Title 19
CRITICAL AREAS ORDINANCE

Chapters:

Chapter 19.100
INTRODUCTION AND APPROVAL PROCEDURES

Sections:

19.100.105 Statement of purpose.

The purpose of the ordinance codified in this title is to identify and protect critical areas as required by the Growth Management Act of 1990 (Chapter 17, Laws of 1990). This title supplements the development requirements contained in the various chapters of the Kitsap County Zoning Ordinance (Title 17 of the Kitsap County Code) by providing for additional controls and measures to protect critical areas. This title

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.

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

1. Conserve and protect the environmental factors that add to the quality of life within the federal, state and county regulations that protect critical areas for the benefit of current and future residents of Kitsap County and the State of Washington.

2. Protect the public against avoidable losses from maintenance and replacement of public facilities, property damage, costs of publicly subsidizing mitigation of avoidable impacts, and costs for public emergency rescue and relief operations.

3. Identify critical areas and their environmental functions and values.

4. Protect critical areas and their functions and values by regulating use and management within these areas and adjacent lands.

5. Preserve the habitat, water quality, and water quantity functions and values of wetlands.

6. Protect water quality by controlling erosion and carefully siting uses and activities that can detrimentally affect stream flows or aquatic habitat quality.

7. Guide development proposals to the most environmentally suitable and stable portion of a development site.

8. Avoid potential damage due to geological hazards or flooding.

9. Preserve natural flood control and stormwater storage.

10. Maintain groundwater recharge and prevent the contamination of groundwater.

11. Prevent cumulative adverse environmental impacts to water, wetlands, fish and wildlife habitats, frequently flooded areas, geologically hazardous areas, and aquifer recharge areas.

12. Whenever mitigation is required, pursue as a preferred option, restoration and enhancement of previously impacted critical areas and their buffers.

19.100.110 Applicability.

A. Kitsap County shall not grant any permit, license or other development approval to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement, nor shall any person alter the condition of any land, water or vegetation, or construct or alter any structure or improvement, for any development proposal regulated by this title, except in compliance with the provisions of this title. Failure to comply with the provisions of this title shall be considered a violation and subject to enforcement procedures as provided for in this title.

B. This title applies to all uses and activities within areas or adjacent to areas designated as regulated critical areas unless otherwise exempt. The following permits and approvals shall be subject to and coordinate with the requirements of this title: site development activity permit; site plan approval; subdivision or short subdivision; building permit; performance based development, shoreline substantial development; variance; conditional use permit; certain forest practice permits (Class IV General, Class III Conversion Option Harvest Plans); other permits leading to the development or alteration of land; and rezones if not combined with another development permit.

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

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

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

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

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

19.100.115 Relationship to other county regulations.

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

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

A. Title 2, Government;

B. Title 9, Health, Welfare and Sanitation;

C. Title 12, Storm Water Management;

D. Title 14, Buildings and Construction;

E. Title 15, Flood Hazard Areas;

F. Title 16, Land Division and Development;

G. Title 17, Zoning;

H. Title 18, Environment;

I. Title 21, Land Use and Development Procedures;

J. Title 22, Shoreline Management Master Program;

K. RCW 36.70A, Growth Management Act;

L. RCW 90.58, Shoreline Management Act;

M. RCW 43.21C, State Environmental Policy Act;

19.100.120 Review authority.

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

1. The nature and type of critical area and the adequacy of any special reports required in applicable sections of this title;

2. Whether the development proposal is consistent with this title, by granting, denying or conditioning projects;

3. Whether proposed alterations to critical areas are appropriate under the standards contained in this title, or whether it is necessary for the applicant to seek a variance or other exception; and

4. Whether the protection mechanisms and the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety and welfare consistent with the goals, purposes and objectives of this title, and if not, condition the permit or approval accordingly.

B. The department shall have the administrative authority to reduce buffers and building setbacks as outlined in specific critical area sections of this title.

C. Where projects have been approved with conditions to protect critical areas under previous protection policies in effect prior to the ordinance codified in this title, those conditions will apply. Nevertheless, this title shall apply in cases where the department determines, based on review of current information, that the prior conditions will result in a detrimental impact to a critical area.

D. Time Limitations.

1. Expiration of Approval.

a. Approvals granted under this title shall be valid for the same time period as the underlying permit (e.g. preliminary plat, site development, building permit). If the underlying permit does not contain a specified expiration date, then approvals granted under this title shall be in writing and shall be valid for a period of three years from the date of issue, unless a longer period is specified by the department.

b. The approval shall be considered null and void upon expiration, unless a time extension is requested and granted as set forth in subsection (2) below.

2. Time Extensions.

a. The applicant or owner(s) may request in writing a one-year extension of the original approval.

b. Knowledge of the expiration date and initiation of a request for a time extension is the responsibility of the applicant or owner(s).

c. A written request for a time extension shall be filed with the department at least 60 days prior to the expiration of the approval.

d. Upon filing of a written request for a time extension, a copy shall be sent to each party of record together with governmental departments or agencies that were involved in the original approval process. By letter, the department shall request written comments be delivered to the department within 30 days of the date of the letter.

e. Prior to the granting of a time extension, the department may require a new application(s), updated study(ies), and fee(s) if:

(1) The original intent of the approval is altered or enlarged by the renewal;

(2) The circumstances relevant to the review and issuance of the original approval have changed substantially; or

(3) The applicant failed to abide by the terms of the original approval.

f. If approved, the one-year time extension shall be calculated from the date of granting said approval.

g. The department has the authority to grant or deny any requests for time extensions based upon demonstration by the applicant of good cause for the delay. Time extensions shall be granted in writing and documented in the file.

19.100.125 Exemptions.

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

A. Emergencies that threaten the public health, safety and welfare. An “emergency” is an unanticipated and immediate threat to public health, safety, or the environment that requires action within a time too short to allow compliance with this title.

B. Pre-existing and ongoing agricultural activities on lands containing critical areas. For the purpose of this title, “existing and ongoing” means that the activity has been conducted and/or maintained within the past five years.

C. Normal and routine maintenance and operation of pre-existing retention/detention facilities, biofilters and other stormwater management facilities, irrigation and drainage ditches, farm ponds, fish ponds,

manure lagoons, and livestock water ponds, provided that such activities shall not involve conversion of any wetland not currently being used for such activity.

D. Structural alterations to buildings, permitted under the Kitsap County Code that do not alter the structural footprint or introduce new adverse impacts to an adjacent critical area.

E. Normal and routine maintenance or repair of existing utility structures within a right-of-way or existing utility corridor or easements, including the cutting, removal and/or mowing of vegetation above the ground.

F. Forest Practices conducted pursuant to RCW 76.09, except Class IV (general conversions) and Conversion Option Harvest Plans (COHP).

19.100.130 Standards for existing development.

A. Existing Nonconforming Structures.

1. "Existing nonconforming development" means a development that was lawfully constructed, approved or established prior to the effective date of the ordinance codified in this title, but does not conform to present regulations or standards of this title.

2. Structures in existence on the effective date of the ordinance codified in this title that do not meet the setback or buffer requirements of this title may be remodeled or reconstructed provided that the new construction or related activity does not further intrude into the critical area or its associated buffers.

3. New construction or related activity connected with an existing single family dwelling shall not be considered further intruding into an associated buffer so long as the footprint of the structure lying within the critical area or its buffer is not increased by more than twenty (20%) percent and no portion of the new structure is located closer to the critical area than the existing structure; and provided further that reconstruction or remodeling meets the requirements of Title 15 of the Kitsap County Code (Flood Hazard Areas) and shall only be allowed if it does not create or continue a circumstance where personal or property damage is likely due to the nature of the critical area.

4. Nonconforming structures which are damaged or destroyed by fire, explosion, or other casualty, may be restored or replaced if a complete application is received by the Department within 24 months of such damage. The reconstruction or restoration shall not serve to expand, enlarge or increase the nonconformity except as allowed through the provisions of this section.

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

19.100.135 Variances.

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

1. Because of special circumstances applicable to the subject property, including size, shape, or topography, the strict application of this title is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity; provided, however, the fact that those surrounding properties have been developed under regulations in force prior to the adoption of this ordinance shall not be the sole basis for the granting of a variance.

2. The special circumstances referred to in subsection 1 above are not the result of the actions of the current or previous owner.

3. The granting of the variance will not result in substantial detrimental impacts to the critical area, public welfare or injurious to the property or improvements in the vicinity and area in which the property is situated or contrary to the goals, policies and purpose of this title.

4. The granting of the variance is the minimum necessary to accommodate the permitted use.

5. No other practicable or reasonable alternative exists. (See Definitions, Chapter 19.150.)

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

B. Kitsap County shall conduct a public hearing on all variance applications pursuant to the review process and notice requirements established in Title 21 of the Kitsap County Code (Land Use and Development Procedures), as now or hereafter amended.

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

D. Requests for variances shall include the application requirements of Section 19.100.155 (Application Requirements, General), or Section 19.200.215 (Wetland Review Procedures), whichever is applicable.

E. The department shall review administrative buffer reductions based on the criteria and standards referenced in this chapter.

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

1. Application of this title to the utility's activities would be inconsistent with the Comprehensive Plan and the Utility's public service obligations;

2. The proposed utility activity does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site; and

3. Any alterations permitted to these critical areas shall be the minimum necessary to reasonably accommodate the proposed utility activity and mitigate when feasible.

19.100.140 Reasonable use exception.

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

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 uses. The examiner shall review the application and shall conduct a public hearing pursuant to the provisions of

Title 21 of the Kitsap County Code (Land Use and Development Procedures). 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 title 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.

B. 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.

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 a 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. Any appeal regarding a decision to require, or not require a special report shall be made within fourteen calendar days of the decision. The appeal shall be in writing stating the basis that such reports should or should not be required for the proposed development. The hearing examiner may (a) remand the decision back to the department requesting that specific issues be

reconsidered; (b) modify the decision of the department; or (c) uphold the decision of the department.

2. Any appeal regarding a decision to approve, condition or deny a development proposal based on this title, or any decision to approve, condition or deny a variance, shall be made within fourteen calendar days of the decision. A fee in an amount as established under the Kitsap County Code shall be paid to the department at the time an appeal is filed. The appeal shall be in writing and shall state specifically the issues that are the subject of the appeal, focusing on the specific inadequacies of the particular decision under dispute. The hearing examiner may (a) remand the decision back to the department requesting that specific issues be reconsidered; (b) modify the decision of the department; or (c) uphold the decision of the department.

3. Kitsap County shall not issue any permit, license or other development approval on the development proposal site pending the outcome of the appealed decision.

19.100.150 Critical area and buffer notice to title.

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

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

19.100.155 General application requirements.

A. All applicants for major new development are required to meet with the department prior to submitting an application subject to Title 17 of Kitsap County Code; all applicants for construction of a single-family dwelling are encouraged to do so. The purpose of this meeting is to discuss Kitsap County's zoning and applicable critical area requirements, to review any conceptual site plans prepared by the applicant and to identify potential impacts and mitigation measures. Such conference shall be for the convenience of the applicant, and any recommendations shall not be binding on the applicant or the county.

B. The applicant must comply with the standards and requirements of this title as well as standards relating to Title 12 of the Kitsap County Code (Stormwater Management) set forth by the department, as now or hereafter amended. To expedite the permit review process, the department shall be the lead agency on all work related to critical areas. Development may be prohibited in a proposed development site based on criteria set forth in this title; the applicant should first determine whether this is the case before applying for permits from the department.

C. Application for development proposals, reasonable use exception or variances regulated by this title or for review of special reports shall be made with the department by the property owner, lessee, contract purchaser, other person entitled to possession of the property, or by an authorized agent as listed in Chapter 19.700 (Special Reports).

D. A filing fee in an amount established under the Kitsap County Zoning Ordinance shall be paid to the department at the time an application for a permit relating to a critical area or a special report review is filed.

E. Applications for any development proposal subject to this title shall be reviewed by the department for completeness and consistency or inconsistency with this title.

F. At every stage of the application process, the burden of demonstrating that any proposed development is consistent with this title is upon the applicant.

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

H. Prior to taking action on a zone reclassification or a Comprehensive Plan Amendment, the proponent shall complete an environmental review to confirm the nature and extent of any critical areas on or adjacent to the property; determine if the subsequent development proposal would be consistent with this title; and determine whether mitigation or other measures would be necessary if the proposal were approved. Such review shall occur prior to any SEPA threshold determination. Findings of such review

may be used to condition or mitigate the impact through the SEPA threshold determination or to deny the proposal if the impacts are significant and cannot be mitigated.

19.100.160 Inventory provisions.

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

Kitsap County will review map inventory information of all critical areas as it becomes available. Mapping will include critical areas that are identified through site specific analysis by local, state and federal agencies, the Kitsap Conservation District, tribal governments, citizen groups and other sources.

19.100.165 Enforcement.

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

B. Right of Entry. When it is necessary to make an inspection to enforce the provisions of this title, or when the director or his/her designee has reasonable cause to believe that a condition exists on property which is contrary to or in violation of this title, the director or his/her designee may enter the property to inspect, provided that if the property is occupied that the inspector's credentials be presented to the occupant and entry requested. If the property is unoccupied, the director or his/her designee shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the director or his/her designee shall have recourse to the remedies provided by law to secure entry.

C. Stop Work Orders. Whenever any work or activity is being done contrary to the provisions of this title the director or his/her designee may order the work stopped by notice in writing, served on any persons engaged in the doing or causing such work to be done, or by posting the property, and any such persons shall forthwith stop such work or activity until authorized by the director or his/her designee to proceed.

D. Penalties. The violation of any provision of this title shall constitute a Class I civil infraction. Each violation shall constitute a separate infraction for each and every day or portion thereof during which the violation is committed, continued, or permitted. Infractions shall be processed in accordance with the provisions of Chapter 2.116 of Kitsap County Code, as now or hereafter amended.

E. Imminent and Substantial Dangers. Notwithstanding any provisions of these regulations, the director or his/her designee may take immediate action to prevent an imminent and substantial danger to the public health, welfare, safety or the environment by the violation of any provision of this title.

F. Other Legal or Equitable Relief. Notwithstanding the existence or use of any other remedy, the director or his/her designee may seek legal or equitable relief to enjoin any acts or practices or abate any conditions, which constitute or will constitute a violation of the provisions of this title.

Chapter 19.150
DEFINITIONS

Sections:

19.150.050 Generally.

As used in this title, the following terms have the meanings given in this chapter.

19.150.100 Adjacent.

“Adjacent” means an area of review as defined by Section 19.100.110(G).

19.150.105 Agricultural activities.

“Agricultural activities” means activities related to vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization as well as animal husbandry and upland finfish aquaculture.

19.150.110 Alteration.

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

19.150.115 Anadromous fish.

“Anadromous fish” means fish whose life cycle includes time spent in both fresh and salt water.

19.150.120 Applicant.

“Applicant” means the person, party, firm, corporation or legal entity, or agent thereof, that proposes a development of property in Kitsap County.

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19.150.125 Aquifer.

“Aquifer” means a saturated body of rock, sand, gravel or other geologic material that is capable of storing, transmitting and yielding water to a well.

19.150.130 Aquifer recharge.

“Aquifer recharge” means the process by which water is added to an aquifer. It may occur naturally by the percolation (infiltration) of surface water, precipitation, or snowmelt from the ground surface to a depth where the earth materials are saturated with water. The aquifer recharge can be augmented by “artificial”

means through the addition of surface water (e.g., land application of wastewater or storm water) or by the injection of water into the underground environment (e.g., drainfields and drywells).

19.150.135 Aquifer recharge area.

"Aquifer recharge area" means those areas overlying aquifer(s) where natural or artificial sources of water can move downward to an aquifer(s).

19.150.140 Aquifer vulnerability.

"Aquifer vulnerability" means the combined effect of hydrogeological susceptibility to contamination and the contamination loading potential as indicated by the type of activities occurring on a project area.

19.150.147 Aquitard.

"Aquitard" means an underground geologic layer that has low permeability.

19.150.150 Bank stabilization.

"Bank stabilization" means lake or stream modification including vegetation enhancement, used for the purpose of retarding erosion, protecting channels, and retaining uplands.

19.150.155 Best available science.

"Best available science" means scientifically valid information in accordance with WAC 365-195-905, as now or hereafter amended, that is used to develop and implement critical areas policies or regulations.

19.150.160 Best management practices (BMPs).

"Best management practices" or "BMPs" means conservation practices (physical, structural and/or managerial) or systems of practices and management measures that:

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

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

19.150.165 Bog.

"Bogs" are a type of wetland typically composed of acidic, low nutrient soils and waters, high organic matter and that support plants specifically adapted to such conditions that are not commonly found elsewhere. Bogs may have an overstory of spruce or shore pine and may be associated with open water.

19.150.170 Buffer.

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

19.150.172 Buffer, standard.

“Standard buffer” means the buffer width established by each chapter of this title before any buffer adjustments are applied.

19.150.175 Candidate species (state-listed).

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

19.150.180 Channel migration zone (CMZ).

“Channel migration zone” or “CMZ,” as defined by WAC 173-26-020, as now or hereafter amended, means the area along a river or stream within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

19.150.185 Clearing.

“Clearing” means the destruction, disturbance or removal of vegetation by physical, mechanical, chemical or other means.

19.150.190 Compensation.

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

19.150.195 Creation.

“Creation” means the manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will support a wetland.

19.150.200 Conversion option harvest plan (COHP).

As it relates to forest practices, a “COHP” means a plan for landowners who want to harvest their land but wish to maintain the option for conversion pursuant to WAC 222-20-050. “Conversion” to a use other than commercial timber operation shall mean a bona fide conversion to an active use which is incompatible with timber growing.

19.150.210 Critical aquifer recharge areas.

“Critical aquifer recharge areas” means those land areas that contain hydrogeologic conditions that facilitate aquifer recharge and/or transmitting contaminants to an underlying aquifer.

19.150.215 Critical areas.

“Critical areas” means those areas identified as: (a) wetlands; (b) areas with a critical recharging effect on aquifers ; (c) fish and wildlife habitat conservation areas; (d) geologically hazardous areas; and (e) frequently flooded areas.

19.150.220 Critical area protection easement.

“Critical area protection easement” means an agreement conveyed through a notice to title, or shown on the face of a plat or site plan, for the purpose of perpetual or long-term conservation.

19.150.225 Critical facilities.

“Critical facilities” means those facilities necessary to protect the public health, safety and welfare and which are defined as essential facilities or Category III and IV buildings in accordance with Chapter 14.04 of this code, the Kitsap County Building and Fire Code. These facilities include but are not limited to schools, hospitals, police stations, fire departments and other emergency response facilities, and nursing homes. Critical facilities also include sites of hazardous material storage or production.

19.150.230 Danger trees.

“Danger trees” means any tree of any height, dead or alive, that presents a hazard to the public because of rot, root stem or limb damage, lean or any other observable condition created by natural process or man-made activity consistent with WAC 296-54-505.

19.150.235 Debris.

See “Refuse.”

19.150.240 Department.

“Department” means the Kitsap County Department of Community Development.

19.150.245 Detention facilities.

“Detention facilities” means stormwater facilities, including all the appurtenances associated with their designed functions, maintenance and security that are designed to store runoff while gradually releasing it at a pre-determined controlled rate.

19.150.250 Development proposal site.

“Development proposal site” means the legal boundaries of the parcel or parcels of land on which an applicant has applied for authority from Kitsap County to carry out a development proposal.

19.150.255 Director.

“Director” means the director of the Kitsap County department of community development or a duly authorized designee in the department.

19.150.260 Draining (related to wetland).

“Draining” means any human activity that diverts or reduces wetland groundwater and/or surface water sources.

19.150.265 Endangered species (state listed).

“Endangered species” means a species native to the state of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state. Endangered species are legally designated in WAC 232-12-014, as now or hereafter amended.(Ord. 351 (2005) § 17 (part), 2005)

19.150.270 Enhancement.

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

19.150.275 Erosion.

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

19.150.280 Erosion hazard areas.

“Erosion hazard areas” are those areas containing soils which, according to the U.S. Department of Agriculture Natural Resources Conservation Service Soil Survey Program, may experience significant erosion. Erosion hazard areas also include coastal erosion-prone areas and channel migrantion zones. This designation pertains to water erosion and not wind erosion. These areas may not be highly erodible until or unless the soil is disturbed by activities such as clearing or grading.

19.150.285 Excavation.

"Excavation" means the mechanical removal of earth material.

19.150.290 Existing and ongoing agriculture.

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

19.150.295 Exotic.

"Exotic" means any species of plant or animal that is not indigenous (native) to an area.

19.150.300 Extraordinary hardship.

"Extraordinary hardship" means where the strict application of this title and/or other programs adopted to implement this title by the regulatory authority would prevent all reasonable use of the parcel.

19.150.305 Farm pond.

"Farm pond" means an open-water habitat of less than five acres and not contiguous with a stream, river, lake or marine water created from a non-wetland site in connection with agricultural activities.

19.150.315 Fen.

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

19.150.320 Filling or fill.

"Filling" or "fill" means a deposit of earth or other natural or manmade material placed by artificial means, including, but not limited to, soil materials, debris, or dredged sediments.

19.150.325 Fish and wildlife habitat conservation areas.

"Fish and wildlife habitat conservation areas" are those areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the liklihood that the species will persist over the long term. These areas may include, but are not

limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. The County may also designate locally important habitats and species.

19.150.330 Fisheries biologist.

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

A. Certification by the American Fisheries Society; or

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

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

19.150.335 Floodplain.

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

19.150.340 Floodway.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

19.150.350 Forest practices.

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

A. Road and trail construction;

B. Harvesting, final and intermediate;

C. Pre-commercial thinning;

D. Reforestation;

E. Fertilization;

F. Prevention and suppression of diseases and insects;

G. Salvage of trees; and

H. Brush control.

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

19.150.355 Frequently flooded areas.

“Frequently flooded areas” are lands in the floodplain subject to at least a one percent or greater chance of flooding in any given year, or within areas subject to flooding due to high ground water. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high ground water forms ponds on the ground surface. Generally, floodplains are designated by FEMA on Flood Insurance Rate and Boundary Maps.

19.150.360 Geologically hazardous areas.

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

19.150.365 Geologist.

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

19.150.370 Geotechnical engineer.

“Geotechnical engineer” means a practicing geotechnical/civil engineer licensed as a professional civil engineer with the state of Washington, with professional training and experience in geotechnical engineering, including at least four years’ professional experience in evaluating geologically hazardous areas.

19.150.375 Geotechnical report and geological report.

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

19.150.380 Grading (construction).

“Grading” means any excavating, filling, grubbing, recontouring or mechanical removal of earth materials on the surface layer or any combination thereof.

19.150.385 Grazed wet meadows.

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

19.150.390 Grubbing.

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

19.150.395 Groundwater.

“Groundwater” means water in a saturated zone or stratum beneath the surface of land or water.

19.150.400 Habitat management plan.

“Habitat management plan” means a report prepared by a professional wildlife biologist or fisheries biologist which discusses and evaluates critical fish and wildlife habitat functions and evaluates the measures necessary to maintain, enhance and improve habitat conservation on a proposed development site.

19.150.405 Habitats of local importance.

“Habitats of local importance” are designated fish and wildlife habitat conservation areas which are found to be locally important by the County.

19.150.410 Hazardous substance.

"Hazardous substance" means any 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 a person appointed to hear or review certain land use decisions pursuant to RCW 36.70.970.

19.150.420 Hydric soils.

"Hydric soils" means soils which are wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of hydrophitic plants.

19.150.425 Hydrogeologist.

"Hydrogeologist" means a person who is qualified to engage in the practice of hydrogeology, has met the qualifications in hydrogeology established under RCW 18.220, and has been issued a license in hydrogeology by the Washington State Geologist Licensing Board.

19.150.430 Infiltration rate.

"Infiltration rate" means a general description of how quickly or slowly water travels through a particular soil type.

19.150.435 Landslide hazard areas.

"Landslide hazard areas" means areas atrisk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

19.150.440 Liquefaction.

"Liquefaction" means a process in which a water-saturated soil, upon shaking, suddenly loses strength and behaves as a fluid.

19.150.445 Lot.

"Lot" means a platted or unplatted parcel of land which has the minimum area, setbacks, widths and open space required by Title 17, Zoning, of the Kitsap County Code, for occupancy by a principal use and meets the access requirements of said Title 17 of the Kitsap County Code.

19.150.450 Low impact activities.

“Low impact activities” means activities that do not require a development permit and/or do not result in any alteration of hydrology or adversely impact the environment.

19.150.455 Mitigation.

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

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

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

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

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

19.150.470 Native vegetation.

“Native vegetation” means vegetation indigenous to the Puget Sound coastal lowlands.

19.150.475 Non-conforming use or structure.

“Non-conforming use or structure” means a use of land or structure which was lawfully established or built and which has been lawfully continued, but which does not conform to the current regulations of the zone in which it is located as established by Title 17, Zoning, of the Kitsap County Code.

19.150.480 Normal maintenance.

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

A. Use of fertilizer or pesticide application in wetlands, fish and wildlife habitat conservation areas, or their buffers;

B. Re-digging ditches in wetlands or their buffers to expand the depth and width beyond the original ditch dimensions;

C. Re-digging existing drainage ditches in order to drain wetlands on lands not classified as existing and ongoing agriculture under Section 19.100.130 (General Exemptions).

19.150.485 Open space.

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

19.150.490 Ordinary high water mark.

"Ordinary high water mark" means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existing on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department:, The definition is further guided by the additional criteria to clarify this mark in salt and fresh water environments, as contained in WAC 173-22-030, as now or hereafter amended.

19.150.495 Out-of-kind compensation.

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

19.150.500 Performance based development (PBD).

"Performance based development" means development characterized by comprehensive planning of the total project, though it may contain a variety of individual lots and/or uses.

Typically, a project may include clustering of structures and preservation of open space with a number of flexible and customized design features specific to the natural features of the property and the uses sought to be implemented. Specific lot area and setback requirements may be reduced or deleted in order to allow maximization of open space, critical areas and other components of the project.

19.150.505 Permeability.

"Permeability" means the capacity of an aquifer or confining bed to transmit water.

19.150.510 Permit.

"Permit" means any development, variance, conditional use permit, or revision authorized under RCW 90.58 or Kitsap County regulations.

19.150.515 Pond.

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

19.150.520 Practicable alternative.

"Practicable alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas. It may include an area not owned by the applicant for which an easement has been obtained in order to fulfill the basic purpose of the proposed activity.

19.150.525 Priority habitat.

"Priority habitat" means a 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, nesting, feeding, foraging, and migratory habitat; winter range, movement corridors; and/or habitats that are of limited availability or high vulnerability to alteration. Priority habitats are established by the Washington State Department of Fish and Wildlife within their Priority Habitats and Species Database.

19.150.530 Priority species.

"Priority species" means species requiring protective measures and/or management to ensure their persistence at genetically viable population levels. Priority species include state-listed or state proposed endangered, threatened or sensitive species and candidate and monitored species.

19.150.535 Public facilities.

"Public facilities" means facilities which are owned, operated and maintained by a public agency.

19.150.540 Public project of significant importance.

"Public project of significant importance" means a project funded by a public agency, department or jurisdiction that is found to be in the best interests of the citizens of Kitsap County and is so declared by the Kitsap County board of commissioners in a resolution.

19.150.545 Public right-of-way.

"Public right-of-way" means any road, alley, street, avenue, arterial, bridge, highway, or other publicly owned ground or place used or reserved for the free passage of vehicular and/or pedestrian traffic or other services, including utilities.

19.150.550 Public utility.

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

19.150.555 Ravine.

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

19.150.559 Reasonable.

“Reasonable” means not excessive or extreme; fair.

19.150.560 Reasonable alternative.

“Reasonable alternative” means an activity that could feasibly attain or approximate a proposal’s objectives, but at a lower environmental cost or decreased level of environmental degradation.

19.150.565 Reasonable use.

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

19.150.570 Reasonable use exception.

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

19.150.572 Re-establishment.

“Re-establishment” means the manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historical functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles.

19.150.575 Refuse.

“Refuse” means material placed in a critical area or its buffer without permission from any legal authority. Refuse includes, but is not limited to, stumps, wood and other organic debris, as well as tires,

automobiles, construction and household refuse. This does not include large woody debris used with an approved enhancement plan.

19.150.580 Regulated use or activity.

"Regulated use or activity" means any development proposal which includes or directly affects a critical area or its buffer, or occurs within the area of review, as described in Section 19.100.110(G) and Chapters 19.200 through 19.600 of this title.

19.150.582 Rehabilitation.

"Rehabilitation" means the manipulation of the physical, chemical or biological characteristics of a site with the goal of repairing natural or historical functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland, or breaking drain tiles and plugging drainage ditches.

19.150.585 Restoration.

"Restoration" means the return of a critical area (e.g., stream or wetland) to a state in which its functions and values approach its unaltered state as closely as possible.

19.150.590 Retention facilities.

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

19.150.595 Riparian area.

"Riparian area" means an area of land which supports riparian vegetation and may include some upland areas, depending on site conditions. These generally occur adjacent to water bodies where specific measures are needed to protect fish and wildlife habitat and watershed functions.

19.150.600 Salmonid.

"Salmonid" means a member of the fish family salmonidae. This family includes Chinook, coho, chum, sockeye and pink salmon; rainbow, steelhead, cutthroat, brook and brown trout; and Dolly Varden char, kokanee, and whitefish.

19.xxx.xxx Seismic hazard areas.

"Seismic hazard areas" are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquifaction, debris flows, lahars, or tsunamis.

19.150.605 Sensitive species (state listed).

"Sensitive species" means a species, native to the state of Washington that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or the removal of threats. Sensitive species are legally designated in WAC-232-12-011, as now or hereafter amended.

19.150.610 Shorelines.

For the purposes of this title, "shorelines" means all of the water areas of the state, as defined by Chapter 90.58 RCW, including reservoirs, and their associated wetlands, together with the lands underlying them; except (a) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (b) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

19.150.615 Single-family dwelling.

"Single family dwelling" means a building or structure which is intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes by one family and including accessory structures and improvements.

19.150.620 Special flood hazard areas.

"Special flood hazard area" means the area adjoining the floodway which is subject to a one percent or greater chance of flooding in any year, as determined by engineering studies acceptable to Kitsap County. The coastal high hazard areas are included within special flood hazard areas.

19.150.625 Species of concern.

"Species of concern" means those species that have been classified as endangered, threatened, sensitive, candidate, or monitored by the Washington State Department of Fish and Wildlife.

19.150.630 State Environmental Policy Act or SEPA.

"State Environmental Policy Act" or "SEPA" means the state environmental law (Chapter 43.21C RCW) and rules (Chapter 197-11 WAC) as implemented by Kitsap County Code, Title 18 (Environment).

19.150.635 Streams.

"Streams" means those areas in Kitsap County where the surface water flows are sufficient to produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other artificial

watercourses unless they are used by fish or used to convey streams naturally occurring prior to construction.

19.150.640 Swale.

"Swale" means a shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot.

19.150.645 Threatened species (state listed).

"Threatened species" means a species, native to the state of Washington that is likely to become endangered in the foreseeable future throughout a significant portion of its range within the state without cooperative management or the removal of threats. Threatened species are legally designated in WAC 232-12-011, as now or hereafter amended.

19.150.650 Toe of slope.

"Toe of slope" means a distinct topographic break in a slope. Where no distinct break exists, this point shall be the lowermost limits of the landslide hazard area as defined and classified in Chapter 19.400.

19.150.655 Top of slope.

"Top of slope" means a distinct topographic break in a slope. Where no distinct break in a slope exists, this point shall be the uppermost limit of the geologically hazardous area as defined and classified in Chapter 19.400.

19.150.660 Unavoidable and necessary impacts.

"Unavoidable and necessary impacts" means an impact to a critical area that remains after an applicant proposing to alter such an area has demonstrated that no practicable alternative exists for the proposed project

19.150.665 Utilities.

"Utilities" means facilities and/or structures which produce or carry electrical power, gas, sewage, water, communications, oil, publicly maintained storm water facilities, etc.

19.150.670 Utility corridor.

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

19.150.671 Wellhead protection area.

"Wellhead protection area" means the surface and subsurface area surrounding a well or wellfield that supplies a public water system.

19.150.674 Wetland delineation.

"Wetland delineation" means the identification of wetlands and delineation of their boundaries pursuant to this Chapter which shall be done in accordance with the approved federal wetlands delineation manual and applicable regional supplements. All areas within the County meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter.

19.150.675 Wetland determination.

"Wetland determination" means an on-site determination as to whether a wetland exists on a specific parcel, completed by either a wetland specialist or the department.

19.150.680 Wetland edge.

"Wetland edge" means the line delineating the outer edge of a wetland established in Section 19.200.210.

19.150.685 Wetlands.

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

19.150.690 Wetlands, isolated.

"Wetlands, isolated" or "isolated wetlands" means wetlands that (a) are outside of and not contiguous to any one-hundred-year floodplain of a lake, river, or stream; and (b) have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water or other wetland within a one-hundred-foot radius.

19.150.695 Wetlands, mosaic.

"Wetlands, mosaic" or "mosaic wetlands" means groups of isolated wetlands, any one or more of which may be smaller than any of the regulated categories, but which in aggregate may be as valuable as any

of the regulated categories. Each patch of wetland must be less than 1 acre, less than 100 feet away from the nearest wetland, is more than 50% of the total area, and there are at least three patches of wetland meeting the criteria.

19.150.700 Wetlands of regional significance.

"Wetlands of regional significance" means those regulated wetlands determined by the department, or otherwise determined, to have characteristics of exceptional resource value, which should be afforded the highest levels of protection.

19.150.705 Wetlands of statewide significance.

"Wetlands of statewide significance" means those regulated wetlands recommended by the Washington State Department of Ecology (DOE) and determined by the department to have characteristics of exceptional resource value which should be afforded the highest levels of protection.

19.150.710 Wetlands report.

"Wetlands report" means a wetland delineation characterization and analysis of potential impacts to wetlands consistent with applicable provisions of Chapter 19.200 (Wetlands) and Section 19.700.710 (Special Reports).

19.150.715 Wetlands specialist.

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

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

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

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

19.150.720 Wildlife biologist.

"Wildlife biologist" means a person with experience and training within the last ten years in the principles of wildlife management and with practical knowledge in the habits, distribution and environmental management of wildlife. Qualifications include:

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

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

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

Chapter 19.200
WETLANDS

Sections:

19.200.205 Purpose.

This chapter applies to all regulated uses within or adjacent to areas designated as wetlands, as defined in Section 19.150.685. 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 and maintain and enhance the biological and physical functions and values of wetlands with respect to water quality maintenance, stormwater and floodwater storage and conveyance, fish and wildlife habitat, primary productivity, recreation, and education;

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 chapter and the ordinance from which it derives;

D. Prevent turbidity and pollution of wetlands, and fish or shellfish bearing waters and to 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 include swamps, estuaries, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may also include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. For regulatory purposes, wetland

delineations shall be determined by the Washington State Wetlands Identification and Delineation Manual, March 2011, or as amended hereafter.

2. Kitsap County uses the Washington Department of Ecology Washington State Wetland Rating System for Western Washington, revised 2014, or as amended hereafter, to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement ratios for wetlands. Wetlands shall be generally designated as follows:

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

1. Category I Wetlands. Category I wetlands are those regulated wetlands that include but are not limited to rare, unique wetland types that are more sensitive to disturbance than most wetlands and that contain ecological attributes that are impossible to replace within a human lifetime. Category I wetlands score 23 points or more out of 27 on the wetlands ratings systems.

2. Category II Wetlands. Category II wetlands are those regulated wetlands that score between 20-22 points out of 27 on the wetlands ratings system.

3. Category III Wetlands. Category III wetlands are those regulated wetlands that score between 16-19 points on the wetlands ratings system. Activities affecting isolated, non-mosaic Category III wetlands that are less than 2,500 square feet may be allowed provided that the wetlands report identifies the specific wetland function affected or at risk, and the proposed mitigation to replace the wetland function, on a per function basis.

4. Category IV Wetlands. Category IV wetlands are those regulated wetlands that score less than 16 points out of 27 on the wetlands ratings system. Activities affecting isolated, non-mosaic Category IV wetlands that are less than 7,500 square feet may be allowed provided that the wetlands report identifies the specific wetland function affected or at risk, and the proposed mitigation to replace the wetland function, on a per function basis.

C. Non-Regulated Wetlands.

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 not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds , and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

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

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

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

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

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

3. Connecting Mosaic Pattern Wetlands. In cases where the wetlands to be categorized are smaller than one acre in size, are each separated from each other by 100 feet or less, the total areas delineated as vegetated wetland is more than 50 percent of the total area of wetlands and uplands, open water, and river bars around which you can draw a polygon, and there are at least three patches of wetland that meet the size and distance thresholds, the DOE mosaic methodology shall be used to determine the wetland category. The boundary of the mosaic wetlands must reflect the ecological interconnectedness of the wetlands within the mosaic. The county will not accept mosaic boundaries drawn to minimize the area of wetland within the mosaic.

19.200.215 Wetland review procedures.

A. Application Requirements.

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

a. Wetland delineation report (Section 19.700.710);

b. Wetland mitigation report (Section 19.700.715); and

c. 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 three years from the date of the report unless a longer or shorter period is specified by the department. An extension of an original report may be granted upon submittal of a written request to the department prior to expiration. Prior to granting any extension, the department 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. Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the County meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter.

2. 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 shall be identified on all grading, landscaping, site, on-site septic system designs, utility or other development plans submitted in support of the project.

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

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

C. Wetland Review Process for Single-family Dwellings.

1. Expedited Approval. Applicants proposing a single-family dwelling may receive expedited approval by the department if they choose to adopt the largest buffer width from the appropriate wetland category. Expedited approval removes the requirements of the wetland certification process for single-family dwellings (subsection (2), below) provided that the wetland delineation and/or wetland rating is not disputed. Administrative buffer reductions or variance will not apply.

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

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

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

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

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

c. A survey will not be required.

d. The single-family certification form may be used only to authorize single-family dwellings and associated home site features such as driveways, gardens, fences, wells, lawns, and on-site septic systems. It may not be used for new agricultural activities, expansion of existing agricultural activities, forest practice activities, commercial projects, land divisions, buffer width modifications, or violations.

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

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

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

19.200.220 Wetland buffer requirements.

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

A. Determining Buffer Widths. Buffer widths shall be measured horizontally from a perpendicular line established at the wetland edge based on the base buffer width identified in Table 19.200.220(A) and adjustments made from considerations contained in Table 19.200.220(B), Land Use Impact Intensity, below, and as applied in Tables 19.200.220(C) through (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(B)

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)

B. Width Tables of Buffers by Category of Wetland.

TABLE 19.200.220(C)

WIDTH OF BUFFERS REQUIRED TO PROTECT CATEGORY IV WETLANDS

Category IV Wetland Characteristics	**Buffer Width Adjustments to 30 ft. Base Width (By Impact of Land Use)**
Score for functions < 8 points	Low — Decrease by 5 ft. Moderate — Increase by 10 ft. High — Increase by 20 ft.

TABLE 19.200.220(D)

WIDTH OF BUFFERS REQUIRED TO PROTECT CATEGORY III WETLANDS

Category III Wetland Characteristics	**Buffer Width-Adjustments to 50 ft. Base Width (By Impact of Land Use)**
Moderate level of function for habitat (score for habitat is 5-7 pts.)	Low — Increase by 25 ft. Moderate — Increase by 60 ft. High — Increase by 100 ft.
Category III wetlands not meeting above criteria	Low — Decrease by 10 ft. Moderate — Increase by 10 ft. High — Increase by 30 ft.

TABLE 19.200.220(E)

WIDTH OF BUFFERS REQUIRED TO PROTECT CATEGORY II WETLANDS

Category II Wetland Characteristics	**Buffer Width Adjustments to 100 ft. Base Width (By Impact of Land Use/Apply Most Protective)**
High level of function for habitat (score for habitat is 8 - 9 pts.)	Low — Increase by 50 ft. Moderate — Increase by 100 ft. High — Increase by 125 ft.
Moderate level of function for habitat (score for habitat is5 — 7 pts.)	Low — Decrease by 25 ft. Moderate — Increase by 10 ft. High — Increase by 50 ft.
High level of function for water quality improvement and low for habitat (score water quality is 8 — 9 pts. and habitat is 4 pts or less)	Low — Decrease by 50 ft. Moderate — Decrease by 25 ft. High — No change
Estuarine	Low — Decrease by 25 ft. Moderate — Increase by 10 ft. High — Increase by 50 ft.
Category II wetlands not meeting above criteria	Low — Decrease by 50 ft. Moderate — Decrease by 25 ft. High — No Change

TABLE 19.200.220(F)

WIDTH OF BUFFERS REQUIRED TO PROTECT CATEGORY I WETLANDS

Category I Wetland Characteristics	**Buffer Width Adjustments to 200 ft. Base Width (By Impact of Land Use/Apply Most Protective)**
Wetlands of High Conservation Value	Low — Decrease by 75 ft. Moderate — Decrease by 10 ft. High — Increase by 50 ft.

Bogs	Low — Decrease by 75 ft. Moderate — Decrease by 10 ft. High — Increase by 50 ft.
Forested	Buffer size to be based on score for habitat functions or water quality functions
Estuarine	Low — Decrease by 100 ft. Moderate — No Change High — Increase by 50 ft.
Wetlands in Coastal Lagoons	Low — Decrease by 100 ft. Moderate — No Change High — Increase by 50 ft.
High level of function for habitat (score for habitat is 8 — 9 pts.)	Low — Decrease by 50 ft. Moderate — Increase by 25 ft. High — Increase by 50 ft.
Moderate level of function for habitat (score for habitat is 5 — 7 pts.)	Low — Decrease by 125 ft. Moderate — Decrease by 90 ft. High — No change
High level of function for water quality improvement (WQI) (score is 8 — 9) and low for habitat (score for habitat is 4 points or less)	Low — Decrease by 150 ft. Moderate — Decrease by 125 ft. High — Decrease by 100 ft.
Category I wetlands not meeting any of the above criteria	Low — Decrease by 150 ft. Moderate — Decrease by 125 ft. High — Decrease by 100 ft.

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

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

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

a. Buffer Averaging. Standard buffer widths may be modified by the department for a development proposal by averaging buffer widths. The total area contained within the buffer after averaging shall be no less than that contained within the standard buffer prior to averaging. The buffer shall not be reduced by more than 25 percent of the standard buffer width at any point. The department may allow wetland buffer averaging where it can be demonstrated that such averaging can clearly provide as great or greater functions and values as would be provided under the standard buffer requirement. The following standards shall apply to buffer averaging:

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

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

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

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

(5) The minimum buffer width will not be less than 25 percent of the widths established after the categorization is done and any buffer adjustments applied.

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

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

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

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

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

v. No vehicles, construction materials, fuel, or other materials shall be placed in tree protection areas. Movement of any vehicles within tree protection areas shall be prohibited.

vi. No nails, rope, cable, signs, or fencing shall be attached to any tree proposed for retention.

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

b. Administrative Buffer Reductions. Granting of a reduced buffer shall be the minimum necessary to accommodate the permitted use. In lieu of going through the formal variance process, an administrative reduction to buffer widths may be granted subject to the following criteria:

(1) For proposed single-family dwellings, the department may administratively reduce the buffer by up to 25 percent, pursuant to the variance criteria listed in Section 19.100.135. Where an administrative buffer reduction is granted, fencing or signage of the buffer edge shall be required. The order of sequence for such buffer reductions shall be as follows:

i. Use of buffer averaging maintaining 100 percent of the buffer area under the standard buffer requirement;

ii. Reduction of the overall buffer area by no more than 25 percent of the area required under the standard buffer requirement;

iii. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area;

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

v. Infiltration of stormwater where soils permit; and

vi. Retention of existing native vegetation on other portions of the site in order to off set habitat loss from buffer reduction.

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

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

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

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

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

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

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

19.200.225 Additional development standards for regulated uses.

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

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

B. Agricultural Restrictions. In all development proposals which would permit introduction of agricultural uses, damage to Category I, II, III and IV 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 by 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. 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 standards:

1. No other reasonable or practicable alternative exists and the road or street serves multiple properties whenever possible;

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.;

3. The road or street repair and construction are the minimum necessary to provide safe roads and streets; and

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: short plats, large lot subdivisions, master planned fully contained communities, master planned resorts, 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.

2. Land division approvals shall be conditioned to require that regulated wetlands and regulated wetland buffers be dedicated as open space tracts, or 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 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. Surface water discharges from stormwater facilities or structures may be allowed when they are in accordance with Title 12 of the Kitsap County Code (Stormwater Management) subject to the provisions of Section 19.200.230, Special Use Review. The discharge shall neither significantly increase or decrease the rate of flow and/or hydro-period, nor decrease the water quality of the wetland. Pre-treatment of surface water discharge through biofiltration or other best management practices (BMPs) shall be required.

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 30 feet from the wetland edge, except where wetland crossings or viewing areas have been approved by the Department.

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

H. Utilities in Wetlands or Wetland Buffers.

1. The utility development authorized in Section 19.100.125(E) shall be allowed, subject to best management practices in wetlands and wetland buffers.

2. Construction of new utilities outside the road right-of-way or existing utility corridors may be permitted in wetlands or wetland buffers, only when no reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined below, and as required in the filing and approval of applicable permits and special reports (Chapter 19.700) required by this title.

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

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

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

a. New utility corridors shall be aligned when possible to avoid cutting trees greater than 12 inches in diameter at breast height (four and one-half feet), measured on the uphill side.

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

c. Any additional utility corridor access for maintenance shall be provided as much as 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 15 feet; and shall be contiguous to the location of the utility corridor on the side away from the wetland. Mitigation will be required for any additional access through restoration of vegetation in disturbed areas.

d. The department may require other additional mitigation measures.

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

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

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

I. Parks. Development of public park and recreation facilities may be permitted subject to the provisions of Section 19.200.230, Special Use Review, below. For example, enhancement of wetlands and development of trails may be allowed in wetlands and wetland buffers subject to special use requirements and approval of a wetland mitigation plan.

19.200.230 Special use review.

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

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

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

C. Special use review determinations are appealable to the hearings examiner pursuant to Section 19.100.145 (Appeals).

19.200.250 Wetland mitigation requirements.

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

1. Avoiding the impact altogether by not taking a certain action or parts of actions;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to reduce impacts;

3. Using one of the following mitigation types, listed in order of preference:

    a. Rectifying the impact by reestablishing, rehabilitating, or restoring the affected environment;

    b. Compensating for the impact by replacing or providing substitute resources or environments; or

    c. Compensating for the impact by improving the environmental processes that support wetland systems and functions.

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

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

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

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

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

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

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

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

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

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

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

D. Wetland Replacement Ratios.

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

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 2:1 E	8:1
Category II Estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1	24:1
Category I other	4:1	8:1	1:1 R/C and 6:1 E	16:1
Category I Wetlands of High Conservation Value	Case-by-case	6:1 rehabilitation of a Natural Heritage site	Case-by-case	Case-by-case
Category I Coastal Lagoon	Case-by-case	6:1 rehabilitation of a coastal lagoon	Case-by-case	Case-by-case
Category I Bog	Case-by-case	6:1 rehabilitation of a bog	Case-by-case	Case-by-case
Category I Estuarine	Case-by-case	6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

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

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

(1) Uncertainty exists as to the probable success of the proposed restoration or creation;

(2) A significant period of time will elapse between impact and establishment of wetland functions at the mitigation site;

(3) Proposed compensation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or

(4) The impact was an unauthorized impact.

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

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

(2) Documentation by the applicant demonstrates that the proposed compensation actions will provide functions and values that are significantly greater than the wetland being impacted; or

(3) The proposed mitigation actions are conducted in advance of the impact and are shown to be successful.

E. Off-Site Compensatory Mitigation.

1. Considerations for determining whether off-site mitigation is preferable include, but are not 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.

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

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

1.The approval authority determines that it would provide appropriate compensation for the proposed impacts; and

2. The impact site is located in the service area of the bank.

3. The proposed use of credits is consistent with the terms and conditions of the certified mitigation bank instrument.

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

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

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

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

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

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

F. Advance Mitigation. Mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation, and state water quality regulations consistent with Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (Ecology Publication #12-06-15).

G. Alternative Mitigation Plans……..

H. Monitoring Requirements. Kitsap County shall require monitoring reports on an annual basis for a minimum of five years and up to ten 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 use best available science to aid the department in evaluating whether or not the project has achieved success (See Chapters 19.700, 19.710 and Section 19.700.715, Special Reports).

19.200.260 Incentives for wetland mitigation.

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. Buffers dedicated as permanent open space tracts will qualify for the open space taxation program

and will be offered the opportunity to be entered into this program. Kitsap County may offer to purchase these lands through the Conservation Futures Fund, as funding is available.

Chapter 19.300
FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Sections:

19.300.305 Purpose.

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

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

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

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

19.300.310 Fish and wildlife habitat conservation area categories.

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

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

1. Streams. All streams which meet the criteria for Type F, Np or Ns waters as set forth in WAC 222-16-030 of the Washington Department of Natural Resources (DNR) Water Typing System, as now or hereafter amended, Table 19.300.310 (*See also* Chapter 19.800, Appendix “B”). Type S waters are regulated through the Shoreline Master Program (Kitsap County Code, Title 22). The WDNR stream maps should not be solely relied on for the purposes of regulating land use or establishing buffers. The Kitsap County modeled stream type map should also be used, however stream conditions, identification of flow alterations, and location of fish passage barriers should

be identified through a field visit. Field verification of all intermittent or non-fish bearing streams should occur during the wet season months of October to March, or as determined by the Department.

Table 19.300.310

DNR Water Typing System

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

2. 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, such as important waterfowl areas identified by the U.S. Fish and Wildlife Service; 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 and reproduce over the long term.

19.300.315 Development standards.

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

A. Buffers and Building Setbacks.

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	
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

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

3. Provision for Decreasing Buffer. In lieu of going through the formal variance process, an administrative reduction to buffer widthsmay be granted subject to the requirements of this section. Where an applicant demonstrates pursuant to the variance criteria that buffer widths cannot be met, a habitat management plan (HMP) will be required that shall meet the requirements as described in Chapter 19.700 (Special Reports). The department may decrease the buffer if, after consultation with the Washington State Department of Fish and Wildlife, and review of the HMP, the department determines that conditions are sufficient to protect the affected fish and wildlife habitat conservation area. The department may reduce the buffer width by up to fifty percent for construction of a single-family dwelling or up to twenty-five percent for all other development, but the buffer shall not be less than twenty-five feet.. All other reductions of greater than twenty-five percent for single-family dwellings will be a Type II decision and require notification (see Chapter 19.800, Appendix F). Granting of a reduced buffer shall be the minimum necessary for the permitted use. When applicable, the order of sequence for buffer reductions shall be as follows:

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

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

iii. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area;

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

v. Infiltration of stormwater where soils permit; and

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

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

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

6. Channel Migration Zones. In areas where channel migration zones occur outside of Urban Growth Areas (as of the date of the adoption of this title), the buffer distance shall be measured from the edge of the channel migration zone. Building setbacks for geologically hazardous areas will also apply (19.400).

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

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

B. Class I Wildlife Habitat Conservation Areas Development Standards. All sites with known Class I wildlife habitat conservation areas will require, for all development permits, the submittal and approval of a habitat management plan (HMP) as specified in Chapter 19.700 (Special Reports). In the case of bald eagles, the HMP shall comply with the federal Bald and Golden Eagle Protection Act (16 USC 668) to

avoid impacting eagles and their habitat. In the case of listed fish species, a HMP shall be required if a buffer reduction is proposed under the provisions of Section 19.300.315(A). An HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation.

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

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

1. Bridges or bottomless culverts shall be required for all Type S or F streams that have salmonid breeding habitat. Other alternatives may be allowed upon submittal of a habitat management plan that demonstrates that other alternatives would not result in significant impacts to the fish and wildlife conservation area, as determined appropriate through the Washington State Department of Fish and Wildlife (WDFW), Hydraulic Project Approval (HPA) process. The plan must demonstrate that salmon habitat will be replaced on a 1:1 ratio.

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

3. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists.

4. Crossings shall not diminish flood carrying capacity.

5. Crossings shall serve multiple properties whenever possible.

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

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

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

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

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

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

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

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

2. Land division approvals shall be conditioned so that all required buffers are dedicated as open space tracts, or as an easement or covenant encumbering the 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 avoid the creation of non-conforming lots, each new lot shall contain at least one building site that meets the requirements of this title, including buffer requirements for habitat conservation areas. This site shall also have access and a sewage disposal system location that are suitable for development and does not adversely impact the fish and wildlife conservation area.

4. After preliminary approval and prior to final land division approval, the department may require that the common boundary between a required buffer and the adjacent lands be identified using permanent signs. In lieu of signs, alternative methods of buffer identification may be

approved when such methods are determined by the department to provide adequate protection to the buffer.

5. 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 performance based development process is strongly encouraged for projects within designated fish and wildlife habitat conservation areas.

H. Agricultural Restrictions, damage to fish and wildlife habitat conservation areas shall be avoided by the installation of fencing located not closer than the outer buffer edge.

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

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

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

3. Viewing platforms, interpretive centers, benches and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected conservation area.

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 feet from the stream edge, except where stream 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 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 normal and routine utility maintenance or repair authorized in Section 19.100.125 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. Utility construction shall adhere to the development standards set forth in (5) and (6), below. As required, special reports (Chapter 19.700) shall be reviewed and approved by the department.

3. 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 chapter. Joint use of the sewer utility corridor by other utilities may be allowed.

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

5. 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 entity shall ensure that such vegetation survives.

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

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

a. Utility towers shall be painted with brush, pad or roller and shall not be sandblasted or spray painted, unless appropriate containment measures are used, nor use lead-base paints.

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

K. Bank Stabilization. A stream channel and bank may be stabilized when documented naturally occurring earth movement presents an imminent threat to existing structures (defined as requiring a building permit pursuant to Chapter 14.04 of this code, the 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.

1. Where bank stabilization is determined to be necessary, soft-shore protective techniques may be required over other types of bank protection. Techniques include, but are not limited to, gravel berms, vegetation plantings, and placement of large, woody debris (logs and stumps). Special consideration shall be given to protecting the functions of channel migration zones..

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

3. 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 rivers and streams. Bank stabilization projects may also require a Kitsap County site development activity permit per Title 12 of this code (Stormwater Management) and a Hydraulic Project Approval (HPA) from the WDFW.

L. Fencing and Signs. Prior to approval or issuance of permits for land divisions and new development, the department may require that the common boundary between a required buffer and the adjacent lands be identified using fencing or permanent signs. In lieu of fencing or signs,

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

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

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

1. The road or street shall serve multiple properties whenever possible;

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

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

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

Chapter 19.400
GEOLOGICALLY HAZARDOUS AREAS

Sections:

19.400.405 Purpose.

This section applies to all regulated uses included in this title within the largest buffer or setback in areas designated as geologically hazardous areas, as categorized in Section 19.400.410 below. The intent of this section is to:

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

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

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

D.

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

19.400.410 Geologically hazardous area categories.

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

1. Areas of High Geologic Hazard.

a. Areas with slopes greater than or equal to 30 percent and mapped by the Coastal Zone Atlas or Quaternary Geology and Stratigraphy of Kitsap County as “Unstable” (U), “Unstable Old Land Slides” (UOS) or “Unstable Recent Slides” (URS).

b. Areas with slopes greater than or equal to 30 percent in grade and deemed by a qualified geologist or geotechnical engineer to meet the criteria of U, UOS, or URS.

2. Areas of Moderate Geologic Hazard.

a. Areas designated U, UOS, or URS in the Coastal Zone Atlas or Quaternary Geology and Stratigraphy of Kitsap County, with slopes less than 30 percent; or areas found by a qualified geologist to meet the criteria for U, URS, and UOS with slopes less than 30 percent; or

b. Slopes identified as “Intermediate” (I) in the Coastal Zone Atlas or Quaternary Geology and Stratigraphy of Kitsap County, or areas found by qualified geologist to meet the criteria of I; or

c. Slopes 15 percent or greater, not classified as I, U, UOS, or URS, with soils classified by the U.S. Department of Agriculture Natural Resources Conservation Service as “highly erodible” or “potentially highly erodible”; or

d. Slopes of 15 percent or greater with springs or groundwater seepage not identified in subsections (a), (b) or (c) above; or

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

B. Site Specific Determinations. A geologic or geotechnical report is a site investigation process to evaluate the on-site geology affecting a subject property and proposed development. Should an applicant question the information the county must rely on to determine whether a location contains a geologically hazardous area or area of geologic concern, the county may ask the applicant to submit the appropriate geotechnical or geologic report to confirm or modify the existing information known about the area. The requirements for reports are contained in Special Reports, Chapter 19.700.

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

19.400.415 Development standards.

This section applies to all regulated uses within designated geologically hazardous areas and their setbacks.

A. Review. Where applicable the department will approve, approve with conditions or deny the development proposal based on the department’s evaluation of site-specific conditions. The department will also consider any proposed mitigation measures included in a geotechnical report, if one is required.

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

C. Building/Impervious Surface Setback Requirements.

1. Areas of High Geologic Hazard. Minimum building and impervious surface setback from the top of slope shall be equal to the height of the slope (1:1 horizontal to vertical) plus the greater of one-third of the vertical slope height or twenty-five feet.

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

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

D. Buffer and Building Setback Modifications.

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

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

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

F. Field Marking Requirements. The proposed clearing for the project and all critical area buffers shall be marked in the field for inspection and approval by the department prior to beginning work. Field marking requirements for construction of a single-family dwelling will be determined on a case-by-case basis by the department. The field marking of all buffers shall remain in place until construction is completed, and final approval is granted by the department. Permanent marking may be required as determined necessary to protect critical areas or its buffer.

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

H. Storm Water Standards. Storm water discharges shall be in compliance with Title 12 of this code (Storm Water Management).

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

J. Additional Clearing Standards.

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

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

3. Clearing for overhead power lines shall be the minimum necessary for construction and will provide the required minimum clearances of the serving utility corridor.

K. Existing Logging Roads. Where existing logging roads occur in geologically hazardous areas, a geological or geotechnical report (See Section 19.700.725) may be required prior to use as a temporary haul road or permanent access road under a conversion or COHP forest practices application.

L. Clustering Requirements. The department may require clustering to increase protection to geologically hazardous areas.

M. Vegetation Enhancement. The department may require enhancement of buffer vegetation to increase protection to geologically hazardous areas.

N. Seismic Hazard Area Development Standards.

1. Proposed new development within a seismic hazard area shall be in accordance with Chapter 14.04 of this code, the Kitsap County Building and Fire Code.

2. Applicants for public and commercial building proposals within seismic hazard areas shall submit a geotechnical report (See Section 19.700.725) addressing any fill or grading that has occurred on the subject parcel. Any fill placed for such development shall have documented construction monitoring as required by Title 14.04 of this code, the Kitsap County Building and Fire Code.

3. The development proposal may be approved, approved with conditions or denied based on the department's evaluation of the proposed mitigation measures in the geotechnical report to reduce seismic risk.

O. Prohibitions.

1. Critical facilities, as defined in Chapter 19.150, are prohibited in areas of high geologic hazard.

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

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

Chapter 19.500
FREQUENTLY FLOODED AREAS

Sections:

19.500.505 Purpose.

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

In addition, the Kitsap County Geographic Information System (GIS) database for critical drainage areas, as defined in Title 12 of the Kitsap County Code (Stormwater), will be included for areas of review under Frequently Flooded Areas.

Chapter 19.600
CRITICAL AQUIFER RECHARGE AREAS

Sections:

19.600.605 Purpose.

Potable water is an essential life-sustaining element for people and many other species. The majority of Kitsap County drinking water comes from groundwater supplies in aquifers. Critical aquifer recharge areas are very important to shallow and deepwater aquifer recharge. Once groundwater is contaminated it is difficult, costly, and sometimes impossible to clean up. Preventing contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people and ecosystems. The intent of this chapter is to identify and classify aquifer recharge areas in accordance with RCW 36.70A.170 and address land use activities that pose a potential to directly or indirectly contaminate or otherwise threaten aquifer water quality and quantity. This section shall not affect any right to use or appropriate water as allowed under state or federal law. In addition, these requirements do not apply to those activities, which

have potential contaminant sources below threshold amounts as set forth in applicable statutes of the Revised Code of Washington or local regulations.

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

A. Identify, preserve and protect aquifer recharge areas which are susceptible to contamination by preventing degradation of the quality and, if needed, the quantity of potable groundwater;

B. Recognize the relationship between surface and groundwater resources; and

C. Give priority to potable water resource areas per WAC 365-190-100365-190-080 in the planning and regulation of land uses that may directly or indirectly contaminate or degrade groundwater.

D. Balance competing needs for water supply while preserving essential natural functions and processes, especially for maintaining critical fish and wildlife habitat conservation areas.

19.600.610 Critical aquifer recharge area categories.

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

A. Category I Critical Aquifer Recharge Areas. Category I critical aquifer recharge areas are those areas where the potential for certain land use activities to adversely affect groundwater is high. Category I critical aquifer recharge areas include:

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

2. Areas inside the ten-year time of travel zones in wellhead protection areas when the well draws its water from an aquifer that is at or above sea level and is overlain by permeable soils without an underlying protective impermeable layer.

3. Areas identified as significant recharge areas due to special circumstances or identified in accordance with WAC 365-190-100(4)365-190-080 as aquifer areas of

significant potable water supply with susceptibility to groundwater contamination, including but not limited to the following:

a. Hansville Significant Recharge Area. The Hansville aquifer is a significant potable water supply that is highly susceptible to the introduction of pollutants. Additional information regarding this aquifer is available from the Kitsap Public Utility District.

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

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

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

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

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

B. Category II Critical Aquifer Recharge Areas. Category II critical aquifer recharge areas are areas that provide recharge effects to aquifers that are current or potentially will become potable water supplies and are vulnerable to contamination based on the type of land use activity. The general location of these areas is available on the Kitsap County geographic information system. Category II critical aquifer recharge areas include:

1. Highly Permeable Soils (Group A Hydrologic Soils). The general location and characteristics of Group A Hydrologic Soils in Kitsap County is given in the Soil Survey of

Kitsap County by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). The soil survey information is available on the Kitsap County geographic information system (GIS).

2. Areas above shallow aquifers and/or surface areas which are not separated from the underlying aquifers by an impermeable layer that provides adequate protections from contamination to the aquifer(s) below. The general location of shallow aquifers in Kitsap County is based upon the professional judgment of licensed hydrogeologists with knowledge of the area. The location of shallow aquifers is available on the Kitsap County geographic information system (GIS).

3. Areas above the Vashon Aquifer. Surface areas above the Vashon Aquifer which are not separated from the underlying aquifers by a poorly permeable layer that provides adequate protections to preclude the proposed land use from contaminating the Vashon aquifer below. Vashon aquifers in Kitsap County are typically mapped as “Qva” (Vashon advance aquifer) or “Qvr” (Vashon recessional aquifer) on geologic maps. Best available information concerning the location of Vashon aquifers is available on the Kitsap County geographic information system (GIS).

4. Areas with high concentration of potable water supply wells.

C. Mapping. Kitsap County, in coordination with water purveyors and other agencies, will produce maps indicating the location of critical aquifer recharge areas and their defining characteristics.

19.600.615 Development standards.

A. Category I Critical Aquifer Recharge Areas.

1. Land uses identified in Table 19.600.620 are prohibited in Category I critical aquifer recharge areas, unless a waiver is granted by the department; and

2. Requests for waivers for activities listed in Table 19.600.620 shall include a hydrogeological report (See Chapter 19.700, Special Reports) that includes a detailed risk-benefit analysis that considers credible, worst-case scenarios. The hydrogeological report shall evaluate potential impacts of a proposed land use or activity on both groundwater and surface water quality and quantity. The waiver will be evaluated and treated as a special use review and be reviewed by the department, Kitsap Public Health, affected tribes, and the affected water purveyors.

B. Category II Critical Aquifer Recharge Areas.

1. Applicants proposing operations that pose a potential threat to groundwater as listed in Table 19.600.620 in Category II aquifer recharge areas may be required to submit a hydrogeological report (See Chapter 19.700, Special Reports). The scope of the report shall be based on site-specific conditions.

2. The need for additional information will be determined by the department, the health district and the affected water purveyor. Based on the results of the report, controls, mitigation, and/or other requirements will be established as a prerequisite for the development proposal being approved.

C. Notification and Review.

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

2. The department will also notify Kitsap Public Health and affected water purveyors through the environmental review process, when those development activities listed in Table 19.600.620 are proposed outside the areas designated critical aquifer recharge areas.

3. Land use decisions within Category I and II critical aquifer recharge areas may be appealed to the Kitsap County hearing examiner.

D. Stormwater. Stormwater infiltration best management practices shall be accomplished in accordance with Title 12 KCC.

19.600.620 Activities with potential threat to groundwater.

TABLE 19.600.620

ACTIVITIES WITH POTENTIAL THREAT TO GROUNDWATER

A.	Above & Below Ground Storage Tanks	
	1.	Hazardous and industrial waste treatment
	2.	Hazardous and industrial waste storage
	3.	Hazardous material storage
B.	Animal Feedlots	
C.	Commercial Operations	
	1.	Gas stations/service stations/truck terminals
	2.	Petroleum distributors/storage
	3.	Auto body repairs shops/rust proofers
	4.	Auto chemical supply storers/retailers
	5.	Truck, automobile, and combustion engine repair shops
	6.	Dry cleaners
	7.	Photo processors
	8.*	Auto washes
	9.*	Laundromats
	10.*	Beauty Salons
	11.	Research or chemical testing laboratories, which handle significant quantities of hazardous materials
	12.	Food processors/meat packers/slaughter houses
	13.	Airport maintenance/fueling operation areas
	14.	Junk and salvage yards
	15.	Storing or processing manure, feed, or other agriculture by products by commercially permitted businesses
	16.	Large-scale storage or use of pesticides, insecticides, herbicides, or fertilizer by commercial or agricultural operations
	17.	Golf courses

	18.	Cemeteries
D.	Deep Injection Wells	
	1.	Waste-water disposal wells (wells that, after treatment, inject water back into the aquifer)
	2.	Oil and gas activity disposal wells
	3.	Mineral extraction disposal wells
E.	De-icing Salts Storage Piles	
F.	Industrial Operations	
	1.	Furniture strippers/painters/finishers
	2.	Concrete/asphalt/tar/coal companies
	3.	Industrial manufacturers: chemicals, pesticides/herbicides, paper, leather products, textiles, rubber, plastic/fiberglass, silicone/glass, pharmaceuticals, electrical equipment
	4.	Metal platers/heat treaters/smelters/annealers/descalers
	5.	Wood preserves
	6.	Chemical reclamation facilities
	7.	Boat refinishers
	8.	Hydrocarbon extraction
G.	Land Application	
	1.	Waste-water application (spray irrigation)
	2.	Waste-water byproduct (sludge) application
	3.	Petroleum refining waste application
	4.	Hazardous waste applications
H.	Landfills	
	1.	Industrial hazardous and non-hazardous landfill
	2.	Municipal sanitary landfill
I.	Material Transfer Operations	
	1.	Hazardous and industrial waste transfers

	2.	Hazardous material transfers
J.	Materials Stockpiles	
K.	Mining and Mine Drainage	
L.	Onsite Septic Systems (Large Onsite Septic System or LOSS Category)	
M.	Pipelines	
	1.	Hazardous and industrial waste transfer
	2.	Hazardous material transfer
N.	Radioactive Disposal Sites and Processing of Radioactive Wastes	
O.	Sand and Gravel Mining Operations	
* If not on a sewer system with a treatment plant.		

Chapter 19.700
SPECIAL REPORTS

Sections:

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:

1. Wetland Delineation Report/Wetland Mitigation Plan (Sections 19.700.710 and 19.700.715).

2. Habitat Management Plan (Section 19.700.720).

3. Geotechnical Report /Geological Report (Section 19.700.725).

4. Hydrogeological Report (Section 19.700.730).

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 Title 21 of the Kitsap County Code, 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 (See Chapter 19.150, wherein “professionals” are described), and shall include his or her resume, or other list of qualifications, to aid the department in assessing these qualifications.

19.700.710 Wetland delineation report.

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

A. Vicinity map;

B. When available, a copy of a National Wetland Inventory Map (U.S. Fish and Wildlife Service) and/or a Kitsap County Wetland Inventory Map identifying the wetlands on or within two hundred fifty feet of the site;

C. A site map setting forth all of the following:

1. Surveyed wetland boundaries based upon a delineation by a wetlands specialist;

2. Site boundary property lines and roads;

3. Internal property lines, right-of-way, easements, etc.;

4. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc.;

5. Contours at the smallest readily available intervals, preferably at two-foot intervals;

6. Hydrologic mapping showing patterns of surface water movement and known subsurface water movement into, through, and out of the site area.

7. Location of all test holes and vegetation sample sites, numbered to correspond with flagging in the field and field data sheets.

8. The department may require an air photo with overlays displaying the site boundaries and wetland delineation.

D. Location information (legal description, parcel number and address);

E. Discussion of wetland boundary. If the wetland extends outside the site, the delineation report shall discuss all wetland areas within two hundred fifty feet of the site, but need only delineate those wetland boundaries within the site;

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

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

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

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

J. Recommended wetland category using the Washington State Wetlands Rating System Categories (See Chapter 19.800, Appendix “A”), including rationale for the recommendation;

K Recommended buffer boundaries, including rationale for boundary locations;

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

M. Administrative Wetland Boundary and Ranking Evaluation.

1. The department may delineate and evaluate wetland areas for any proposed single-family dwelling project listed in Chapter 19.200 (Wetlands), unless the applicant wishes to employ a qualified wetland biologist at the applicant's expense, or if such a report is required by the department. Fees may be collected for this determination and evaluation, as specified in Title 21 of the Kitsap County Code.

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

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

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

19.700.715 Wetland mitigation plan.

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

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

1. Applicant Name/Address/Phone.

2. Agent/Consultant.

3. Description of land use proposal.

4. Description of mitigation area.

5. Description of impact avoidance and minimization measures.

6. Description of unavoidable wetland impacts and mitigation measures:

a. Size (acres);

b. Wetland classification;

c. Hydrogeomorphic (HGM) classification;

d. Wetland rating;

e. Functions;

f. Compensation ratios used.

7. Explanation of other impacts to waters of the state.

8. Goals, objectives and monitoring period.

B. Project Description.

1. Type of development (existing and proposed land uses).

2. Project size.

3. Implementation schedule.

4. Project location, maps.

5. Project summary.

C. Ecological Assessment of Impact.

1. Impacts (acreage) and extent of disturbance to wetlands (wetland delineation).

2. Summary of historic and current on-site and nearby land uses (zoning designations).

3. Description of any known cultural resources on the site.

4. Description of the site in context of other wetlands/water bodies.

5. Description of the water regime.

6. Description of the soils.

7. Description of the plant communities.

8. Description of any fauna using the site.

9. Landscape position and geomorphology.

10. Description of functions provided.

11. Wetland category rating and buffer requirements.

D. Mitigation Approach.

1. Mitigation sequencing followed.

2. Goals and objectives.

3. Performance standards to assess each objective.

E. Proposed Compensation Site.

1. Site description (location, size, maps):

a. Ownership;

b. Total area of mitigation site (acres);

c. Current/past land use.

2. Site selection rationale.

3. Existing/baseline ecological conditions of the compensation site:

a. Acreage of existing wetlands and uplands;

b. National Wetland Inventory or local jurisdiction wetland mapping of the site;

c. Summary of historic and current on-site and nearby land uses (zoning designations);

d. Description of any known cultural resources on the site;

e. Description of the site in context of other wetlands/water bodies;

f. Description of the water regime;

g. Description of the soils;

h. Description of the plant communities;

i. Description of any fauna using the site;

j. Landscape position and geomorphology;

k. Description of functions provided;

l. Wetland rating of any existing wetlands, buffer requirements.

4. Site constraints.

F. Preliminary Site Plan.

1. Explanation of how adequate hydrology will be provided.

2. Discussion of how project was designed to provide the proposed functions.

3. Schematic drawings:

a. Change in topography:

b. Hydrologic structures;

c. Soils;

d. Vegetation distributions;

e. Habitat attributes;

f. Buffers.

4. Section drawings showing relationship of topography to water regime and vegetation.

G. Final Site Plan/Design.

1. Site survey and topography.

2. Water regime including:

a. Engineering drawings of water control structures;

b. Source of water (volume, velocity, hydro period).

3. Soil amendments.

4. Landscape plans:

a. Drawing of proposed plant distribution;

b. Location of existing or proposed upland buffers;

c. Section drawings showing relationship of topography to vegetation;

d. Erosion control;

e. Location of habitat structure;

f. Location of upland buffers;

g. Soil amendments.

5. Construction specifications.

H. Monitoring Plan.

1. Vegetation.

2. Water regime.

3. Soils.

4. Fauna.

5. Functions and values.

6. Development of habitat structure.

7. Water quality.

8. Buffers.

9. Timetable for reporting monitoring results.

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 the final monitoring year assessment.

M. Performance Bonds and Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the compensation project shall be provided. A compensation project manager shall be named, and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. A performance bond, assignment of savings, or other like security will be required by the department in an amount necessary to provide for future site monitoring and possible corrective action required for compensatory 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.

N. 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.

O. List of Qualified Consultants. The department shall establish a list of qualified consultants to prepare mitigation plans.

19.700.720 Habitat management plan (HMP).

A. A HMP is a site investigation report to evaluate the potential presence or absence of a regulated fish or wildlife species or habitat affecting a subject property and proposed development. This report shall identify how development impacts to fish and wildlife habitat from a proposed project will be mitigated. WDFW Priority Habitat and Species (PHS) management recommendations may serve as guidance for this report.

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

1. The location of the proposed development site;

2. The relationship of the site to surrounding topographic, water features, and cultural features;

3. Proposed building locations and arrangements;

4. A legend which includes a complete legal description, acreage of the parcel, scale, north arrow, and date of map revision; and

5. A WDFW PHS Data Base search that is no older than one year from the project submittal.

C. The habitat management plan shall also contain a report which describes:

1. The nature and intensity of the proposed development;

2. An analysis of the effect of the proposed development, activity or land use change upon the wildlife species and habitat identified for protection; and

3. A discussion on how the applicant proposes to mitigate any adverse impacts to wildlife habitats created by the proposed development. (See Sections 19.700.710 and 19.700.715, Wetland Report/Wetland Mitigation Plan requirements.).

D. Examples of mitigation measures to be included in the HMP report, include, but are not limited to:

1. Establishment of Buffer Zones. When applicable, the order of sequence for buffer reductions shall be as follows methods for buffer reduction may include the following:

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 stormwater 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.

2. Preservation of native plants and trees that is essential to maintaining habitat function;

3. Limitation of access to habitat areas;

4. Seasonal restriction of construction activities; and

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

E. A HMP shall be prepared by a fish or wildlife biologist, as defined at Sections 19.150.330 and 19.150.720. For proposed single-family dwelling construction, the department may complete the plan. Fees may be collected for this plan as specified in Title 21 of the Kitsap County Code. Where this plan is required for the protection of an eagle habitat, the eagle habitat management plan shall meet bald eagle management rules and will normally be prepared by the WDFW.

19.700.725 Geotechnical report and geological report.

Whenever development is proposed in a geologically hazardous area or shoreline setback as defined in Chapters 19.300 and 19.400 of this title, or when the department determines that additional soils and slope analysis is appropriate on a particular site, the applicant is required to submit a geotechnical or geological report that evaluates the surface and subsurface soil conditions on the site.

A. Qualifications.

1. Geotechnical reports shall be prepared by a geotechnical engineer (defined at Section 19.150.370).

2. Geological reports may be prepared by a licensed geologist (Section 19.150.365), or geotechnical engineer (Section 19.150.370).

B. General Provisions. Report recommendations for earthwork, clearing or siting structures in geologically hazardous areas shall be based on existing site conditions rather than measures that have not yet been successfully approved, designed, or constructed (e.g., slope recontouring, slope retaining walls, vegetation improvements, bulkheads, etc.).

C. Geological Report Submittal Standards. A Geological Report is required for site development proposals that involve development activity or the installation of structures within a geologically hazardous area, or as otherwise required pursuant to Chapters 19.300 and 19.400 of this title, but do not involve or require engineering design recommendations. The following minimum information is required:

1. Site information regarding the critical areas designations that affect site features.

2. Description of surface and subsurface conditions, including ground materials, vegetation, surface drainage, groundwater, and a preliminary geologic hazard assessment which includes the locations of structures and the identification of the slope and/or coastal processes occurring at the site and factors that contribute to them;

3. Review of available site information, literature, and mapping;

4. Detailed description of slope and other topographic features; and

5. Conceptual siting of structures and general recommendations, which include methods and practices that avoid and/or reduce slope impacts. Minimum

recommendations should include upland and slope drainage control, groundwater control, site vegetation management, and erosion control.

D. Geotechnical Report Submittal Standards. A geotechnical report is required when the department or a Geological Report determines that a site development proposal requires additional site information such as engineering design recommendations, slope stability analysis, subsurface exploration and testing, , or construction recommendations. Depending on the level of activity proposed, the report will either be a more limited geotechnical slope evaluation report or a full geotechnical design investigation report as described below.

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

a. All the information required under subsection C, above (Geological Report);

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 that propose design and construction measures at the slope crest, face and/or toe. If a designed structure does not impact slope stability,

the report will not be required to perform all items listed under this section, as long as each item is addressed and the report details why a particular item does not apply. The report shall include all items considered necessary by the engineer to fully address the engineering design requirements of the site. The following minimum information is required:

a. All the information required under subsection (D)(1), above (Geotechnical Report);

b. Geotechnical requirements and measures to reduce risks;

c. Geotechnical criteria used for any designs including all critical dimensions, lateral earth pressures, soil bearing pressures, location and limits of structures on or near the slope, maximum constructed slope angles, minimum soil reinforcement embedment, soil compaction requirements, and structure heights;

d. Temporary construction slope stability recommendations and analysis of proposed final site stability measures;

e. Required construction specifications and construction monitoring procedures;

f. Revegetation and surface and groundwater management requirements;

g. Evaluation of erosion potential, 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 subsection (F), below).

E. Additional Requirements for Sites in Geologically Hazardous Areas. When a project site is located within a landslide-prone geologically hazardous area, as classified in Section 19.400.410, the following additional project submittal requirements shall apply:

1. Erosion Control Information. An evaluation of the erosion potential on the site during and after construction is required. The evaluation shall include recommendations for mitigation, including retention of vegetative buffers and a revegetation program. The geotechnical 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.

2. Seismic Information. The geotechnical engineer shall submit a statement that the design criteria consider the one-in-one-hundred-year seismic event (an earthquake ground motion that has a 40 percent 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 geotechnical engineer for consistency with these design criteria.

Analysis for the one-in-one-hundred-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:

a = 0.2g for fill, alluvial soils

a = 0.17g for till, firm glaciated soils

a = 0.15g for rock.

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

3. Recommendations on Relative Site Stability. The geotechnical engineer shall make recommendations as to which portion of the site are the least prone to instability and the preferred location of the structure. The limits of any area proposed for grading activity shall be identified.

4. Construction Season Limitation. In general, no excavation will be permitted in landslide-prone geologically hazardous areas during the typically wet winter months.

When excavation is proposed, including the maintenance of open temporary slopes, between October 1 and April 30, technical analysis shall be provided to ensure that no environmental harm, threat to adjacent properties, or safety issues would result. In addition, recommendations for temporary erosion control and shoring/mitigating measures shall be provided. The technical analysis shall consist of plans showing mitigation techniques and a technical memorandum from the geotechnical engineer.

5. Revisions to Geotechnical Report. Further recommendations shall be provided by the geotechnical engineer should there be additions or exceptions to the original recommendations based on the plans, site conditions, or other supporting data. If the geotechnical engineer who revises the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the department, express his or her agreement or disagreement with the recommendations in the geotechnical report and state whether the plans and specifications conform to his or her recommendations.

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

7. Construction Inspection. A final inspection report shall be provided by the geotechnical engineer stating that construction has or has not implemented the design recommendations of the geotechnical report, and evaluating of any deviation from the design recommendations.

F. Geotechnical Design Investigation Report – Site Evaluation Checklist. The following are general report guidelines for geotechnical design investigation reports. The following guidelines are not intended to be all-inclusive. It is the responsibility of the geotechnical engineer to address all factors, which in their opinion are relevant to the site. The checklist information shall be included as part of the geotechnical design investigation report. All items listed below must be addressed in the report. Information shall be provided for those items, which are not relevant to a given site to demonstrate why the items are not applicable.

1. Project Information:

    a. Site Owner Name;

    b. Project Proponent Name;

    c. Shoreline Environment Designation (where applicable); and

    d. Critical Areas Ordinance (CAO) designations affecting site features.

2. Project Description:

    a. Description of proposed structures, site improvements, and adverse impact avoidance and reduction methods.

    b. Location and total area of the construction zone.

19.700.730 Hydrogeological report.

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

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

1. Surficial soil type and geologic setting;

2. Location and identification of wells within 1,000 feet of the site;

3. Location and identification of surface water bodies and springs within 1,000 feet of the site with recharge potential;

4. Description of underlying aquifers and aquitards, including water level,size, gradients and flow direction;

5. Available surface water and groundwater quality and quantity data;

6. Effects of the proposed development on water quality and quantity;

7. Sampling schedules required to assure water quality;

8. Discussion of the effects of the proposed development on the groundwater resource, including proximity to marine shorelines;

9. Recommendations on appropriate BMPs (Best Management Practices) or mitigation to assure no significant degradation of groundwater quality or quantity; and

10. Other information as required by Kitsap Public Health .

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

B. The hydrogeologic report shall be prepared by a professional geologist/hydrologist or by a soil scientist with a strong background in geology (See Section 19.150.365).

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

D. Analysis for a specific parcel(s), using the criteria outlined below, will be employed to confirm if the soils present require a recharge area designation. Data collection will include, at a minimum, six soil logs to a depth of ten feet (or to a depth four feet below the lowest proposed excavation point whichever is greater) for each acre in the parcel(s) being evaluated. At least one well, two hundred feet or greater in depth with an adequate drilling report, must be available within one mile. The associated data shall be analyzed and included in the hydrogeologic report to determine the presence of highly permeable soils with the recharge area designation.

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

Chapter 19.800
APPENDICES

The purpose of the appendices is to provide supporting documentation to assist in the implementation of the ordinance codified in this title.

Contents:

Appendix A – Washington State Wetlands Rating System Categories (See Section 19.200.210)

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

A. *Category I Wetlands are:*

1. Wetlands that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of functions.

2. Wetlands that are 1) Relatively undisturbed estuarine wetlands larger then 1 acre; 2) of high conserveration value that are identified by scientists of the Washington Natural Heritage Program (DNR); 3) bogs; 4) mature old-growth forested wetlands larger than 1 acre; 5) wetlands in coastal lagoons; 6) interdunal wetlands that score 8 or 9 habitat points and are larger then 1 acre; and 7) wetlands that perform many functions well.

3. Wetlands scoring 23 points or more (out of 27) on the questions related to functions in the *Washington State Wetland Rating System for Western Washington*, Revised 2014.

B. *Category II Wetlands are:*

1. Estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger then 1 acre.

2. Interdunal wetlands larger than 1 acre or those found in a mosaic of wetlands.

3. Wetlands scoring between 20 – 22 points (out of 27) on the questions related to functions in the *Washington State Wetland Rating System for Western Washington*, Revised 2014.

C. *Category III Wetlands are*:

1. Wetlands that are 1) wetlands with a moderate level of functions (scores between 16 – 19 points) and can often be adequately replaced with a well-planned mitigation project

2. Interdunal wetlands between 0.1 and 1 acre in size.

3. Wetlands scoring between 16 – 19 points and have generally been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

D. *Category IV Wetlands are*:

1. Wetland with the lowest levels of function (scores less than 16 points) and are often heavily disturbed.

2. Wetlands that may provide some important functions and have a high probability for successful replacement and/or improvement. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

(Ord. 351 (2005) § 37 (part), 2005)

Appendix B – Washington State Department of Natural Resources Stream Typing System

Water Type Conversion Table

Permanent Water Typing	Previous Water Typing
Stype S	Type 1
Type F	type 2 and 3
Type Np	Type 4
Type Ns	Type 5

A. **"Type S Streams"** are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030(1) as now or hereafter amended, as a Type S Water and are inventoried and regulated as "Shorelines of the State" under the Shoreline Management Master Program for Kitsap County, pursuant to RCW Chapter 90.58. Type S waters contain salmonid fish habitat.

B. **"Type F Streams"** are those surface waters, which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030(2) as now or hereafter amended, as Type F Water. Type F streams contain habitat for salmonid fish, game fish and other anadromous fish.

C. **"Type Np Streams"** are those surface waters, which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030(3) as now or hereafter amended, as Type Np Water. Type Np waters do not contain fish habitat.

D. **"Type Ns Streams"** are those surface waters, which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030(4) as now or hereafter amended, as a Type Ns Water. These streams are areas of perennial or intermittent seepage, ponds, and drainage ways having short periods of spring or storm runoff. Type Ns waters do not contain fish.

(Ord. 351 (2005) § 36 (part), 2005)

Appendix C – Kitsap County's GIS Database of Critical Areas Information

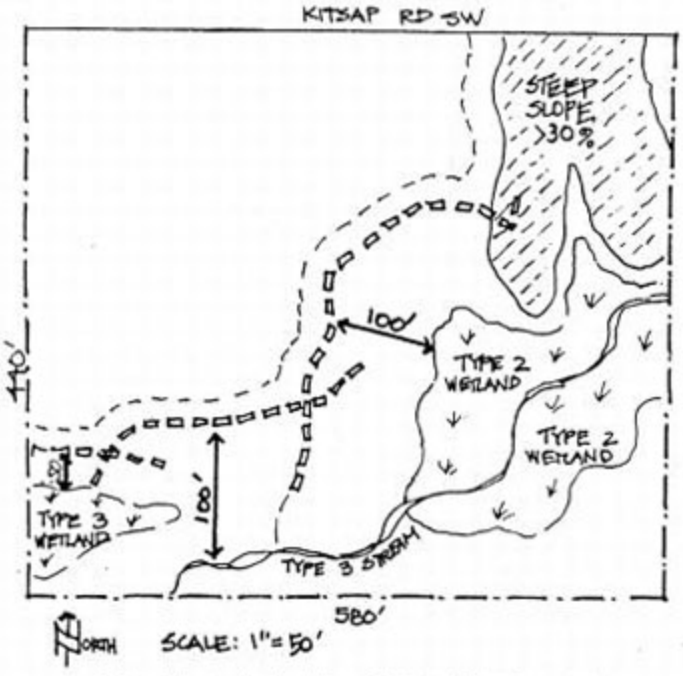
CRITICAL AREA	GIS DATA	INFORMATION SOURCE
Wetlands	National Wetlands Inventory Soil Survey of Kitsap County	U.S. Fish and Wildlife Service U.S. Dept. of Agriculture — Natural Resource Conservation Service
Fish And Wildlife Habitat Conservation Areas	National Wetlands Inventory Priority Habitats and Species Database Washington Rivers Information System Database Waters of Washington State Washington Coastal Zone Atlas Kitsap County Water Type Model	U.S. Fish and Wildlife Service WA. Dept. of Fish and Wildlife WA. Dept. of Fish and Wildlife WA. Dept. of Natural Resources WA Dept. of Ecology Wild Fish Conservancy and Kitsap County
Frequently Flooded Areas	Flood Insurance Rate Map	Federal Emergency Management Agency

Geologically Hazardous Areas	Washington Coastal Zone Atlas Soil Survey of Kitsap County Quaternary Geology and Stratigraphy of Kitsap County Light Distancing and Radar (LiDAR) Mapping	WA Dept. of Ecology U.S. Dept. of Agriculture — Natural Resource Conservation Service Jerald Deeter, 1979 Puget Sound LiDAR Consortium
Aquifers	Critical Aquifer Recharge Areas Aquifer Recharge Areas of Concern Principal Aquifers Soil Survey of Kitsap County	Kitsap Public Utilities District (PUD) #1 Kitsap PUD #1 Kitsap PUD #1 U.S. Dept. of Agriculture — Natural Resource Conservation Service

(Ord. 351 (2005) § 37 (part), 2005)

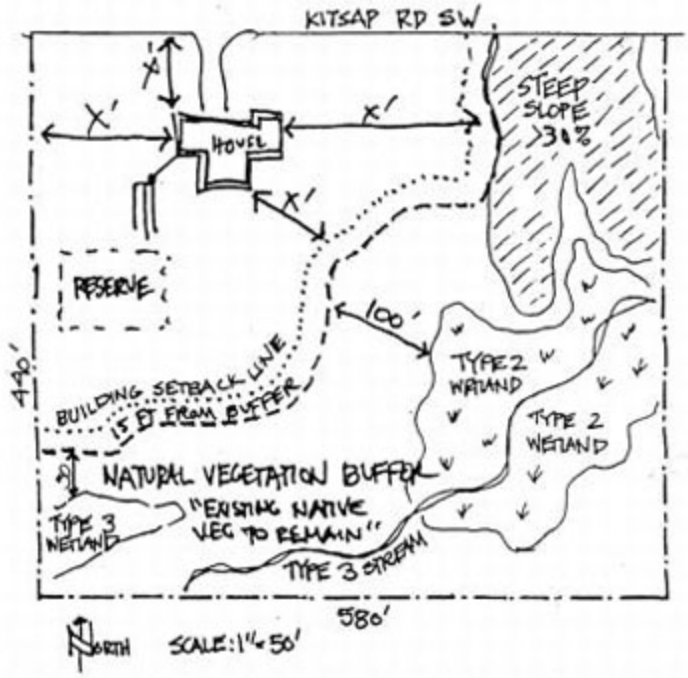
Appendix D – Site Development Figures

Protecting Critical Areas in Residential Sites



Site Characteristics Before Development

The site drawing above shows the location and types of critical areas and the required buffers.

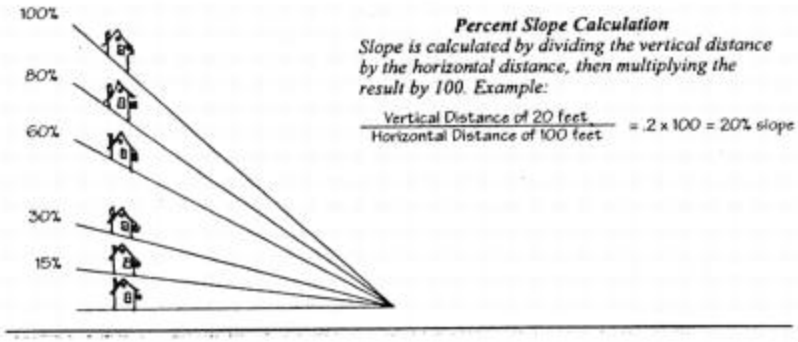


Site Plan Showing Development

You must identify specific items on your site plan development proposal:

- *Location of known critical areas*
- *Location of the proposed building*
- *Distance of proposed building from critical areas*
- *Required vegetated buffer widths on critical areas (Make a note on the plan which reads, "Natural vegetation buffer; existing natural vegetation to remain.")*
- *North arrow and plan scale*

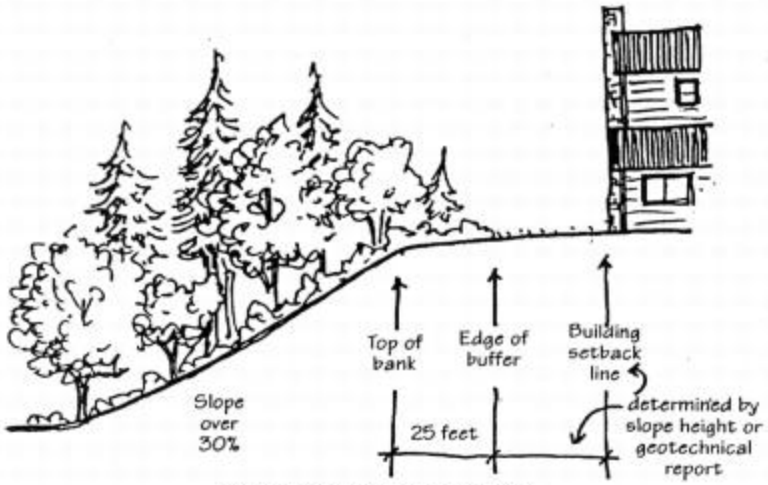
Site Applications



Percent Slope Calculation

Slope is calculated by dividing the vertical distance by the horizontal distance, then multiplying the result by 100. Example:

$$\frac{\text{Vertical Distance of 20 feet}}{\text{Horizontal Distance of 100 feet}} = .2 \times 100 = 20\% \text{ slope}$$



The 25–foot minimum vegetated buffer and building setback for slopes over 30%. Building setbacks are determined by the slope height or information from a geotechnical report.

Geologically Hazardous Areas

(Ord. 351 (2005) § 37 (part), 2005)

Appendix E – Kitsap County Critical Area and Buffer Notice

Return Address: **KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**

614 DIVISION STREET MS-36, PORT ORCHARD, WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925

KITSAP COUNTY CRITICAL AREA AND BUFFER NOTICE

Tax Account#_____

Legal Description_____

Present Owner (please print)_____

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

_____ _____ filed on_____
type of permit application # month / day / year

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

EXECUTED this _____day of _____, 2_____

_____
Owner/Agent

STATE OF WASHINGTON)
)
COUNTY OF KITSAP)

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

GIVEN under my hand and official seal the ___day of _____, 2_____

Notary Seal _____
NOTARY PUBLIC in and for the State of Washington

_____
My Commission Expires:_____

(Ord. 351 (2005) § 37 (part), 2005)

Appendix F – Critical Area Decision Types

Below are the decisions and their respective decision-making bodies included in Title 19 of the Kitsap County Code.

CRITICAL AREA DECISION TYPES			
	Type I	**Type II**	**Type III**
Written Notice (To Interested Parties and Neighbors Within 400 feet of Project)	No	Yes	Yes
Decision Making Body	Director	Director	Hearing Examiner (Public Hearing)
WETLANDS			
Uses within Wetlands and Buffers	X		
Mitigation Plans/Requirements	X		
Buffer Averaging	X		
Administrative Buffer Reduction (<25%)	X		
Variance (>25%)			X
Appeals			X
STREAMS			
Buffer Averaging	X		
Administrative Buffer Reduction (<25%)	X		
Variance (>25%)			X
Appeals			X
WILDLIFE CONSERVATION AREAS			
Habitat Management Plan Approval	X		
Appeals			X
GEOLOGICALLY HAZARDOUS AREAS (STEEP SLOPES)			

Buffer/Setback Reduction (with Geotechnical Report Approval)	X		
Appeals			X
CRITICAL AQUIFERS RECHARGE AREAS			
Hydrological Report Approval	X		
Appeals			X

(Ord. 351 (2005) § 37 (part), 2005)

APPENDIX G – Kitsap County Department of Community Development Wetland Buffer Alteration General Authorization Form.

Wetland Buffer Alteration General Authorization Form

Application No. _____

1. **Landowner** _____ **Phone** _____
   Mailing Address _____
   _____

2. **Authorized Agent/Contact** _____ **Phone** _____
   Mailing Address _____
   _____

3. **Person Responsible for Work** _____ **Phone** _____
   Mailing Address _____
   _____

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

5. **Project Information**

   Total square footage of regulated buffer _____
   Project Will:
   Require _____ square feet of buffer averaging
   Require _____ square feet of buffer reduction under 25% agreement
   Enhance _____ square feet of buffer or _____ square feet of wetland
   Restore _____ square feet of buffer or _____ square feet of wetland

6. **Required Attachments (on 8.5" x 11" or 8.5" x 14" paper)**
   Vicinity map showing project location
   Aerial photograph showing project boundaries
   Photographs of the site and project areas
   Site plan map and/or aerial photo showing:
   - Location of existing structures, roads, streams and other pertinent features
   - Location and approximate boundaries of existing wetlands
   - Location and boundaries of proposed buffer alteration areas

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

_____ _____
Applicant Signature Date

Return completed form and attachments to:
Kitsap County DCD
614 Division Street, MS-36
Port Orchard, WA 98366