



# CRITICAL AREA AND SHORELINE PROTECTION AND MONITORING

This brochure describes the obligations of property owners and the County regarding the protection of environmentally critical areas per Kitsap County Code (KCC) Title 19 [Critical Areas Ordinance](#) (CAO) and Title 22 [Shoreline Master Program](#) (SMP). This is general information and is not intended as a substitute for actual codes and regulations. For more information, contact the Kitsap County Department of Community Development (DCD) at (360) 337-5777 or [visit our website](#).

## What areas are protected, and how?

The Kitsap County CAO regulates development affecting wetlands, fish and wildlife habitat conservation areas, streams, aquifer recharge areas, and frequently flooded and geologically hazardous areas. The Kitsap County SMP regulates development along marine shorelines, freshwater lake frontage and stream channels, and over all surface water.

When development is proposed near these areas, a property owner may be required to seek out and provide additional information from a qualified consultant or licensed professional, such as a wetland delineation report or biological and habitat surveys, to determine the existing site condition.

The CAO and SMP emphasize a sequence of steps during site development to protect critical areas and shorelines. These include:

- Avoiding impacts to critical areas on the property.
- Minimizing impacts to critical areas that cannot be avoided as a result of development.
- Mitigating impacts that may occur to critical areas and their buffers on the site.

**All wetlands and most shorelines are regulated in Kitsap County.**

## Mitigating for impacts with a plan

If regulated activities are expected to impact critical areas, development may be permitted under the condition of a mitigation plan designed by a consultant or professional. A successful plan will result in no net loss of wetland or shoreline ecological functions. Mitigation plans may consist of the following:

- Rectifying impacts by repairing, rehabilitating or restoring the affected environment.
- Reducing or eliminating impacts over time by preservation and maintenance operations.
- Compensating for impacts by replacing, enhancing, or providing substitute resources or environments.

An approved mitigation plan becomes the basis for a recorded covenant between the landowner and the County. The mitigation plan must include project-specific criteria for monitoring the mitigation project using best available science to help the County evaluate whether the project has succeeded.



*Buffers are areas adjacent to critical areas which are also restricted from development. Buffers should ideally remain in natural vegetative cover and should maintain no net loss of ecological function; achieving this may limit development and uses. Under certain circumstances, buffer reduction requests may be granted. Mitigation may be required if the buffer is disturbed or altered. Mitigation can be complex and annual monitoring by a qualified consultant is required for a period of time. For further details about buffer reduction requests, see the [Critical Area Buffer Reductions](#) brochure.*

**Kitsap County Department of Community Development**

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Revision Date 12/30/2022 ~ DSE ~ Page 1 of 2

## Why protect critical areas and shorelines?

Mitigation plans and maintenance and monitoring covenants are most often sited on or near wetlands and shorelines in Kitsap County. Both types of areas provide critically important ecosystem services to the residents of Kitsap County.

**Wetlands** perform various functions that are important to our environmental and economic wellbeing. Wetlands recharge groundwater, improve water quality by filtering contaminants, stabilize shoreline areas, provide fish and wildlife habitat, and create places for recreation, education, scientific study, and aesthetic appreciation. Wetlands can be identified by one or more of the following characteristics: soils saturated with water, standing water for at least part of the year, and water-tolerant or water-dependent plant species.

See the [Critical Areas Definition, Protection, & Best Practices](#) and [Wetlands](#) brochures for more information about critical areas and development.

**Shorelines** play a large part in enhancing the quality of life for many of our county's residents; our marine and freshwater lake and stream shorelines are counted among the most valuable and fragile of this state's natural resources. Kitsap County's shorelines also provide habitat for fish and wildlife, contribute to our economic diversity, and provide recreational opportunities for residents of all ages.

See the [Shoreline Management](#) and [Shoreline Exemptions](#) brochures for more information about shoreline projects.

Development practices must be conducted with sensitivity and minimal environmental impact to protect, preserve, enhance, and restore the natural systems and resources of our wetlands and shorelines while allowing reasonable economic and recreational use.

## Following through: A Maintenance and Monitoring Covenant

Property owners assume responsibility for the cost of monitoring mitigation performance and ongoing maintenance of the mitigation site. Their qualified consultant should prepare annual monitoring reports, beginning the year after the project is completed, allowing for one growing season to occur. The reports are due no later than December 31<sup>st</sup> and should be submitted annually for a minimum of five years and up to ten years. If Kitsap County determines the maintenance performance standards described in the mitigation plan have not been met during the monitoring period, then the monitoring period can be extended.

Kitsap County requires property owners to post performance bonds at the outset of mitigation projects, typically one and one-half times the estimated cost of mitigation. When projects are completed, performance bonds are released, and maintenance bonds are established to provide for continued site upkeep and monitoring. The County or its designee shall have the right to access mitigation sites to inspect, sample, and monitor performance and maintenance, and if the requirements are not met, a Notice to Title will be kept to the title for the subject property until they are.

Maintenance and monitoring covenants "run with the land" and bind all current and future parties that hold or acquire an interest in the property. During the monitoring period a property owner must keep Kitsap County informed as to the name, address, and telephone number of the contact person responsible for the performance of ongoing mitigation site maintenance.

Monitoring is essential to improving outcomes for our community and the ecosystems whose values and functions we are charged with protecting. Monitoring approved mitigation plans for success ensures increased transparency, fairness, and accountability.

*The Kitsap County Code protects critical areas, shorelines, and their buffers in order to protect public health, safety, and welfare, limit and condition land uses or development and establish review procedures, buffer requirements, and mitigation requirements. When development is permitted under condition of a mitigation plan designed by a qualified consultant, property owners must provide annual monitoring reports to the County until mitigation success is demonstrated. Monitoring is intended to protect the value and desirability of property, and to benefit all the residents of Kitsap County. Detailed information on critical areas and shoreline monitoring requirements can be found in KCC Sections [19.200.230\(E\)](#) and [22.400.110\(C\)\(2\)](#).*

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Revision Date 12/30/2022 ~ DSE ~ Page 2 of 2