

April 10, 2024

Presented by:
Kathlene Barnhart, Planner
/Project Lead

Kitsap County
Critical Areas Ordinance Update
Kingston Community Advisory Council



WHAT IS THE CAO?

The CAO is the portion of local code (Title 19) which provides development standards for protecting the environment and minimizing risks to human safety. Critical Areas include:

- *wetlands;
- *fish and wildlife habitat conservation areas;
- *geologically hazardous areas;
- *frequently flooded areas; and
- *critical aquifer recharge areas.

These areas are defined by the State of Washington.

WHY ARE WE UPDATING?

The Washington Growth Management Act (GMA) requires that all local jurisdictions:

- Designate and protect critical areas;
 - Review and evaluate their CAO during the periodic update to their Comprehensive Plan;
 - Use “best available science” in developing regulations to protect critical area functions and values.
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- Kitsap County’s last review was conducted in 2016/17
 - Updates are now required every 10 years in conjunction with the Comprehensive Plan
 - Target adopt date September 2024



BASIS OF CHANGES



Best Available Science Report



Consistency and Gaps Analysis, The Watershed Company



Updated State Guidance



Staff suggested edits



Public and Working Group Input

PROCESS

- **Working Group Meetings**

- To provide technical expertise and review on Best Available Science (BAS) and Gap Analysis report
- Standing Members (Tribes, community organizations with expertise in planning and critical areas)
- Technical Experts (State agency staff)

- **Public Outreach**

- Tribal coordination
- Community consultations
- Events
- Virtual Meetings
- CACs

- **Development of Preliminary Draft**

- **Initial Public Comment Period (March 8 – April 26)**

- **Planning Commission Hearing (May 21)**

UPDATED SECTIONS

19.100 – Introduction and Approval

19.150 - Definitions

19.200 – Wetlands

19.300 – Fish & Wildlife Habitat Conservation Areas

19.400 – Geologic Hazards

19.700 – Special Reports

19.100 INTRODUCTION AND APPROVAL

- Clarified criteria and process for expansion of existing, nonconforming structures.
- Added mitigation sequencing to general applications requirements to include/cover all applicable critical areas.

19.200 WETLANDS

Director may require enhanced vegetation or increased buffer widths on case-by-case basis

Clarified and reorganized provisions for decreasing buffer (Similar changes made to FWHCA)

“Buffer Break” (Similar changes made to FWHCA)

Mitigation Compliance - Mitigation requirements run with the parcel – recorded as a covenant.

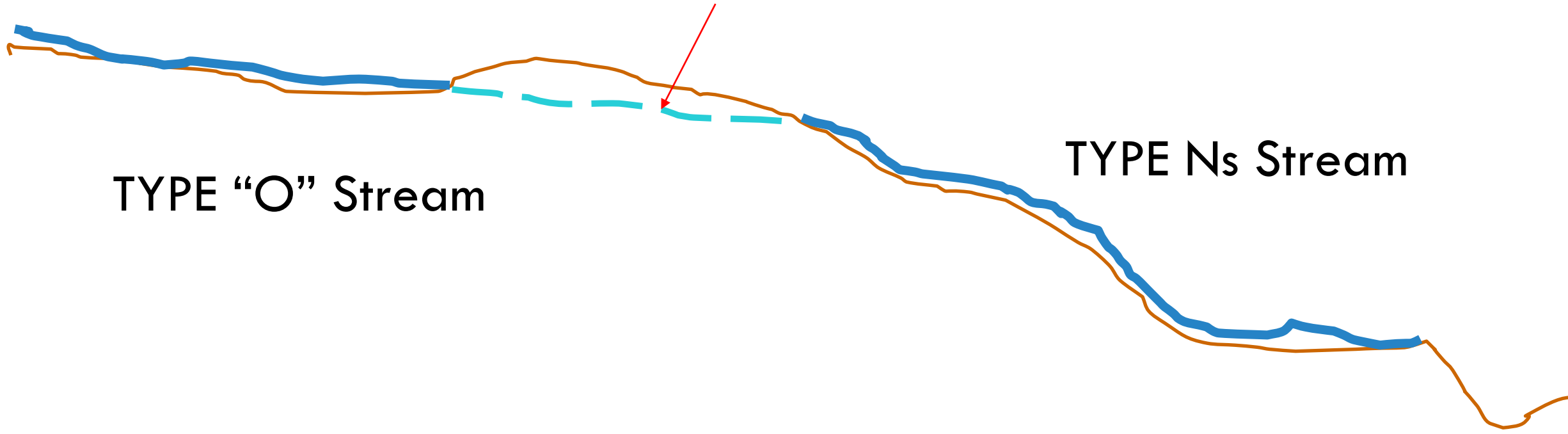
Mitigation Replacement Ratios - Updated for consistency with Ecology

19.300 FISH AND WILDLIFE HABITAT CONSERVATION AREAS

- **Increased Buffer Widths based on WDFW Riparian Management Guidance**
 - Staff recommends using “predictive model” with set buffer widths, rather than using Site Potential Tree Height Mapping Tool.
 - Proposed Increased buffer widths on Type ‘F’ Stream from 150 feet to 200 feet
 - Proposed Increased widths on Type ‘N’ streams from 50 to 100 feet, and
 - Added a new Type ‘O’ or “Other” stream with a 100-foot buffer
- **Proposed “Alternative UGA Buffer Widths” for added flexibility, consistent with B.A.S, for projects that meet a specific criteria.** Alternative UGA buffer widths are less than the standard buffer widths proposed above:
 - 150 feet for Type F streams
 - 75 feet for Type N streams
- **Criteria for use of alternative widths include:**
 - Applies to multifamily, redevelopment, and restoration
 - Existing buffer has function-limited vegetation or predominantly invasive vegetation
 - Provides an HMP which demonstrates greater riparian function will be provided
 - Current buffer conditions are not the result of a willful code violation

TYPE "O" OTHER FWHCA

Seasonal subterranean flow



TYPE "O" Stream

TYPE Ns Stream

RIPARIAN PROTECTION AREAS – PREDICTIVE MODEL

DNR Forest Practice Board Stream Typing	Current Buffer Width	Proposed Riparian Protection Area	Change from Current CAO Regulation (ft)	Percent change from Current CAO Regulation (%)
Type F	150 feet	200 feet	+50 feet	33%
Type Np	50 feet	100 feet	+50 feet	100%
Type Ns	50 feet	100 feet	+50 feet	100%
Type O	N/A	100 feet	N/A	N/A

19.300.315

UGA ALTERNATIVE BUFFER WIDTH

DNR Forest Practice Board Stream Typing	Current Buffer Width	Proposed UGA Alternative Buffer Width	Change from Current CAO Regulation (ft)	Percent change from Current CAO Regulation (%)
Type F	150 feet	150 feet	+0 feet	0%
Type Np	50 feet	75 feet	+25 feet	50%
Type Ns	50 feet	75 feet	+25 feet	50%
Type O	N/A	75 feet	N/A	N/A

19.400 GEOLOGICALLY HAZARDOUS AREAS

- Clarification that vegetation is not to be removed from both landslide *and* erosion hazard areas;
- Updates to criteria for landslide hazard areas
- Sources for identifying CMZs and tsunami hazard areas
- 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

19.600
CRITICAL
AQUIFER
RECHARGE AREAS

No changes proposed in the
March 8th Preliminary Draft.

19.700 SPECIAL REPORTS

- Updated Habitat management Plan (HMP) requirements
- Updated Site Protection requirements – require covenant for compensatory mitigation areas.
- Updated geologic assessment requirements for a site plan depicting top/toe of slope location and any buffer and/or setback

2024 NEXT STEPS*

(*DATES ARE TENTATIVE & SUBJECT TO CHANGE)



MARCH 2024: RELEASED
DRAFT CODE
AMENDMENTS



MARCH 8 – APRIL 26 2024
PUBLIC COMMENT PERIOD



APRIL 2 AND 16:
PLANNING
COMMISSION WORK
STUDY MEETINGS



MAY 21 2024:
PLANNING
COMMISSION PUBLIC
HEARING



JULY – AUGUST 2024:
PUBLIC COMMENT
PERIOD ON REVISIONS



AUGUST 2024: BOARD
OF COUNTY
COMMISSIONERS
PUBLIC HEARING



SEPTEMBER 2024: CAO
ADOPTION

FOR MORE INFORMATION:

Project webpage: kcowa.us/cao

Comments & Questions:
codeupdates@kitsap.gov

Colin Poff, Planning Supervisor
cpoff@kitsap.gov

Kathlene Barnhart, Senior Planner
kbarnhar@kitsap.gov

360-337-5777

