



Executive Summary

Issue Title: 2024 Critical Areas Ordinance Update
Meeting Date: April 16, 2024
Time Required: Up to 120 Minutes
Department: Department of Community Development (DCD)
Attendees: Kathlene Barnhart, Colin Poff, Scott Diener

Action Requested at This Meeting: No action necessary – Work Study Only

Background:

The Kitsap County Community Development Department began the review and update of the Critical Area Ordinance (CAO) in January 2023 with the target adoption planned for July 2024. The CAO was last updated in 2017 and is being updated in conjunction with the 2024 Comprehensive Plan Update. Code edits will be related to KCC Title 19. The purpose of this project is to evaluate and modify the CAO per the schedule provided in RCW 36.70A.130.

On March 26, staff briefed the Planning Commission on current status of this project and next steps related to draft code amendments that were released on March 8, 2024. A previous Work Study was held on April 2nd to discuss Chapters 19.100 (Introduction and Approval Procedures); 19.150 (Definitions); 19.200 (Wetlands); and 19.300 (Fish and Wildlife Habitat Conservation Areas).

Meeting Purpose:

Staff have prepared various code amendments to Title 19 based on the [Best Available Science \(BAS\)](#) summary and the [Consistency and Gap Analysis](#) report provided by The DCG Watershed Company, state agency recommendations, staff administrative requests and other recommendations.

The intent of this work study, as with the previous on April 2nd, is to provide the Planning Commission with more detail on the proposed code amendments. This work study will focus on Chapters 19.400 (Geologically Hazardous Areas); 19.500 (Frequently Flooded Areas); 19.600 (Critical Aquifer Recharge Areas); and 19.800 (Appendices). As time allows, follow-up from April 2nd discussion may also be included.

A matrix with a summary of code changes, as well as the draft code amendments to Title 19 are attached to this summary. Staff will go through changes proposed in each chapter, with emphasis on some of the more prominent elements, as highlighted below:

19.400 Geologically Hazardous Areas

- Clarification that vegetation is not to be removed from both landslide *and* erosion hazard areas;
- Sources for identifying channel migration zones (erosion hazard areas);
- Clarification / addition to criteria for landslide hazard areas, including potential landslide 'runout' distances;
- Tsunami hazard areas inclusive of wave models;
- Development standards (setbacks) for landslide and erosion hazard areas clarified (no changes to how measured or applied);
- Standard added to require geologic assessment for development proposed in moderate seismic hazard areas;
- Clarified when a Geotechnical Notice to Title is required (current requirement).

19.500 Frequently Flooded Areas

- No changes proposed; presentation of BAS analysis and discussion to-date

19.600 Critical Aquifer Recharge Areas

- No changes proposed; presentation of BAS analysis and discussion to-date

19.700 Special Reports

- Updated geologic assessment requirements for a site plan depicting top/toe of slope location and any buffer and/or setback

19.800 Appendices

- Deletion of Appendix A (Washington State Wetland Rating System Categories)- still apply, just not included directly into code

Next Steps:

*(*dates are tentative and subject to change)*

- March 8 – April 26th, 2024: public comment period
- May 21st, 2024: Planning Commission public hearing
- June 4th, 2024: Planning Commission deliberations
- June 18th, 2024: Planning Commission deliberations/ Findings
- July 2024: Board of County Commissioners work study
- August 2024: Board of County Commissioners public hearing
- September 2024: CAO adoption

Attachments:

- 1) CAO Public Draft Change Matrix
- 2) Public Draft (3/8) CAO (underline/strike-out)
- 3) Technical Memo: Frequently Flooded Areas (10/12/23)