



Community  
Development

# Critical Area Buffer Reductions

Exceptions from critical area buffer standards may be granted under certain circumstances, as detailed in Kitsap County Code (KCC) Title 19 [Critical Areas Ordinance](#). Requests are reviewed either administratively by Department of Community Development (DCD) staff or through a public hearing process by the Kitsap County Hearing Examiner, depending on the amount of proposed reduction.

## Review Criteria

The following basic criteria must be demonstrated for all buffer reduction requests (KCC Section [19.100.135](#)). Buffer reduction may be granted when:

- 1) Because of special circumstances applicable to the subject property (including size, shape, topography, location, or surroundings), the strict application of the standard deprives the property of rights and privileges enjoyed by other properties in the vicinity. However, the fact that those surrounding properties have been developed under regulations in force before the adoption of the current critical areas ordinance shall not be the sole basis for the granting of the 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 reduction will not result in substantial detrimental impacts to the critical area, public welfare, or be harmful to property or improvements in the vicinity and area in which the property is situated, or be contrary to the goals, policies, and purpose of Title 19.
- 4) The granting of the reduction is the minimum necessary to accommodate the permitted use.
- 5) No other practical or reasonable alternative exists.
- 6) An approved mitigation plan (where required) has been submitted for the proposed use of the critical area.

## Minimized Impacts

If a buffer reduction request is granted, it is often under the condition of an approved mitigation plan designed to minimize impacts and result in no net loss of ecosystem functions and values. Mitigation plans require long-term monitoring to ensure success and may include:

- Enhancement of existing degraded buffer area appeal and replanting of the disturbed buffer area.
- The use of alternative on-site wastewater systems to minimize site clearing.

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- Infiltration of stormwater where soils permit.
- Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction; this option typically requires a Notice to Title and permanent, standard buffer signage.

See the [Critical Area and Shoreline Protection and Monitoring](#) brochure for more information about mitigation plans and monitoring requirements.

## Decision Types

Buffer reduction requests are reviewed under different decision types, depending on the type of critical area and the size of the reduction being requested. The table, below, provides this detail.

**Type I** decisions do not require public notice or a public hearing.

**Type II** decisions require public notice and a 14-day comment period.

**Type I or II** decisions may be appealed to the Hearing Examiner (for details, see KCC [Chapter 21.04](#)).

**Type III** decisions are subject to public notice and Hearing Examiner review and approval. The Hearing Examiner decision may be appealed to the Kitsap Superior Court.

Critical Area	Amount of Proposed Buffer Reduction	Type of Application	Decision Type	Where Decision is Made	Potential Levels of Appeal	
<b>Wetlands</b>						
Wetland - Buffer Averaging	Up to 25%	Critical Area Buffer Reduction Request	I	DCD Staff	Hearing Examiner	Superior Court
	>25%	Variance	III		-----	Superior Court
Wetland – Buffer Averaging - Category III or IV with Habitat Score* less than 5 pts.	Up to 50%	Critical Area Buffer Reduction Request	I	DCD Staff	Hearing Examiner	Superior Court
	>50%	Variance	III		-----	Superior Court
Wetland - Administrative (not Averaging)	Up to 25% (Min. 30' for Single Family and Low-Intensity Land uses; Min. 40' for all other uses)	Critical Area Buffer Reduction Request	I	DCD Staff	Hearing Examiner	Superior Court
	25%-50% for single-family dwellings only	Critical Area Buffer Reduction Request	II	DCD Staff	Hearing Examiner	Superior Court
	>50% for single-family dwellings, and >25% for all other uses	Variance	III	Hearing Examiner	-----	Superior Court

\*Using the Wetland Rating System for Western Washington, updated 2014.

<b>Streams and Lakes Under 20 Acres**</b>						
Stream- Administrative	Up to 25%	Critical Area Buffer Reduction Request	I	DCD Staff	Hearing Examiner	Superior Court
Stream- Administrative- for Single Family	25-50%	Critical Area Buffer Reduction Request	II	DCD Staff	Hearing Examiner	Superior Court
	>50%	Variance	III	Hearing Examiner	-----	Superior Court
Stream- Administrative- all other uses	>25%	Variance	III	Hearing Examiner	-----	Superior Court

\*\*Buffer averaging must be utilized first, if possible, before “all-over” or other reduction is permitted.

Other Critical Areas						
Geologically Hazardous Area	With Geotechnical Report Approval	No additional application	I	DCD Staff	Hearing Examiner	Superior Court
Critical Aquifer Recharge Area	With Hydrogeological Report Approval	No additional application	I	DCD Staff	Hearing Examiner	Superior Court
Other Wildlife Habitat Conservation Areas	With Habitat Management Plan Approval	No additional application	I	DCD Staff	Hearing Examiner	Superior Court

*Marine shorelines, lakes over 20 acres, and portions of larger streams (20 cubic feet per second mean annual flow or greater), are reviewed under KCC Title 22 [Shoreline Master Program \(SMP\)](#).*