



Executive Summary

Issue Title: 2024 Critical Areas Ordinance Update
Meeting Date: April 2, 2024
Time Required: Up to 120 Minutes
Department: Department of Community Development (DCD)
Attendees: 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.

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, and that scheduled for April 16th, is to provide the Planning Commission with more detail on the proposed code amendments. This work study will focus on Chapters 19.100 (Introduction and Approval Procedures); 19.150 (Definitions); 19.200 (Wetlands); and 19.300 (Fish and Wildlife Habitat Conservation Areas).

A matrix with a summary of code changes, as well as the draft code amendments to Title 19, and Technical Memorandum on WDFW Riparian Management Guidance (12/8/23, DCG Watershed) 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:

19.100 – Introduction and Approval.

- Clarified criteria and process for expansion of 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 (FWHCA)

- 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

19.300 – Fish and Wildlife Habitat Conservation Areas (FWHCA)

- Updated Habitat management Plan (HMP) requirements
- Updated Site Protection requirements – require covenant for compensatory mitigation areas.

Next Steps:

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

- March – April 2024: public comment period
- April 16th: Planning Commission work study (part 2)
- May 21st, 2024: Planning Commission public hearing
- July 2024: Board of County Commissioners work study
- August 2024: Board of County Commissioners public hearing
- September 2024: CAO adoption