

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

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4 **Kitsap County Code Title 19**

5 **Critical Areas Ordinance**

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8 Underline / Strike-out Version

9 **19.200 Wetlands**

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**Chapter 19.200
WETLANDS**

Sections:

- 19.200.205 Purpose and Objectives.**
- 19.200.210 Wetland identification and functional rating.**
- 19.200.215 Wetland review procedure.**
- 19.200.220 Wetland buffer requirements.**
- 19.200.225 Additional development standards for certain uses.**
- ~~**19.200.230 Special use review.**~~
- 19.200.250 Wetland mitigation requirements.**
- 19.200.260 Incentives for wetlands protection.**

19.200.205 Purpose and Objectives.

This chapter applies to all ~~regulated~~ uses within or adjacent to areas designated as wetlands, as defined in Section 19.150.705685, except those identified as exempt in 19.100.125. The intent of this chapter is to:

- A. Achieve no net loss and increase the quality, ~~and~~ function and values of wetland acreage within Kitsap County by and maintaining and enhancing, when required, the biological and physical functions and values of wetlands with respect to water quality maintenance, stormwater and floodwater storage and conveyance, fish and wildlife habitat, primary productivity, recreation, and education;
- B. Protect the public's health, safety and welfare, while preventing public expenditures that could arise from improper wetland uses and activities;
- C. Plan wetland uses and activities in a manner that allows property holders to benefit from wetland property ownership wherever allowable under the conditions of this title chapter and the ordinance from which it derives;
- D. Prevent turbidity and pollution of wetlands and fish or shellfish bearing waters; and
- E. Maintain the wildlife habitat.

19.200.210 Wetland identification and functional rating.

A. General.

- 1. ~~Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally~~

1 ~~include swamps, estuaries, marshes, bogs and similar areas. For regulatory purposes, wetland~~
2 ~~delineations shall be determined by the Washington State Wetlands Identification and Delineation~~
3 ~~Manual, March 1997, or as amended hereafter. All wetland delineations shall be done in~~
4 ~~accordance with the approved federal wetland delineation manual and applicable regional~~
5 ~~supplement. All areas within the county meeting the wetland designation criteria are hereby~~
6 ~~designated critical areas and are subject to the provisions of this title.~~

7 2. Kitsap County uses the Washington Department of Ecology Washington State Wetland Rating
8 System for Western Washington, revised ~~2004~~2014 or as hereafter ~~hereafter~~, to
9 categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and
10 replacement ratios for wetlands. Wetlands shall be generally designated as follows. (See Chapter
11 19.800, Appendix A, for more detailed description).

12 B. ~~Regulated Wetlands. (See Chapter 19.800, Appendix A, for more detailed description).~~

13 1. Category I Wetlands. Category I wetlands include, but are not limited to, ~~are those regulated~~
14 ~~wetlands that represent~~ include but are not limited to rare or unique wetland types, those that are
15 more sensitive to disturbance than most wetlands, those and that are relatively undisturbed and
16 contain ecological attributes that are impossible to replace within a human lifetime, or those that
17 provide a high level of function. Category I wetlands score ~~70~~ 23 points or more out of 27 400 on
18 the wetlands ratings system.

19 2. Category II Wetlands. Category II wetlands are those regulated wetlands that are more
20 difficult to replace and provide high levels of some functions. Category II wetlands score
21 ~~between 54~~ 20-22 points out of 27 400 on the wetlands ratings system.

22 3. Category III Wetlands. Category III wetlands are those ~~regulated~~ wetlands with a moderate
23 level of function and can often be adequately replaced with mitigation. Category III wetlands that
24 ~~score between 30-50~~ 16-19 points on the wetlands ratings system. Activities affecting isolated,
25 non-mosaic Category III wetlands that are less than 1,000 2,500 square feet may be allowed
26 provided that the wetlands report identifies the specific wetland function affected or at risk, and
27 the proposed mitigation to replace the wetland function, on a per function basis.

28 4. Category IV Wetlands. Category IV wetlands have the lowest level of function and are often
29 heavily disturbed. Category IV wetlands ~~are those regulated wetlands that~~ score less than ~~30~~ 16
30 points out of 27 400 on the wetlands ratings system. Activities affecting isolated, non-mosaic
31 Category IV wetlands that are less than 4,000 7,500 square feet may be allowed provided that

1 the wetlands report identifies the specific wetland function affected or at risk, and the proposed
2 mitigation to replace the wetland function, on a per function basis.

3 ~~C. Non-Regulated Wetlands.~~

4 ~~Created Wetlands. Wetlands created intentionally from a non-wetland site that were not required to be~~
5 ~~constructed as mitigation for adverse wetland impacts. These may include, but are not limited to irrigation~~
6 ~~and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment ponds, farm~~
7 ~~ponds not contiguous, as defined in this title, and landscape amenities.~~

8 ~~D. Criteria for Determining Wetlands Divided by a Manmade Feature.~~

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

12 a. ~~It can be demonstrated that the separate wetlands were one discrete wetland prior to~~
13 ~~construction of the manmade feature. This may be accomplished through an analysis of~~
14 ~~secondary information such as aerial photographs and soils maps; or~~

15 b. ~~The two separated wetlands can be shown to function as one wetland. This shall be~~
16 ~~determined based on normal conditions (i.e., in the absence of unauthorized activity, the~~
17 ~~wetlands possess similar vegetative or wildlife assemblages or hydrologic regime).~~

18 2. ~~Separated wetland areas may be rated jointly in the absence of a perfectly level culvert where~~
19 ~~it can be demonstrated that a level surface water connection is present within the culvert that~~
20 ~~permits flow of water, fish, or other organisms in both directions. Separated wetland areas may also~~
21 ~~be rated jointly in the absence of a perfectly level culvert with two-way water flow if the bottom of~~
22 ~~the culvert is below the high water marks in the receiving wetland or if the high water marks on~~
23 ~~either side differ by six inches or less in elevation.~~

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

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19.200.215 Wetland review procedures.

A. Application Requirements. Except as otherwise provided herein, all applications for development within a wetland or its largest potential buffer width shall include the following special reports at the time of application. This shall not prohibit the department from requesting reports or other information.

~~a1.~~ Wetland delineation report (Section 19.700.710)

~~b2.~~ Wetland mitigation report (Section 19.700.715); and

~~3.~~ Erosion and sedimentation control measures and/or a site development activity permit as required by Title 12 of the Kitsap County Code (Stormwater Management).

~~2. Time Limitations. Special reports submitted in accordance with this section shall be valid for a period of five years from the date of the report unless a longer or shorter period is specified by the department. An extension of an original report may be granted upon submittal of a written request to the department prior to expiration. Prior to granting any extension, the department may require updated studies if, in its judgment, the original intent of the application is altered, enlarged or if circumstances relevant to the review and issuance of the original permit have changed substantially, or if the applicant failed to abide by the terms of the original approval. Time extensions shall be granted in writing and documented in the file.~~

B. Delineation of Wetland Boundaries.

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

~~21.~~ The applicant shall be responsible for hiring a qualified wetlands specialist to determine the wetland boundaries by means of a wetland delineation. This specialist shall stake or flag the wetland boundary. When required by the department, the applicant shall hire a professional land surveyor licensed by the state of Washington to survey the wetland boundary line. The ~~regulated~~ wetland boundary and ~~regulated~~ wetland buffer established by this chapter shall be identified on all grading, landscaping, site, on-site septic system designs, utility or other development plans submitted in support of the project.

~~32.~~ The department may perform a delineation of a wetland boundary on parcels where no more than one single-family dwelling unit is allowed.

1 43. Where the applicant has provided a delineation of a wetland boundary, the department may
2 verify the wetland boundary at the cost of the applicant and may require that a wetland specialist
3 make adjustments to the boundary.

4 C. Wetland Review Process for Single-family Dwellings.

5 1. Expedited Approval. Applicants proposing a single-family dwelling may receive expedited
6 approval by the department if they choose to adopt the largest buffer width from the appropriate
7 wetland category. Expedited approval removes the requirements of the wetland certification
8 process for single-family dwellings (subsection (2), below) provided that the wetland delineation
9 and/or wetland rating is not disputed. Administrative buffer reductions or variances will not apply.
10 Expedited approval is not the same as expedited review, which is sometimes available for
11 additional fees.

12 2. Wetland Certification Process for Single-family Dwellings (No Encroachment into a
13 ~~Regulated~~ Wetland or its Standard Buffer).

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

17 (1) No ~~regulated~~ wetlands are present within 250 feet of the project area; or

18 (2) Wetlands are present within 250 feet of the project area, but all regulated
19 activities associated with the dwelling (e.g., landscaped areas, septic facilities,
20 outbuildings, etc.) will occur outside of the standard buffer of the identified
21 wetland.

22 b. If ~~regulated~~ wetland buffers extend onto the site, the wetland specialist shall place
23 permanent, clearly visible, wetland buffer signs at the edge of the buffer. A wetland buffer
24 sign affidavit, signed by the wetland specialist, shall be submitted to the department as
25 verification that the wetland buffer signs have been placed on the subject site.

26 c. A survey will not be required with a single-family wetland certification form.

27 d. The single-family certification form may be used only to authorize single-family
28 dwellings and associated home site features such as driveways, gardens, fences, wells,
29 lawns, and on-site septic systems. It may not be used for new agricultural activities,

1 expansion of existing agricultural activities, forest practice activities, commercial projects,
2 land divisions, buffer width modifications, or violations.

3 e. The single-family certification process will be monitored by the department for
4 accuracy, and enforcement actions will be initiated should encroachment into a regulated
5 wetland or buffer occur.

6 f. The applicant/property owner assumes responsibility for any and all errors of the
7 single-family certification form and all associated mitigation imposed by the department.

8 g. Single-family certification forms shall be filed with the Kitsap County auditor's office.

9 **19.200.220 Wetland buffer requirements.**

10 ~~For the purpose of this title, a wetland and its buffer are subject to the regulatory provisions of this~~
11 ~~chapter.~~

12 A. Determining Buffer Widths. The following buffer widths are based on three factors: the wetland
13 category, the intensity of the impacts, and the functions or special characteristics of the wetland that need
14 to be protected as established through the rating system. These factors must be determined by a qualified
15 wetland professional using the *Washington State Wetland Rating System for Western Washington: 2014*
16 *Update* (Ecology Publication #14-06-029, or as revised and approved by Ecology). If a wetland meets more
17 than one of the characteristics listed in tables 19.200.220(B) through (E), the greater of the buffers
18 recommended to protect the wetland is applied. Buffer widths Buffers shall be measured horizontally from
19 a perpendicular line established at the wetland edge based on the ~~base~~ buffer width identified using the
20 tables below. ~~Identified in Table 19.200.220(A) and adjustments made from considerations contained in~~
21 ~~Table 19.200.220(B), Land Use Impact Intensity, below, and as applied in Tables 19.200.220(C) through~~
22 (F).

TABLE 19.200.220(A) BASE BUFFER WIDTHS

Category of Wetland	Base Buffer Width
Category I	200 feet
Category II	100 feet

Category III	50 feet
Category IV	30 feet

TABLE 19.200.220(A)
LAND USE IMPACT "INTENSITY" BASED ON DEVELOPMENT TYPES

Rating of Impact From Proposed Changes in Land Use	Examples of Land Uses that Cause the Impact Based on Common Zoning Categories
High	Commercial, Urban, Industrial, Institutional, Retail Sales, Residential subdivisions with more than 1 unit/acre, New agriculture (high-intensity processing such as dairies, nurseries and greenhouses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), New transportation corridors, High intensity recreation (golf courses, ball fields), hobby farms
Moderate	Single-family residential lots, Residential subdivisions with 1 unit/acre or less, Moderate-intensity open space (parks), New agriculture (moderate-intensity such as orchards and hay fields), Transportation enhancement projects
Low	Forestry, Open space (low-intensity such as passive recreation and natural resources preservation, minor transportation improvements)

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TABLE 19.200.220(B)
Width of Buffers for Category IV Wetlands

<u>Wetland Characteristics</u>	<u>Buffer Widths by Impact of Proposed Land Use</u>	<u>Other Measures Recommended for Protection</u>
<u>Score for all 3 basic functions is less than 16 points</u>	<u>Low- 25 feet</u> <u>Moderate- 40 feet</u> <u>High- 50 feet</u>	

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TABLE 19.200.220(C)
Width of Buffers for Category III Wetlands

<u>Wetland Characteristics</u>	<u>Buffer Widths by Impact of Proposed Land Use</u>	<u>Other Measures Recommended for Protection</u>
<u>Moderate level of function for habitat (5-7 points)*</u>	<u>Low- 75 feet</u> <u>Moderate- 110 feet</u> <u>High- 150 feet</u>	
<u>Score for habitat 3-4 points</u>	<u>Low- 40 feet</u> <u>Moderate- 60 feet</u> <u>High- 80 feet</u>	

3 *If wetland scores 8-9 habitat points, use Table 19.200.220(D) for Category II buffers

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TABLE 19.200.220(D)
Width of Buffers for Category II Wetlands

<u>Wetland Characteristics</u>	<u>Buffer Widths by Impact of Proposed Land Use (most protective applies if more than one criterion met)</u>	<u>Other Measures Recommended for Protection</u>
<u>High level of function for habitat score (8-9 points)</u>	<u>Low- 150 feet</u> <u>Moderate- 225 feet</u> <u>High- 300 feet</u>	<u>Maintain connections to other habitat areas</u>
<u>Moderate level of function for habitat (5-7 points)</u>	<u>Low- 75 feet</u> <u>Moderate- 110 feet</u> <u>High- 150 feet</u>	
<u>High level of function for water quality improvement (8-9 points) and low for habitat (less than 5 points)</u>	<u>Low- 50 feet</u> <u>Moderate- 75 feet</u> <u>High- 100 feet</u>	<u>No additional surface discharges of untreated runoff</u>
<u>Estuarine</u>	<u>Low- 75 feet</u> <u>Moderate- 110 feet</u> <u>High- 150 feet</u>	

<u>Interdunal</u>	<u>Low- 75 feet</u> <u>Moderate- 110 feet</u> <u>High- 150 feet</u>	
<u>Not meeting above characteristics</u>	<u>Low- 50 feet</u> <u>Moderate- 75 feet</u> <u>High- 100 feet</u>	

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TABLE 19.200.220(E)
Width of Buffers for Category I Wetlands

<u>Wetland Characteristics</u>	<u>Buffer Widths by Impact of Proposed Land Use (most protective applies if more than one criterion met)</u>	<u>Other Measures Recommended for Protection</u>
<u>Wetlands of High Conservation Value</u>	<u>Low- 125 feet</u> <u>Moderate- 190 feet</u> <u>High- 250 feet</u>	<u>No additional surface discharges to wetland or its tributaries</u> <u>No septic systems within 300 feet of wetland</u> <u>Restore degraded parts of buffer</u>
<u>Bogs</u>	<u>Low- 125 feet</u> <u>Moderate- 190 feet</u> <u>High- 250 feet</u>	<u>No additional surface discharges to wetland or its tributaries</u> <u>Restore degraded parts of buffer</u>
<u>Forested</u>	<u>Buffer width to be based on score for habitat functions or water quality functions</u>	<u>If forested wetland scores high for habitat (8-9 points), need to maintain connections to other habitat areas</u> <u>Restore degraded parts of buffer</u>
<u>Estuarine</u>	<u>Low- 100 feet</u> <u>Moderate- 150 feet</u>	

	<u>High- 200 feet</u>	
<u>Wetlands in Coastal Lagoons</u>	<u>Low- 100 feet</u> <u>Moderate- 150 feet</u> <u>High- 200 feet</u>	
<u>High level of function for habitat (8-9 points)</u>	<u>Low- 150 feet</u> <u>Moderate- 225 feet</u> <u>High- 300 feet</u>	<u>Maintain connections to other habitat areas</u> <u>Restore degraded parts of buffer</u>
<u>Interdunal wetland with high level of function for habitat (8-9 points)</u>	<u>Low- 150 feet</u> <u>Moderate- 225 feet</u> <u>High- 300 feet</u>	<u>Maintain connections to other habitat areas</u> <u>Restore degraded parts of buffer</u>
<u>Moderate level of function for habitat (5-7 points)</u>	<u>Low- 75 feet</u> <u>Moderate- 110 feet</u> <u>High- 150 feet</u>	
<u>High level of function for water quality improvement (8-9 points) and low for habitat (less than 5 points)</u>	<u>Low- 50 feet</u> <u>Moderate- 75 feet</u> <u>High- 100 feet</u>	
<u>Not meeting any of the above characteristics</u>	<u>Low- 50 feet</u> <u>Moderate- 75 feet</u> <u>High 100 feet</u>	

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B.C- Modification of Buffer Widths. The following modifications to buffer widths may be considered provided that mitigation sequencing is first demonstrated to first avoid, then minimize, and as a last resort, mitigate for unavoidable reductions or alterations to the required wetland buffers. The applicant first demonstrates, using all available means, that reductions or alterations to the required wetland buffer cannot be avoided, minimized or mitigated (in that order).

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

3 1. a. Buffer Averaging. Standard buffer widths may be modified by the department for a
4 development proposal by averaging buffer widths, but only where the applicant can
5 demonstrate that such averaging can clearly provide as great or greater functions and
6 values as would be provided under the standard buffer. ~~The total area contained within~~
7 ~~the buffer after averaging shall be no less than that contained within the standard buffer~~
8 ~~prior to averaging. The buffer shall not be reduced by more than 25 50percent of the~~
9 ~~standard buffer width at any point. The department may allow wetland buffer averaging~~
10 ~~where it can be demonstrated that such averaging can clearly provide as great or greater~~
11 ~~functions and values as would be provided under the standard buffer requirement. The~~
12 following standards shall apply to buffer averaging:

- 13 a. ~~(1)~~—The decrease in buffer width is minimized by limiting the degree or
14 magnitude of the regulated activity.
- 15 b. ~~(2)~~—For wetlands and/or required buffers associated with documented
16 habitat for endangered, threatened, or sensitive fish, or wildlife species, a
17 habitat assessment report has been submitted that demonstrates that
18 the buffer modification will not result in an adverse impact to the species
19 of study.
- 20 c. ~~(3)~~—Width averaging will not adversely impact the wetland.
- 21 d. ~~(4)~~—The total buffer area after averaging is no less than the total buffer
22 area prior to averaging.
- 23 e. ~~(5)~~—The minimum buffer width at any point will not be less than 25 75
24 percent of the widths established after the categorization is done and any
25 buffer adjustments applied in accordance with this chapter.
- 26 f. ~~(6)~~—If ~~buffer width averaging is utilized and~~ significant trees are
27 identified, ~~on the outer edge of the reduced buffer~~ such that their drip line
28 extends beyond the reduced buffer edge, the following tree protection
29 requirements must be followed:

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

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

4 (3)iii. Temporary construction fencing at least 30 inches tall shall be
5 erected around the perimeter of the tree protection areas prior to the
6 initiation of any clearing or grading. The fencing shall be posted with
7 signage clearly identifying the tree protection area. The fencing shall
8 remain in place through site development and construction.

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

12 (5)v. No vehicles, construction materials, fuel, or other materials shall
13 be placed in tree protection areas. Movement of any vehicles within tree
14 protection areas shall be prohibited.

15 (6)vi. No nails, rope, cable, signs, or fencing shall be attached to any
16 tree proposed for retention in the tree protection area.

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

19 2b. Administrative Buffer Reductions. Standard buffer widths may be modified by the
20 department for a development proposal by reducing buffers, but only where the applicant
21 can demonstrate that such is the minimum necessary to accommodate the permitted use
22 and that the reduction can clearly provide as great or greater functions and values as
23 would be provided under the standard buffer requirement. Granting of a reduced buffer
24 shall be the minimum necessary to accommodate the permitted use. In lieu of going
25 through the formal variance process, an administrative reduction to the buffer widths may
26 be granted subject to the following criteria: The following standards shall apply to buffer
27 reductions:

28 a. (1)—For proposed single-family dwellings, the department may
29 administratively reduce a the buffer by up to 25 percent, pursuant to the variance
30 criteria listed in Section 19.100.135. Where an administrative buffer reduction is

1 granted, fencing or signage of the buffer edge shall be required. The order of
2 sequence for such buffer reductions shall be as follows:

3 (1)i. Use of buffer averaging maintaining 100 percent of the buffer area
4 under the standard buffer requirement;

5 (2)ii. Reduction of the overall buffer area by no more than 25 percent of
6 the area required under the standard buffer requirement;

7 (3)iii. Enhancement of existing degraded buffer area and replanting of
8 the disturbed buffer area;

9 (4)iv. The use of alternative on-site wastewater systems in order to
10 minimize site clearing;

11 (5)v. Infiltration of stormwater where soils permit; and

12 (6)vi. Retention of existing native vegetation on other portions of the
13 site in order to offset habitat loss from buffer reduction.

14 ~~b.(2)~~ The minimum buffer shall be no less than ~~thirty feet~~ 75 percent of the
15 required width, except as allowed under a formal variance or reasonable use
16 approval.

17 c. The buffer widths recommended for proposed land uses with high-intensity
18 impacts to wetlands can be reduced to those recommended for moderate-
19 intensity impacts under the following conditions:

20 i. For wetlands that score moderate or high for habitat (5 points or more
21 the habitat functions), the width of the buffer can be reduced if both of
22 the following criteria are met:

- 23 • A relatively undisturbed, vegetated corridor at least 100-
24 feet wide is protected between the wetland and any
25 other Priority Habitats as defined by the Washington
26 Department of Fish and Wildlife. The corridor must be
27 protected for the entire distance between the wetland
28 and the Priority Habitat by some type of legal protection
29 such as a conservation easement.

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- Measures to minimize the impacts of different land uses on wetlands, such as the examples summarized in Table 19.200.220(F).

ii. For wetlands that score less than 5 points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying measures to minimize the impacts of the proposed land uses, such as the examples summarized in Table 19.200.220(F).

TABLE 19.200.220(F)
Examples of Measures to Minimize Impacts to Wetlands

<u>Examples of Disturbance</u>	<u>Activities and Uses that Cause Disturbances</u>	<u>Examples of Measures to Minimize Impacts</u>
<u>Lights</u>	<ul style="list-style-type: none"> • <u>Parking lots</u> • <u>Warehouses</u> • <u>Manufacturing</u> • <u>Residential</u> 	<ul style="list-style-type: none"> • <u>Direct lights away from wetland</u>
<u>Noise</u>	<ul style="list-style-type: none"> • <u>Manufacturing</u> • <u>Residential</u> 	<ul style="list-style-type: none"> • <u>Locate activity that generates noise away from wetland</u>

<p><u>Stormwater runoff</u></p>	<ul style="list-style-type: none"> • <u>Parking lots</u> • <u>Roads</u> • <u>Manufacturing</u> • <u>Residential areas</u> • <u>Application of agricultural pesticides</u> • <u>Landscaping</u> • <u>Commercial</u> • <u>Landscaping</u> 	<ul style="list-style-type: none"> • <u>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</u> • <u>Establish covenants limiting use of pesticides within 150 ft of wetland</u> • <u>Apply integrated pest management</u> • <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u> • <u>Prevent channelized flow from lawns that directly enters the buffer</u>
<p><u>Change in water regime</u></p>	<ul style="list-style-type: none"> • <u>Impermeable surfaces</u> • <u>Lawns</u> • <u>Tilling</u> 	<ul style="list-style-type: none"> • <u>Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</u>
<p><u>Pets and human disturbance</u></p>	<ul style="list-style-type: none"> • <u>Residential areas</u> 	<ul style="list-style-type: none"> • <u>Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract</u>
<p><u>Dust</u></p>	<ul style="list-style-type: none"> • <u>Tilled fields</u> 	<ul style="list-style-type: none"> • <u>Use best management practices to control dust</u>

1 3.e. Variance. In cases where proposed development cannot meet the administrative buffer
2 reduction criteria described in this section, a variance shall be required as described in Section
3 19.100.135.

4 CD. Fencing and Signs. ~~This section applies to regulated wetlands and their buffers.~~

5 1. Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required by the
6 department, between the area where the construction activity occurs and the buffer. Fences shall
7 be made of a durable protective barrier and shall be highly visible. Silt fences and plastic
8 construction fences may be used to prevent encroachment on wetlands or their buffers by
9 construction. Temporary fencing shall be removed after the site work has been completed and
10 the site is fully stabilized per county approval.

11 2. The department may require that permanent signs and/or fencing be placed on the common
12 boundary between a wetland buffer and the adjacent land of the project site. Such signs will
13 identify the wetland buffer. The department may approve an alternate method of wetland and
14 buffer identification, if it provides adequate protection to the wetland and buffer.

15 DE. Protection of Buffers. Buffer areas shall be protected as required by the department. The buffer
16 shall be identified on a site plan and filed as an attachment to the notice to title as required by Section
17 19.100.150 (Critical Area and Buffer Notice to Title). Refuse shall not be placed in buffers.

18 EF. Building or Impervious Surface Setback Lines. A building or impervious surface setback line of 15
19 feet is required from the edge of any wetland buffer. Minor structural or impervious surface intrusions into
20 the areas of the setback may be permitted if the department determines that such intrusions will not
21 adversely impact the wetland. The setback shall be identified on a site plan and filed as an attachment to
22 the notice to title as required by Section 19.100.150 (Critical Area and Buffer Notice to Title).

23 **19.200.225 Additional development standards for ~~regulated~~certain uses.**

24 In addition to meeting the development standards of this chapter, those uses identified below shall also
25 comply with the standards of this section and other applicable state, federal and local laws.

26 A. Forest Practice, Class IV General, and Conversion Option Harvest Plans (COHPs). All timber
27 harvesting and associated development activity, such as construction of roads, shall comply with the
28 provisions of this title, including the maintenance of buffers around ~~regulated~~ wetlands.

29 B. Agricultural Restrictions. In all development proposals ~~which that~~ would ~~permit introduction or~~
30 ~~expansion of agricultural activities-uses, a net loss of functions and values to wetlands any damage to~~

1 ~~Category I, II, III and IV wetlands~~ shall be avoided. These restrictions shall not apply to those ~~regulated~~
2 wetlands defined as grazed wet meadows, regardless of their classification, only where grazing has
3 occurred within the last five years. Wetlands shall be avoided by at least one of the following methods:

- 4 1. ~~Locate fencing located~~ not closer than the outer buffer edge; and/or
5 2. Implementation of a farm resource conservation and management plan agreed upon by the
6 conservation district and the applicant to protect and enhance the water quality of the wetland.

7 C. Road/Street Repair and Construction. Any private or public road or street repair, maintenance,
8 expansion or construction may be allowed within a critical area or its buffer only when all of the following
9 are met; ~~which is allowed shall comply with the following minimum development standards:~~

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

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

- 24 1. ~~Regulated wetlands,~~ Except the area with permanent open water, and the area of a wetland
25 and its buffers may be included in the calculation of minimum lot area for proposed lots.
- 26 2. Land division approvals shall be conditioned to require that ~~regulated~~ wetlands and ~~regulated~~
27 wetland buffers be dedicated as open space tracts, or an easement or covenant encumbering the
28 wetland and wetland buffer. Such dedication, easement or covenant shall be recorded together
29 with the land division and represented on the final plat, short plat or binding site plan, and title.

1 3. In order to implement the goals and policies of this title, to accommodate innovation,
2 creativity, and design flexibility, and to achieve a level of environmental protection that would not
3 be possible by typical lot-by-lot development, the use of the clustered development or similar
4 innovative site planning is strongly encouraged for projects with regulated wetlands on the site.

5 4. After preliminary approval and prior to final land division approval, the department may
6 require the common boundary between a regulated wetland or associated buffer and the adjacent
7 land be identified using permanent signs and/or fencing. In lieu of signs and/or fencing,
8 alternative methods of wetland and buffer identification may be approved when such methods are
9 determined by the department to provide adequate protection to the wetland and buffer.

10

11 E. Surface Water Management. Surface water discharges from stormwater facilities or structures may
12 be allowed in wetlands and their buffers when they are in accordance with Title 12 of the Kitsap County
13 Code (Stormwater Management) subject to the provisions of Section 19.100.145200.230, Special Use
14 Review, and this subsection. The discharge shall neither significantly increase or decrease the rate of
15 flow or hydro-period, nor decrease the water quality of the wetland. Pre-treatment of surface water
16 discharge through biofiltration or other best management practices (BMPs) shall be required.

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

20 1. Trails and related facilities shall, to the extent feasible, be placed on existing road grades,
21 utility corridors, or any other previously disturbed areas.

22 2. Trails and related facilities shall be planned to minimize removal of trees, soil disturbance
23 and existing hydrological characteristics, shrubs, snags and important wildlife habitat.

24 3. Viewing platforms, interpretive centers, ~~and~~ benches and access to them, shall be designed
25 and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected
26 wetland. Platforms shall be limited to one hundred square feet in size, unless demonstrated
27 through a wetland mitigation plan that a larger structure will not result in a net loss of wetland
28 functions.

29 4. Trails and related facilities shall generally be located outside required buffers. Where trails
30 are permitted within buffers they shall be located in the outer 25% portion of the buffer ~~and a~~

1 ~~minimum of 30 feet from the wetland edge~~, except where wetland crossings or for direct access
2 to viewing areas have been approved by the Department.

3 5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as
4 bike or horse trails, have been specifically allowed and mitigation has been provided. Trail width
5 shall not exceed five feet unless there is a demonstrated need, subject to review and approval by
6 the department. Trails shall be constructed with pervious materials except where determined
7 infeasible ~~unless otherwise approved by the department~~.

8 F. ~~Utilities in Wetlands or Wetland Buffers~~. Placement of utilities within wetlands or their buffers may be
9 allowed pursuant to the following standards:

10 1. ~~The Utility development maintenance or repair, as authorized identified in Section~~
11 19.100.125(E), shall be allowed ~~subject to best management practices~~ in wetlands and wetland
12 buffers so long as best management practices are used.

13 2. Construction of new utilities outside the road right-of-way or existing utility corridors may be
14 permitted in wetlands or wetland buffers only when: (a) no reasonable alternative location is
15 available, ~~and~~ (b) the new utility corridor meets the requirements for installation, replacement of
16 vegetation and maintenance outlined below, and (c) all requirements in any as required in the
17 filing and approval of applicable permit ~~or and~~ special reports (Chapter 19.700) required by this
18 title are satisfied.

19 3. Construction of sewer lines or on-site sewage systems may be permitted in ~~regulated~~
20 wetland buffers only when: (a) the applicant demonstrates ~~it that the location~~ is necessary to meet
21 state or local health code minimum design standards (not requiring a variance for either
22 horizontal setback or vertical separation), and ~~or~~ (b) there are no other practicable or reasonable
23 alternatives available and (c) construction meets the requirements of this section. Joint use of the
24 sewer utility corridor by other utilities may be allowed.

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

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

1 a. New utility corridors shall be aligned ~~when possible~~ to avoid cutting trees greater
2 than 12 inches in diameter at breast height (four and one-half feet), measured on the
3 uphill side, unless no reasonable alternative location is available.

4 b. New utility corridors shall be revegetated with appropriate native vegetation at not
5 less than preconstruction densities or greater immediately upon completion of
6 construction, or as soon thereafter as possible if due to seasonal growing constraints.
7 The utility shall ensure that such vegetation survives;

8 c. Any additional utility corridor access for maintenance shall be provided ~~as much as~~
9 ~~possible~~ at specific points rather than by parallel roads, unless no reasonable alternative
10 is available. If parallel roads are necessary, they shall be the of a minimum width
11 necessary for access, but no greater than 15 feet, and shall be contiguous to the location
12 of the utility corridor on the side away from the wetland. Mitigation will be required for any
13 additional access through restoration of vegetation in disturbed areas.

14 d. The department may require other additional mitigation measures.

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

17 a. ~~Where feasible, p~~Painting of utility equipment, such as power towers, shall not be
18 sprayed or sandblasted, unless appropriate containment measures are used. ~~no should~~
19 ~~Lead-based paints shall not be used.~~

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

24 G. Parks. Development of public park and recreation facilities may be permitted in wetlands or its buffer
25 subject to the provisions of Section 19.100.145-200-230, Special Use Review, ~~below~~, and other applicable
26 chapters of the Kitsap County. For example, enhancement of wetlands and development of trails may be
27 allowed in wetlands and wetland buffers subject to special use requirements and approval of a wetland
28 mitigation plan.

29 ~~19.200.230 Special use review.~~

1 ~~Development identified as a special use review may be approved, approved with conditions, or denied~~
2 ~~according to the procedures and criteria outlined in this section. Special use review is an administrative~~
3 ~~process unless the underlying permit requires a public hearing. The department is authorized to take~~
4 ~~action on permits as required by this title.~~

5 ~~A.—The department may approve a permit after review of the application and a wetland mitigation plan~~
6 ~~submitted in accordance with this title. The department shall determine whether the use or activity cannot~~
7 ~~be avoided because no reasonable or practicable alternative exists, the proposed use is consistent with~~
8 ~~the spirit and intent of this title and it will not cause adverse impacts to the wetland or the wetland buffer~~
9 ~~which cannot be mitigated. In taking action to approve a special use review, the department may attach~~
10 ~~reasonable conditions as necessary to minimize impacts, rectify impacts or compensate for impacts to the~~
11 ~~wetland or wetland buffer.~~

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

15 ~~C.—Special use review determinations are appealable to the hearings examiner pursuant to Section~~
16 ~~[19.100.145](#) (Appeals).~~

17 **19.200.250 Wetland mitigation requirements.**

18 A. Mitigation Sequencing. All ~~regulated development activities in impacts to~~ wetlands or buffers shall be
19 mitigated according to this title ~~subject to in~~ the following order:

- 20 1. Avoiding the impact altogether by not taking a certain action or parts of actions.
- 21 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation
22 by using appropriate technology or by taking affirmative steps to reduce impacts.
- 23 3. Using one of the following mitigation types, listed in order of preference:
 - 24 a. Rectifying the impact by reestablishing, rehabilitating, or restoring the affected
25 environment;
 - 26 b. Compensating for the impact by replacing or providing substitute resources or
27 environments; or
 - 28 c. Compensating for the impact by improving the environmental processes that support
29 wetland systems and functions.

1 4. Monitoring the impact and compensation and taking appropriate corrective measures. ~~or~~

2 5. ~~Combining any of the above measures to mitigate for individual actions.~~

3 B. ~~Mitigation Report for Regulated Activities in Wetland Buffers.~~ Where mitigation is required under the
4 sequencing in subsection (A), A specific wetland buffer a mitigation plan report is required and the
5 requirements are provided shall be provided in accordance with Section 19.700.715. Approval
6 Acceptance of the mitigation ~~plan report~~ shall be signified by a critical area Notice to Title ~~notarized~~
7 ~~memorandum of agreement~~ signed by the applicant and department director or designee, and recorded
8 with the Kitsap County Auditor (Appendix E, 19.800). The ~~notice agreement~~ shall refer to all requirements
9 for the mitigation project.

10 C. ~~Mitigation for Wetlands.~~ Compensatory mitigation shall be required for activities that result in the loss
11 of wetland acreage. A specific wetland mitigation report shall be provided in accordance with Section
12 19.700.715.

13 1. ~~A compensatory mitigation plan shall be completed. The applicant shall submit a detailed mitigation~~
14 ~~plan for compensatory mitigation to the department.~~

15 2. ~~The detailed mitigation plan shall be prepared, signed, and dated by the wetland specialist to indicate~~
16 ~~that the plan is in accordance with specifications as determined by the wetland specialist. A signed~~
17 ~~original mitigation plan shall be submitted to the department.~~

18 3. ~~Approval of the detailed mitigation plan shall be signified by a notarized memorandum of agreement~~
19 ~~signed by the applicant and department director or designee, and recorded with the Kitsap County~~
20 ~~Auditor. The agreement shall refer to all requirements for the mitigation project.~~

21 4. ~~The mitigation project shall be completed according to a schedule agreed upon between the~~
22 ~~department and the applicant.~~

23 5. ~~Wetland mitigation shall occur according to the approved wetland mitigation plan and shall be~~
24 ~~consistent with provisions of this chapter and title.~~

25 6. ~~The wetland specialist shall be onsite during construction and plant installation phases of all~~
26 ~~mitigation projects.~~

27 7. ~~Upon completion of construction for the wetland mitigation project, the wetland specialist shall submit~~
28 ~~an as-built report to the department for review and approval.~~

1 CD. Wetland Replacement Ratios.

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

**TABLE 19.200.250
 WETLAND MITIGATION REPLACEMENT RATIOS TABLE**

Wetland Category	Re- establishment or Creation	Rehabilitation	1:1 Reestablishment or Creation (R/C) and Enhancement (E)	Enhancement Only
All Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 4 2:1 E	8:1
Category II Estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	8:1	1:1 R/C and 8 4:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 20 40:1	24:1
Category I other (based on functions)	4:1	8:1	1:1 R/C and 12 6:1 E	16:1
Category I Wetlands of High Conservation Value	Not considered possible	Case-by-case	Case-by-case	Case-by-case
Category I Coastal Lagoon	Case-by-case	6:1 rehabilitation of a coastal lagoon	Case-by-case	Case-by-case

Category I Bog	Case-by-case	6:1 rehabilitation of a bog	Case-by-case	Case-by-case
Category I Estuarine	Case-by-case	6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

1 2. The above ratios are based on the assumption that the rehabilitation or enhancement actions
 2 implemented represent the average degree of improvement possible for the site. Accordingly, in
 3 the appropriate circumstances identified below, tThe department may increase or decrease the
 4 ratios:

- 5 a. Replacement ratios may be increased under the following circumstances:
- 6 (1) Uncertainty exists as to the probable success of the proposed restoration or
 7 creation;
 - 8 (2) A significant period of time will elapse between impact and establishment of
 9 wetland functions at the mitigation site;
 - 10 (3) Proposed compensation will result in a lower category wetland or reduced
 11 functions relative to the wetland being impacted; or
 - 12 (4) The impact was an unauthorized impact.

- 13 b. Replacement ratios may be decreased under the following circumstances:
- 14 (1) Documentation by ~~the applicant~~ a qualified wetland specialist demonstrates
 15 ~~provides more~~ certainty that the proposed compensation actions will be
 16 successful. For example, demonstrated prior success with similar compensation
 17 actions as those proposed, and/or extensive hydrologic data to support the
 18 proposed water regime;
 - 19 (2) Documentation by ~~the applicant~~ a qualified wetland specialist demonstrates
 20 that the proposed compensation actions will provide functions and values that
 21 are significantly greater than the wetland being impacted; or
 - 22 (3) The proposed mitigation actions are conducted in advance of the impact
 23 and are shown to be successful.

24 DE. Alternative Mitigation Plans ~~Off-Site Compensatory Mitigation~~

- 1 1. The department may approve alternative wetland mitigation plans identified in this section that
2 are based on best available science, such as priority restoration plans that achieve restoration
3 goals identified in Title 22 KCC, Restoration Plan. Alternative mitigation proposals must provide
4 an equivalent or better level of protection of wetland functions and values than would be provided
5 by the strict application of this chapter.

6 The department shall consider the following for approval of an alternative mitigation proposal:

- 7 a. The proposal uses a watershed approach consistent with *Selecting Wetland Mitigation Sites*
8 *Using a Watershed Approach (Western Washington)* (Ecology Publication #09-06-32,
9 Olympia, WA, December 2009).
- 10 b. Creation or enhancement of a larger system of natural areas and open space is preferable to
11 the preservation of many individual habitat areas.
- 12 c. Other on-site mitigation, as described above, are not feasible due to site constraints, such as
13 parcel size, stream type, wetland category, or geologic hazards.
- 14 d. There is clear potential for success of the proposed mitigation at the proposed mitigation site.
- 15 e. The plan contains clear and measurable standards for achieving compliance with the specific
16 provisions of the plan. A monitoring plan shall, at a minimum, meet the provisions of the
17 Wetland Mitigation Plan (19.700, Special Reports).

18

19 2. Off-Site Compensatory Mitigation.

20 a4. Considerations for determining whether off-site mitigation is preferable include, but are not
21 limited to:

22 i.a. On-site conditions do not favor successful establishment of the required vegetation
23 type, or lack the proper soil conditions, or hydrology, or may be severely impaired by the
24 effects of the adjacent;

25 ii.b. On-site compensation would result in an aquatic habitat that is isolated from
26 other natural habitats or severely impaired by the effects of the adjacent development;

27 iii.e. Off-site location is crucial to one or more species that is threatened, endangered, or
28 otherwise of concern, and the on-site location is not;

29 iv.d. Off-site location is crucial to larger ecosystem functions, such as providing corridors
30 between habitats, and the on-site location is not; and

1 ve. Off-site compensation has a greater likelihood of success or will provide greater
2 functional benefits.

3 b2. When determining whether off-site mitigation is preferable, the value of the site-specific
4 wetland functions at the project site, such as flood control, nutrient retention, sediment filtering,
5 and rare or unique habitats or species, ~~should~~ shall be fully considered.

6 c3. When conditions do not favor on-site compensation, off-site compensatory mitigation should
7 be located as close to the impact site as possible, but at least within the same watershed, while
8 still replacing lost functions.

9 d. Off-site compensatory mitigation may include the use of a wetland mitigation bank or an in-lieu
10 fee program.

11 ia. Mitigation Banking. Kitsap County encourages the creation of a public or private
12 mitigation banking system when feasible. Credits from a certified wetland mitigation bank
13 may be used to compensate for impacts located within the service area specified in the
14 mitigation bank instrument. Use of credits from a wetland mitigation bank certified under
15 Chapter 173-700 WAC is allowed if:

16 (1). The approval authority determines that it would provide appropriate
17 compensation for the proposed impacts;

18 (2). The impact site is located in the service area of the bank;

19 (3). The proposed use of credits is consistent with the terms and conditions of the
20 certified mitigation bank instrument; and

21 (4). Replacement ratios for projects using bank credits is consistent with
22 replacement ratios specified in the certified mitigation bank instrument.

23 ii. In-Lieu Fee Mitigation. Credits from an approved in-lieu-fee program may be used
24 when all of the following apply:

25 (1). The approval authority determines that it would provide environmentally
26 appropriated compensation for the proposed impacts.

27 (2). The proposed use of credits is consistent with the terms and conditions of the
28 approved in-lieu-fee program instrument.

1 (3). Projects using in-lieu-fee credits shall have debits associated with the
2 proposed impacts calculated by the applicant's qualified wetland professional
3 using the credit assessment method specified in the approved instrument of the
4 in-lieu-fee program.

5 (4). The impacts are located within the service area specified in the approved in-
6 lieu-fee instrument.

7 3. Advance Mitigation. Mitigation for projects with pre-identified impacts to wetlands may be
8 constructed in advance of the impacts if the mitigation is implemented according to federal, state and
9 local laws and guidance on advance mitigation, and state water quality regulations consistent with
10 Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (Ecology Publication #12-06-
11 15).

12 E.H. Monitoring Requirements. Kitsap County shall require monitoring reports on an annual basis for a
13 minimum of five years and up to ten years, or until the department determines that the mitigation project
14 has achieved success. The wetland mitigation plan shall provide specific criteria for monitoring the
15 mitigation project. Criteria shall be project-specific and use best available science to aid the department in
16 evaluating whether or not the project has achieved success (See Chapters 19.700, 19.710 and Section
17 19.700.715, Special Reports).

18 ~~I. Mitigation Banking. Kitsap County encourages the creation of a public or private mitigation banking~~
19 ~~system when feasible.~~

20 **19.200.260 Incentives for wetland mitigation.**

21 Kitsap County recognizes that property owners wish to gain economic benefits from their land. The
22 county encourages such mechanisms as the Open Space Tax Program (KCC 18.12), conservation
23 easements and donations to land trusts, in order to provide taxation relief upon compliance with the
24 regulations in this title. Buffers dedicated as permanent open space tracts may will qualify for the open
25 space taxation program and will be offered the opportunity to be entered into this program. Kitsap County
26 may offer to purchase these lands through the Conservation Futures Fund, as funding is available.

27