

April 16, 2024

Presented by:

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# Kitsap County Critical Areas Ordinance Update Planning Commission Work Study #2



# APRIL 2<sup>ND</sup> WORK STUDY

19.100 – Introduction and Approval

19.150 - Definitions

19.200 – Wetlands

19.300 – Fish & Wildlife Habitat Conservation Areas

19.700 – Special Reports

# APRIL 16<sup>TH</sup> WORK STUDY

## Follow-up Questions

19.400 – Geologic Hazards

19.500- Frequently Flooded Areas

19.600- Critical Aquifer Recharge Areas

19.700 – Special Reports

19.800- Appendices

**19.400**  
**GEOLOGICALLY**  
**HAZARDOUS**  
**AREAS**

- **Reorganized development standards for clarity (buffers and setbacks)**
- **‘Runout’ areas added to landslide hazard indicators**
- **Added geologic assessment requirement for moderate seismic hazard areas**
- **Clarified when geotechnical Notice to Title is required**

# 19.400.410(D) CLEARING, GRADING AND VEGETATION REMOVAL

2. Vegetation shall not be removed from a landslide hazard area or erosion hazard area, except for hazardous trees based on review by a qualified arborist or as otherwise provided for in a vegetation management and restoration plan and with support of the qualified geological or geotechnical engineer as required by this Chapter.

# 19.400.420 EROSION HAZARD AREAS

## 1. Areas of High Erosion Hazard.

- a. Channel migration zones, as mapped by the Washington Department of Ecology or other source mapped in accordance with Washington Department of Ecology guidance, such as the Department of Natural Resources Geologic Information Portal;

# 19.400.425(C) LANDSLIDE HAZARD INDICATORS

10. Areas with slopes containing soft or liquefiable soils, such as areas with unconsolidated glacial deposits subject to elevated groundwater levels after prolonged rainfall or rain-on-snow events;

15. Areas within potential landslide runout distance greater than the slope height as measured from toe of slope or as determined in a geological hazards geotechnical report.

# 19.400.430 (C) SEISMIC HAZARD INDICATORS

4. Tsunami and seiche hazard areas. Generally, these are areas that are adjacent to Puget Sound marine waters and lakes with shoreline elevations at risk of flooding under projected wave propagation models. These include, but are not limited to, areas that are designated as "A" or "V" zones as identified by FEMA and depicted on the FEMA maps or other maps adopted by Kitsap County;



# 19.400.435(A) EROSION AND LANDSLIDE HAZARD DEVELOPMENT STANDARDS

## A. Erosion and Landslide Hazard Development Standards.

1. Development activities or actions requiring project permits or clearing shall not be allowed in landslide hazard areas or erosion hazard areas unless a geological assessment geotechnical report demonstrates that development building within a landslide hazard area will provide protection commensurate to being located outside the landslide hazard area and meets the requirements of this section. This may include proposed mitigation measures.

# 19.400.435(A) EROSION AND LANDSLIDE HAZARD DEVELOPMENT STANDARDS (CONT.)

2. Top of Slope ~~Buffer and~~ Building Setback. All development activities or actions that require project permits or clearing in erosion and landslide hazard areas shall provide native vegetation from the toe ~~to the top of the slope of the slope to twenty-five feet beyond the top of slope, with an additional minimum fifteen-foot building and impervious surface setback, unless otherwise allowed through a geologic assessment.~~ The minimum ~~buffer and~~ building ~~and~~ setback shall be ~~modified~~ increased from the top of the slope as follows:

a. For moderate and high erosion hazard areas, the vegetated buffer shall be twenty-five feet beyond the top of slope, with an additional minimum fifteen-foot building and impervious surface setback, unless otherwise allowed through a geologic assessment.

~~b.a.~~ For high landslide hazard areas, the ~~vegetated buffer shall be twenty-five feet beyond the top of the slope, and the overall~~ setback 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.

~~c.b.~~ For moderate landslide hazard areas, the vegetated buffer shall be twenty-five feet beyond the top of the slope, and the overall setback shall be forty feet from the top of slope.

# 19.400.435(B) SEISMIC HAZARD DEVELOPMENT STANDARDS

2. For "moderate hazard" seismic hazard areas, a geologic assessment may be requested by the department to confirm the site is suitable for the proposed development.

# 19.400.445 RECORDING AND DISCLOSURE

A. The following information shall be included in a notice to title that must be signed, ~~notarized~~, and recorded with the county auditor prior to permit issuance for development in a geologically hazardous area where a geotechnical report has identified recommended actions and/or mitigation measures that are in addition to the standard development requirements of KCC 19.400.435 requiring a geotechnical report:

1.A. An abstract and description of the specific types of risks identified in the geotechnical report;

2.B. A statement that the owner(s) of the property understands and accepts the responsibility for the risks associated with developments on the property given the described condition, and agrees to inform future purchasers and other successors and assignees of the risks; and

3.C. A statement that the owner(s) of the property acknowledge(s) that this chapter does not create liability on the part of Kitsap County or any officer or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

B. Any monitoring recommendations stated in a geological assessment is the responsibility of the landowner.

19.500  
FREQUENTLY  
FLOODED AREAS

- **No changes proposed in current draft**
- **BAS and Work Group Discussion overview**

# 19.500 FREQUENTLY FLOODED AREAS

## 19.150.340 Definition:

*“Frequently flooded areas” area 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 groundwater. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface. Generally, floodplain are designated by FEMA on flood insurance rate and boundary maps.*

## Changes in BAS:

New changes in GIS mapping to utilize geospatial data, such as LiDAR imagery, with other information layers would allow a local map to be developed.

FEMA maps are based on past flood events and do not consider climate change impacts or other factors such as channel migration zones.

Evaluations specific to Kitsap County, along with recently installed monitoring equipment (KCDEM), would inform on future expansion of mapped frequently flooded areas.

19.600  
CRITICAL  
AQUIFER  
RECHARGE  
AREAS

- **No changes proposed in current draft**
- **BAS and Work Group Discussion overview**

# 19.700 SPECIAL REPORTS

- 19.700.725 Geological Assessment-

5. A site plan depicting top or toe of slope and any required buffers and/or setbacks;



**19.800**  
**APPENDICES**

# FOLLOW-UP QUESTIONS

- **Aside from the changes in state law, what changes from 2017 have been proven inadequate? What problem are we trying to solve?**
- **Have local studies been done?**

# FOLLOW-UP QUESTIONS

- What consideration did the County have of property rights? What are the legal consequences due to impacts to property owners?

# FOLLOW-UP QUESTIONS

- How can we better inform property owners, and how can we mitigate impacts to them?

# FOLLOW-UP QUESTIONS

- If the Alternative UGA buffer width is good enough for the UGA, then why not for Rural areas?

# FOLLOW-UP QUESTIONS

- How is No Net Loss Evaluated? There needs to be better reporting, and definition of functions, other metrics, etc.**

# FOLLOW-UP QUESTIONS

- Type “O” clarification

# 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



# OTHER QUESTIONS?

- **19.100 Introduction and Approval**
- **19.150 Definitions**
- **19.200 Wetlands**
- **19.300 Fish and Wildlife Habitat Conservation Areas**
- **19.400 Geologically Hazardous Areas**
- **19.500 Frequently Flooded Areas**
- **19.600 Critical Aquifer Recharge Areas**
- **19.700 Special Reports**
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