only when no reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined ~~below~~ in 5 and 6, below, and as

1 required in the filing and approval of applicable permits and special reports (Chapter  
2 19.700) required by this title.

- 3
- 4 3. Sewer or On-Site Sewage Utility. Construction of sewer lines or on-site sewage systems  
5 may be permitted in regulated wetland buffers only when: (1) The applicant  
6 demonstrates it is necessary to meet state and/or local health code minimum design  
7 standards (not requiring a variance for either horizontal setback or vertical separation);  
8 and/or (2) There are no other practicable or reasonable alternatives available and  
9 construction meets the requirements of this section. Joint use of the sewer utility  
10 corridor by other utilities may be allowed. Special Use Review (Section 19.200.240 ~~35~~)  
11 will be required when such activities occur in wetland buffers.
- 12
- 13 4. New utility corridors shall not be allowed when the regulated wetland or buffer has  
14 known locations of federal or state listed endangered, threatened or sensitive species,  
15 heron rookeries or nesting sites of raptors which are listed as state candidate or state  
16 monitor, except in those circumstances where an approved habitat management plan  
17 indicates that the utility corridor will not significantly impact the wetland or wetland  
18 buffer.
- 19
- 20 5. New utility corridor construction and maintenance shall protect the regulated wetland  
21 and buffer environment by utilizing the following methods:
- 22
- 23 a. New utility corridors shall be aligned when possible to avoid cutting trees  
24 greater than twelve inches in diameter at breast height (four and one-half feet),  
25 measured on the uphill side.
- 26
- 27 b. New utility corridors shall be revegetated with appropriate native vegetation at  
28 preconstruction densities or greater, immediately upon completion of  
29 construction, or as soon thereafter as possible, if due to seasonal growing  
30 constraints. The utility shall ensure that such vegetation survives.
- 31
- 32 c. Any additional utility corridor access for maintenance shall be provided as much  
33 as possible at specific points, rather than by parallel roads. If parallel roads are  
34 necessary, they shall be of a minimum width but no greater than fifteen feet; and  
35 shall be contiguous to the location of the utility corridor on the side away from  
36 the wetland. Mitigation will be required for any additional access through  
37 restoration of vegetation in disturbed areas.
- 38
- 39 d. The department may require other additional mitigation measures.
- 40
- 41 6. Utility corridor maintenance shall include the following measures to protect the  
42 regulated wetland and buffer environment:
- 43
- 44 a. Where feasible, painting of utility equipment such as power towers shall not be  
45 sprayed or sandblasted, nor should lead-based paints be used.
- 46

- 1           b.     No pesticides, herbicides or fertilizers may be used in wetland areas or their  
2                 buffers except those approved by the EPA and the Department of Ecology.  
3                 Where approved, herbicides must be applied by a licensed applicator in  
4                 accordance with the safe application practices on the label.  
5

- 6 I.     **Parks.** Development of public park and recreation facilities may be permitted provided that the  
7     following standards are followed:  
8

9           No alteration of wetlands or wetland buffers is allowed except for such uses which are allowed  
10          in Table 2. For example, enhancement of wetlands and development of trails may be allowed in  
11          wetlands and wetland buffers subject to special use requirements and approval of a wetland  
12          mitigation plan.

13 (Ord. 217 (1998) § 3 (part), 1998)

14  
15  
16 **19.200.240235         Special use review.**

17  
18 Development identified as requiring a Special Use Review in Table 2 may be approved, with  
19 conditions, or denied according to the procedures and criteria outlined in this section. Special use  
20 review is an administrative process unless the underlying permit requires a public hearing.  
21

- 22 A.     The department is authorized to ~~take action on~~ approve or deny permits as required by this title.  
23

24         1.     The department may approve a permit after review of the application and a wetland  
25                 mitigation plan submitted in accordance with this title. The department shall determine  
26                 whether the use or activity cannot be avoided because no reasonable or practicable  
27                 alternative exists, whether the proposed use is consistent with the spirit and intent of  
28                 this title, and ~~if whether the use or activity~~ will ~~not~~ cause adverse impacts to the wetland  
29                 or the wetland buffer which cannot be mitigated. In taking action to approve a special  
30                 use review, the department may attach reasonable conditions as necessary to minimize  
31                 impacts, rectify impacts or compensate for impacts to the wetland or wetland buffer.  
32

33         2.     The department shall deny a special use review request when it finds that the proposed  
34                 use or activity is inconsistent with this title and/or will cause adverse impacts to the  
35                 wetland or wetland buffer, ~~which~~ that cannot be adequately mitigated and/or avoided.  
36

37         3.     Special use review determinations are appealable to the hearing examiner pursuant to  
38                 Section 19.100.145 (Appeals).

39 (Ord. 217 (1998) § 3 (part), 1998)

40  
41  
42 **19.200.245240         Application requirements.**

- 43  
44 A.     Application Procedures for New Development. Any new development containing a regulated  
45     wetland or its buffer, or within two hundred feet of a regulated wetland or its buffer, shall  
46     provide the ~~following~~ special reports listed below, as required by the department, prior to any  
47     development authorization by ~~Kitsap County~~ the department. ~~The department may require~~

1 ~~a~~Additional reports or information to further identify potential impacts to any part of the  
2 environment may also be required.

3  
4 A1. Wetland delineation report (19.700.710);

5  
6 B2. Wetland mitigation plan (19.700.720); and,

7  
8 C3. Erosion and sedimentation control measures and/or a site development activity permit  
9 as required by ~~the~~ Title 12 Kitsap County Stormwater Management Ordinance.

10  
11 B. Time Limitations. Special reports submitted in accordance with this section shall be valid for a  
12 period of three years from the date of issue unless a longer or shorter period is specified by the  
13 department. An extension of an original report may be granted upon submittal of a written  
14 request to the department prior to expiration. Prior to the granting of any extension, the  
15 department may require updated studies if, in its judgment, the original intent of the application  
16 is altered, enlarged or if circumstances relevant to the review and issuance of the original  
17 permit have changed substantially, or if the applicant failed to abide by the terms of the original  
18 approval.

19 (Ord. 217 (1998) § 3 (part), 1998)

20  
21 **19.200.250245** **Determination Delineation of wetland boundaries.**

22  
23 A. For regulatory purposes, wetland delineations shall be determined by using the Washington  
24 State Wetlands Identification and Delineation Manual, March 1997, or as hereafter amended.  
25 ~~The determination of the wetland edge or boundary shall be done in accordance with the~~  
26 ~~delineation methodology specified in the currently accepted county manual.~~

27  
28 B. The applicant shall be responsible for hiring a qualified wetlands specialist to determine the  
29 wetland boundaries through a field survey. This specialist shall stake or flag the wetland  
30 boundary. ~~For all new development, When as required by the department, this line shall be~~  
31 ~~surveyed by a professional land surveyor licensed in the state of Washington the applicant shall~~  
32 be responsible for hiring a professional land surveyor licensed by the state of Washington to  
33 survey the wetland boundary line. The regulated wetland boundary and regulated wetland  
34 buffer shall be identified on all grading, landscaping, site, on-site septic system designs  
35 (BSA's), utility or other development plans submitted in support of the project.

36  
37 C. The department may perform a delineation of a wetland boundary on parcels where no more  
38 than one single-family dwelling unit is allowed.

39  
40 D. Where the applicant has provided a delineation of a wetland boundary, the department may  
41 verify the wetland boundary at the cost of the applicant and may ~~request~~ require that  
42 ~~adjustments to the boundary be made by a wetland specialist~~ a wetland specialist make  
43 adjustments to the boundary.

44 (Ord. 217 (1998) § 3 (part), 1998)

45  
46 **19.200.255250** **Wetland mitigation requirements.**

- 1 A. **Mitigation Sequence.**  
2  
3 1. Projects permitted under this title will be reviewed in the following order of preference  
4 with regard to regulated wetlands or their buffers:  
5  
6 a. Avoid the impact by not performing a certain action or parts of an action;  
7  
8 b. Minimize the impact by limiting the degree or magnitude of the action and its  
9 implementation;  
10  
11 c. Mitigate through one of the following methods:  
12  
13 i. Restore the impact by repairing or rehabilitating the affected  
14 environment;  
15  
16 ii. Reduce or eliminate the adverse impact over time; and/or  
17  
18 iii. Compensate for the impact by replacing, enhancing or providing  
19 alternative resources or environments within the same drainage basin  
20 that substitute as closely as possible for the affected resources or  
21 environments (See subsection (B) of this section).  
22  
23 2. Mitigation for individual projects may include any combination of the above measures.  
24
- 25 B. **Scope of Compensatory Mitigation.** In making a determination of the extent to which  
26 mitigation shall be required, the department will consider all of the following:  
27  
28 1. The functional characteristics of the wetland and its resource value within the watershed  
29 or sub-basin in which the wetland is located;  
30  
31 2. The short and long-term adverse impacts of the action upon the wetland and associated  
32 ecosystem, and the potential for repair of the impairment or loss;  
33  
34 3. The category, size, and location of the wetland altered, and the effect it may have upon  
35 the surrounding system, watershed or wetland;  
36  
37 4. Observed or predicted trends of gains or losses of this category of wetland in the  
38 watershed, considering qualitative and/or quantitative information about natural and  
39 human processes; and  
40  
41 5. The likely success of the possible mitigation measures.  
42
- 43 C. **Mitigation Plan Requirements.** ~~Any~~ When an applicant is required to perform compensatory  
44 wetland mitigation or contribute to a mitigation bank as a condition of approval for a  
45 development project, the applicant shall submit a wetlands mitigation plan to the department.  
46 (See Chapter 19.700.715, Special Reports, for wetland mitigation requirements.)  
47

1 D. **On-Site Compensatory Mitigation - General Requirements.**

2  
3 Compensatory mitigation shall be required for projects in regulated Category I, II, III or IV  
4 wetlands or buffers when alteration of the wetland or buffer results in a loss to either wetland or  
5 buffer. The preferred compensation is on-site, in-kind; the least preferred compensation is off-  
6 site, out-of-kind compensation. ~~For exceptions to this requirement, see Section 19.200.225.~~ The  
7 following requirements apply to compensatory mitigation plans:

- 8  
9 1. Any person who alters wetlands, such that they require compensatory mitigation, shall  
10 restore or enhance equivalent areas or greater areas of those wetlands in order to  
11 compensate for the loss (See Table 3).  
12  
13 2. Where feasible, restored or enhanced wetlands shall be a higher category than the  
14 altered wetland.  
15  
16 3. Compensation areas shall be determined according to function, size, type, location, time  
17 factors, ability to be self-sustaining and likelihood of mitigation success. Wetland  
18 functions shall be determined by a qualified wetland specialist using the best available  
19 ~~information and technology science.~~  
20  
21 4. ~~Compensatory ion (mitigation)~~ plans shall be completed and approved by the  
22 department prior to wetland alteration. Compensation shall be completed concurrent  
23 with the development activity unless a delay of the compensation project will reduce  
24 adverse impacts to the wetlands or improve the likelihood of success.  
25  
26 5. Construction of compensation projects shall be timed to reduce adverse impacts to the  
27 wetlands. Grading and related earthwork should normally be limited to the period  
28 between May 1 and September 30. Planting of vegetation shall be specifically timed to  
29 the needs of these plants. This may require the construction of the compensation area  
30 over several seasons.  
31  
32 6. Areas that are used for compensatory mitigation must be protected from development  
33 and degradation. The applicant shall provide for long-term preservation of the  
34 compensation area through such protective mechanisms as conservation easements,  
35 critical area tracts, deed restrictions, or dedication to a local jurisdiction or a private or  
36 public land trust.  
37  
38 7. The applicant shall demonstrate sufficient scientific expertise, supervisory and financial  
39 ability to fully implement the compensation measures. A performance bond, assignment  
40 of savings, or other like security will be required by the department in an amount  
41 necessary to provide for future site monitoring and possible corrective action required  
42 for compensatory mitigation projects. This bond, assignment of savings, or the security  
43 will be released no later than five years after completion of the mitigation project. If the  
44 approved mitigation is not completed or fails to meet its success standards, the property  
45 owner must agree to a Property access release form, with forfeiture of funds after the  
46 specified monitoring period.  
47

- 1  
2 8. Site Selection. Compensation sites shall be selected in the following order of  
3 preference:  
4  
5 a. Filled, drained, or cleared sites which were formerly viable wetlands and where  
6 appropriate hydrology exists;  
7  
8 b. Upland sites within two hundred feet of wetlands, if the upland is significantly  
9 disturbed and does not contain a mature forested or shrub community of native  
10 species, and where appropriate natural sources of water exist.

11  
12 **E. Wetland Replacement Ratios.**

- 13  
14 1. The following ratios appearing in Table 3, as well as consideration of the factors listed  
15 in ~~subsection (B) of this section and subdivision (2), below~~, of this subsection, shall be  
16 used to determine the appropriate amounts of ~~on-site~~ created, restored or enhanced  
17 wetland that will be required to replace impacted wetlands. The first number specifies  
18 the amount of wetland area requiring replacement and the second specifies the amount  
19 of wetland area altered.  
20

<b>Table 3: Wetland Replacement Ratios</b>		
	<b>Enhancement</b>	<b>Creation/Restoration</b>
<b>Category I:</b>	<b>6:1</b>	<b>3:1</b>
<b>Category II and III:</b>		
<b>Forested Class:</b>	<b>4:1</b>	<b>2:1</b>
<b>Scrub/Shrub Class:</b>	<b>3:1</b>	<b>1.5:1</b>
<b>Emergent Class:</b>	<b>3:1</b>	<b>1.5:1</b>
<b>Open Water:</b>	<b>*</b>	<b>1:1</b>
<b>Category IV:</b>	<b>2:1</b>	<b>1:1</b>

21  
22 \*Open water may be enhanced by replacing structure that may have been removed in the past (large  
23 woody material, rocks, reefs, etc.).  
24

- 25 2. The department may increase or decrease the ratios based on one or more of the  
26 following:  
27  
28 a. ~~The probable success of the proposed restoration or enhancement;~~  
29  
30 b. ~~The period of time between destruction and replication of wetland functions;~~  
31

1 e. ~~Projected losses in functions and value;~~

2  
3 d. ~~Replacement as a result of an illegal action.~~

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

5  
6 1. Uncertainty exists as to the probable success of the proposed restoration or creation;

7  
8 2. A significant period of time will elapse between impact and establishment of  
9 wetland functions at the mitigation site;

10  
11 3. Proposed compensation will result in a lower category wetland or reduced functions  
12 relative to the wetland being impacted; or

13  
14 4. The impact was an unauthorized impact.

15  
16 b. Replacement ratios may be decreased under the following circumstances:

17  
18 1. Documentation by the applicant provides more certainty that the proposed  
19 compensation actions will be successful. For example, demonstrated prior success  
20 with similar compensation actions as those proposed, and/or extensive hydrologic  
21 data to support the proposed water regime;

22  
23 2. Documentation by the applicant demonstrates that the proposed compensation  
24 actions will provide functions and values that are significantly greater than the  
25 wetland being impacted; or

26  
27 3. The proposed mitigation actions are conducted in advance of the impact and are  
28 shown to be successful.

29  
30 **F. Off-Site Compensatory Mitigation.**

31  
32 ~~1. The department may allow off-site compensation mitigation if on-site compensation is~~  
33 ~~not scientifically feasible due to natural conditions; or is not practical due to potentially~~  
34 ~~adverse impacts from existing surrounding land uses; or proposed functions at the site~~  
35 ~~of the proposed restoration are greater than the lost wetland functions.~~

36  
37 ~~2. Off-site compensation will occur within an area where mitigation success is most likely~~  
38 ~~and where there will be significant improvement to the water resource.~~

39  
40 ~~3. Off-site compensation will occur in the same watershed (drainage basin) which is~~  
41 ~~adversely impacted.~~

42 ~~4. Off-site mitigation will be accomplished through the purchase of credit in an established~~  
43 ~~mitigation bank and/or other sites approved by the department.~~

44  
45 1. Considerations for determining whether off-site mitigation is preferable include, but are not  
46 limited to:

- a. On-site conditions do not favor successful establishment of the required vegetation type, or lack the proper soil conditions, or hydrology;
- 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;
- 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;
- d. Off-site location is crucial to larger ecosystem functions, such as providing corridors between habitats, and the on-site location is not; and,
- e. Off-site compensation has a greater likelihood of success or will provide greater functional benefits.

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.
3. When conditions do not favor on-site compensation, off-site compensatory mitigation should be located as close to the impact site as possible, at least within the same watershed, while still replacing lost functions.

G. **Monitoring Requirements.**

Kitsap County shall require monitoring reports on an annual basis for a minimum of three years, or until the department determines that the mitigation project has achieved success. The wetlands mitigation plan shall provide specific criteria for monitoring the mitigation project. Criteria shall be project-specific and ~~a scientifically acceptable means~~ use best available science to aid the department in evaluating whether or not the project has achieved success (See Chapter 19.700, Special Reports: Report I, "Wetland Report/Wetland Mitigation Plan," subsection (D)(4) under "Wetland Mitigation Report" for wetland mitigation performance standards.)

H. **Mitigation Banking.**

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

(Ord. 217 (1998) § 3 (part), 1998)

**19.200.265260 Incentives for wetlands protection.**

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

(Ord. 217 (1998) § 3 (part), 1998)

**Chapter 19.300**

**FISH AND WILDLIFE HABITAT CONSERVATION AREAS**

- 1
- 2 **19.300.305 Purpose.**
- 3 **19.300.310 Fish and Wildlife Habitat Conservation Area Categories.**
- 4 **19.300.315 Development Standards.**

5

6 **19.300.305 Purpose.**

7

8 This section applies to all regulated uses included in this title, or uses within two hundred feet of areas  
9 designated as fish and wildlife habitat conservation areas, as categorized in Section 19.300.310. The  
10 intent of this chapter is to:

- 11
- 12 A. Preserve natural flood control, storm water storage and drainage or stream flow patterns;
- 13
- 14 B. Prevent turbidity and pollution, control siltation, protect nutrient reserves and maintain  
15 stream water flows and stream water quality for anadromous and resident fish and marine  
16 shellfish; and forage fish.
- 17
- 18 ~~C.~~ Prevent turbidity and pollution of streams and anadromous and resident fish or shellfish-  
19 bearing waters;
- 20
- 21 ~~D~~ C. Preserve and protect habitat adequate to support viable populations of native wildlife currently  
22 existing in Kitsap County; and
- 23
- 24 ~~E~~ D. Encourage non-regulatory methods of habitat retention whenever practical, through education,  
25 and the open space tax program.
- 26 (Ord. 217 (1998) § 3 (part), 1998)
- 27
- 28

29 **19.300.310 Fish and wildlife habitat conservation area categories.**

30

31 **Classification.** The following categories shall be used in classifying fish and wildlife habitat  
32 conservation areas:

33

- 34 A ~~1.~~ Streams. All streams which meet the criteria for ~~Type 1, 2, 3, 4 and 5~~ Type S, F, Np or  
35 Ns waters as set forth in WAC 222-16-030 of the DNR Water Typing System (See  
36 Chapter 19.800, Appendix "B").
- 37
- 38 B.1 ~~2.~~ Saltwater Shorelines, and Lakes 20 Acres and Greater in Surface Area. Those saltwater  
39 shorelines and lakes defined as shorelines of the state in the Shoreline Management Act  
40 of 1971 and the Kitsap County Shoreline Management Master Program, as now or  
41 hereafter amended. Shorelines include: Type 1 ~~S~~ waters as set forth in WAC 222-16-  
42 030 (DNR Water Typing System) as now or hereafter amended; commercial and  
43 recreational shellfish areas; kelp and eelgrass beds; and ~~herring and smelt~~ forage fish  
44 spawning areas.
- 45
- 46 2 ~~3.~~ Lakes Less Than 20 Acres in Surface Area. Those lakes which meet the criteria for  
47 Type 2, 3, 4 and 5 ~~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.

**C 4. Wildlife Conservation Areas.**

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

**a. 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, ~~and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.~~

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

**c. iii.** Areas that contain habitats and species of local importance.

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

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

**b. ii.** Habitats that have been identified through maps, data bases, reports or studies, which that including e 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.

(Ord. 217 (1998) § 3 (part), 1998)

**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 chapter.

**A. Buffers and Building Setbacks.**

Buffers or setbacks shall be maintained along the perimeter of fish and wildlife habitat conservation areas, as listed in Table 4. Distances shall be measured from the ordinary high water mark (OHM) or from the top of the bank where the OHM cannot be identified. Buffers shall be retained in their natural condition. It is acceptable, however to enhance the buffer by planting indigenous vegetation, as approved by the department. Alteration of buffer areas and building setbacks may be allowed for water-dependent and water-related activities subject to

1 subsection 6 below, and for development authorized by Section 19.100.140 (Reasonable Use  
2 Exception), Section 19.100.120 (General Exemptions), Section 19.100.130 (Standards for  
3 Existing Development) or Section 19.100.135 (Variances). The buffer width shall be increased  
4 to include streamside wetlands which provide overflow storage for storm waters, feed water  
5 back to the stream during low flows or provide shelter and food for fish. In braided channels,  
6 the ordinary high water mark or top of bank shall be defined so as to include the entire stream  
7 feature. Refuse shall not be placed in buffers.

**Water Type Conversion Table**

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

KITSAP COUNTY  
FIRST PUBLIC DRAFT – JUNE 22, 2004

<b>Table 4: Fish and Wildlife Habitat Conservation Area Development Standards</b>			
CATEGORY	BUFFER WIDTH STANDARD	MINIMUM BUILDING SETBACK	OTHER DEVELOPMENT STANDARDS
<b>STREAMS</b>			
<b>Water Type</b>			
<u>The Type S segments of Big Beef Creek, Curley Creek, Chico Creek, Burley Creek, Union River, Blackjack Creek, and Tahuya River</u>	<u>100-foot</u> <u>200 feet</u>	15 feet beyond buffer	<p>For streams in rural zones with <u>listed threatened or endangered salmon species, retention of 60% forest cover shall be required</u></p> <p>See subsections 19.300.315 A – N</p> <p><del>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.</del></p> <p>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.</p>
<u>2 F</u>	<u>100-foot</u> <u>150 feet</u>	15 feet beyond buffer	
<u>3</u>	<u>100-foot</u>	<u>15 feet beyond buffer</u>	
<u>4 Np</u>	<u>50 feet</u>	15 feet beyond buffer	
<u>5 Ns</u>	<u>25-foot</u> <u>50 feet</u>	15 feet beyond buffer	
<b>SALTWATER SHORELINES, AND LAKES - 20 ACRES AND GREATER</b> <i>(Defined as Type 1 Waters of the State)</i>			
<b>Shoreline Designation<sup>1</sup></b>			<p>See subsections 19.300.315 A – N</p> <p><del>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).</del></p> <p>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.</p>
<u>Urban, Semi-rural, and Rural shorelines, and Lakes less than 20 acres</u>	<u>None</u> <u>35 feet</u>	<u>25 feet</u> <u>15 feet beyond buffer</u>	
<u>Conservancy</u>	<u>None*</u> <u>50 feet</u>	<u>50 feet</u> <u>15 feet beyond buffer</u>	
<u>Natural</u>	<u>100 feet</u>	15 feet beyond buffer	
* The buffer width for all major new development shall be 100 feet, with a 15 foot minimum building setback.			
<b>Lakes – Less than 20 Acres (Non-type 1 Waters of the State)</b>			
<b>Zoning Designation</b>			<p>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.</p>
<u>Urban Residential</u>	<u>None</u>	<u>50 feet</u>	
<u>Commercial</u>	<u>None</u>	<u>50 feet</u>	
<u>Industrial</u>	<u>None</u>	<u>50 feet</u>	
<u>Rural Residential</u>	<u>None</u>	<u>35 feet</u>	

<b>Wildlife Habitat Conservation Areas</b>	
<b>Class I</b>	Buffer widths and setbacks will be determined through mandatory Habitat Plan.
<b>Class II</b>	Site specific conditions will determine the need for the preparation of a Habitat Plan for buffer widths and setbacks.

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

1. **Buffer Widths and Setbacks for Shorelines.** The building setback or buffer width for new development shall be based on the Kitsap County Shoreline Management Master Program environment designation, or as required by Chapter 17.450, the View Blockage Requirements, as now or hereafter amended, whichever is greater. (Note: Setbacks for ~~conservation public lands~~ Conservancy-Public Lands to be determined by the Kitsap County Shoreline Management Master Program.)
  
2. **Provision for Decreasing Buffer.** For ~~minor~~ new development, where an applicant demonstrates that buffer widths cannot be met, a Habitat Management Plan (Chapter 19.700) shall be required. ~~The~~ department may decrease the buffer ~~in~~ if, after consultation with the Washington State Department of Fish and Wildlife, and review of ~~a mitigation the Habitat Management Pplan when required,~~ if the county department determines that conditions are sufficient to protect the affected habitat. ~~A habitat management plan may be required.~~

The department may reduce the buffer width by up to ~~twenty-five~~ fifty percent for minor new development and up to twenty five percent for major new 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.

~~The order of sequence for such buffer reductions shall be as follows:~~

- a. ~~Use of buffer averaging maintaining one hundred percent of the buffer area under the standard buffer requirement;~~
  
- b. ~~Reduction of the overall buffer area by no more than twenty-five percent 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 storm water where soils permit; and,~~
  
- f. ~~Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.~~

- 1 3. **Provision for Increasing Buffer.** The department may increase the buffer width  
2 whenever a development proposal has known locations of endangered or threatened  
3 species for which a habitat management plan indicates a larger buffer is necessary to  
4 protect habitat values for such species; or when the buffer is located within a landslide  
5 or erosion hazard area.  
6
- 7 4. **Buffers for Streams in Ravines - ~~Buffers~~.** For streams in ravines with ravine sides ten  
8 feet or greater in height, the minimum buffer width shall be the minimum buffer  
9 required for the stream type, or a buffer width which extends twenty-five feet beyond  
10 the top of the slope, whichever is greater.  
11
- 12 5. **Channel Migration Zones.** In areas where channel migration zones occur outside of  
13 Urban Growth Areas (as of the date of the adoption of this ordinance), the buffer  
14 distance shall be measured from the edge of the channel migration zone.  
15
- 16 ~~5.6.~~ **Conditional Buffer and Building Setback Alterations for Water-dependent and**  
17 **Water-related Activities.** The department may allow an administrative alteration to  
18 structures and utilities may alter the required buffer and building setback for water-  
19 dependent and water-related when no other reasonable or practicable alternative exists  
20 and the development is consistent with the Kitsap County Shoreline Management  
21 Master Program. Any alteration of a buffer and building setback shall be the least  
22 minimum necessary and shall require, except for approved water dependent uses for  
23 minor new development, an approved habitat management plan which adequately  
24 protects habitat values.  
25
- 26 ~~6.7~~ **Dedication of Buffers.** Buffer areas shall be dedicated as permanent open space tracts,  
27 functioning as critical areas buffers or as required by the department. The buffer shall  
28 be identified on a site plan.  
29
- 30 8. **Building or Impervious Surface Setback Lines:** A building or impervious surface  
31 setback line of 15 feet is required from the edge of any fish and wildlife habitat  
32 conservation area buffer. Minor structural or impervious surface intrusions into the  
33 areas of the setback may be permitted if the department determines that such intrusions  
34 will not adversely impact the fish and wildlife habitat conservation area. The setback  
35 shall be identified on a site plan and filed as an attachment to the notice to title as  
36 required by 19.100.150 (Critical Area and Buffer Notice to Title).  
37

38 B. **Class I Wildlife Conservation Areas Development Standards.** All development as described  
39 within this title or within two hundred feet of designated Class I wildlife conservation areas  
40 shall adhere to the following standards:  
41

- 42 1. All sites with known locations of Class I wildlife conservation areas or sites within two  
43 hundred feet to known locations of Class I wildlife conservation areas will require, for  
44 all development permits, the submittal and approval of a habitat management plan as  
45 specified in Chapter 19.700 (Special Reports) by the department. In the case of bald  
46 eagles, an approved bald eagle management plan by the Washington State Department  
47 of Fish and Wildlife, meeting the requirements and guidelines of the bald eagle

1 protection rules (WAC 232-12-292), as now or hereafter amended shall satisfy the  
2 requirements for a habitat management plan (~~HMP~~). An HMP shall consider measures  
3 to retain and protect the wildlife habitat and shall consider effects of land use intensity,  
4 buffers, setbacks, impervious surfaces, erosion control and retention of natural  
5 vegetation.  
6

- 7 2. All new development within ranges and habitat elements ~~with which of~~ Class I wildlife  
8 ~~areas have a critical habitat~~ may require the submittal of a ~~habitat management plan~~  
9 ~~(HMP)~~ as specified in Chapter 19.700.720 (Special Reports). An HMP shall consider  
10 measures to retain and protect the wildlife habitat and shall consider effects of land use  
11 intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural  
12 vegetation. The requirement for an HMP shall be determined during the SEPA/critical  
13 areas review on the project.  
14

15 C. **Class II Wildlife Conservation Area Development Standards.** All development within  
16 designated Class II wildlife conservation areas shall adhere to the following standards:  
17 All major new development within Class II wildlife conservation areas may require the  
18 submittal of a habitat management plan (HMP). An HMP shall consider measures to retain and  
19 protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks,  
20 impervious surfaces, erosion control and retention of natural vegetation. The requirement for an  
21 HMP shall be determined during the SEPA/critical areas review on the project.  
22

23 D. **Stream Crossings.** Any private or public road expansion or construction which is allowed and  
24 must cross streams classified within this title, shall comply with the following minimum  
25 development standards:  
26

- 27 1. Bridges or bottomless culverts shall be required for all Type ~~1, 2 and 3~~ S or F streams  
28 ~~which that~~ have salmonid breeding habitat. Other alternatives may be allowed upon  
29 submittal of a habitat management plan which demonstrates that other alternatives  
30 would not result in significant impacts to the fish and wildlife conservation area, as  
31 determined appropriate through the Washington State Department of Fish and Wildlife,  
32 Hydraulics Project Approval process. The plan must demonstrate that salmon habitat  
33 will be replaced on a 1:1 ratio.  
34
- 35 2. Crossings shall not occur in salmonid spawning areas unless no other feasible crossing  
36 site exists. For new development proposals, if existing crossings are determined to  
37 adversely impact salmon spawning or passage areas, new or upgraded crossings shall be  
38 located as determined to be necessary through coordination with the Washington State  
39 Department of Fish and Wildlife.  
40
- 41 3. Bridge piers or abutments shall not be placed in either the floodway or between the  
42 ordinary high water marks unless no other feasible alternative placement exists.  
43
- 44 4. Crossings shall not diminish flood carrying capacity.  
45
- 46 5. Crossings shall serve multiple properties whenever possible.  
47

1 6. Where there is no reasonable alternative to providing a ~~conventional~~ culvert, the culvert  
2 shall be the minimum length necessary to accommodate the permitted activity.  
3

4 E. **Stream Relocations.** Stream relocations for the purpose of flood protection and/or fisheries  
5 restoration shall only be permitted when adhering to the following minimum performance  
6 standards and when consistent with Washington State Department of Fish and Wildlife  
7 hydraulic project approval:  
8

9 1. The channel, bank and buffer areas should be replanted with native vegetation that  
10 replicates a natural, undisturbed riparian condition; and  
11

12 2. For those shorelands and waters designated as frequently flooded areas pursuant to  
13 Chapter 19.500, a professional engineer licensed in the state of Washington shall  
14 provide information demonstrating that the equivalent base flood storage volume and  
15 function will be maintained.  
16

17 3. Relocated stream channels shall be designed to meet or exceed the functions and values  
18 of the stream to be relocated.  
19

20 F. **Pesticides, Fertilizers and Herbicides.** No pesticides, herbicides or fertilizers may be used in  
21 fish and wildlife conservation areas or their buffers, except those approved by the EPA and  
22 approved under a Washington Department of Ecology Water Quality Modification Permit for  
23 use in fish and wildlife habitat conservation area environments. Where approved, herbicides  
24 must be applied by a licensed applicator in accordance with the safe application practices on  
25 the label.  
26

27 G. **Land Divisions and Land Use Permits.** All proposed divisions of land and land uses  
28 (subdivisions, short subdivisions, short plats, long and large lot plats, ~~planned-unit performance~~  
29 based developments, conditional use permits, site plan reviews, binding site plans) ~~which~~ that  
30 include fish and wildlife habitat conservation areas shall comply with the following procedures  
31 and development standards:  
32

33 1. The open water area of lakes, streams, and tidal lands shall not be permitted for use in  
34 calculating minimum lot area.  
35

36 2. Land division approvals shall be conditioned so that all required buffers are dedicated  
37 as open space tracts, or as an easement or covenant encumbering the buffer. Such  
38 dedication, easement or covenant shall be recorded together with the land division and  
39 represented on the final plat, short plat or binding site plan.  
40

41 3. In order to avoid the creation of non-conforming lots, each new lot shall contain at least  
42 one building site that meets the requirements of this title, including buffer requirements  
43 for habitat conservation areas. This site must also have access and a sewage disposal  
44 system location that are suitable for development and does not adversely impact the fish  
45 and wildlife conservation area.  
46

- 1 4. After preliminary approval and prior to final land division approval, the department  
2 may require that the common boundary between a required buffer and the adjacent  
3 lands be identified using permanent signs. In lieu of signs, alternative methods of buffer  
4 identification may be approved when such methods are determined by the department to  
5 provide adequate protection to the aquatic buffer.  
6
- 7 5. In order to implement the goals and policies of this title, to accommodate innovation,  
8 creativity, and design flexibility, and to achieve a level of environmental protection that  
9 would not be possible by typical lot-by-lot development, the use of the ~~planned unit~~  
10 ~~development~~ development performance based development process is strongly encouraged for  
11 projects within designated fish and wildlife habitat conservation areas.  
12

13 H. **Agricultural Restrictions.** In all development proposals which would permit introduction of  
14 agriculture to fish and wildlife habitat conservation areas, damage to the area shall be avoided  
15 by ~~one of the following methods:~~ the installation of

- 16
- 17 ~~1. Implementation of the farm conservation plan agreed upon by the Kitsap Conservation~~  
18 ~~District and the applicant, to protect and enhance the water quality of the aquatic area;~~  
19 ~~and/or,~~  
20
- 21 ~~2. Fencing located not closer than the outer buffer edge.~~  
22

23 I. **Trails and Trail-Related Facilities.** Construction of public and private trails and trail-related  
24 facilities, such as benches, interpretive centers, and viewing platforms, may be allowed in fish  
25 and wildlife habitat conservation areas or their buffers pursuant to the following standards:  
26

- 27 1. Trails and related facilities shall, to the extent feasible, be placed on existing road  
28 grades, utility corridors, or other such previously disturbed areas;.  
29
- 30 2. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags  
31 and important wildlife habitat;.  
32
- 33 3. Viewing platforms, interpretive centers, benches and access to them, shall be designed  
34 and located to minimize disturbance of wildlife habitat and/or critical characteristics of  
35 the affected conservation area;.  
36
- 37 ~~4. Trails, in general, shall be set back from streams so that there will be no or minimal~~  
38 ~~impact to the stream from trail use or maintenance. Trails shall be constructed with~~  
39 ~~pervious surfaces when feasible.~~  
40
- 41 4. Trails and related facilities shall generally be located outside required buffers. Where  
42 trails are permitted within buffers they shall be located in the outer portion of the buffer  
43 and a minimum of twenty-five feet from the stream edge, except where stream crossings  
44 or viewing areas have been approved.  
45
- 46 5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such  
47 as bike or horse trails have been specifically allowed and mitigation has been provided.

Trail width shall not exceed five feet unless there is demonstrated need, subject to review and approval by the department. Trails shall be constructed with pervious materials unless otherwise approved by the department.

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

1. The minor utility development authorized in Section 19.100.120 shall be allowed within designated fish and wildlife habitat conservation areas, subject to best management practices.
2. Construction of utilities may be permitted in fish and wildlife habitat conservation areas or their buffers, only when no practicable or reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined in 19.300.315 J. 5 and 6 below, and as required in the filing and approval of special reports (Chapter 19.700) which may be required by this title.
3. **Sewer or On-site Sewage Utility.** Construction of sewer lines or on-site sewage systems may be permitted in fish and wildlife habitat conservation areas or their buffers when the applicant demonstrates it is necessary to meet state and/or local health code requirements, there are no other practicable alternatives available, and construction meets the requirement of this section. Joint use of the sewer utility corridor by other utilities may be allowed.
4. **New Utility Corridors.** New utility corridors shall not be allowed in fish and wildlife habitat conservation areas with known locations of federal or state listed endangered, threatened or sensitive species, heron rookeries or nesting sites of raptors which are listed as state candidate or state monitor, except in those circumstances where an approved habitat management plan indicates that the utility corridor will not significantly impact the conservation area;
5. **New Utility Corridor Construction.** Utility corridor construction and maintenance shall protect the environment of fish and wildlife habitat conservation areas and their buffers.
  - a. New utility corridors shall be aligned when possible to avoid cutting trees greater than twelve inches in diameter at breast height (four and one-half feet) measured on the uphill side.
  - b. New utility corridors shall be revegetated with appropriate native vegetation at not less than pre-construction vegetation densities or greater, immediately upon completion of construction, or as soon thereafter as possible due to seasonal growing constraints. The utility shall ensure that such vegetation survives.
  - c. Any additional corridor access for maintenance shall be provided wherever possible at specific points rather than by parallel roads. If parallel roads are

necessary, they shall be of a minimum width but no greater than fifteen feet; and shall be contiguous to the location of the utility corridor on the side away from the conservation area.

6. Utility corridor maintenance shall include the following measures to protect the environment of regulated fish and wildlife habitat conservation areas.
  - a. Utility towers should be painted with brush, pad or roller and should not be sandblasted or spray painted, nor should lead base paints be used.
  - b. Pesticides, Fertilizers and Herbicides. No pesticides or fertilizers may be used in fish and wildlife conservation areas or their buffers, except those herbicides approved by the EPA and the Department of Ecology. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.

K. **Bank Stabilization.** A stream channel and bank, bluff, and shore may be stabilized when naturally occurring earth movement threatens existing structures (defined as requiring a building permit pursuant to the ~~Uniform Building~~ Kitsap County Building and Fire Code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of fish and wildlife habitat, flood control and improved water quality. Bluff, bank and shoreline stabilization shall also be subject to the standards of Title 22 Kitsap County Shoreline Management Master Program, and ~~any floodplain management plan Title 15 Kitsap County Flood Hazard Areas adopted by the board of commissioners~~. Refer to Section 700 III 19.700.725 (Special Reports) for geological and geotechnical report requirements.

Where bank stabilization is determined to be necessary, ~~bioengineering or other non-structural methods should be the first option for protection~~ soft-shore protective techniques shall be required over other types of shoreline protection. Techniques include but are not limited to: beach nourishment, coarse beach fill, gravel berms, vegetation plantings, and placement of large, woody debris (logs and stumps). Special consideration shall be given to protecting the functions of feeder bluffs. Bulkheads and retaining walls may only be utilized as an engineering solution where it can be demonstrated through a geotechnical report that an existing residential structure cannot be safely maintained without such measures, and that the resulting retaining wall is the minimum length necessary to provide a stable building area for the proposed structure. A variance pursuant to Section 19.100.135; must be obtained in all other cases. The department may require that bank stabilization be designed by a professional engineer licensed in the state of Washington with demonstrated expertise in hydraulic actions of shorelines. Bank stabilization projects may also require a Kitsap County ~~s~~Site & Development a ~~Activity p~~ Permit per Title 12 Stormwater Management and ~~h~~Hydraulic p ~~Project a~~Approval from the Washington Department of Fish and Wildlife.

1 ~~Nonstructural shoreline protective techniques are preferred to bulkheads or other types of other~~  
2 ~~types of shoreline armoring. Nonstructural techniques include but are not limited to: beach~~  
3 ~~nourishment; coarse beach fill; gravel berms; vegetation plantings and bioengineering.~~  
4

5 L. **Fencing and Signs.** Prior to approval or issuance of permits for land divisions and new  
6 development, the department may require that the common boundary between a required buffer  
7 and the adjacent lands be identified using fencing or permanent signs. In lieu of fencing or  
8 signs, alternative methods of buffer identification may be approved when such methods are  
9 determined by the department to provide adequate protection to the buffer.  
10

11 M. **Forest Practice, Class IV General and Conversion Option Harvest Plans (COHP's).** All  
12 timber harvesting and associated development activity, such as construction of roads, shall  
13 comply with the provisions of this title; and the Storm Water Management Ordinance,  
14 including the maintenance of buffers, where required.  
15

16 N. **Road/Street Repair and Construction.** Any private or public road or street expansion or  
17 construction ~~which~~ that is allowed in a fish and wildlife habitat conservation area or its buffer  
18 shall comply with the following minimum development standards:  
19

- 20 1. No other reasonable or practicable alternative exists and the road or street crossing  
21 serves multiple properties whenever possible;  
22
- 23 2. Expansion or construction of any private or public road shall only be allowed when  
24 adverse impacts cannot be avoided;  
25
- 26 3. Public and private roads should provide for other purposes, such as utility crossings,  
27 pedestrian or bicycle easements, viewing points, etc.; and  
28
- 29 4. The road or street construction is the minimum necessary, as required by the department  
30 of public works, and shall comply with the department of public works' guidelines to  
31 provide public safety and mitigated storm water impacts.  
32
- 33 5. Construction time limits shall be determined in consultation with the Washington  
34 Department of Fish and Wildlife in order to ensure habitat protection.

35 (Ord. 217 (1998) § 3 (part), 1998)  
36  
37

## 38 Chapter 19.400 39 GEOLOGICALLY HAZARDOUS AREAS 40

- 41 **19.400.405 Purpose.**  
42 **19.400.410 Geologically hazardous area categories.**  
43 **19.400.415 Development standards.**  
44

45  
46 **19.400.405 Purpose.**  
47

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

- 4
- 5 A. Provide standards to protect human life and property from potential risks;
- 6
- 7 B. Control erosion, siltation, and water quality to protect anadromous and resident fish and marine  
8 shellfish;
- 9
- 10 C. Provide controls to minimize shoreline erosion caused by human activity;
- 11
- 12 D. Use innovative site planning by placing geologically hazardous areas and buffers in open space  
13 and transferring density to more suitable areas on the site.

14 (Ord. 217 (1998) § 3 (part), 1998)

15

16

17 **19.400.410 Geologically hazardous area categories.**

- 18
- 19 A. **Classification.** The following categories shall be used in classifying geologically hazardous  
20 areas:

21

22 **1. ~~Geologically Hazardous Areas.~~ Areas of High Geologic Hazard.**

- 23
- 24 a. Areas with slopes greater than thirty percent and mapped by the Coastal Zone Atlas, ~~or~~  
25 ~~Quaternary Geology and Stratigraphy of Kitsap County,~~ or by Light Distance and  
26 Ranging (LiDAR) mapping as "Unstable" (U), "Unstable Old Land Slides" (UOS)  
27 or "Unstable Recent Slides" (URS).
  - 28
  - 29 b. Areas with slopes greater than thirty percent in grade and deemed by a qualified  
30 geologist or geotechnical engineer to meet the criteria of U, UOS, or URS.

31

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

- 33
- 34 a. Areas designated U, UOS, or URS in the Coastal Zone Atlas, ~~or~~ Quaternary  
35 Geology and Stratigraphy of Kitsap County, or LiDAR maps, with slopes less than  
36 thirty percent; or areas found by a qualified geologist to meet the criteria for U,  
37 URS, and UOS with slopes less than thirty percent; ~~or~~,
  - 38
  - 39 b. Slopes identified as "Intermediate" (I) in the Coastal Zone Atlas, ~~or~~ Quaternary  
40 Geology and Stratigraphy of Kitsap County or LiDAR maps, or areas found by a  
41 qualified geologist to meet the criteria of I; ~~or~~,
  - 42
  - 43 c. Slopes fifteen percent or greater, not classified as I, U, UOS, or URS, with soils  
44 classified by the Natural Resources Conservation Service as "highly erodible" or  
45 "potentially highly erodible;" ~~or~~,
- 46

1 d. Slopes of fifteen percent or greater with springs or groundwater seepage not  
2 identified in ~~Items 1 and 2~~, a or b above; or,

3  
4 e. Seismic areas subject to liquefaction from earthquakes (seismic hazard areas) such  
5 as hydric soils as identified by the Natural Resources Conservation Service, and  
6 areas that have been filled to make a site more suitable. Seismic areas may include  
7 former wetlands which have been covered with fill.

8  
9 **B. Site Specific Determinations.**

10 ~~Geological and Geotechnical Report Provisions:~~ Should the applicant question the information  
11 the county must rely on to determine whether a location contains a geologically hazardous area  
12 ~~or area of geologic concern~~, the county may ask the applicant to submit the appropriate site  
13 specific geotechnical or geologic report to confirm or modify the existing information known  
14 about the area. The requirements for reports are contained in Special Reports, Chapter 19.700.

15  
16  
17 The intent of this provision is to allow obviously non-geologically hazardous sites to be  
18 determined as such. Where there is any ambiguity about the potential for geologic hazards  
19 whatsoever, the department will require a geotechnical or geological report, rather than make a  
20 non-geologically hazardous determination.

21 (Ord. 217 (1998) § 3 (part), 1998)

22  
23  
24 **19.400.415 Development standards.**

25  
26 This Section applies to all regulated uses in this title or within two hundred feet of areas designated as  
27 geologically hazardous areas ~~or areas of geologic concern~~. ~~The department will coordinate permit~~  
28 ~~applications with the Kitsap County department of public works. Permit applications include~~  
29 ~~submittals for clearing, grading and building on property containing any geologically hazardous areas~~  
30 ~~as may be required by the department~~. Submittal documents prepared by a licensed engineer may also  
31 be required by the department of ~~public works~~, pursuant to Title 12 Kitsap County Stormwater  
32 Management Ordinance.

33  
34 ~~A. **Geologically Hazardous Areas and Areas of Geologic Concern.**~~

35  
36 A 1. Approval Review. Where applicable the department will approve, approve with conditions  
37 or deny the development proposal based on the department's evaluation of specific site conditions. The  
38 department will also consider any proposed mitigation measures included in a geotechnical report, if  
39 one is submitted.

40  
41 2. Public Works Requirements. The Applicant shall submit a site development activity permit  
42 as required by Title 12. ~~application to the department of public works. The application and supporting~~  
43 ~~documents shall be completed by a professional engineer licensed in the state of Washington. The~~  
44 ~~submittal documents shall be determined on a site-specific basis. The documents may include any~~  
45 ~~combination of, but not be limited to, construction plans, details and specifications for clearing,~~  
46 ~~grading erosion and sedimentation control, and storm water drainage and detailed hydrological,~~  
47 ~~geotechnical, soils, and drainage reports and analyses.~~

1  
2 B. 3. **Minimum Buffer Requirement.** The buffer for all geologically hazardous areas ~~and areas~~  
3 ~~of geologic concern~~ shall include native vegetation from the toe of the slope to twenty-five feet beyond  
4 the top of the slope unless otherwise allowed through a geological report or a site-specific  
5 determination (Refer to Section 19.400.410(B)).  
6

7 C. 4. **Building/Impervious Surface Setback Requirements.**  
8

9 a.1. ~~Geologically Hazardous Areas~~ **Areas of High Geologic Hazard.** The Minimum  
10 building and impervious surface setback from the top of slope shall be equal to the  
11 height of the slope (1:1 horizontal to vertical) plus the greater of 1/3 of the vertical slope  
12 height or twenty-five feet.  
13

14 b.2. ~~Areas of Moderate Geologic Concern~~ **Hazard.** A minimum forty foot building and  
15 impervious surface setback shall be maintained from the top of slope. As required in  
16 subsection ~~(3)~~ B above, the twenty-five feet adjacent to the top of the slope shall be  
17 retained as a native vegetation buffer, with an additional minimum fifteen-foot building  
18 and impervious surface setback. The department may decrease the setback when such a  
19 setback would result in a greater than 1:1 slope setback or as may be allowed under  
20 Section 19.400.410(B) (Site Specific Determinations).  
21

22 e 3. **Toe of Slope Building Setback.** A geotechnical report may be required for any new  
23 construction within two hundred feet of an ~~geologically hazardous area~~ area of high  
24 geologic hazard. The department will make a determination based on slope height and  
25 stability indicators. Where slope hazard indicators are not identified, the requirements  
26 of the ~~Uniform Building Code, Section 1806~~ Title 14 Kitsap County Building and Fire  
27 Codes will apply.  
28

29 D. 5. **Buffer and Building Setback Modifications.**  
30

31 a 1. **Report Recommendations.** The minimum native vegetation buffer and/or building  
32 setback requirement may be decreased if a geotechnical report demonstrates that a  
33 lesser distance, through design and engineering solutions, will adequately protect both  
34 the proposed development and the erosion hazard and/or landslide hazard area (see  
35 Chapter 19.700, Special Reports, for geological and geotechnical report requirements).  
36 Should the geotechnical report indicate that a greater buffer and/or building setback is  
37 required than specified in subsections ~~(A)(3)~~ B and/or ~~(A)(4)~~ C above, the greater buffer  
38 and/or building setback shall be required. The department may determine through a site  
39 visit, a special report or mapping, that an increased buffer and/or building setback is  
40 required from the critical area.  
41

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

1  
2 **6 E. ~~Time Limitations~~ Seasonal Restrictions.** For major new development, and where  
3 required for minor new development, clearing and grading shall be limited to the period  
4 between May 1 to October 1, unless the applicant provides an erosion and sedimentation  
5 control plan prepared by a professional engineer licensed in the state of Washington that  
6 specifically and realistically identifies methods of erosion control for wet weather conditions.  
7

8 **7. F. Field Marking Requirements.** For major new development, the proposed clearing for the  
9 project and all critical area buffers, shall be marked in the field for inspection and approval by  
10 ~~either the department of community development or the department of public works~~ prior to  
11 beginning work. Field marking requirements for minor new development will be determined  
12 on a case-by-case basis by the department. The field marking of all buffers shall remain in  
13 place until construction is completed and final approval is granted by the ~~Kitsap County~~  
14 ~~Department of Community Development and the Public Works Department~~. Permanent  
15 marking may be required as determined necessary to protect critical areas or its buffer.  
16

17 **8 G. Cut and Fill Slopes.** The faces of all cut and fill slopes shall be protected to prevent  
18 erosion as required by the engineered erosion and sedimentation control plan.  
19

20 **9. ~~Development Impact~~ Stormwater Standards.** ~~All discharge of runoff from the~~  
21 ~~development site shall be of like quality, flow rate, and velocity as that which flowed from~~  
22 ~~the site prior to development. In addition, all storm water flows shall be accepted onto, and~~  
23 ~~shall be discharged from, the development site at the natural or otherwise legally existing~~  
24 ~~locations. The proposed development shall not decrease the slope stability of any area within~~  
25 ~~two hundred feet of the property boundary. Stormwater discharges shall be in compliance~~  
26 ~~with Title 12 Stormwater Management.~~  
27

28 **10 I. Development Risk Standard.** In cases where a special report indicates a significant risk  
29 to public health, safety and welfare, the department shall deny or require revision of the site  
30 development proposal.  
31

32 **11. J. Additional Clearing Standards.**  
33

34 **a 1.** Only the clearing necessary to install temporary erosion control measures will be  
35 allowed prior to the clearing for roads and utilities construction.  
36

37 **b 2.** Clearing for roads and utilities shall be the minimum necessary and shall remain  
38 within marked construction limits.  
39

40 **e 3.** Clearing for overhead power lines shall be the minimum necessary for construction  
41 and will provide the required minimum clearances of the serving utility.  
42

43 **12 K. Existing Logging Roads.** Where existing logging roads occur in geologically  
44 hazardous areas ~~or areas of geologic concern~~, a geological or geotechnical report may be  
45 required prior to use as a temporary haul road or permanent access road under a conversion or  
46 COHP forest practices application.  
47

1 ~~13~~ **L. Clustering Requirements.** The department may require clustering to increase protection  
2 to geologically hazardous areas ~~or areas of geologic concern.~~

3  
4 ~~14~~ **M. Vegetation Enhancement.** The department may require enhancement of buffer  
5 vegetation to increase protection to geologically hazardous areas ~~or areas of geologic~~  
6 ~~concern.~~

7  
8 ~~15~~ **N. Seismic Hazard Area Development Standards.**

9  
10 ~~a~~ **1.** Proposed new development within a seismic hazard area shall be in accordance  
11 with ~~the Uniform Building Code (UBC) Earthquake Design Standards for Seismic Risk~~  
12 ~~Zone 3 of Washington State~~ Title 14 Kitsap County Building and Fire Code.

13  
14 ~~b~~ **2.** Applicants for public and commercial building proposals within seismic hazard  
15 areas shall submit a geotechnical report addressing any fill or grading that has occurred  
16 on the subject parcel. Any fill placed for such development shall have documented  
17 construction monitoring as required by ~~the Uniform Building Code~~ Title 14 Kitsap  
18 County Building and Fire Code.

19  
20 ~~c~~ **3.** All major new development in seismic hazard areas shall require a geotechnical  
21 report. Minor new development may also require a geotechnical report, as determined  
22 by the department.

23  
24 ~~d~~ **4.** The development proposal may be approved, approved with conditions or denied  
25 based on the departments' evaluation of the proposed mitigation measures to reduce  
26 seismic risk.

27  
28 **B O. Prohibitions.**

29  
30 1. Critical facilities, as defined in Section 19.150, are prohibited in ~~geologically hazardous~~  
31 ~~areas~~ areas of high geologic hazard.

32  
33 2. In ~~geologically hazardous areas~~ areas of high geologic hazard with slopes greater than  
34 eighty percent, no development will be allowed either on or within the defined buffer area,  
35 unless approved by the department after review of a geotechnical report. The defined buffer  
36 zone for geologically hazardous areas is defined in subsection ~~(A)(4)~~ C of this section.

37  
38 3. On-site sewage disposal should be avoided in ~~geologically hazardous areas~~ areas of high  
39 geologic hazard and their buffers. In cases where such areas cannot be avoided, review by a  
40 geologist or a geotechnical engineer licensed in the state of Washington will be required in  
41 coordination with the Kitsap County Health District.

42 (Ord. 217 (1998) § 3 (part), 1998)

43  
44  
45 **Chapter 19.500**  
46 **FREQUENTLY FLOODED AREAS**  
47

1 **19.500.505 Purpose.**

2  
3 The purpose of this chapter is to protect the public health, safety and welfare from harm caused by  
4 flooding. It is also the intent to prevent damage and/or loss to both public and private property. In  
5 addition, this section will give special consideration to anadromous fish habitat in combination with  
6 Chapter 19.300 Fish and Wildlife Habitat Conservation Areas. Pursuant to To fulfill this purpose,  
7 Kitsap County uses Title 15 of this code, Kitsap County Flood Hazard Areas Damage Prevention  
8 Ordinance, adopted by reference, which designates special flood hazard areas and establishes permit  
9 requirements for these areas.

10  
11 In addition, the Kitsap County ~~department of public works storm water division~~ Geographic  
12 Information System (GIS) database for critical drainage areas, as defined in Chapter 12.28 of this code,  
13 will be included for areas of review under frequently flooded areas.

14 (Ord. 217 (1998) § 3 (part), 1998)

15  
16 **Chapter 19.600**  
17 **CRITICAL AQUIFER RECHARGE AREAS**

18  
19 **19.600.605 Purpose.**

20 **19.600.610 Critical aquifer recharge area categories.**

21 **19.600.615 Development standards.**

22 **19.600.620 Additional requirements**

23  
24 **19.600.605 Purpose.**

25  
26 Potable water is an essential life sustaining element. The majority of Kitsap County drinking water  
27 comes from groundwater supplies in aquifers. Critical aquifer recharge areas are very important to  
28 shallow and deepwater aquifer recharge. The intent of this chapter is to identify and classify aquifer  
29 recharge areas and address land use activities that pose a potential to contaminate or otherwise threaten  
30 aquifer water quality. ~~water quality protection associated with aquifer recharge areas through the~~  
31 ~~regulation of land use activities that pose a potential contaminant threat or could increase the~~  
32 ~~vulnerability of the aquifer.~~ It is the policy of Kitsap County to accomplish the following:

- 33  
34 1. Identify, preserve and protect aquifer recharge areas and prevent degradation of the quality of  
35 potable groundwater;  
36  
37 2. Recognize the relationship between surface and groundwater resources; and,  
38  
39 3. Balance competing needs for water while preserving essential natural functions and processes.  
40 (Ord. 217 (1998) § 3 (part), 1998)

41  
42 **19.600.610 Critical aquifer recharge area categories.**

43  
44 As defined at 19.150.210, a Critical Aquifer Recharge Areas means ~~±~~ those land areas that contain  
45 hydrogeologic conditions that facilitate aquifer recharge and/or transmitting contaminants to an  
46 underlying aquifer. ~~A "critical aquifer recharge area" is a geographical area which provides the~~  
47 ~~recharge to an aquifer(s) which is a current or potential potable water source and, due to its geological~~

1 ~~properties, is highly susceptible to the introduction of pollutants, or because of special circumstances,~~  
2 ~~has been designated as a critical aquifer recharge area in accordance with WAC 365-190-080 by the~~  
3 ~~county. Critical aquifer recharge areas under this title may be established based on general criteria, or~~  
4 ~~specifically designated due to special circumstances, or based on scientific studies and mapping~~  
5 ~~efforts. Factors considered in the identification of critical aquifer recharge areas include depth to water~~  
6 ~~table, presence of highly permeable soils (specifically Group A Hydrologic Soils), presence of flat~~  
7 ~~terrain, and the presence of more permeable surficial geology.~~

8  
9 **A. ~~Category I – Critical Aquifer Recharge Areas.~~**

10 ~~1. The following general criterion is established to designate critical aquifer recharge areas:~~  
11 ~~Category 1 critical aquifer recharge areas are those areas where the potential for certain land~~  
12 ~~use activities to adversely affect groundwater is high. Category I critical aquifer recharge areas~~  
13 ~~include:~~

14  
15 ~~a.1. Areas inside the ~~one~~ five-year time of travel zone for Group A water system wells,~~  
16 ~~calculated in accordance with the Washington State Well Head Protection Program.~~

17  
18 ~~b.2 Five Ten-year time of travel zones in wellhead protection areas are included as critical~~  
19 ~~aquifer recharge areas under the following condition: The ~~five~~ ten-year time of travel~~  
20 ~~zone is included when the well draws its water from an aquifer that is at or above sea~~  
21 ~~level and is overlain by permeable soils listed in subsection (B)(1) of this section~~  
22 ~~without an underlying protective impermeable layer (~~see below~~).~~

23  
24 ~~2. The following has been designated a critical aquifer recharge area due to special~~  
25 ~~circumstances:~~

26 ~~3. Areas identified as Regionally Significant Recharge Areas have been adopted by~~  
27 ~~Kitsap County due to special circumstances. These include the following.~~

28  
29 ~~i.a. Hansville Aquifer Recharge Area. The Hansville aquifer recharge area has been~~  
30 ~~designated as a critical recharge area under the county's SEPA Ordinance~~  
31 ~~(Chapter 18.04 of this code). The Hansville aquifer recharge area is a significant~~  
32 ~~potable water supply that has been has been deemed to be highly susceptible to~~  
33 ~~the introduction of pollutants.~~

34  
35 ~~b. In the future, ~~additional~~ Regionally Significant Recharge areas such as the ~~ten~~~~  
36 ~~year time of travel zones for wells or other aquifer recharge areas of concern, as~~  
37 ~~will be identified through additional studies that constitute best available~~  
38 ~~science, including the county groundwater management plan, Wellhead~~  
39 ~~protection analysis or other studies which identify areas of special~~  
40 ~~circumstances, including but not limited to saltwater intrusion advisory areas.~~  
41 ~~will be considered for designation as critical aquifer recharge areas.~~

42  
43 **C.B. ~~Category II – Aquifer Recharge Areas of Concern.~~**

44  
45 ~~Category II critical aquifer recharge areas are A areas which that provide recharge effects to~~  
46 ~~aquifers that provide are current or potentially will become potable water supplies and are~~

vulnerable to contamination based on the type of land use activity, and meet any one of These include the following: ~~general criteria~~

1. Highly Permeable Soils (Group A Hydrologic Soils). ~~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.~~ 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 (~~SCS NRCS~~). 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.~~

~~The following soils have relatively high infiltration:~~

<del>SCS NRCS</del> Soil Name	<del>SCS</del> Soil Map Units
<del>Grove</del>	<del>11, 12, 13</del>
<del>Indianola</del>	<del>18, 19, 20, 21</del>
<del>Neilton</del>	<del>34, 35, 36</del>
<del>Norma</del>	<del>37, 38</del>
<del>Poulsbo/Ragnar</del>	<del>41, 42, 43, 44, 45, 46, 47</del>

2. Areas above Shallow Principal Aquifers. Surface areas above shallow, principal aquifer(s) (See Appendix "F," Chapter 19.800) which are not separated from the underlying aquifers by an impermeable layer that provides adequate protections to preclude the proposed land use from contaminating the shallow aquifer(s) below, are considered aquifer recharge areas of concern. This generally includes principal aquifers in subsurface hydrogeologic units Og1, Og1a, Og2 and portions of Og3 that are within three hundred feet of the ground surface.

3. Areas with high concentration of Group B water system well and private domestic wells.

Locations with well concentrations of thirty-six map units or more within a one-half mile radius of the proposed land use are considered aquifer recharge areas of concern.

(Ord. 217 (1998) § 3 (part), 1998)

**19.600.615 Development standards.**

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

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

- 1  
2 B. Affected water purveyors, tribes and the Kitsap County Health District will be notified and  
3 requested to comment during the preliminary phases of the county's review process on the  
4 proposed land use and potential impacts. The purveyor may recommend appropriate mitigation  
5 to reduce potential impacts. The department will consider these recommendations to develop  
6 appropriate permit conditions.  
7  
8 C. This section shall not affect any right to use or appropriate water as allowed under state or  
9 federal law. In addition, these requirements do not apply to those activities which have  
10 potential contaminant sources below threshold amounts as set forth in applicable statutes of the  
11 Revised Code of Washington, or local regulations.  
12  
13 D. Stormwater infiltration best management practices shall be encouraged to the maximum extent  
14 possible as a first priority in stormwater management.  
15  
16

17 **19.600.620 Additional requirements**

18  
19 In addition to the general standards above, the following will apply:  
20

21 **A. ~~Category I – Critical Aquifer Recharge Areas.~~**

22  
23 Land uses identified in Table 5 are prohibited in Category I critical aquifer recharge areas.  
24 Requests for waivers shall include a hydrogeological report which includes a detailed risk-  
25 benefit analysis that considers credible, worst-case scenarios. The hydrogeological report  
26 shall evaluate potential impacts of a proposed land use or activity on both groundwater and  
27 surface water quality. The waiver will be evaluated and treated as a special use review,  
28 ~~similar to the process in Chapter 19.200 (Wetlands), by the review and be reviewed by the~~  
29 department, the health district, affected tribes, and the affected water purveyors.  
30

31 **B. ~~Category II – Aquifer Recharge Areas of Concern.~~**

32  
33 Applicants proposing operations that pose a potential threat to groundwater as defined in  
34 Table 5 in Category II aquifer recharge areas ~~of concern~~ may be required to submit a  
35 hydrogeological report. The scope of the report shall be based on site-specific conditions. The  
36 need for additional information will be determined by the department, the health district and  
37 the affected water purveyor. Based on the results of the report, controls, mitigation, and/or  
38 other requirements will be established as a prerequisite for the development proposal being  
39 approved.  
40

41 ~~3-~~The department will also notify the health district and affected water purveyors through the  
42 environmental review process, when those development activities listed in Table 5 are  
43 proposed outside the areas designated critical aquifer recharge areas ~~and aquifer recharge areas~~  
44 ~~of concern.~~

45 (Ord. 217 (1998) § 3 (part), 1998)  
46

1 **Table 5: Operations Activities With Potential Threat to Groundwater**  
2

3	<b>A. Above &amp; Below ground storage tanks</b>	45	2. Concrete/asphalt/tar/coal companies
4	1. Hazardous and industrial waste treatment	46	3. Industrial manufacturers: chemicals, pesticides/herbicides, paper, leather products, textiles, rubber, plastic/fiberglass, silicone/glass, pharmaceuticals, electrical equipment
5		47	
6	2. Hazardous and industrial waste storage	48	
7	3. Hazardous material storage	49	
8	<b>B. Animal feedlots</b>	50	
9	<b>C. Commercial operations</b>	51	4. Metal platers/heat treaters/smelters/annealers/descalers
10	1. Gas stations/service stations/truck terminals	52	5. Wood preserves
11		53	6. Chemical reclamation facilities
12	2. Petroleum distributors/storage	54	7. Boat refinishers
13	3. Auto body repairs shops/rust proofers	55	<u>8. Hydrocarbon extraction</u>
14	4. Auto chemical supply storers/retailers	56	<b>G. Land application</b>
15	5. Truck, automobile, and combustion engine repair shops	57	1. Waste-water application (spray irrigation)
16	6. Dry cleaners	58	2. Waste-water byproduct (sludge) application
17	7. Photo processors	59	3. Petroleum refining waste application
18	*8. Auto washes	60	4. Hazardous waste applications
19	*9. Laundromats	61	
20	*10. Beauty Salons	62	<b>H. Landfills</b>
21		63	1. Industrial hazardous and non-hazardous landfill
22	11. Research or chemical testing laboratories which handle significant quantities of hazardous materials	64	2. Municipal sanitary landfill
23		65	
24	12. Food processors/meat packers/slaughter houses	66	<b>I. Material transfer operations</b>
25		67	1. Hazardous and industrial waste transfers
26	13. Airport maintenance/fueling operation areas	68	2. Hazardous material transfers
27		69	
28	14. Junk and salvage yards	70	<b>J. Materials stockpiles</b>
29		71	
30	15. Storing or processing manure, feed, or other agriculture by products by commercially permitted businesses	72	<b>K. Mining and mine drainage</b>
31		73	
32	16. Large scale storage or use of pesticides, insecticides, herbicides, or fertilizer by commercial or agricultural operations.	74	<b>L. On-site Septic Systems</b> (LOSS category) of greater than 14,500 G.P.D. capacity without pre-treatment
33		75	
34	<u>17. Golf courses</u>	76	<b>M. Pipelines</b>
35	<u>18. Cemeteries</u>	77	1. Hazardous and industrial waste transfer
36		78	2. Hazardous material transfer
37	<b>D. Deep injection wells</b>	79	<b>N. Radioactive disposal sites and processing of radioactive wastes</b>
38		80	
39	1. Waste-water disposal wells	81	<b>O. Sand and gravel mining operations</b>
40	2. Oil and gas activity disposal wells	82	*If not on a sewer system with a treatment plant.
41	3. Mineral extraction disposal wells		
42	<b>E. De-icing salts storage piles</b>		
43	<b>F. Industrial operations</b>		
44	1. Furniture strippers/painters/finishers		

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

**19.700.705 Special reports.**

**A. Purpose.**

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

~~I~~1 Wetland Report/Wetland Mitigation Plan (19.700.710 and 19.700.715)

~~II~~2. Habitat Management Plan (19.700.720)

~~III~~3. Geotechnical Report /Geological Report (19.700.730)

~~IV~~. Hydrogeological Report (19.700.740)

**B. When Required**

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

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

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

**D. Qualifications of Professionals.**

Any special report as described below shall be prepared by a professional (as see those professionals described in Chapter ~~19.100~~ 19.150) , and shall include his or her resume, or other list of qualifications, to aid the department in assessing these qualifications.  
(Ord. 217 (1998) § 3 (part), 1998)

1                   **I. WETLAND REPORT/WETLAND MITIGATION PLAN**

2  
3           **19.700.710 Wetland Delineation Report.**

4  
5 A wetland report shall include, but not necessarily be limited to, the following:

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

28  
29  
30  
31  
32  
33  
34  
35  
36 ~~D. A report which includes the following:~~

37  
38 ~~1-D.~~ Location information (legal description, parcel number and address);

39  
40 ~~2 E. Delineation Report Discussion of wetland boundary. The wetland boundaries on the site~~  
41 ~~established by the delineation shall be staked and flagged in the field.~~ If the wetland  
42 extends outside the site, the delineation report shall discuss all wetland areas within one  
43 hundred fifty feet of the site, but need only delineate those wetland boundaries within the  
44 site;

1 3 F. General site conditions including topography, acreage, and surface areas of all wetlands  
2 identified in the Kitsap County Wetland Atlas and water bodies within one quarter mile  
3 of the subject wetland(s);  
4

5 4 G. Hydrological analysis, including topography, of existing surface and known significant  
6 sub-surface flows into and out of the subject wetland(s);  
7

8 5 H. Analysis of functional values of existing wetlands, including vegetative, fauna, and  
9 hydrologic conditions;  
10

11 6 I. A summary of proposed activity and potential impacts to the wetland(s);  
12

13 7 J. Recommended wetland category using the Washington State Wetlands Rating System  
14 Categories (Appendix A), including rationale for the recommendation;  
15

16 8 K. Recommended buffer boundaries, including rationale for boundary locations;  
17

18 9 L. Site plan of proposed activity, including location of all parcels, tracts, easements, roads,  
19 structures, and other modifications to the existing site. The location of all wetlands and  
20 buffers shall be identified on the site plan.  
21

22 **M Administrative Wetland Boundary and Ranking Evaluation.**  
23

24 ~~A 1.~~ ~~An informal determination of the regulated wetland boundary and an evaluation of any~~  
25 ~~unranked regulated wetland may be completed by~~ The department may delineate and  
26 evaluate wetland areas for any minor new development project listed in Chapter 19.200  
27 (Wetlands), unless the applicant wishes to employ a qualified wetland biologist at the  
28 applicant's expense, or if such a report is required by the department. Fees may be  
29 collected for this determination and evaluation, as specified in the Kitsap County Zoning  
30 Ordinance.  
31

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

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

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

42 **19.700.715 Wetland Mitigation Report.**  
43

44 ~~A.~~ Whenever the department has determined that wetland impacts are unavoidable, ~~losses~~  
45 ~~of regulated wetlands are necessary and unavoidable~~, or a review of a regulated wetland

1 or its buffer is proposed, or an exception to uses is allowed or a variance to standards is  
2 granted, a mitigation plan shall be prepared, ~~which is considered in the following order~~  
3 ~~of preference:~~

- 4  
5 ~~1. Avoiding the impact altogether by not taking a certain action or parts of actions.~~  
6 ~~This may be accomplished by selecting a reasonable alternative that does not~~  
7 ~~involve wetlands or wetland impacts; applying reasonable mitigation measures,~~  
8 ~~such as drainage and erosion control, alternative site planning, and/or using best~~  
9 ~~available technology. In reviewing development proposals required to submit a~~  
10 ~~wetlands mitigation plan, the department shall first determine if the impact can be~~  
11 ~~avoided (e.g., impacts cannot be avoided if denial of the development proposal or~~  
12 ~~parts thereof or mitigation measures would result in an extraordinary hardship and~~  
13 ~~denial of reasonable use of property).~~
- 14  
15 ~~2. Minimizing impacts by limiting the degree or magnitude of the action and its~~  
16 ~~implementation, by using appropriate technology, or by taking affirmative steps to~~  
17 ~~avoid or reduce impacts. This may be accomplished by selecting a reasonable~~  
18 ~~alternative that avoids most wetland impacts, applying reasonable mitigation~~  
19 ~~measures, such as drainage and erosion control, alternative site planning, and/or~~  
20 ~~using best available technology. In reviewing development proposals required to~~  
21 ~~submit a wetlands mitigation plan, the department shall determine if the impact~~  
22 ~~can be first avoided and secondly minimized. Impacts cannot be avoided or~~  
23 ~~minimized if denial of the development proposal or parts thereof or mitigation~~  
24 ~~measures would result in an extraordinary hardship and denial of reasonable use~~  
25 ~~of property.~~
- 26  
27 ~~3. Rectifying the impact by repairing, rehabilitating, or restoring the affected~~  
28 ~~environment. This may be done by re-establishing wetland and wetland buffer~~  
29 ~~characteristics on a site which have been lost by alterations or activities.~~  
30 ~~Rectifying shall be accomplished in accordance with the requirements in the~~  
31 ~~subsection (D) below and has been approved by the department. In reviewing~~  
32 ~~development proposals required to submit a wetlands mitigation plan, the~~  
33 ~~department shall determine if the impact should be rectified. Impacts can be~~  
34 ~~rectified if mitigation measures would not result in an extraordinary hardship and~~  
35 ~~denial of reasonable use of the property.~~
- 36  
37 ~~4. Compensating for the impact by replacing, enhancing, or providing substitute~~  
38 ~~resources or environments. This may be done by intentionally creating wetlands~~  
39 ~~and wetland buffers at another location where none currently exist, improving~~  
40 ~~existing wetlands and wetland buffers at another location, or otherwise providing~~  
41 ~~a substitute wetland resource at another location as compensation for any~~  
42 ~~unavoidable adverse wetland impacts. Compensating shall be accomplished in~~  
43 ~~accordance with a mitigation plan, which has been prepared in accordance with~~  
44 ~~the requirements in subsection (D) below and has been approved by the~~  
45 ~~department. In reviewing development proposals required to submit a wetlands~~

1 mitigation plan, the department shall determine if the impact should be  
2 compensated. Impacts can be compensated if compensation and mitigation  
3 measures would not result in an extraordinary hardship and denial of reasonable  
4 use of property. Compensation of wetland impacts may be waived by the  
5 department for development authorized by Section 19.100.140 (Reasonable Use  
6 Exception).

7  
8 ~~B. The overall goal of any mitigation plan shall be no net loss of regulated wetland functions~~  
9 ~~and acreage.~~

10  
11 ~~C. Those persons proposing wetland compensatory projects shall show that the~~  
12 ~~compensation project is associated with an activity or development otherwise permitted~~  
13 ~~and that the restored, created, or enhanced wetland will be as persistent as the wetland it~~  
14 ~~replaces by accomplishing demonstrating the following:~~

15  
16 ~~1. Demonstrate Sufficient scientific expertise, supervisory capability, and financial~~  
17 ~~resources to carry out the project;~~

18  
19 ~~2. Demonstrate The capability for monitoring the site and for making corrections~~  
20 ~~during this period, if the project fails to meet projected goals; and~~

21  
22 ~~3. Protect and manage or Provide for the protection and management of the~~  
23 ~~compensation area to avoid further development or degradation.~~

24  
25 ~~D. Wetland mitigation plans shall be implemented by the project applicant, and include the~~  
26 ~~following components:~~

27  
28 ~~1. **Baseline Information.** A written assessment and accompanying maps of the~~  
29 ~~impacted wetland shall be produced by the applicant or applicant's consultant and~~  
30 ~~shall include, at a minimum: Existing wetland acreage; vegetative, faunal and~~  
31 ~~hydrologic characteristics; wetland function and value assessment; soil and~~  
32 ~~substrate conditions; and topographic elevations.~~

33  
34 ~~2. If the compensation site is off site from the impacted wetland site, baseline~~  
35 ~~information about it the impacted wetland, in addition to the above information~~  
36 ~~about the impacted wetland, shall be provided by the applicant and shall include~~  
37 ~~all those items listed in subsection (D)(1) above as well as: The relationship of the~~  
38 ~~compensation site within the watershed and to existing water bodies; existing and~~  
39 ~~proposed existing compensation site conditions; buffers; and ownership.~~

40  
41 ~~3. **Environmental Goals and Objectives.** The report shall identify goals and~~  
42 ~~objectives and include:~~

43  
44 ~~a. The purposes of the compensation measures including a description of site~~  
45 ~~selection criteria, identification of compensation goals, identification of~~

1 target evaluation species and resource functions, dates for beginning and  
2 completion of compensation measures, and a complete description of the  
3 structure and functional relationships sought in the new wetland. The  
4 goals and objectives shall be related to the functions of the original  
5 wetland or, if out of kind, the type of wetland to be emulated; and,  
6

7 b. ~~A review of the available literature and/or experience to date in restoring  
8 or creating the type of wetland proposed shall be provided. An analysis of  
9 the likelihood of success of the compensation project at duplicating the  
10 original wetland shall be provided based on the experiences of comparable  
11 projects, if any. An analysis of the likelihood of persistence of the created  
12 or restored wetland shall be provided based on such factors as: surface and  
13 groundwater supply and flow patterns; dynamics of the wetland  
14 ecosystem; sediment or pollutant influx and/or erosion; periodic flooding  
15 and drought, etc.; presence of invasive flora or fauna; potential human or  
16 animal disturbance; and previous comparable projects, if any.~~

17  
18 4. ~~**Performance Standards.** Specific criteria shall be provided for evaluating  
19 whether or not the goals and objectives of the mitigation plan are being achieved  
20 at various stages in the project and for beginning remedial action or contingency  
21 measures. Such criteria may include water quality standards, survival rates of  
22 planted vegetation, species abundance and diversity targets, habitat diversity  
23 indices, or other ecological, geological or hydrological criteria.~~

24  
25 5. ~~**Detailed Construction Plans.** Written specifications and descriptions of  
26 compensation techniques shall be provided including the proposed construction  
27 sequence, grading and excavation details, erosion, sediment and storm water  
28 recharge control features needed for wetland construction and long term survival,  
29 a planting plan specifying plant species, quantities, locations, size, spacing, and  
30 density; the source of plant materials, propagules, or seeds; water and nutrient  
31 requirements for planting; where appropriate, measures to protect plants from  
32 predation; specification of substrate stockpiling techniques and planting  
33 instructions; descriptions of water control structures and water level maintenance  
34 practices needed to achieve the necessary hydrocycle/hydroperiod characteristics,  
35 etc. These written specifications shall be accompanied by detailed site diagrams,  
36 sealed cross-sectional drawings, topographic maps showing slope percentage and  
37 final grade elevations, and any other drawings appropriate to show construction  
38 techniques or anticipated final outcome. The plan shall provide for elevations  
39 which are appropriate for the desired habitat type(s) and which provide sufficient  
40 tidal prism and circulation data.~~

41  
42 6. ~~**Monitoring Program.** A program outlining the approach for monitoring  
43 construction of the compensation project and for assessing a completed project  
44 shall be provided. Monitoring must include sufficient information to adequately  
45 assess the progress of a project. Monitoring may include, but is not limited to:~~

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- a. ~~Establishing vegetation plots to track changes in plant species composition, and density and coverage over time;~~
- b. ~~Using photo stations to evaluate vegetation community response;~~
- c. ~~Sampling surface and subsurface waters to determine pollutant loading and changes from the natural variability of background conditions (pH, nutrients, heavy metals);~~
- 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;~~
- e. ~~Measuring sedimentation rates, if applicable; and,~~
- 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 *five* years.~~
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.~~
- A. A detailed mitigation plan shall contain the following:
1. Executive Summary which summarizes the project, its potential wetland related impacts, and the proposed mitigation to include the following information:
    - 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
      - Size (acres)
      - Wetland classification
      - Hydrogeomorphic (HGM) classification
      - Wetland Rating
      - Functions
      - Compensation ratios used
  2. Explanation of other impacts to waters of the state

1           3. Goals, Objectives and Monitoring Period

2  
3 B. Project Description

4           1. Summary of project

- 5               a. Type of development (existing and proposed land uses)  
6               b. Project size  
7               c. Implementation schedule  
8               d. Project location, maps  
9

10 C. Ecological Assessment of Impact

- 11           1. Impacts (acreage) and extent of disturbance to wetlands (wetland  
12               delineation)  
13           2. Summary of historic and current on-site and nearby land uses (zoning  
14               designations)  
15           3. Description of any known cultural resources on the site  
16           4. Description of the site in context of other wetlands/water bodies  
17           5. Description of the water regime  
18           6. Description of the soils  
19           7. Description of the plant communities  
20           8. Description of any fauna using the site  
21           9. Landscape position and geomorphology  
22           10. Description of functions provided  
23           11. Wetland category rating and buffer requirements  
24

25 D. Mitigation Approach

- 26           1. Mitigation sequencing followed  
27           2. Goals and objectives  
28           3. Performance standards to assess each objective  
29

30 E. Proposed Compensation Site

- 31           1. Site description (location, size, maps)  
32               a. Ownership  
33               b. Total area of mitigation site (acres)  
34               c. Current/past land use  
35           2. Site selection rationale  
36           3. Existing/baseline ecological conditions of the compensation site  
37               a. Acreage of existing wetlands and uplands  
38               b. National Wetland Inventory or local jurisdiction wetland mapping of the  
39               site  
40               c. Summary of historic and current on-site and nearby land uses (zoning  
41               designations)  
42               d. Description of any known cultural resources on the site  
43               e. Description of the site in context of other wetlands/water bodies  
44               f. Description of the water regime  
45               g. Description of the soils  
46               h. Description of the plant communities

- 1 i. Description of any fauna using the site
- 2 j. Landscape position and geomorphology
- 3 k. Description of functions provided
- 4 l. Wetland rating of any existing wetlands, buffer requirements
- 5 4. Site constraints
- 6
- 7 F. Preliminary Site Plan
- 8 1. Explanation of how adequate hydrology will be provided
- 9 2. Discussion of how project was designed to provide the proposed functions
- 10 3. Schematic drawings: Change in topography
- 11 a. Hydrologic structures
- 12 b. Soils
- 13 c. Vegetation distributions
- 14 d. Habitat attributes
- 15 e. Buffers
- 16 4. Section drawings showing relationship of topography to water regime and
- 17 vegetation
- 18
- 19 G. Final Site Plan / Design
- 20 1. Site survey and topography
- 21 2. Water regime including
- 22 a. Engineering drawings of water control structures
- 23 b. Source of water (volume, velocity, hydro period)
- 24 3. Soil amendments
- 25 4. Landscape plans
- 26 a. Drawing of proposed plant distribution
- 27 b. Location of existing or proposed upland buffers
- 28 c. Section drawings showing relationship of topography to vegetation
- 29 d. Erosion control
- 30 e. Location of habitat structure
- 31 f. Location of upland buffers
- 32 g. Soil amendments
- 33 5. Construction specifications
- 34
- 35 H. Monitoring Plan
- 36 1. Vegetation
- 37 2. Water regime
- 38 3. Soils
- 39 4. Fauna
- 40 5. Functions and values
- 41 6. Development of habitat structure
- 42 7. Water Quality
- 43 8. Buffers
- 44 9. Timetable for reporting monitoring results
- 45
- 46 I. Site Protection

1. Physical site protection
2. Legal protection
3. Buffers

J. Maintenance and Contingency Plans

1. Maintenance schedule
2. Contingency plan
  - a. Initiating procedure
  - b. Funding
  - c. Responsible parties

K. Implementation Schedule

1. Construction schedule
2. Monitoring schedule
3. Reporting schedule
4. Financial assurance

§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 final monitoring year assessment.

~~E. 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. ~~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 percent of the expected cost of compensation and shall be effective for a period of no less than and no greater than ten years after completion of the mitigation plan. 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 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 .~~

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.

- 1  
2 G. **List of Qualified Consultants.** The department shall establish a list of qualified  
3 consultants to prepare mitigation plans.  
4 (Ord. 217 (1998) § 3 (part), 1998)  
5  
6

7 **H.19.700.720 HABITAT MANAGEMENT PLAN**  
8

- 9 A. This report shall identify how ~~the~~ development impacts to fish and wildlife habitat from  
10 ~~the~~ a proposed project will be mitigated. The Washington Department of Fish and  
11 Wildlife, Priority Habitat and Species Management Recommendations, dated May 1991,  
12 or bald eagle protection rules outlined in WAC 232-12-292, as now or hereafter  
13 amended, may serve as guidance for this report. The recommendation in the Washington  
14 Department of Fish and Wildlife, Priority Habitat and Species Management  
15 Recommendations, dated May 1991, shall not serve as mandatory standards or policy of  
16 this title, until such time as the Department of Fish and Wildlife holds public hearings on  
17 the recommendations and the State Wildlife Commission endorses the recommendations  
18 following the public hearings.  
19
- 20 B. The habitat management plan shall contain a map prepared at an easily readable scale,  
21 showing:  
22
- 23 1. The location of the proposed development site;
  - 24 2. The relationship of the site to surrounding topographic, water features, and  
25 cultural features;
  - 26 3. Proposed building locations and arrangements;
  - 27 4. A legend which includes a complete legal description, acreage of the parcel, scale,  
28 north areas, and date of map revision.
  - 29 5. A WDFW PHS Data Base search that is no older than one year from the project  
30 submittal or two years from the project approval.  
31
- 32
- 33 C. The habitat management plan shall also contain a report which describes:  
34  
35
- 36 1. The nature and intensity of the proposed development;
  - 37 2. An analysis of the effect of the proposed development, activity or land use change  
38 upon the wildlife species and habitat identified for protection; and,
  - 39 3. ~~A plan which identifies~~ discussion on how the applicant proposes to mitigate any  
40 adverse impacts to wildlife habitats created by the proposed development. (~~See, in~~  
41  
42  
43  
44

1 ~~this chapter, Report I, " 19.700.710 and 19.700.715, Wetland Report/Wetland~~  
2 ~~Mitigation Plan"requirements.)~~

3  
4 D. ~~Possible~~ Examples of mitigation measures to be included in the Habitat Management  
5 Plan report, ~~or required by the department, could~~ include, but are not limited to:

6  
7 1. Establishment of buffer zones;

8  
9 a. When applicable, the order of sequence for such buffer reductions shall be as follows:

10  
11 i. Use of buffer averaging maintaining one hundred percent of the buffer  
12 area under the standard buffer requirement;

13  
14 ii. Reduction of the overall buffer area by no more than twenty-five percent  
15 of the area required under the standard buffer requirement;

16  
17 iii Enhancement of existing degraded buffer area and replanting of the  
18 disturbed buffer area;

19  
20 iv. The use of alternative on-site wastewater systems in order to minimize site  
21 clearing;

22  
23 v. Infiltration of stormwater where soils permit; and,

24  
25 vi. Retention of existing native vegetation on other portions of the site in  
26 order to offset habitat loss from buffer reduction.

27  
28  
29  
30 2. Preservation of ~~critically important~~ native plants and trees that are essential to  
31 maintaining habitat function;

32  
33 3. Limitation of access to habitat areas;

34  
35 4. Seasonal restriction of construction activities; and

36  
37 5. Establishing phased development requirements and/or a timetable for periodic review  
38 of the plan.

39  
40 E. ~~This~~ Habitat Management Plan ~~plan~~ shall be prepared by a person who has been  
41 educated in this field and has professional experience as a fish or wildlife biologist (as  
42 defined at 19.150.330 and 19.150.720). For minor new development, ~~land divisions of~~  
43 ~~fourteen lots or less~~ and low income housing, the department ~~shall~~ may complete the plan  
44 unless the applicant wishes to employ a qualified professional at the applicant's expense.  
45 Fees may be collected for this plan as specified in Title 17 Kitsap County's Zoning

1            ~~Ordinance Code~~. Where this plan is required for the protection of an eagle habitat, the  
2            eagle habitat management plan shall normally be prepared by the Department of Fish and  
3            Wildlife, as required under the bald eagle management rules.  
4            (Ord. 217 (1998) § 3 (part), 1998)

5  
6            **HH19.700.725. Geotechnical Report and Geological Report**

7  
8            Whenever development is proposed in a ~~G~~-geologically ~~H~~ hazardous ~~A~~ area or shoreline setback  
9            as defined in Sections 300 and 400 of the ~~Critical Areas Ordinance (CAO)~~ this Title, or when the  
10           ~~D~~ department determines that additional soils and slope analysis is appropriate on a particular  
11           site, the applicant is required to submit a geotechnical or geological report that evaluates the  
12           surface and subsurface soil conditions on the site.

13  
14           **A. Qualifications**

15  
16            1. Geotechnical reports shall be prepared by a geotechnical engineer ~~(a civil engineer~~  
17            ~~licensed by the State of Washington who is knowledgeable of regional geologic~~  
18            ~~conditions and who has at least four years professional experience in landslide and/or~~  
19            ~~seismic hazard evaluation)~~ (defined at 19.150.370).

20  
21            2. Geological reports may be prepared by a licensed geologist, ~~engineering geologist~~ or  
22            geotechnical engineer ~~knowledgeable in regional geologic conditions and having at least~~  
23            ~~four years professional experience in site evaluation and development studies, and~~  
24            ~~landslide and/or seismic hazard evaluation as defined at 19.150.370.~~

25  
26            **B. General Provisions**

27  
28            Report recommendations for earthwork, clearing or siting structures in ~~high risk~~ geologically  
29            hazardous areas shall be based on existing site conditions rather than measures that have not yet  
30            been successfully approved, designed, or constructed (e.g., slope recontouring, slope retaining  
31            walls, vegetation improvements, bulkheads, etc.). Shoreline bulkheads and retaining walls may  
32            only be utilized as an engineering solution where it can be demonstrated that: 1) an existing  
33            residential structure or other permitted existing public or private structures or public facilities  
34            such as roads or highways, cannot be safely maintained without such measures; 2) other non-  
35            structural methods of beach stabilization have been considered and determined infeasible; and 3)  
36            the resulting stabilization structure is the minimum necessary to provide stability for the existing  
37            structure and appurtenances.

38  
39            Minor repair activities on existing permitted structures (i.e., those that do not involve design  
40            modifications, changes in structure location, and/or demolition or abandonment of failed  
41            structure and replacement with new structure) are not subject to the following project submittal  
42            standards.

1 **A C. ~~Geological Report (Site Visit and Site Evaluation Report~~ Submittal Standards):**  
2

3 A Geological Report is required for site development proposals ~~which~~ that involve  
4 development activity or the installation of structures within a ~~G~~-geologically ~~H~~ hazardous ~~A~~  
5 area or shoreline setbacks, or as otherwise required pursuant to Sections 300 and 400 of the  
6 ~~CAO~~ this Title, but do not involve or require engineering design recommendations. The  
7 following minimum information is required:  
8

- 9 1. Site information regarding the Kitsap County Shoreline Inventory Shoreline Environment  
10 designation and Critical Areas Ordinance designations that affect site features and  
11 shorelines;  
12  
13 2. Description of surface and subsurface conditions, including ground materials, vegetation,  
14 surface drainage, groundwater, and a preliminary geologic hazard assessment which  
15 includes the locations of structures and the identification of the slope and/or coastal  
16 processes occurring at the site and factors that contribute to them;  
17  
18 3. Review of available site information, literature, and mapping;  
19  
20 4. Detailed description of slope and other topographic features; and  
21  
22 5. Conceptual siting of structures and general recommendations which include methods and  
23 practices that avoid and/or reduce slope and shore impacts. Minimum recommendations  
24 should include upland and slope drainage control, groundwater control, site vegetation  
25 management, and erosion control.  
26

27 **B D. Geotechnical Report Submittal Standards:**  
28

29 A Geotechnical Report is required when the ~~D~~ department or a Geological Report determines  
30 that a site development proposal requires additional site information such as engineering  
31 design recommendations, slope stability analysis, subsurface exploration and testing, coastal  
32 process analyses, ~~and~~ or construction recommendations. Depending on the level of activity  
33 proposed, the report will either be a more limited Geotechnical Slope Evaluation Report or a  
34 full Geotechnical Design Investigation Report as described below.  
35

36 1. **Geotechnical Slope Evaluation Report:**  
37

38 A Geotechnical Slope Evaluation Report is required when slope stability analyses are  
39 confined to addressing only existing surface and/or drainage conditions, including the  
40 relationship of natural and constructed slope features to proposed changes in  
41 environmental conditions such as drainage, vegetation removal and slope geometry. The  
42 following minimum information is required:  
43

- 44 a. All the information required under ~~subs~~-Section ~~I~~ C, above (Geological Report);  
45

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

2. **Geotechnical Design Investigation Report:**

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

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

- e. Required construction specifications and construction monitoring procedures;
- f. Revegetation and surface and groundwater management requirements;
- g. Evaluation of erosion potential and recommendations for erosion avoidance and any proposed mitigation measures;
- h. Detailed tabulation of all basic geotechnical engineering test results pertinent to design and construction, and when required for clarification, detailed examples of tests conducted for the project; and
- i. Information outlined in the Geotechnical Design Investigation Report Site Evaluation Checklist (see attached).

**E. Additional Requirements for Sites in Geologically Hazardous Areas**

When a project site is located within a landslide-prone a ~~G~~ geologically ~~H~~ hazardous ~~A~~ area, as defined in Section ~~18.16.410A~~.19.400.410, the following additional project submittal requirements shall apply:

**A 1. Erosion Control Information:**

An evaluation of the erosion potential on the site during and after construction. The evaluation shall include recommendations for mitigation, including retention of vegetative buffers and a revegetation program. The ~~G~~ geotechnical ~~E~~ engineer shall provide a statement identifying buffer areas at the top or toe of a slope based on geotechnical site constraints and the impacts of proposed construction methods on the erosion potential of the slope.

**B 2. Seismic Information:**

The ~~G~~ geotechnical ~~E~~ engineer shall submit a statement ~~in the report~~ that the design criteria consider the one\_ in\_100 year seismic event (an earthquake ground motion that has a 40% probability of exceedance in 50 years). Calculations of soil bearing capacity, general soil stability, and wall lateral earth pressures shall be adjusted to reflect a one\_ in\_ 100 year seismic event and the structural plans for the project shall be reviewed by the ~~G~~ geotechnical ~~E~~ engineer for consistency with these design criteria.

Analysis for the one\_ in\_ 100 year seismic event shall be based on a near crustal event having an assumed magnitude of 6.5 and occurring directly below the site. Based on regional studies performed by others, the Department will allow the use of the following minimum general values of horizontal peak ground accelerations for this event:

1 a = 0.2g for fill, alluvial soils  
2 a = 0.17g for till, firm glaciated soils  
3 a = 0.15g for rock  
4

5 The appropriateness of the above accelerations shall be confirmed by the ~~G~~ geotechnical ~~E~~  
6 engineer based on the actual site characteristics. Reduction in the above values may be  
7 considered when supported by the appropriate analytical evidence. Slope stability, lateral  
8 pressures, and liquefaction of the site shall be assessed by using subsurface soil, rock and  
9 groundwater conditions, as well as the seismic parameters discussed above.  
10

11 ~~C~~ 3. **Recommendations on Relative Site Stability:**  
12

13 ~~When development is proposed in a landslide-prone area, t~~ The ~~G~~ geotechnical ~~E~~ engineer  
14 shall make recommendations as to which portion of the site is the least prone to instability  
15 and the preferred location of the structure. The limits of any area proposed for grading  
16 activity shall be identified in the recommendations.  
17

18 ~~D~~ 4. **Construction Season Limitation:**  
19

20 In general, no excavation will be permitted in landslide-prone ~~G~~ geologically ~~H~~ hazardous ~~A~~  
21 areas during the typically wet winter months. When excavation is proposed, including the  
22 maintenance of open temporary slopes, between October 1 and April 30, technical analysis  
23 shall be provided to ensure that no environmental harm, threat to adjacent properties, or  
24 safety issues would result. In addition, recommendations for temporary erosion control and  
25 shoring/mitigating measures shall be provided. The technical analysis shall be submitted to  
26 the ~~D~~ department and shall consist of plans showing mitigation techniques and a technical  
27 memorandum from the ~~G~~ geotechnical ~~E~~ engineer.  
28

29 ~~E~~ 5. **Revisions to Geotechnical Report:**  
30

31 Further recommendations ~~signed and sealed~~ shall be provided by the ~~G~~ geotechnical ~~E~~  
32 engineer ~~shall be provided~~ should there be additions or exceptions to the original  
33 recommendations based on the plans, site conditions, or other supporting data. If the ~~G~~  
34 geotechnical ~~E~~ engineer who ~~reviews~~ revises the plans and specifications is not the same  
35 engineer who prepared the ~~G~~ geotechnical ~~R~~ report, the new engineer shall, in a letter to the  
36 ~~D~~ department, express his or her agreement or disagreement with the recommendations in the  
37 ~~G~~ geotechnical ~~R~~ report and state whether the plans and specifications conform to his or her  
38 recommendations.  
39

40 ~~F~~ 6. **Plan and Specification Review:**  
41

1 The ~~G~~ geotechnical ~~E~~ engineer shall submit a statement that in his or her judgment, the plans  
2 and specifications (if prepared by others) conform to the recommendations in the ~~G~~  
3 geotechnical ~~R~~ report and that all portions of the site which are disturbed or impacted by the  
4 proposed development have appropriate measures or specifications that permit construction  
5 to occur while addressing slope stability so that the work does not create additional risk. The  
6 statement shall also indicate whether or not a relative gain in slope stability will be achieved  
7 after construction is complete.  
8

9 ~~G~~ 7. **Construction Inspection:**

10  
11 A final inspection report shall be provided by the ~~G~~ geotechnical ~~E~~ engineer stating that  
12 construction has or has not implemented the design recommendations of the ~~G~~ geotechnical  
13 ~~R~~ report, and ~~an evaluation~~ evaluating of any deviation from the design recommendations.  
14  
15

16 F. **Geotechnical Design Investigation Report - Site Evaluation Checklist**

17  
18 The following are general report guidelines for Geotechnical Design Investigation Reports. The  
19 following guidelines are not intended to be all inclusive. It is the responsibility of the ~~G~~  
20 geotechnical ~~E~~ engineer to address all factors which in their opinion, are relevant to the site. The  
21 checklist information shall be included as part of the Geotechnical Design Investigation Report.  
22 All items listed below must be addressed in the report. Information shall be provided for those  
23 items which are not relevant to a given site to demonstrate why the items are not applicable.  
24

25 ~~A~~ 1. **Project Information:**

- 26  
27 1. a. Site Owner Name; ;  
28  
29 2. b. Project Proponent Name; ;  
30  
31 3. c. Shoreline Environment Designation (where applicable); and  
32  
33 4. d Critical Areas Ordinance (CAO) designations affecting site features.  
34

35 ~~B~~ 2. **Project Description:**

- 36  
37 1. Description of proposed structures, site improvements, and adverse impact avoidance and  
38 reduction methods.  
39  
40 2. Location and total area of the construction zone.

1 **IV.19.700.730**            **Hydrogeological Report**

2  
3 A hydrogeological report shall be required for certain proposed operations based on a  
4 consultation with the appropriate local and state agencies. The report shall address the impact the  
5 proposed land use will have on both the quality and quantity of the water transmitted to the  
6 aquifer. The report shall also address the types of pesticides and herbicides and fertilizers that  
7 can safely be used for the care of landscaping proposed by the applicant.  
8

9 A. The report shall be submitted to the ~~reviewing authority~~ department and shall address, at  
10 a minimum, the following criteria:

- 11 1. Surficial soil type and geologic setting;
- 12 2. Location and identification of wells within 1,000 feet of the site;
- 13
- 14 3. Location and identification of surface water bodies and springs within 1,000 feet  
15 of the site with recharge potential;
- 16
- 17 4. Description of underlying aquifers and aquitards, including water level, gradients  
18 and flow direction;
- 19
- 20
- 21 5. Available surface water and groundwater quality data;
- 22
- 23 6. Effects of the proposed development on water quality;
- 24
- 25 7. Sampling schedules required to assure water quality;
- 26
- 27 8. Discussion of the effects of the proposed development on the groundwater  
28 resource;
- 29
- 30 9. Recommendations on appropriate BMP's (Best Management Practices) or  
31 mitigation to assure no significant degradation of groundwater quality; and,  
32
- 33 10. Other information as required by the Kitsap County Health District.

34  
35  
36 B. The hydrogeologic report shall be prepared by a professional geologist/hydrologist or by  
37 a soil scientist with a strong background in geology ~~as demonstrated by course work from~~  
38 ~~an accredited college or university and/or has a minimum of five years' experience.~~ (see  
39 Section 19.150.365)  
40

41 C. Applications for development or operations with underground storage of petroleum  
42 products will be processed using the appropriate procedure as specified in existing Kitsap  
43 County ordinances.  
44

45 D. Analysis for a specific parcel(s), using the criteria outlined below, will be employed to  
46 ~~determine~~ confirm if the soils present require a recharge area designation. Data collection

1 will include, at a minimum, § six soil logs to a depth of ten feet (or to a depth four feet  
2 below the lowest proposed excavation point whichever is greater) for each acre in the  
3 parcel(s) being evaluated. At least one well ~~which~~ that is two hundred feet or greater in  
4 depth with an adequate drilling report must be available within one mile. The associated  
5 data shall be analyzed and included in the hydrogeologic report to determine the presence  
6 of highly permeable soils with the recharge area designation.  
7

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

14 (Ord. 217 (1998) § 3 (part), 1998)

**Chapter 19.800**  
**APPENDICES**

15  
16  
17  
18  
19  
20 The purpose of the appendices is to provide supporting documentation to assist in the  
21 implementation of this ordinance.  
22  
23  
24

- 25 **Appendix A**            **Washington State Wetlands Rating System Categories.**  
26  
27 **Appendix B**            **Washington State DNR Stream Typing System.**  
28  
29 **Appendix C**            **Kitsap County's GIS Database of Critical Areas Information.**  
30  
31 **Appendix D**            **Site Development Figures.**  
32  
33 **Appendix E**            **Kitsap County Critical Area and Buffer Notice.**  
34  
35 **Appendix F**            **Kitsap County Shallow Principal Aquifer Listing.**  
36  
37 **Appendix G**            **Kitsap County Wetland Buffer Alteration**  
38 **General Authorization Form.**  
39  
40  
41

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

2  
3     This system utilizes a four-tier process. The following text includes an additional categorization  
4     system for wetlands.

5  
6     **A.       Category I Wetlands.**

7  
8         Category I Wetlands are:

- 9  
10        1.     Wetlands with H habitat for endangered or threatened fish or animal species or for  
11           potentially eradicated plant species recognized by state or federal agencies;  
12  
13        2.     Wetlands with Hhigh quality native or regionally rare wetland communities with  
14           irreplaceable ecological functions including, but not limited to, sphagnum bogs  
15           and fens, estuarine wetlands, mature forested wetlands, or wetlands which qualify  
16           for inclusion in the Natural Heritage Information System; or  
17  
18        3.     Wetlands of exceptional local significance. The criteria for determining  
19           exceptional local significance shall include, but are not ~~be~~ limited to the following  
20           factors: rarity; high aquifer recharge function; a significant habitat or unique  
21           educational site, including but not limited to unusual nesting or resting sites such  
22           as heron rookeries or raptor nesting trees; or consideration of other specific  
23           functional values.

24  
25     **B.       Category II Wetlands.**

26  
27     ~~These wetlands~~ Category II wetlands satisfy no Category I criteria ~~and~~ but are:

- 28  
29        1.     Wetlands with significant habitat value of 22 or more points from the State Rating  
30           System; ~~or~~  
31  
32        2.     Wetlands with H habitats for sensitive plant, fish or animal species recognized by  
33           federal or state agencies; ~~or~~  
34  
35        3.     Wetlands with R rare wetland communities listed in subsection (A)(2) (~~under~~  
36           ~~Category I~~) ~~which~~ that are not high quality; ~~or~~  
37  
38        4.     Wetland types with significant functions ~~which~~ that cannot be adequately  
39           replicated through creation or restoration. ~~These are demonstrated by~~ types have  
40           the following characteristics:  
41           a. Significant peat systems;  
42           b. Forested wetlands that have three canopy layers, excluding single species  
43           stands of red alder averaging eight inches in diameter at breast height or less; or  
44           c. Significant spring fed systems; ~~or~~  
45  
46        5.     Wetlands with significant habitat value based on diversity and size; or

- 1
- 2 6. Wetlands five acres or greater in size, ~~and that containing~~ open water at any time
- 3 during a normal year, ~~and~~ two or more subclasses of vegetation in a dispersed
- 4 pattern; ~~or~~
- 5
- 6 7. Wetlands contiguous with salmonid fish-bearing water, including streams where
- 7 flow is intermittent; or
- 8
- 9 8. Wetlands with significant use by fish and wildlife.

10  
11 **C. Category III Wetlands.**

12  
13 Category III ~~W~~ wetlands that do not contain features outlined in Category I or II, but are have

14 ~~one or more of the following features:~~

- 15
- 16 1. Wetlands with a habitat value of 21 points or less from the State Rating System;
- 17
- 18 2. Wetlands that are contiguous with a stream, river, pond, lake or marine water; or
- 19
- 20 3. Isolated wetlands larger than one acre; or
- 21
- 22 4. Wetlands (isolated or contiguous) that provide a critical ~~A~~ aquifer recharge
- 23 function; or
- 24
- 25 5. Wetlands more than .5 acre that have less than eighty percent cover of hardhack,
- 26 soft rush or alder at least twenty years of age; or
- 27
- 28 6. Wetlands more than .5 acre that have less than eighty percent cover of non-native
- 29 species, including, but not limited to, reed canary grass and common pasture
- 30 grasses.
- 31

32 **D. Category IV Wetlands.**

33  
34 Category IV ~~W~~ wetlands ~~which that~~ do not meet the criteria of a Category I, II or III wetland;

35 and are:

- 36
- 37 1. Isolated wetlands that are less than or equal to one acre in size, are hydrologically
- 38 isolated, have only one wetland class, and have only one dominant plant species
- 39 (>80% area cover of monotypic vegetation); or
- 40
- 41 2. Isolated wetlands that are less than or equal to two acres in size, are
- 42 hydrologically isolated, have only one wetland class and a predominance of exotic
- 43 species (>90% area cover-~~→~~).
- 44

45 **E. Additional Dual Categorization Standards.**

46

1 Portions of a Category I or II wetland may be classified as a Category II or III wetland based  
2 upon its functional characteristics if it meets the following criteria:

- 3
- 4 ~~1. The portion of the wetland subject to Category III distinction meets the minimum~~  
5 ~~threshold of 2,500 sq. ft. required for regulatory purposes;~~  
6
- 7 2. 1. The portion of the wetland subject to be categorized as a Category II or III  
8 ~~distinction~~ meets the technical criteria required for a Category II or III wetland, as  
9 determined in the Wetland Rating System;
- 10
- 11 ~~3. The portion of the wetland rated lower in category that functions as a buffer for~~  
12 ~~the portion of the wetland rated higher in category;~~  
13
- 14 4. 2. The portion of the wetland to be rated lower in category which has must have a  
15 width of at least twice the required buffer width of the higher rated wetland  
16 category ~~that portion of the wetland immediately within two hundred feet of it~~  
17 ~~that is rated higher in category.~~  
18

1  
2  
3 **APPENDIX B**  
4 **Washington State Department of Natural Resources Stream Typing System**  
5

**Water Type Conversion Table**

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

- 6  
7 A. **"Type 1 S Streams"** are those surface waters which meet the criteria of the Washington  
8 Department of Natural Resources, WAC 222-16-30(1) as now or hereafter amended, as a  
9 Type 1 S Water and are inventoried as "Shorelines of the State" under the Shoreline  
10 Management Master Program for Kitsap County, pursuant to RCW Chapter 90.58. Type  
11 1 S waters contain salmonid fish habitat.  
12  
13 B. **"Type 2 F Streams"** are those surface waters which meet the criteria of the Washington  
14 Department of Natural Resources, WAC 222-16-030(2) as now or hereafter amended, as  
15 a Type 2 F Water. Type 2 F streams contain habitat for salmonid fish, game fish and  
16 other and anadromous fish.  
17  
18 C. **"Type 3 F Streams"** are those surface waters which meet the criteria of the Washington  
19 Department of Natural Resources, WAC 222-16-030 (~~3~~) (2) as now or hereafter  
20 amended, as a Type 3 F Water. Type 3 F streams contain habitat for salmonid fish, game  
21 fish and other and anadromous fish.  
22  
23 D. **"Type 4 Np Streams"** are those surface waters which meet the criteria of the  
24 Washington Department of Natural Resources, WAC 222-16-030 (~~4~~) (3) as now or  
25 hereafter amended, as a Type 4 Np Water. Type 4 Np waters do not contain salmonid fish  
26 habitat.  
27  
28 E. **"Type 5 Ns Streams"** are those surface waters which meet the criteria of the  
29 Washington Department of Natural Resources, WAC 222-16-030 (~~5~~) (4) as now or  
30 hereafter amended, as a Type 5 Ns Water. These streams are areas of perennial or  
31 intermittent seepage, ponds, and drainage ways having short periods of spring or storm  
32 runoff. Type 5 Ns waters do not contain salmonid fish.  
33  
34  
35  
36  
37  
38  
39  
40

APPENDIX C - Kitsap County's GIS Database of Critical Areas Information

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

1  
2

**APPENDIX D - Site Development Figures**



**APPENDIX F - Kitsap County Shallow Principal Aquifer Listing**

The following is a list of shallow principal aquifers that have been designated by an overlay as "aquifer recharge areas of concern."

	<u>Og1a</u>	<u>Approximate Elevations</u>
8	Hansville	+ 250
9	Gorst	+ 50
10	North Lake (McCormick Woods)	+ 300
11	Port Gamble	+ 100
13	<u>Og2</u>	
15	Island Lake (upper)	+ 150
16	Port Gamble South	- 50
17	Wilson Creek	+ 150
19	<u>Og3</u>	
20	Bangor (upper)	+ 100
21	Clam Bay	0
22	Edgewater	+ 130
23	Island Lake	+ 150
24	Kingston (upper)	- 25
25	Poulsbo	+ 225
26	Manette-Bremerton North	0
27	Seabeck	+ 100
28	Suquamish-Miller Bay	0
29	Yukon	0

**Appendix G**

**KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**

**Wetland Buffer Alteration General Authorization Form**

1  
2  
3  
4 **Application No.** \_\_\_\_\_

5  
6 **1. Landowner** \_\_\_\_\_ **Phone** \_\_\_\_\_  
7 **Mailing Address** \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_

10 **2. Authorized Agent/Contact** \_\_\_\_\_ **Phone** \_\_\_\_\_  
11 **Mailing Address** \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_

14 **3. Person Responsible for Work** \_\_\_\_\_ **Phone** \_\_\_\_\_  
15 **Mailing Address** \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_

18 **4. Project Location** \_\_\_\_\_  
19 \_\_\_\_\_  
20 **Watershed** \_\_\_\_\_ **Tax Acct No.** \_\_\_\_\_  
21 **Adjacent Water Body (river, lake):** \_\_\_\_\_  
22 **Township** \_\_\_\_\_ **Range** \_\_\_\_\_ **Section** \_\_\_\_\_  
23 \_\_\_\_\_

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

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

40 I agree that the information provided above is accurate to the best of my knowledge  
41 \_\_\_\_\_  
42 \_\_\_\_\_

43 \_\_\_\_\_  
44 \_\_\_\_\_ **Applicant Signature** \_\_\_\_\_ **Date** \_\_\_\_\_  
45 **Return completed for and attachments to:** \_\_\_\_\_ **Kitsap County DCD**  
46 **614 Division St, MS-36**  
47 **Port Orchard, WA 98366**  
48 \_\_\_\_\_

49  \_\_\_\_\_ **Staff Initials**