

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 **19.300 Fish and Wildlife Habitat Conservation Areas**

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1 **Chapter 19.300**
2 **FISH AND WILDLIFE HABITAT CONSERVATION AREAS**

3 Sections:

4 **19.300.305 Purpose.**

5 **19.300.310 Fish and wildlife habitat conservation area categories.**

6 **19.300.315 Development standards.**

7 **19.300.305 Purpose.**

8 This chapter applies to all ~~regulated uses within or adjacent to~~ included in this title, or uses within the
9 largest potential buffer of areas designated as fish and wildlife habitat conservation areas, defined in
10 19.150.325, except those identified as exempt in 19.100.125 as categorized in Section 19.300.310,
11 below. The ~~intent purpose~~ of this chapter is to identify regulated fish and wildlife habitat conservation
12 areas and establish habitat protection procedures and mitigation measures ~~that are~~ designed to achieve a
13 no net loss of critical area functions and values and to maintain viable fish and wildlife populations and
14 habitat over the long term of fish and wildlife species and habitats due to new development or regulated
15 activities. ~~It is f~~ Further, it is also stated that the intent of this chapter is to:

- 16 A. Preserve natural flood control, storm water storage, and drainage or stream flow patterns;
- 17 B. Prevent turbidity and pollution, control siltation, protect nutrient reserves, and maintain water flows
18 and quality for anadromous and resident fish, marine shellfish and forage fish; ~~and~~
- 19 C. Encourage non-regulatory methods of habitat retention whenever practical, through mechanisms
20 such as education and the open space tax program; and
- 21 D. Avoid or minimize human and wildlife conflicts through planning and implementation of wildlife
22 corridors where feasible.

23 **19.300.310 Fish and wildlife habitat conservation area categories.**

24 A. General. Fish and wildlife habitat conservation areas ~~are those areas that support regulated fish or~~
25 ~~wildlife species or habitats~~, are typically identified by known point locations of specific species (such as a
26 nest or den) or by habitat areas or both and may occur on both public and private lands.

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

- 29 1. Streams. All streams which meet the criteria for Type, F, Np or Ns waters as set forth in WAC
30 222-16-030 of the Washington Department of Natural Resources (DNR) Water Typing System, as

1 now or hereafter amended, and Table 19.300.310 (See *also* Chapter 19.800, Appendix “B”). Type
 2 S waters are regulated through the Shoreline Master Program (Kitsap County Code, Title 22).
 3 The DNR stream maps should not be the only source for identifying regulated areas or
 4 establishing buffers. Other modeled or field-verified stream type maps should also be used, and
 5 stream conditions, identification of flow alterations, and location of fish passage barriers shall be
 6 identified through a site-specific field visit. Field verification of all intermittent or non-fish bearing
 7 streams should occur during the wet season months of October to March if feasible, or as
 8 determined by the Department.

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Table 19.300.310
DNR Water Typing System

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

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

14 Shorelines.

15 ~~a. Saltwater Shorelines, and Lakes 20 Acres and Greater in Surface Area. Those saltwater~~
 16 ~~shorelines and lakes defined as shorelines of the state in the Shoreline Management Act of~~
 17 ~~1971 and the Kitsap County Shoreline Management Master Program, as now or hereafter~~
 18 ~~amended. Shorelines include Type S waters as set forth in WAC [222-16-030](#) (DNR Water~~
 19 ~~Typing System) as now or hereafter amended; commercial and recreational shellfish areas;~~
 20 ~~kelp and eelgrass beds; and forage fish spawning areas.~~

21 ~~b.—~~

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32. Wildlife Habitat Conservation Areas.

a. Class I Wildlife Habitat Conservation Areas.

(1) Habitats recognized by federal or state agencies for federal and/or state listed endangered, threatened and sensitive species documented in maps or databases available to Kitsap County, including but not limited to the database on Priority Habitats and Species provided by the Washington Department of Fish and Wildlife.

(2) Areas targeted for preservation by the federal, state and/or local government which provide fish and wildlife habitat benefits, including but not limited to, such as important waterfowl areas identified by the U.S. Fish and Wildlife Service and WDFW Wildlife Areas; or

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

b. Class II Wildlife Habitat Conservation Areas. Habitats for state listed candidate and monitored species documented in maps or databases available to Kitsap County ~~and its citizens,~~ and which, if altered, may reduce the likelihood that the species will maintain a viable population and reproduce over the long term.

19.300.315 Development standards.

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

A. Buffers and Building Setbacks.

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

**TABLE 19.300.315
FISH AND WILDLIFE HABITAT CONSERVATION AREA DEVELOPMENT STANDARDS**

Streams			
Water Type	Buffer Width	Minimum Building Setback	Other Development Standards
S Segments of Big Beef Creek, Curley Creek, Chico Creek, Burley Creek, Union River, Blackjack Creek and Tahuya River	200 feet	15 feet beyond buffer	Where applicable, refer to the development standards in Chapters 19.200 (Wetlands) and 19.400 (Geologically Hazardous Areas). Where such features occur on site, the more restrictive buffer or building setback shall apply.
F	150 feet	15 feet beyond buffer	
Np	50 feet	15 feet beyond buffer	
Ns	50 feet	15 feet beyond buffer	
<u>Lakes less than 20 acres</u>	<u>100 feet</u>	<u>15 feet beyond buffer</u>	
Saltwater Shorelines and Lakes			
Shoreline Designation¹	Buffer Width	Minimum Building Setback	Other Development Standards

Urban	50 feet	15 feet beyond buffer	Where applicable, refer to the development standards in Chapters 19.200 (Wetlands) and 19.400 (Geologically Hazardous Areas). Where such features occur on site, the more restrictive buffer or building setback shall apply.
Semi-Rural and Rural shorelines and Lakes less than 20 acres	100 feet	15 feet beyond buffer	
Conservancy	50 feet	15 feet beyond buffer	
Natural	100 feet	15 feet beyond buffer	
Wildlife Habitat Conservation Areas			
Class I	Buffer widths and setbacks will be determined through a mandatory Habitat Management Plan (HMP)		
Class II	Site-specific conditions will determine the need for the preparation of a HMP		

1 1. As defined in Title [22](#) of this code, the Shoreline Management Master Program.

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3 2. Buffer Measurement. Distances shall be measured from the ordinary high water mark (OHM)
 4 or from the top of the bank where the OHM cannot be identified. Buffers shall be retained in their
 5 natural condition. It is acceptable, however, to enhance the buffer by planting indigenous
 6 vegetation, as approved by the department. Alteration of buffer areas and building setbacks may
 7 be allowed for development authorized by Section [19.100.140](#) (Reasonable Use Exception),
 8 Section [19.100.125](#) (Exemptions), Section [19.100.130](#) (Standards for Existing Development) or
 9 Section [19.100.135](#) (Variances). The buffer width shall be increased to include streamside
 10 wetlands, which provide overflow storage for storm waters, feed water back to the stream during
 11 low flows or provide shelter and food for fish. In braided channels, the ordinary high water mark or
 12 top of bank shall include the entire stream feature.

13 3. ~~Buffer Widths and Setbacks for Shorelines. The building setback or buffer width for new~~
 14 ~~development shall be based on the Kitsap County Shoreline Management Master Program~~
 15 ~~environment designation, or as required by Section [22.400.135](#), (View blockage), as now or~~

1 hereafter amended, whichever is greater. (Note: Setbacks for Conservancy Public Lands to be
2 determined by the Kitsap County Shoreline Management Master Program.)

3 34. Provision for Decreasing Buffer. ~~In lieu of going through the formal variance process~~The
4 department may grant, an administrative reduction to buffer widths, ~~except for urban,~~
5 ~~conservancy and natural shorelines, may be granted subject in accordance with~~ to the
6 requirements of this subsection. ~~Where an~~The applicant must demonstrates, pursuant to the
7 variance criteria in 19.100.135, that buffer widths cannot be met, and submit a habitat
8 management plan (HMP) ~~will be required that shall meet~~ the requirements as described in
9 Chapter 19.700 (Special Reports). Upon review of the HMP and ~~The department may decrease~~
10 ~~the buffer if, after consultation with the Washington State Department of Fish and Wildlife, and~~
11 ~~review of the HMP, the department may grant a reduction if it determines a reduction is the~~
12 minimum necessary for the permitted use and that the conditions are sufficient to assure no net
13 loss of ecological functions of ~~protect~~ the affected fish and wildlife habitat conservation area.

14 The department may reduce the buffer width by up to twenty-five~~five~~ percent in a Type I Permit
15 under chapter 21.04, ~~for construction of a single-family dwelling or up to twenty-five percent for all~~
16 ~~other development, but the buffer shall not be less than twenty-five feet. Administrative buffer~~
17 ~~reductions may be allowed for rural, semi-rural shoreline environments and lakes less than 20~~
18 ~~acres where a vacant parcel has a common property line with two or more lots which abut the~~
19 ~~ordinary high water line and which are developed with structures. In these cases, the standard~~
20 ~~buffer may be reduced to the greater of 50 feet or the average of the standard buffer and~~
21 ~~setbacks of the structures on the adjacent properties. All other r~~Reductions of greater than
22 twenty-five percent for single-family dwellings will be a Type II decision and require notification
23 (see Chapter 19.800, Appendix F). All other reductions shall be pursuant to a variance under
24 19.100.135. Granting of a reduced buffer shall be the minimum necessary for the permitted use.

25 When applicable, the order of sequence for buffer reductions shall be as follows:

- 26 i. Use of buffer averaging, maintaining one hundred percent of the buffer area under the
27 standard buffer requirement;
- 28 ii. Reduction of the overall buffer area by no more than twenty-five percent of the area
29 required under the standard buffer requirement;
- 30 iii. Enhancement of existing degraded buffer area and replanting of the disturbed buffer
31 area;
- 32 iv. Use of alternative on-site wastewater systems in order to minimize site clearing;

1 v. Infiltration of stormwater where soils permit; and

2 vi. Retention of native vegetation on other portions of the site in order to offset habitat
3 loss from buffer reduction.

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

8 56. Buffers for Streams in Ravines. For streams in ravines with ravine sides ten feet or greater
9 in height, the buffer width shall be the minimum buffer required for the stream type, or a buffer
10 width that extends twenty-five feet beyond the top of the slope, whichever is greater. Building
11 setbacks for geologically hazardous areas may still apply (19.400), if determined necessary.

12 67. Channel Migration Zones. In areas where channel migration zones can be identified occur
13 ~~outside of Urban Growth Areas (as of the date of the adoption of this title),~~ the buffer distance
14 shall be measured from the edge of the channel migration zone.). Building setbacks for
15 geologically hazardous areas may also apply (19.400), if determined necessary.

16 78. Protection of Buffers. Buffer areas shall be protected as required by the department. The
17 buffer shall be identified on a site plan and filed as an attachment to the notice as required by
18 19.100.150 (Critical Area and Buffer Notice to Title).

19 89. Building or Impervious Surface Setback Lines. A building or impervious surface setback line
20 of 15 feet, or as determined by an HMP, is required from the edge of any fish and wildlife habitat
21 conservation area buffer. Minor structural or impervious surface intrusions into the areas of the
22 setback may be permitted if the department determines that such intrusions will not adversely
23 impact the fish and wildlife habitat conservation area. The setback shall be identified on a site
24 plan and filed as an attachment to the notice as required by 19.100.150 (Critical Area and Buffer
25 Notice to Title).

26 ~~10. Buffer and Building Setbacks for Water Dependent Activities. The department may allow an~~
27 ~~administrative alteration to the required buffer and building setback for water dependent activities~~
28 ~~when no other reasonable or practicable alternative exists and the development is consistent with~~
29 ~~the Kitsap County Shoreline Management Master Program. Any alteration of a buffer or building~~
30 ~~setback shall be the minimum necessary and shall require an approved habitat management plan~~
31 ~~which identifies and adequately protects any affected fish and wildlife habitat conservation area.~~

1 B. Class I Wildlife Habitat Conservation Areas Development Standards. All development permits within
2 All sites with known Class I wildlife habitat conservation areas will require for all development permits, the
3 submittal and approval of a habitat management plan (HMP) as specified in Chapter 19.700 (Special
4 Reports). In the case of bald eagles , an approved bald eagle management plan by the Washington State
5 Department of Fish and Wildlife (WDFW), meeting the requirements and guidelines of the bald eagle
6 protection rules (WAC ~~232-12-292~~), as now or hereafter amended, shall satisfy the requirements for a
7 habitat management plan (HMP). the HMP shall comply with the federal Bald and Golden Eagle
8 Protection Act (16 USC 668) to avoid impacting eagles and their habitat. In the case of listed fish
9 species, a HMP shall be required only if a buffer reduction is proposed under the provisions of Section
10 19.300.315(A). The An HMP shall consider measures to retain and protect the wildlife habitat and shall
11 consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and
12 retention of natural vegetation.

13 C. Class II Wildlife Habitat Conservation Area Development Standards. All development permits within
14 known designated Class II wildlife conservation areas may require the submittal of a habitat management
15 plan (HMP), as determined during the SEPA/critical areas review on the project. The An HMP shall
16 consider measures to retain and protect the wildlife habitat and shall consider effects of land use
17 intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation. ~~The~~
18 ~~requirement for an HMP shall be determined during the SEPA/critical areas review on the project.~~

19 D. Stream Crossings. Any private or public road expansion or construction ~~which is allowed and must~~
20 proposed to cross streams classified within this title, shall comply with the following minimum
21 development standards. All other state and local regulations regarding water crossing structures will
22 apply, and the use of the *Water Crossing Design Guidelines* (WDFW, 2013) or as amended, is
23 encouraged.

24 12. Crossings shall not occur in salmonid stream spawning areas unless no other feasible
25 crossing site exists. For new development proposals, if existing crossings are determined to
26 adversely impact salmon spawning or passage areas, new or upgraded crossings shall be
27 relocated as determined by the Washington State Department of Fish and Wildlife (WDFW).

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29 24. Bridges or bottomless culverts shall be required for all Type S or F streams that have
30 salmonid ~~breeding~~ habitat. Other alternatives may be allowed upon submittal of a habitat
31 management plan that demonstrates that other alternatives would not result in significant impacts
32 to the fish and wildlife conservation area, as determined appropriate through the Washington

1 State Department of Fish and Wildlife (WDFW), Hydraulic Project Approval (HPA) process. The
2 plan must demonstrate that salmon habitat will be replaced on a 1:1 ratio.

3 3. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary
4 high water marks unless no other feasible alternative placement exists or to provide mid-span
5 footings for the purpose of increased floodplain connectivity.

6 4. Crossings shall not diminish flood carrying capacity.

7 5. Crossings shall serve multiple properties whenever possible.

8 6. Where there is no reasonable alternative to providing a culvert, the culvert shall be the
9 minimum length necessary to accommodate the permitted activity.

10 E. Stream Relocations. Stream relocations shall not be permitted unless for the purpose of flood
11 protection and/or fisheries restoration and shall only be permitted when adhering to the following
12 minimum performance standards and when consistent with the WDFW Hydraulic Project Approval
13 (HPA) process and the following minimum performance standards:

14 1. The channel, bank and buffer areas ~~shall~~ should be replanted and maintained with native
15 vegetation that replicates a natural, undisturbed riparian condition, when required by a habitat
16 management plan; and

17 2. For those shorelands and waters designated as frequently flooded areas pursuant to Chapter
18 19.500, a professional engineer licensed in the state of Washington shall provide information
19 demonstrating that the equivalent base flood storage volume and function will be maintained.

20 3. Relocated stream channels shall be designed to meet or exceed the functions and values of
21 the stream to be relocated.

22 F. Pesticides, Fertilizers and Herbicides. No pesticides, herbicides or fertilizers may be used in fish and
23 wildlife habitat conservation areas or their buffers, except those approved by the U.S. E.P.A. or
24 Washington Department of Ecology for use in fish and wildlife habitat conservation area environments
25 and, where approved, herbicides must be applied by a licensed applicator in accordance with the safe
26 application practices on the label.

27 G. Land Divisions and Land Use Permits. All proposed divisions of land and land uses (subdivisions,
28 short subdivisions, short plats, long and large lot plats, performance based developments, conditional use

1 permits, site plan reviews, binding site plans) that include fish and wildlife habitat conservation areas shall
2 comply with the following procedures and development standards:

3 1. The open water area of lakes, streams, and tidal lands shall not be ~~used~~ permitted for use in
4 calculating minimum lot area.

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

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

14 4. After preliminary approval and prior to final land division approval, the department may
15 require that the common boundary between a required buffer and the adjacent lands be identified
16 using permanent signs. In lieu of signs, alternative methods of buffer identification may be
17 approved when such methods are determined by the department to provide adequate protection
18 to the buffer.

19 5. In order to implement the goals and policies of this title; to accommodate innovation,
20 creativity, and design flexibility; and to achieve a level of environmental protection that would not
21 be possible by typical lot-by-lot development; the use of the performance based development
22 process is strongly encouraged for projects within designated fish and wildlife habitat
23 conservation areas.

24 GH. Agricultural Restrictions. In all development proposals that would ~~permit introduction of or expand~~
25 agricultural activities, a net loss of functions and values to the critical area uses to fish and wildlife
26 habitat conservation areas, damage to the area shall be avoided by either at least one of the following
27 methods:

- 28 1. Locate the installation of fencing located not closer than the outer buffer edge; or
29 2. Implementation of a farm resource conservation and management plan agreed upon by the
30 conservation district and the applicant to protect and enhance the fish and wildlife habitat
31 conservation area.

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

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

6 2. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags and
7 important wildlife habitat.

8 3. Viewing platforms, interpretive centers, benches and access to them, shall be designed and
9 located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected
10 conservation area. Platforms shall be limited to one hundred square feet in size, unless
11 demonstrated through a Habitat Management Plan that a larger structure will not result in a net
12 loss of habitat and critical functions.

13 4. Trails and related facilities shall generally be located outside required buffers. Where trails
14 are permitted within buffers they shall be located in the outer 25% portion of the buffer ~~and a~~
15 ~~minimum of twenty-five feet from the stream edge~~, except where stream crossings or for direct
16 access to viewing areas have been approved by the Department.

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

22 I. Utilities. Placement of utilities within designated fish and wildlife habitat conservation areas and
23 buffers may be allowed pursuant to the following standards:

24 1. The normal and routine utility maintenance or repair authorized in Section 19.100.125 shall
25 be allowed within designated fish and wildlife habitat conservation areas, subject to best
26 management practices.

27 2. Construction of utilities may be permitted in fish and wildlife habitat conservation areas or
28 their buffers, only when no practicable or reasonable alternative location is available. Utility
29 construction shall adhere to the development standards set forth in (5) and (6), below. As
30 required, special reports (Chapter 19.700) shall be reviewed and approved by the department.

1 3. Construction of sewer lines or on-site sewage systems may be permitted in fish and wildlife
2 habitat conservation areas or their buffers only when: (a) the applicant demonstrates that the
3 location ~~it~~ is necessary to meet state ~~and~~/or local health code requirements; (b) there are no other
4 practicable alternatives available, and (c) construction meets the requirement of this chapter.
5 Joint use of the sewer utility corridor by other utilities may be allowed.

6 4. New utility corridors shall not be allowed in Class I or II fish and wildlife habitat conservation
7 areas (Section [19.300.310](#)(B) and (C)) except in those circumstances where an approved HMP
8 indicates that the utility corridor will not significantly impact the conservation area.

9 5. Utility corridor construction and maintenance shall protect the environment of fish and wildlife
10 habitat conservation areas and their buffers by utilizing the following methods:

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

14 b. In order of preference, new utility corridors shall be located.

15 i. On an existing road;

16 ii. On an existing bridge;

17 iii. Placed deep enough under the culvert to allow for future culvert replacement
18 and to avoid grade barriers.

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

24 c. Any additional corridor access for maintenance shall be provided ~~wherever possible~~
25 at specific points rather than by parallel roads, unless no reasonable alternative is
26 available. If parallel roads are necessary, they shall be ~~the~~ of a minimum width necessary
27 for access, but no greater than fifteen feet; and shall be contiguous to the location of the
28 utility corridor on the side away from the conservation area. Mitigation will be required for
29 any additional access through restoration of vegetation in disturbed areas.

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

1 a. Utility towers shall be painted with brush, pad or roller and shall not ~~be~~ sandblasted
2 or spray painted, unless appropriate containment measures are used, ~~nor use~~ Lead-
3 based paints shall not be used.

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

8 ~~JK.~~ Bank Stabilization. A stream channel and bank, ~~bluff and or shoreline~~ may be stabilized when
9 documented naturally occurring earth movement presents an imminent threat to existing primary
10 structures (defined as requiring a building permit pursuant to Chapter 14.04 of this code, the Kitsap
11 County Building and Fire Code), to public improvements, to unique natural resources, to public health,
12 safety or welfare, to ~~or~~ the only feasible access to property, ~~or~~ and, in the case of streams, when such
13 stabilization results in the maintenance of fish and wildlife habitat, flood control for the protection of
14 primary structures and appurtenances, and improved water quality.

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

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

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

30 4. The department may require that bank stabilization be designed by a professional engineer
31 licensed in the state of Washington with demonstrated expertise in hydraulic actions of ~~shorelines~~
32 rivers and streams. Bank stabilization projects may also require a Kitsap County site development

1 activity permit ~~under~~ ~~per~~ Title 12 of this code (Stormwater Management) ~~or~~ ~~and~~ a Hydraulic
2 Project Approval (HPA) from ~~the~~ WDFW.

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

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

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

- 15 1. The road or street shall serve multiple properties whenever possible;
- 16 2. Public and private roads should provide for other purposes, such as utility corridor crossings,
17 pedestrian or bicycle easements, viewing points, etc.; and
- 18 3. The road or street construction is the minimum necessary, as required by the department,
19 and shall comply with the department's guidelines to provide public safety and mitigated
20 stormwater impacts; and
- 21 4. Construction time limits shall be determined in consultation with WDFW in order to ensure
22 habitat protection.
- 23 5. Mitigation shall be performed in accordance with specific project mitigation requirements.

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