2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
	POLICY				
4; 6; 14; 17; 35; ; 55	Enforcement	DCD needs to enforce the CAO	While enforcement policies, more generally, are outside the scope of this code update, DCD is taking measures to reduce noncompliance through increased tracking and monitoring efforts and the proposal of a mitigation protection covenant.		
7;20; 40;47; 43	No Net Loss	Inadequate Standard	Additional mitigation options are being proposed and off-site options may also become available in the near future. Further, standards have been added to the 3/8/24 draft which require a 'fully functioning buffer' when one does not exist.		
25; 37		No baseline; cannot be quantified/should be quantified	The baseline for no-net-loss is assessed at the time of the project proposal and compares the existing conditions to the conditions with proposed development. Projects that meet the standard buffers and conditions in the CAO are assumed to be meeting 'no net loss' based on BAS.		
42		Supported	Comment noted.		
12; 14; 40; 47	Net Ecological Gain	Adopt NEG over NNL	Net Ecological Gain is not yet required by state law and the state has funded efforts to further define NEG and develop an implementation framework. Until then, Kitsap County will continue to focus on enhancing our tracking and monitoring efforts. Additionally, the Department of Ecology has provided recent guidance that the recommended buffer widths are only acceptable when 'fully vegetated'. Therefore, the 3/8/24 Preliminary Draft includes provisions for enhancing wetland buffer vegetation in certain cases.		
8; 9; 11; 12; 14; 30; 37; 40; 45	Variances	Too many	Any application for a buffer reduction or variance needs to be consistent with mitigation sequencing requirement in KCC 19.100.155.D and variance criteria in KCC 19.100.135.A. Kitsap County will need to focus on fully developing a tracking and monitoring program to effectively determine how these standards may need to be revised.		
29; 37; 54; 58		Allow no greater than 25%			
43		Require Type III Variance for any buffer reduction			
45		No administrative buffers			
12; 20	Best Available Science	Lacking current studies or not being followed	The BAS review completed in support of the 2024 CAO update provides a number of references from available sources. Many of these sources themselves include extensive literature reviews completed by state agencies.		
25		From state should not be used	Under GMA, state agencies are an acceptable source of BAS and so they were among the sources the County relied on. Kitsap County has used the criteria in WAC 365-195-905, including the "*use [of] information that local, state or federal natural resource agencies have determined represents the best available science...* ".		

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
43; 47		Needs to be followed; no alternative buffers	Kitsap County is proposing buffers that are consistent with Best Available Science and state recommended guidance. Kitsap County has also proposed additional standards for addressing situations where buffers are not adequately vegetated. This is more protective of critical areas than the current CAO. The Alternative UGA buffer allowance recognizes that some buffers would not reasonably be able to achieve full riparian function due the surrounding, built environment. This allows for certain redevelopment and infill to occur when specific criteria are met and incentivizes ecosystem restoration. These required criteria are key for allowing lower buffer as an alternative within the UGA only. Staff are preparing further documentation to support the proposed buffer widths. The proposed UGA alterative was also proposed, in part, to explore options for urban areas to meet GMA goals, such as reduced sprawl and provision of affordable housing.		
17	Agriculture	Exemptions needed	The County must adhere to Best Available Science to protect critical area functions and values. A standard 'variance' of that magnitude would not be supportable. The CAO, however, does currently include provisions for existing and ongoing agriculture and the use of Farm Management Plans to help meet standards for expanded agriculture.	19.100.125- Exemptions; B. *Preexisting and ongoing agricultural activities on lands containing critical areas, as defined in Section 19.150.285* . Sections 19.200.225.B and 19.300.315.H both have provisions for new or expanded agriculture: *Agricultural Restrictions. In all development proposals that would introduce or expand agricultural activities, a net loss of functions and values to the critical area shall be avoided by at least one of the following methods:* *1. Locate fencing no closer than the outer buffer edge; or* *2. Implement a farm resource conservation and management plan agreed upon by the conservation district and the applicant to protect and enhance the fish and wildlife habitat conservation area.*	
21; 27; 39; 40; 43	Amphibians	Protect; require BMPs	Additional BMPs to protect amphibians when present are considered below in 19.700. In addition, please note that the Ecological Assessment component of wetland reports (19.700.715) require "*Description of any animals (including amphibians) using the wetland being affected or its buffer* ." Other sections incentivize or require habitat corridors to provide connectivity between and to critical areas, in part due to the varied life-stage needs of amphibian and other species. The classifications for critical areas are defined by the state. Fish and Wildlife Habitat Conservation Areas are defined as Class I and II, and determined by a species listed status (federal or state), areas targeted for preservation and local species of importance. Kitsap County has not yet identified a species of local importance. The state (WDFW) only provides management recommendations for species that are listed at the state level. There are some amphibian species which are addressed by the state (WDFW Management Recommendations for Washington's Priority Species: Volume III Amphibians and Reptiles) that would require a Habitat Management Plan if known or discovered in association with a proposed development.		See specific sections below for proposed edits.
40		Silt fencing criteria needed to allow for small animal/amphibian crossing	Additional BMPs to protect amphibians when present are considered below in 19.700.		

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
40; 42; 46	Habitat Corridors	Needed; incorporate where possible	Habitat corridors would be identified on a case-by-case basis. Identifying or mapping such areas County-wide is outside the scope of the CAO. There are no enforcement mechanisms for such areas to be protected outside of the project-level (covenant), or one of the voluntary protection mechanisms available such as Open Space or habitat acquisition through state/federal grant programs. Wildlife corridors are noted as important features that should be maintained and protected (prioritized) when possible. There are provisions to reduce buffer widths, for example, when these corridors are protected. A general definition may be considered, but a corridor will look and provide different functions in each location and detailed definition may become too restrictive. While acknowledging their importance, the CAO cannot establish or require buffers or restrictive covenants on property outside of the subject parcel(s) requesting a land use or development permit. Larger habitat corridors are going to be most effective through voluntary or incentive-based approaches or acquisitions.		
25; 38	Need for update	It is unnecessary	GMA requires jurisdictions to review and, if necessary, revise development regulation and, with regard to critical area regulations, requires that code be updated based on the latest Best Available Science (BAS) as provided in chapter 365-195 WAC. This CAO was reviewed along with updated BAS from state agencies and others and it was determined that edits were necessary or warranted.		
25	Property Rights	Compensation (*Sheetz vs. El Dorado*); lack of analysis	The recent *Sheetz v. County of El Dorado* case from the US Supreme Court stands for the rule that legislative actions (e.g., regulations) are subject to the same restrictions against the taking of public property as specific permit conditions. This is not new in Washington State and so will not change how jurisdictions, such as Kitsap County, enact legislation.		
25		Not considered	Property rights are included among the policy goals of the CAO, which is consistent with GMA (KCC 10.100.100(B)(4)). In line with this non-exclusive goal, the CAO provides multiple provisions for the protection property rights while also protecting the functions and values of critical areas. These include administrative buffer reductions, exemptions to existing development, variances, and reasonable use exception. The Reasonable Use Exception is an available but rarely needed provision to avoid takings prohibited by the state and federal constitution because the CAO draft has been reviewed against the Washington State Attorney General's Advisory Memorandum and Recommended Process of Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property as well as more recent case law.		
25; 38		Affordability; public-funded reports	The planning goals of the Growth Management Act (RCW 36. 70A. 020) include both Environment and Property rights. Kitsap County must balance these goals, of which neither has priority over the other. The current CAO and these proposed changes have accomplished this. In addition, the proposed revisions to the CAO were carefully drafted to specifically include provisions for decreasing permitting burden (process exemptions) and incentives for redevelopment within our Urban Growth Areas. The proposal provides more provisions for decreasing permitting burden than the current code.		
25	Clearing / Tree retention	Fire hazard	A new goal proposed in the Comp Plan, along with policies and strategies, is to address regulations and incentives to protect development against wildfire risks. If regulations are appropriate for the CAO, it will be updated at that time. Additionally, there are Danger tree provisions in the current and proposed CAO, and while tree retention in buffers is preferred, trees can be limbed or thinned to accommodate safety through these provisions.	19.100.130.B	

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
25; 49; 51; 56	Permit Processing	Will be slowed down; unaffordable	The proposed revisions to the CAO were carefully drafted to specifically include provisions for decreasing permitting burden (process exemptions) and incentives for redevelopment within our Urban Growth Areas. The proposal provides more provisions for decreasing permitting burden than the current code.		
29; 37; 43; 45		Notification on all buffer reductions; post online; no rationale in online notice for why reports not required.	Public notice is currently required for Type II and Type III buffer reductions and variances, but not for Type I. There is no legal requirement for noticing Type I applications. Doing so would be a policy decision by the Board of County Commissioners and would need to consider the resources necessary to implement. Permit intake for determining an application is 'technically complete' does not preclude staff from requesting additional or revised special reports through the course of a full review. Only those documents submitted at the time an application is determined 'technically complete' are posted online at this time.		
43		Clarify what type of permits are needed.	Concur.		Recommend clarifying where a Type I process is identified, vs. Type II or Type III.
25	Climate Change	Has no merit	Climate change is now a stated planning goal of GMA and must be incorporated into the County's planning framework.		
		Incorporate more	Climate change is proposed as a new chapter to the Kitsap County Comprehensive Plan, with a number of reports and studies under way or planned. While policies are now included in the CAO as well, development standards are not proposed at this time, until supporting information is available.	See policies below	See policies below
25	Mitigation	Mitigation should only be applied when buffers serve a 'meaningful purpose'	Buffer mitigation is administered on a site-specific basis and the extent to which is determined necessary to meet the 'no net loss' standard or safety needs. Buffers serve multiple purposes, with even minimal vegetated buffers in highly developed settings still providing some functions to the critical area.		
40; 45		Mitigation monitoring timeframes are insufficient; need protected	The County has proposed adding a recorded covenant requirement for any critical area mitigation areas to ensure their long-term maintenance. A more robust tracking and monitoring program is in the works as well.		
26; 45	Maps	Need to be revised with info from special reports	Maps are updated as part of the CAO process when updated mapping already available and jurisdictions are not required to create new data as part of these periodic updates. However, it is up to the landowner to verify the presence of critical areas, which can expand or change over time. On-site verification can be done through hiring of specialists or consulting with DCD prior to purchase or development application. Goals and Policies within the Comprehensive Plan address ongoing mapping priorities, however these are currently limited by staffing and resources.		
26; 36	Tracking and Monitoring	Needed; Require a Notice to Title	DCD is in the process of developing a more robust tracking and monitoring program. The County has proposed adding a recorded covenant requirement for any critical area mitigation areas to ensure their long-term maintenance. A more robust tracking and monitoring program is in the works as well, but there is currently no requirement for long term reporting on critical areas outside of mitigation, which is also limited in duration.		
30; 37; 43	Clarity	Generally needed throughout	Concur.		See code-specific sections below.
37; 43	Third-Party Access	Allow third-party (opponent) access to a project site to conduct their own professional assessment	Kitsap County does not have legal authority to allow access by a third party.		

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
37	Vesting	Limit to 2-years	KCC 21.04 addresses permit vesting. Land use (subdivision, etc.) applications are vested throughout the permitting process from Preliminary Plat to Final Plat, so long as the applications do not expire. However, after land use is completed, subsequent building permit(s) may require additional review under current standards per KCC 19.100.120(C) "*where the department determines, based on review of current information that the prior conditions will result in a detrimental impact to a critical area* ." This is especially likely to be necessary for development proposed within an older plat, but it will depend on the conditions recorded on the plat.		
	CODE SPECIFIC				
	19.100				
45	19.100.105.A- Goal	For consistency with added text in 19.300.350.E, add "...preserved and restored..." to goal statement	Concur.	A. Goal Statement. It is the goal of Kitsap County that the beneficial functions and values of critical areas be preserved […]	*A. Goal Statement. It is the goal of Kitsap County that the beneficial functions and values of critical areas be preserved and restored […]*
45	19.100.105.B.1- Policy	similar to addition of 'restore' in goal statement	Concur.	1. Conserve and protect the environmental factors […]	*1. Conserve, ~~and~~ protect , and restore the environmental factors […]*
36; 43; 44; 45; 47	19.100.105.B.11- Policy	Change "consider adverse impacts" to "prevent adverse impacts".	Concur; retain existing policy and incorporate additional language from the WDFW recommendations as in the Preliminary Draft.	"Consider the cumulative impacts of the proposed action…."	Revise this policy to: *" Prevent cumulative adverse environmental impacts to water, watershed processes, wetlands, fish and wildlife, habitats (including migration corridors), frequently flooded areas, geologically hazardous areas, and aquifer recharge areas to facilitate the goal of no net loss of critical areas"*
36; 43;45; 47	19.100.105.B.13- Policy	Be more specific on how applicants and reviewers will be encouraged to address climate change; make this a 'shall'	Concur; however policies do not include requirements ('shall'). Sea level rise is an important issue and was just recently required to be addressed in future Comprehensive Plan updates under a climate change and resiliency element. Following policy development by Kitsap County in the Comp Plan, implementing development regulations will be adopted/updated consistent with state law and schedules.	*13. Encourage applicants to consider the potential impacts of climate change and sea level rise, particularly if development is near marine shorelines, adjacent flood hazard areas, or low-lying areas.*	Revise this policy to: *13. Avoid potential conflict due to impacts from climate change by planning for and considering them during project development. This may include, but is not limited to impacts of sea level rise, storm frequency and adaptive vegetation needs.*
47		Include the words "and to plan for" after "consider"	Concur	see above.	see above.
45	19.100.120.A.4- Review Authority	Add as proposed to include other report elements provided in support of a project approval.	Concur	*4. Whether the protection mechanisms and the mitigation, and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety and welfare consistent with the goals, purposes and objectives of this title, and if not, condition the permit or approval accordingly.*	*4. Whether the protection mechanisms and the mitigation, ~~and~~ monitoring, maintenance ~~and~~ contingency plans and bonding measures proposed by the applicant are sufficient to protect the environment , public health, safety and welfare consistent with the goals, purposes and objectives of this title, and if not, condition the permit or approval accordingly.*
44	19.100.125.C- Exemptions	Normal and routine maintenance and operation of preexisting… livestock water ponds and *artificial waterways* , provided that such activities shall not involve conversion of any wetland, *riparian or aquatic areas* not currently being used for such activity.	Concur.	*C. Normal and routine maintenance and operation of preexisting retention/detention facilities, biofilters and other storm water management facilities, irrigation and drainage ditches, farm ponds, fish ponds, manure lagoons, and livestock water ponds, provided that such activities shall not involve conversion of any wetland not currently being used for such activity.*	*C. Normal and routine maintenance and operation of preexisting retention/detention facilities, biofilters and other storm water management facilities, irrigation and drainage ditches, farm ponds, fish ponds, manure lagoons , artificial waterways , and livestock water ponds, provided that such activities shall not involve conversion of any wetland, riparian, or aquatic areas not currently being used for such activity.*

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
45;47	19.100.130- Existing development	Current conditions should not allow for further habitat fragmentation (see also 'functionally disconnected buffers')	This provision is not new, but was added to provide clarity to existing policy and code, as well as to recognize that some functions over a limited portion of the buffer may be lost due to the disconnection from more permanent structures. It does NOT exempt from the rest of the CAO provisions, including assessment by a biologist for 'no net loss', retention of significant trees, etc.		
45	19.100.130.A.3.	A.3.c is too ambiguous that 'expansion is not feasible'; need to demonstrate.	Partially concur. Propose adding 'demonstrate' rather than just 'met' for the overall list of criteria.	*3. New construction or related activity connected with an existing single-family dwelling may be considered exempt from additional critical area permitting, provided no such exemption has been previously granted and all the following criteria are met: [...]*	*3. New construction or related activity connected with an existing single-family dwelling may be considered exempt from additional critical area permitting, provided no such exemption has been previously granted and all the following criteria are demonstrated ~~met~~ : [...]*
47	19.100.130.A.3.E	Include "significant habitat" in addition to the "loss of significant trees"	Concur, but clarification can be made in 19.100.130.A.3.F	*e) The expansion does not result in the loss of significant trees; f) A Habitat Management Plant or Wetland Report that meets the requirements contained within Chapter 19.700 (Special Reports) is provided to support and mitigate for the expanded footprint.*	*f) A Habitat Management Plant or Wetland Report that meets the requirements contained within Chapter 19.700 (Special Reports), including demonstration of 'no net loss of ecological function', is provided to support and mitigate for the expanded footprint.*
47	19.100.135.A.6	Include reference to 19.700 and BAS compliance	Partially concur. Clarification that the mitigation plan needs to meet the standards in 19.700 is prudent. Requiring that said plan be based on BAS is redundant since a plan meeting the standards in 19.700 and the rest of the CAO would be considered to be meeting BAS at the time of code adoption. Requiring BAS at the time of application would create a moving target, possibly without appropriate standards in place.	*6. A mitigation plan (where required) has been submitted and is approved for the proposed use of the critical area.*	*6. A mitigation plan that meets the requirements of Chapter 19.700 (where required) has been submitted and is approved for the proposed use of the critical area.*
43	19.100.145- Special Use Review	Process not identified	This section states that "*special use review is an administrative process unless the underlying permit requires a public hearing*" . The special use review is not a separate permit but an added review for certain uses identified in code to be subject to this chapter. All typical notices will apply to the underlying permit. Clarity is proposed.	*Special use review is an administrative process unless the underlying permit requires a public hearing.*	*Special use review is conducted as part of the underlying permit process. No additional permit application is required and all typical notices will apply to the underlying permit.*
41	19.100.155.D	Mitigation sequencing should not apply to geohazards and CARA	Mitigation sequencing, by definition, must include first avoiding the impacts to critical areas, followed by minimization and finally compensatory mitigation. This has not changed, only moved to this chapter to clarify that mitigation sequencing applies to all critical areas. Geohazards and CARAs must also be avoided and minimized. This would include avoiding placement of a structure or use within the critical area or buffer, followed by minimizing any necessary impacts (less grading or selecting a use that has less potential impact to the aquifer). These are demonstrated through project narratives or special reports (geotech, etc.).		

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
25; 36; 43	**19.150**	Need to define 'no net loss'; 'habitat'; 'functions and values' (add hydrology/hydrogeology)	There are many terms used in GMA that are not defined in the Act or regulations and some are not easily reduced to a specific, as opposed to general, definition. Kitsap County has determined that terms like "functions and values" or "loss" are better understood in reference to the scientific literature about the specific critical area. Clarification to existing, general terms may be added as appropriate. Propose utilizing the general definition of 'no net loss' from KCC Title 22 (SMP) and adding clarifications to the existing definition of 'functions and values'.	From 22.150.450 No net loss. *The maintenance of the aggregate total of the county's shoreline ecological functions. The no net loss standard requires that the impacts of shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated such that there are no resulting adverse impacts on ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss requirement. The no net loss standard applies at multiple scales, starting at the project site. Compensatory mitigation standards include sequencing guidelines to ensure the most appropriate mitigation type and site are selected, as close to the impacted location as possible.* From 19.150.345 Functions and values. *"Functions and values" are generally those natural processes and benefits performed or provided by critical areas that are required to be protected by the GMA. These include, but are not limited to, improving and maintaining water quality, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, reducing flooding and erosive flows, water attenuation, historical or archaeological importance, educational opportunities, and recreation.*	*19.150.441 No Net Loss. The maintenance of the aggregate of the County's critical area ecological functions. The no net loss standard requires that the impacts of the development and/or use, whether permitted or exempt, be identified and prevented or mitigated such that there are no resulting adverse impacts on ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss requirement. The no net loss standard applies at multiple scales, starting at the project site. Compensatory mitigation standards include sequencing guidelines to ensure the most appropriate mitigation type and stie are selected, as close to the impacted location as possible.* *19.150.345 Functions and Values. "Functions and values" are generally those natural processes and ecological benefits performed or provided by critical areas that are required to be protected by the GMA. These include, but are not limited to, improving and maintaining water quality, maintaining aquifer recharge and hydrology, providing fish and wildlife habitat (including thermal refugia), supporting terrestrial and aquatic food chains, reducing flooding and erosive flows, water attenuation, historical or archaeological importance, educational opportunities, and recreation.*
40		Need to define 'habitat corridor'	Kitsap County Code Title 17-Zoning has provisions in some areas for a habitat corridor which are a minimum of 35-feet in width and are *"vegetated with native trees, shrubs and groundcover that connect critical areas or permanently preservered natural areas within or adjacent to and across the project site...The corridor shall be protected with a native growth protection easement or maintained to exclude nonnative invasive species."* Recommend utilizing this existing description.		*19.150.386 Habitat corridor. A "habitat corridor" an area with no dimensions less than 35-feet, vegetated with native trees, shrubs and groundcover that connect critical areas or permanently preserved natural areas within or adjacent to and across the project site. The corridor shall be legally protected through a covenant, open space or other permanent easement and maintained to exclude nonnative invasive species.*
43	19.150.170- Buffer	Need to revise 'buffer' definition	Suggested edits provided a list of buffer functions, which are a better fit into the revised definition above for "functions and values".	*19.150.170 Buffer.* *"Buffer" means an area that is intended to protect the functions and values of critical areas. Protecting these functions and values includes the preservation of existing native and nonnative vegetation where it exists, unless otherwise required to be replaced with native vegetation through mitigation or voluntarily enhanced or restored.*	No change proposed. See revised "functions and values" definition above.
44	19.150.150- Bank stabilization	Add 'stream and shoreline': *"Bank stabilization" means lake, stream, or shoreline modification including vegetation enhancement used for the purpose of retarding erosion, protecting channels, and retaining uplands.*	Concur	*19.150.150 Bank stabilization.* *"Bank stabilization" means lake and stream modification including vegetation enhancement, used for the purpose of retarding erosion, protecting channels, and retaining uplands.*	19.150.150 Bank stabilization. *"Bank stabilization" means lake , ~~and~~ stream , or shoreline modification including vegetation enhancement, used for the purpose of retarding erosion, protecting channels, and retaining uplands.*
44	19.150.195- Compensation	Add: (e.g. wetland, *riparian areas, aquatic areas, fish and wildlife habitat conservation areas, priority habitats, etc.*)	Concur	*19.150.195 Compensation.* *"Compensation" means replacement of project-induced critical area (e.g., wetland) losses of acreage or functions.*	*19.150.195 Compensation.* *"Compensation" means replacement of project-induced critical area (e.g., wetland , riparian areas, aquatic areas, fish and wildlife habitat conservation areas, priority habitats, etc.) losses of acreage or functions.*
44; 45	19.150.265- Enhancement	Change "wetland" to "any critical area". Add "Enhancement activities could include but are not limited to". Change "hydroperiods in existing wetlands" to "critical areas"	Concur. This term is primarily used for wetlands mitigation, but may be applicable to other critical areas	*19.150.265 Enhancement.* *"Enhancement" means the manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify, or improve specific wetland function(s). Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in the gain of selected wetland function(s) but may also lead to a decline in other wetland function(s). Enhancement does not result in a gain in wetland area. Enhancement activities could include planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods in existing wetlands.*	19.150.265 Enhancement. "Enhancement" means the manipulation of the physical, chemical, or biological characteristics of ~~a wetland~~ any critical area to heighten, intensify, or improve specific ~~wetland~~ critical area function(s). Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in the gain of selected wetland function(s) but may also lead to a decline in other wetland function(s). Enhancement does not result in a gain in wetland area. Enhancement activities could include but are not limited to planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods in existing wetlands.
44	19.150.411- Hydraulic Project	WAC 220-660-030 (78) should be cited directly for the definition of "hydraulic project"	Concur	*19.150.411 Hydraulic Project.* *"Hydraulic Project" means construction or other work activities conducted in or near state waters that will "use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state."*	*19.150.411 Hydraulic Project.* *"Hydraulic Project" means construction or other work activities conducted in or near state waters that will "use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state" as defined in WAC 220-660-030.*

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
44; 45	19.150.466- Preservation	Revised to encompass any critical area instead of being limited to wetlands.	Concur	*19.150.466 Preservation.* *"Preservation" means the removal of a threat to, or preventing the decline of, wetlands by an action in or near those wetlands. This term includes activities commonly associated with the protection and maintenance of wetlands through the implementation of appropriate legal and physical mechanisms such as recording conservation easements and providing structural protection like fences and signs. Preservation does not result in a gain of aquatic resource area or functions but may result in a gain in functions over the long term.*	*19.150.466 Preservation.* *"Preservation" means the removal of a threat to, or preventing the decline of, critical areas ~~wetlands~~ by an action in or near those critical areas ~~wetlands~~. This term includes activities commonly associated with the protection and maintenance of critical areas ~~wetlands~~ through the implementation of appropriate legal and physical mechanisms such as recording conservation easements and providing structural protection like fences and signs. Preservation does not result in a gain of aquatic resource area or functions but may result in a gain in functions over the long term.*
44; 45	19.150.525- Reestablishment	Revised to encompass any critical area instead of being limited to wetlands.	Concur	*19.150.525 Reestablishment.* *"Reestablishment" means the manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historical functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles.*	*19.150.525 Reestablishment.* *"Reestablishment" means the manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historical functions to a former critical area ~~wetland~~. Activities could include removing fill material, plugging ditches, or breaking drain tiles.*
44; 45	19.150.540- Restoration	Revised to encompass any critical area instead of being limited to wetlands.	Concur	*19.150.540 Restoration.* *"Restoration" means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.*	*19.150.540 Restoration.* *"Restoration" means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded critical area ~~wetland~~. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.*
44	19.150.630- Utilities	Add 'wind power' to list	Concur	*19.150.630 Utilities.* *"Utilities" means facilities or structures that produce or carry services consumed by the public, such as electrical power, solar power, gas, sewage, water, communications, oil, or publicly maintained storm water facilities.*	*19.150.630 Utilities.* *"Utilities" means facilities or structures that produce or carry services consumed by the public, such as electrical power, solar power, wind power, gas, sewage, water, communications, oil, or publicly maintained storm water facilities.*
	19.200				
45	19.200.205.A	Need to address movement of small animals and amphibians, especially with regard to smaller wetland functions	Concur; will also address concerns about exempt wetlands and amphibians noted elsewhere	*A. Achieve no net loss and increase the quality, function and values of wetland acreage within Kitsap County by maintaining and enhancing, when required, the biological and physical functions and values of wetlands with respect to water quality maintenance, stormwater and floodwater storage and conveyance, fish and wildlife habitat, primary productivity, recreation, and education;*	*A. Achieve no net loss and increase the quality, function and values of wetland acreage within Kitsap County by maintaining and enhancing, when required, the biological and physical functions and values of wetlands with respect to water quality maintenance, stormwater and floodwater storage and conveyance, fish and wildlife habitat, movement of small animals and amphibian species, primary productivity, recreation, and education;*
43	19.200.210.B.3	delete "…can often be replaced with mitigation."	This definition is from Ecology, but can be refined to exact definition: "….can often be adequately replaced with a well-planned mitigation project."	*3. Category III Wetlands. Category III wetlands are those wetlands with a moderate level of function and can often be adequately replaced with mitigation. ~~Category III wetlands score between sixteen and nineteen points on the wetlands ratings system.~~*	*3. Category III Wetlands. Category III wetlands are those wetlands with a moderate level of function and can often be adequately replaced with well-planned mitigation. ~~Category III wetlands score between sixteen and nineteen points on the wetlands ratings system.~~*
47; 45	19.200.210.C	Eliminating or reducing exemptions for small wetlands from the code in 19.200.210C Wetland identification and functional rating	Partially concur. Recommend reducing exemption from 4,000 square feet to 1,000 square feet per Ecology recommendation	*C. Exemptions for Small Wetlands. Category III wetlands that are less than one thousand square feet and Category IV wetlands that are less than four thousand square feet are exempt from the buffer provisions in this chapter when the following are met: [...]*	*C. Exemptions for Small Wetlands. Category III and IV wetlands that are less than one thousand square feet ~~and Category IV wetlands that are less than four thousand square feet~~ are exempt from the buffer provisions in this chapter when the following are met: [...]*
45	19.200.215.B.2	Need to specify appropriate time for wetland delineations; should be during growing season.	Concur, but clarification for preference rather than a requirement	*The applicant shall be responsible for hiring a qualified wetlands specialist to determine the wetland boundaries by means of a wetland delineation. This specialist shall stake or flag the wetland boundary. When required by the department, the applicant shall hire a professional land surveyor licensed by the state of Washington to survey the wetland boundary line. The wetland boundary and wetland buffer established by this chapter shall be identified on all grading, landscaping, site, on-site septic system designs, utility or other development plans submitted in support of the project.*	*The applicant shall be responsible for hiring a qualified wetlands specialist to determine the wetland boundaries by means of a wetland delineation, preferably conducted during the growing season. This specialist shall stake or flag the wetland boundary. When required by the department, the applicant shall hire a professional land surveyor licensed by the state of Washington to survey the wetland boundary line. The wetland boundary and wetland buffer established by this chapter shall be identified on all grading, landscaping, site, on-site septic system designs, utility or other development plans submitted in support of the project.*

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
41; 43; 48	19.200.220.B.1	Need to clarify which agency and who is conducting wetland delineations; have wetland specialist determining whether buffer is 'fully vegetated'.	Concur; reference should be consultation with Dept. of Ecology for wetlands, not WDFW. Staff are working with Ecology staff to determine if more specificity can be provided on what a 'fully vegetated buffer' might be quantified as. The Department of Ecology has indicated that their recommended buffers (based on BAS) assume a buffer is functional when fully vegetated. Therefore, even when a proposal is meeting the buffer width, the buffer functions would not be met unless fully vegetated. The intent is that this would apply mostly to new development, and not likely to small projects and additions. To that end, clarification is proposed for consideration based on Ecology guidance documents.	*B. Increased or Enhanced Wetland Buffer Width.* *1. The buffer widths in Tables 19.200.220(B) through (E) assume that the buffer is vegetated with a native plant community appropriate for the ecoregion.* *In addition to the buffer widths based on the criteria in Tables 19.200.220(B) through (E), the department may increase buffer widths or require enhanced buffer vegetation on a case-by-case basis when necessary and in consultation with the Washington Department of Fish and Wildlife and affected Tribes(s) as applicable:* *a. To protect wetland functions and values to meet the 'no net loss' objective of this chapter;* *b. When the wetland or buffer area is located within a landslide or erosion hazard area; or* *c. When the standard buffer has minimum vegetation cover or is vegetated with non-native or invasive species that do not perform needed functions.*	*B. Increased or Enhanced Wetland Buffer Width.* *1. The standard buffer widths in Tables 19.200.220(B) through (E) assume that the buffer is vegetated with a native plant community appropriate for the ecoregion.* *In addition to the buffer widths based on the criteria in Tables 19.200.220(B) through (E), the department may increase buffer widths or require enhanced buffer vegetation on a case-by-case basis when necessary and in consultation with the Washington Department of Ecology Fish and Wildlife and affected Tribes(s) as applicable:* *a. To protect wetland functions and values to meet the 'no net loss' objective of this chapter;* *b. When the wetland or buffer area is located within a landslide or erosion hazard area; or* *c. When the standard buffer has minimum vegetation cover or is vegetated with non-native or invasive species that do not perform needed functions.* *When the standard buffer is exempt and otherwise able to demonstrate 'no net loss' based on the criteria in Sections 19.100.125 (Exemptions) and 19.100.130 (Standards for Existing Development), the buffer will not be required to be increased or enhanced.*
43		"shall" require	The 'may require' rather than 'shall require' was intentional, including the 'case-by-case' language. This is going to be based on the criteria and the analysis from the wetland specialist and there may be extenuating circumstances for the specific project where this is not feasible.		
41	19.200.220.B.2	I	Clarification is proposed to add a table to indicate what the 'next highest buffer' would default to. Staff also continue to work with Ecology to better clarify what a 'fully functioning buffer' would be defined as. Preliminary discussions with Ecology have indicated, *"Pending some additional research into best available science we believe a minimum of 60% cover would represent a well vegetated buffer. The vegetation cover would need to be comprised primarily of native species appropriate to the ecoregion and not consist mostly of invasive plant species."*	*2. If any of the scenarios in subsection 1 apply, the buffer width may be increased to the next highest buffer width for the identified wetland category in the buffer tables in 19.200.220(A), unless a wetland report demonstrates an alternative buffer width meets the 'no net loss' objective.* *For example, a Category III wetland with a moderate level of function for habitat, adjacent to a single-family residential use (moderate land use) would have a standard buffer of 110-feet. If determined a greater width is necessary, the increased buffer width would be 150-feet. If the land use intensity is already rated as high, then the next largest buffer width for the higher wetland category will apply.*	*2. If any of the scenarios in subsection 1 apply, the buffer width may be increased per Table 19.200.220(F) below, ~~to the next highest buffer width for the identified wetland category in the buffer tables in 19.200.220(A),~~ unless a wetland report demonstrates an alternative buffer width meets the 'no net loss' objective.* *[See Appendix A for Table 19.200.220(F)]* ~~*For example, a Category III wetland with a moderate level of function for habitat, adjacent to a single-family residential use (moderate land use) would have a standard buffer of 110-feet. If determined a greater width is necessary, the increased buffer width would be 150-feet. If the land use intensity is already rated as high, then the next largest buffer width for the higher wetland category will apply.*~~
43		"…department *shall* increase buffer…"	The 'may require' rather than 'shall require' was intentional, since it will depend on the criteria in this section and analysis from the wetland specialist.		
41	19.200.220.B.3	How determining 'fully vegetated' or enhancement needed? Would this apply to existing development?	Buffer enhancement is required when the buffer is not 'fully vegetated'. A mitigation plan by a wetland specialist would be required to develop an appropriate planting/mitigation plan. 'Fully Vegetated' and applicability to existing development is proposed for clarification in subsection B.1 (above).	*3. When required, buffer enhancement is preferred to increasing the buffer width. Enhancement of the buffer through native planting or invasive species removal shall be demonstrated infeasible or ineffective prior to buffer width increases.*	See proposed changes to B.1 above
31	19.200.220.C.1.a and 1.b	Clarify that when buffer averaging is proposed, no further buffer reductions may be approved.	Concur. See proposed revision.	*When applicable, the order of sequence for buffer reductions shall be as follows:* *a. Use of buffer averaging under KCC 19.200.220.C, maintaining one hundred percent of the buffer area under the standard buffer requirement;* *b. Type I administrative critical area buffer reduction;*	*When applicable, the order of sequence for buffer reductions shall be as follows:* *a. Use of buffer averaging (Type I) under KCC 19.200.220.C, maintaining one hundred percent of the buffer area under the standard buffer requirement;* *b. Only when buffer averaging is not feasible, a Type I administrative critical area buffer reduction;*
43	19.200.220.C.2.a and 2.b	"No net loss" and "as great or greater" criteria are duplicative or need to be clarified. Replace "no adverse impact" criteria from current CAO.	Concur; See proposed revision. Duplicative language removed.	*2. When proposing buffer averaging, the following shall be met;* *a. The applicant submits a Wetland Mitigation Plan that meets the requirements as described in Chapter 19.700 (Special Reports), including demonstration of mitigation sequencing as described in 19.100.155.D and that such averaging can clearly provide as great or greater functions and values as would be provided under the standard buffer, and that the decrease in buffer width is minimized by limiting the degree or magnitude of the regulated activity;* *b. The conditions are sufficient to assure 'no net loss' of ecological functions of the wetland;*	*2. When proposing buffer averaging, the following shall be met;* *a. The applicant submits a Wetland Mitigation Plan that meets the requirements as described in Chapter 19.700 (Special Reports), including demonstration of mitigation sequencing as described in 19.100.155.D; and b. T ~~h~~ at such averaging can clearly provide as great or greater functions and values as would be provided under the standard buffer and not adversely impact the wetland, and that the decrease in buffer width is minimized by limiting the degree or magnitude of the regulated activity; and* ~~*b. The conditions are sufficient to assure 'no net loss' of ecological functions of the wetland;*~~

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
43	19.200.220.C.6	Wider (300') wildlife corridor	This would significantly reduce the number of locations where habitat corridors could be established as most properties will not have authority over widths of that size.	*The corridor must be relatively undisturbed, and vegetated ~~corridor~~ at least one hundred feet wide.*	
41; 43	19.200.220.C.7	Clarification needed on Type II 'administrative' process (how different from Type I Ministerial/Administrative and Type III Variance	It is correct in that a ministerial is typically one that does not involve discretion; however, it appears that KCC 21.04 has included discretionary permits in the Type 1 category so the description of Type 1 permits as ministerial is no longer fully accurate. The County will propose updates to KCC 21.04 in the future for clarity; the CAO descriptions are accurate. Clarification is proposed where necessary to indicate permit type.	*7. ~~3.~~ Variance. In cases where proposed development cannot meet the buffer averaging or the administrative buffer reduction criteria described in this section, a Type III quasi-judicial variance shall be required as described in Section 19.100.135 . ~~Applicants may propose to utilize provisions contained in Section 19.200.230.~~*	*7. ~~3.~~ Variance. In cases where proposed development cannot meet the Type I buffer averaging or the administrative buffer reduction criteria , or the Type II administrative buffer reduction criteria described in this section, a Type III quasi-judicial variance shall be required as described in Section 19.100.135. Applicants may propose to utilize provisions contained in Section 19.200.230.*
41	19.200.220 Table F	Minimization measures- concerns with lights, noise, runoff measures	This table represents EXAMPLES of measures to minimize and are directly from the Dept. of Ecology guidance. Part of demonstrating mitigation sequencing is explaining what is being done to minimize or why certain types of measures may not be feasible or appropriate. No changes are proposed.	See referenced table.	
45	19.200.220.D.1- Fencing	Add language about protection for amphibians when using temporary silt fencing	Concur; Addresses other similar comments regarding BMPs for amphibians.	*Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required by the department, between the area where the construction activity occurs and the buffer. Fences shall be made of a durable protective barrier and shall be highly visible. Silt fences and plastic construction fences may be used to prevent encroachment on wetlands or their buffers by construction. Temporary fencing shall be removed after the site work has been completed and the site is fully stabilized per county approval.*	*Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required by the department, between the area where the construction activity occurs and the buffer. Fences shall be made of a durable protective barrier and shall be highly visible. Silt fences and plastic construction fences may be used to prevent encroachment on wetlands or their buffers by construction, but such fences must allow for the movement of amphibians and small animals . Temporary fencing shall be removed after the site work has been completed and the site is fully stabilized per county approval.*
40	19.200.220.F Pesticides	The current exemption for pesticide use is too broad. Pesticides should be a technique of last resort.	KCC 19.200.220.F is the section for trails in wetland buffers. Pesticides are mentioned under the "Utilities" section and states: "No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers except those approved by the U.S. Environmental Protection Agency (EPA) and Washington Department of Ecology. Where approved, they must be applied by a licensed applicator in accordance with the safe application practices on the label." If the intent is to include this to apply more generally, this language could be appropriately moved to a different section. It is not recommended to modify the existing language, as it would become too restrictive and unable to be enforced.		Propose moving existing language from just applying to "Utilities", to 19.200.220(D)-Protection of Buffers: *(3) No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers except those approved by the U.S. Environmental Protection Agency (EPA) and Washington Department of Ecology. Where approved, they must be applied by a licensed applicator in accordance with the safe application practices on the label.*
31	19.200.225.D	Include same provision for Land Use and Subdivision in 19.200 as provided for in the same section for 19.300.	Concur	19.300.315.G *In order to avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this title, including buffer requirements for habitat conservation areas. This site shall also have access and a sewage disposal system location that are suitable for development and does not adversely impact the fish and wildlife conservation area.*	Add as 19.200.225.D.*5. In order to avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this title, including buffer requirements for habitat conservation areas. This site shall also have access and a sewage disposal system location that are suitable for development and does not adversely impact the fish and wildlife conservation area.*
	19.200.230.E.3	Consider if mitigation is approved at state or federal level, allowing approval at County-level	The alternatives for mitigation provided for in 19.200.230.G do include consideration of state or federal approved alternatives. Concurrent review with all involved agencies is ideal, to allow for collaboration and discussion of appropriate mitigation measures, as well as to allow SEPA process to incorporate the appropriate plans. This, however, is a policy decision and not directed by code or legislation No changes are proposed.		
	19.300				
24; 26	Quantitative impacts needed	HMPs need to address quantitative impacts to functions	DCD is in the process of developing a more robust tracking and monitoring program for the CAO. Both HMPs and Wetland report requirements outline the various ecological functions that are expected to be analyzed both qualitatively and quantitatively. Development of any further guidelines for exactly which metrics need to be reported and how, would need to come from state guidance or as a result of the aforementioned tracking and monitoring efforts.		

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
13; 30; 44; 45; 47	RMZ's / SPTH	Use RMZ/SPTH	The 3/8/24 Preliminary Draft has utilized the 'hybrid' approach for riparian buffers. The buffers are predictive and use the existing stream-typing method, but are proposed to be increased to be consistent with the Best Available Science used in development of the SPTH Model. Type N buffers have been doubled from 50 to 100 feet, and Type F buffers have been increased from 150 to 200 feet. SPTH values in the County range from 100-235 feet, and the Type F buffers were derived using a GIS analysis of SPTH values to approximate a SPTH in the upper-mid range. The County's consultant has prepared a memo addressing BAS and new WDFW Riparian Management Guidance and provided this analysis and recommended use of predictive buffers. The County may consider adding the SPTH method as a voluntary alternative or for demonstrating a lesser buffer width is appropriate (see below).		
44		Allow for SPTH as alternative method	Concur; Potential to add between 19.300.315.A.2 and A.3 as 'General Buffer Alternative'		*19.300.315.A. 3: General Buffer Alternative. As an alternative method for determining a site-specific buffer, the Site Potential Tree Height model from the Washington Department of Fish and Wildlife may be voluntarily utilized. A site-specific soil analysis will need to be completed by a licensed geologist or related professional, as well as an analysis by a habitat biologist on how the tool was used to determine the site-specific buffer.*
24; 26; 45	Buffers	Proposed buffers, including for Alternative UGA buffers, are inadequate; are not using BAS	Kitsap County is proposing buffers that are consistent with Best Available Science and state recommended guidance. Kitsap County has also proposed additional standards for addressing situations where buffers are not adequately vegetated. This is more protective of critical areas than the current CAO. The Alternative UGA buffer allowance recognizes that some buffers would not reasonably be able to achieve full riparian function due the surrounding, built environment. This allows for certain redevelopment and infill to occur when specific criteria are met and incentivizes ecosystem restoration. These required criteria are key for allowing lower buffer as an alternative within the UGA only. Staff are preparing further documentation to support the proposed buffer widths. The proposed UGA alterative was also proposed, in part, to explore options for urban areas to meet GMA goals, such as reduced sprawl and provision of affordable housing.		
41		If Alternative UGA buffers are good enough, why can they not be used in other areas?	The Alternative UGA buffer allowance recognizes that some buffers in the UGAs would not reasonably be able to achieve full riparian function due the surrounding built environment. This allows for certain redevelopment and infill to occur, when specific criteria are met and incentivizes ecosystem restoration. These criteria are key for allowing lower buffer. Additional analysis to be provided separately. The proposed UGA alterative was also proposed, in part, to explore options for urban areas to meet GMA goals, such as reduced sprawl and provision of affordable housing.		
44		Do not permit buffer reductions if Alternative UGA buffer are used	If a project meets the criteria set forth to use the alternative UGA buffer width, it is possible that they could still apply for buffer averaging, buffer reduction, or variance using that alternative width as the starting point. However, that project would still need to meet all criteria that applies to a buffer reduction, which includes being able to provide as great or greater critical area functions and values as determined by a licensed professional and consultation with WDFW.		
45	19.300.305.E- Policy	Add 'restore functions and values over time'.	Partially Concur. Consistent with rest of policy; use 'enhance'.	*E. Retain and restore riparian buffers to the maximum extent practicable to preserve functions and values over time.*	*E. Retain and restore riparian buffers to the maximum extent practicable to preserve and enhance functions and values over time.*
25	19.300.310.B.3 Type O Stream	Major impact	The new "Type O" classification is by definition limited in applicability. These systems are not currently mapped and application would be on a site-specific basis to protect critical headwater systems.		

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
41; 45		Clarify definition	Concur. See proposed revision.	*3. Type O ("Other"). There exist isolated streams in the County that have no surface connection to Type S, F, or N waters, are non-fish-bearing, but infiltrate entirely and are critical to downstream flows and overall watershed health. In addition to the DNR stream types above, a Type O stream classification shall be included as Fish and Wildlife Habitat Conservation Areas when verified on-site by a qualified habitat biologist.*	*3. Type O ("Other"). Type O waters include all stream segments that are not Type S, F, or N waters and that are not physically connected to type S, F, or N water by an above ground channel system, pipe or culvert, stream or wetland. Such streams infiltrate entirely and therefore are critical to downstream flows and overall watershed health. ~~There exist isolated streams in the County that have no surface connection to Type S, F, or N waters, are non-fish-bearing, but infiltrate entirely and are critical to downstream flows and overall watershed health.~~ In addition to the DNR stream types above, a Type O stream classification shall be included as Fish and Wildlife Habitat Conservation Areas when verified on-site by a qualified habitat biologist.*
41; 49		Consider lower buffer (25-50')	Consider reducing Type O buffer to 50-feet rather than 100-feet. The natural infiltration of these features function to increase water quality downstream.	Type O Standard Buffer: 100-feet + 15-foot building setback	Type O Standard Buffer: 50-feet + 15-foot building setback.
41	Table 19.300.315	Why can't UGA buffers for Type N streams be 50' like existing buffer, like Type F streams are proposed at 150' like existing?	The UGA Alternative buffer widths were selected based on what would be a 25% reduction to the proposed standard buffer widths. Buffer functions beyond water quality must still be considered. The recommended guidance of 100-feet is the minimum to address pollutant removal. The Alternative at 75' is already taking into account that the stormwater manual will have required water quality treatment in these urban areas. It is also attempting to maintain or allow enhancement of other buffer functions to the greatest extend feasible. More discussion on these Alternative Buffer widths will be provided in a future staff report.		
41	19.300.315.A.2 Buffer measurement	Clarify how wetland and stream buffers interact in measurement	This section proposed to be clarified to state that the greater of the stream or wetland buffer shall apply when both are present.	*2. Buffer Measurement. Distances shall be measured from the ordinary high water mark (OHM) or from the top of the bank where the OHM cannot be identified. Buffer widths shall be measured from the edge of the Channel Migration Zone, where applicable. The buffer width shall be increased to include streamside wetlands, which provide overflow storage for storm waters, feed water back to the stream during low flows or provide shelter and food for fish. In braided channels, the ordinary high water mark or top of bank shall include the entire stream feature.[...]*	2. Buffer Measurement. Distances shall be measured from the ordinary high water mark (OHM) or from the top of the bank where the OHM cannot be identified. *Buffer widths shall be measured from the edge of the Channel Migration Zone, where applicable. The buffer width shall be increased where streamside wetland buffers exceed the stream buffer width. The greater buffer width shall apply when critical area buffer widths overlap. Streamside wetlands ~~The buffer width shall be increased to include streamside wetlands, which~~ provide overflow storage for storm waters, feed water back to the stream during low flows or provide shelter and food for fish. In braided channels, the ordinary high water mark or top of bank shall include the entire stream feature.[...]*
41	19.300.315.A.3	Clarify selection process for use of Alternative UGA buffer widths	Concur. This process for utilizing the Alternative UGA buffer width may be addressed through policy, similar to the Engineered Waiver process used for stormwater review. We would expect to see a modified report or letter from the biologist outlining why this alternative can be applied. This would be approved 'over the counter', without a permit application. The form would likely be a cross between this engineered waiver and wetland certification form.		No change to code recommended, but recommend direction on this proposed procedure.
43	19.300.315.A.4	Replace "no adverse impact" criteria	Concur; Similar to changed in 19.200 for wetlands. NNL requirement in	*b. When proposing buffer averaging, the following shall be met:* *i. The applicant submits a habitat management plan (HMP) that meets the requirements as described in Chapter 19.700 (Special Reports), including demonstration of mitigation sequencing as described in 19.100.155.D and that such averaging can clearly provide as great or greater functions and values as would be provided under the standard buffer, and that the decrease in buffer width is minimized by limiting the degree or magnitude of the regulated activity;* *ii. The HMP is reviewed and DCD, in consultation as necessary with the Washington State Department of Fish and Wildlife, determines that the averaging is the minimum necessary for the permitted use;* *iii. The minimum buffer width at any point will not be less than 75% of the standard buffer width;* *iv. The conditions are sufficient to assure no net loss of ecological functions of the fish and wildlife habitat conservation area; and*	*b. When proposing buffer averaging, the following shall be met:* *i. The applicant submits a habitat management plan (HMP) that meets the requirements as described in Chapter 19.700 (Special Reports), including demonstration of mitigation sequencing as described in 19.100.155.D and that such averaging can clearly provide as great or greater functions and values as would be provided under the standard buffer, and that the decrease in buffer width will not adversely impact the fish and wildlife habitat conservation area ~~is minimized by limiting the degree or magnitude of the regulated activity~~;* *ii. The HMP is reviewed and DCD, in consultation as necessary with the Washington State Department of Fish and Wildlife, determines that the averaging is the minimum necessary for the permitted use;* *iii. The minimum buffer width at any point will not be less than 75% of the standard buffer width;* *~~iv. The conditions are sufficient to assure no net loss of ecological functions of the fish and wildlife habitat conservation area~~; and*
45	19.300.315.A.5	Should not be limited to ESA listed species	Partially concur. Clarity proposed to be consistent with rest of the FWHCA chapter, including habitats and species with larger buffers per PHS management recommendations and DNR identified plants.	*a. The development proposal has known locations of endangered or threatened species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species; or*	*a. The development proposal has known locations of priority habitats and species ~~endangered or threatened species~~ for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species; or*

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
44; 45	19.300.315.A.8	Clarify how a piped stream would not be feasible for future restoration; pipe size should account for climate change	Concur	*8. Piped watercourses. It is recognized that within the urban environment, many historical streams have been substantially modified to accommodate development. Development along an underground piped watercourse may only require a 15-foot setback on either side (unless otherwise required or otherwise recorded), of the centerline of the piped watercourse when demonstrated that:* *a. The segment or immediately adjacent stream segments are not feasible for future restoration;* *b. The piped stream is currently of adequate size to accommodate flow capacity within the watershed; and* *c. Riparian functions are still enhanced to the greatest extent possible (rain gardens, native vegetation enhancement, etc.).*	*8. Piped watercourses. It is recognized that within the urban environment, many historical streams have been substantially modified to accommodate development. Development along an underground piped watercourse may only require a 15-foot setback on either side (unless otherwise required or otherwise recorded), of the centerline of the piped watercourse when demonstrated that:* *a. The segment or immediately adjacent stream segments are not reasonably feasible for future restoration, as verified by the County, WDFW and affected tribe(s) and based on both up stream and down stream infrastructure ;* *b. The piped stream is currently of adequate size to accommodate flow capacity within the watershed both at time of application and accounting for increased flow due to climate change ; and* *c. Riparian functions are still enhanced to the greatest extent possible (rain gardens, native vegetation enhancement, etc.).*
44	19.300.315.D	Consider Incorporating hydrologic climate impacts into the design of water crossing structures (i.e., climate smart culverts and bridges) for fish passage and habitat quality. Use the WDFW Designing climate-change resilient water crossing culverts webpage & the Culverts and Climate Change Web App as informational resources for incorporating climate resilience into new and redeveloped water crossing structures.	Concur. Proposed edits are limited to encouragement of use since the referenced document is noted as 'informational only'.	D. Stream Crossings. Any private or public road expansion or construction proposed to cross streams classified within this title, shall comply with the following minimum development standards. All other state and local regulations regarding water crossing structures will apply, and the use of the Water Crossing Design Guidelines (WDFW, 2013) or as amended, is encouraged.	*D. Stream Crossings. Any private or public road expansion or construction proposed to cross streams classified within this title, shall comply with the following minimum development standards. All other state and local regulations regarding water crossing structures will apply, and the use of the Water Crossing Design Guidelines (WDFW, 2013) and Incorporating Climate Change into the Design of Water Crossing Structures (WDFW, 2017) or as amended, is encouraged.*
45		Standards should not be limited to spawning areas; alternatives to bridges or bottomless culverts should only be allowed when site conditions would preclude doing so; projects using existing crossings need to upgrade if not meeting WDFW standards	Concur; existing language already partially addresses comments. See proposed revision.	*1. Crossings shall not occur in salmonid streams unless no other feasible crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be relocated as determined by the Washington State Department of Fish and Wildlife (WDFW).* *2. Bridges or bottomless culverts shall be required for all Type F streams that have salmonid habitat. Other alternatives may be allowed upon submittal of a habitat management plan that demonstrates that other alternatives would not result in significant impacts to the fish and wildlife conservation area, as determined appropriate through the Washington State Department of Fish and Wildlife (WDFW) hydraulic project approval (HPA) process. The plan must demonstrate that salmon habitat will be replaced on a 1:1 ratio.*	*1. Crossings shall not occur in salmonid streams unless no other feasible crossing site exists. For new development proposals, if existing crossings are determined to adversely impact or be of insufficient size to maintain function for salmon spawning , holding or passage areas, new or upgraded crossings shall be relocated as determined by the Washington State Department of Fish and Wildlife (WDFW).* *2. Bridges or bottomless culverts shall be required for all Type F streams that have salmonid habitat. Other alternatives may be allowed upon submittal of a habitat management plan that demonstrates that site conditions would preclude a bridge or bottomless culvert and other alternatives would not result in significant impacts to the fish and wildlife conservation area, as determined appropriate through the Washington State Department of Fish and Wildlife (WDFW) hydraulic project approval (HPA) process. The plan must demonstrate that salmon habitat will be replaced on a 1:1 ratio.*
40	19.300.315.F Pesticides	The current exemption for pesticide use is too broad. Pesticides should be a technique of last resort.	No proposed changes.	*No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers except those approved by the U.S. Environmental Protection Agency (EPA) and Washington Department of Ecology. Where approved, they must be applied by a licensed applicator in accordance with the safe application practices on the label. If the intent is to include this to apply more generally, this language could be appropriately moved to a different section. It is not recommended to modify the existing language, as it would become too restrictive and unable to be enforced.*	
40; 43; 45	19.300.315(I)Trails	Provisions for larger/impervious regional trails should not be provided; consider as roads, not trails	Non-motorized, regional trails must still avoid and minimize critical areas. Like other trail systems, these sections serve to acknowledge that regional trails will often need to exceed the width and material standards required of other trails. These projects will have undergone a public review process as part of inclusion in a trail plan and will also require Special Use Review when no other permit requires a hearing. It would not be appropriate to include these trails under the 'roads' section as the development standards are not applicable. However, additional language may be added to these sections to clarify that mitigation may still be required for new impacts to buffers or critical areas.	*6. Regional or public trails and trail-related facilities as identified in the 2013 Kitsap County Non-Motorized Facility Plan (and associated recognized community trails) and as amended, and provided design considerations are made to minimize impacts to critical areas and buffers shall not be subject to the platform, trail width, or trail material limitations above. Such trails and facilities shall be approved through special use review (Section 19.100.145), unless any underlying permit requires a public hearing.*	*6. Regional or public trails and trail-related facilities as identified in the 2013 Kitsap County Non-Motorized Facility Plan (and associated recognized community trails) and as amended, and provided design considerations are made to minimize impacts to critical areas and buffers shall not be subject to the platform, trail width, or trail material limitations above. Such trails and facilities shall be approved through special use review (Section 19.100.145), unless any underlying permit requires a public hearing , and must still provide a Habitat Management Plan, demonstrating mitigation sequencing to achieve no net loss of ecological functions .*

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
44	19.300.315.J.5.a Utilities	Add "New utility corridors shall be aligned to avoid cutting significant trees."	Concur	*5. Utility corridor construction and maintenance shall protect the environment of fish and wildlife habitat conservation areas and their buffers by utilizing the following methods:* *a. New utility corridors shall be aligned to avoid cutting trees greater than twelve inches in diameter at breast height (four and one-half feet) measured on the uphill side, unless no reasonable alternative location is available.*	*5. Utility corridor construction and maintenance shall protect the environment of fish and wildlife habitat conservation areas and their buffers by utilizing the following methods: a.* *New utility corridors shall be aligned to avoid cutting significant trees as defined in this title, or trees greater than twelve inches in diameter at breast height (four and one-half feet) measured on the uphill side, unless no reasonable alternative location is available.*
44	19.300.315.J.5.a.3 Utilities	Utilities can be placed under streams that do not have culverts. We suggest adding a new subsection here that states that new utility conduits will be placed well below the scour depth of the watercourse to prevent natural scouring of the stream bed from exposing the pipeline or cable per WAC 220-660-270 (4) (a).	Concur	*b. In order of preference, new utility corridors shall be located: i. On an existing road;* *ii. On an existing bridge;* *iii. Placed deep enough under the culvert to allow for future culvert replacement and to avoid grade barriers.*	*b. In order of preference, new utility corridors shall be located:* *i. On an existing road;* *ii. On an existing bridge;* *iii. Placed deep enough under the culvert to allow for future culvert replacement and to avoid grade barriers and otherwise placed well below the scour depth of the watercourse to prevent natural scouring of the stream bed from exposing the pipeline or cable per WAC 220-660-270(4)(a) .*
44	19.300.315.K- Bank Stabilization	The last sentence should be updated to an "and" instead of "or" since an HPA will be required for bank stabilization projects.	Concur	*4. The department may require that bank stabilization be designed by a professional engineer licensed in the state of Washington with demonstrated expertise in hydraulic actions of rivers and streams. Bank stabilization projects may also require a Kitsap County site development activity permit under Title 12 (Storm Water Drainage) or a hydraulic project approval (HPA) from WDFW.*	*4. The department may require that bank stabilization be designed by a professional engineer licensed in the state of Washington with demonstrated expertise in hydraulic actions of rivers and streams. Bank stabilization projects may also require a Kitsap County site development activity permit under Title 12 (Storm Water Drainage) and ~~or~~ a hydraulic project approval (HPA) from WDFW.*
45		Design in coordination with biologist	Concur. This change is consistent with existing policy as such activities would require coordination by both an engineer and biologist.	*4. The department may require that bank stabilization be designed by a professional engineer licensed in the state of Washington with demonstrated expertise in hydraulic actions of rivers and streams, in coordination with a fisheries biologist with experience in stream restoration. Bank stabilization projects may also require a Kitsap County site development activity permit under Title 12 (Storm Water Drainage) or a hydraulic project approval (HPA) from WDFW.*	*4. The department may require that bank stabilization be designed by a professional engineer licensed in the state of Washington with demonstrated expertise in hydraulic actions of rivers and streams , in coordination with a fisheries or habitat biologist with experience in stream or shoreline restoration (as applicable) . Bank stabilization projects may also require a Kitsap County site development activity permit under Title 12 (Storm Water Drainage) or a hydraulic project approval (HPA) from WDFW.*
44	19.300.315.N.1 -Enhancement Activities	Change 'development' to 'activities' to capture broader range	Partially concur. Propose amending to "and/or" to account for projects that require an HPA but not a Site Development Activity Permit. The CAO permitting procedures apply to 'development', but the standards apply to both development and activities. In some cases, a project may not require a development permit, but would still need an HPA.	*N. Enhancement Activities. The following development activities shall be exempt from the habitat assessment report and mitigation requirements of this section:*	*N. Enhancement Activities. The following development and/or activities shall be exempt from the habitat assessment report and mitigation requirements of this section:*
45	19.300.315.N.2- Enhancement Activities	Include tribes as appropriate sponsor	Concur. This is consistent with other legislatively approved restoration exemptions for Hydraulic Project Approvals (WDFW).	*2. Enhancement projects sponsored by Kitsap County, Washington Department of Fish and Wildlife, Kitsap County Conservation District, U.S. Natural Resources Conservation Service, U.S. Fish and Wildlife Service, Washington Department of Natural Resources, or other public agency approved by the Director which are consistent with the County Comprehensive Plan, County floodplain management plans, water quality plans, and other plans adopted by the Kitsap County Board of Commissioners.*	*2. Enhancement projects sponsored by Kitsap County, a federally recognized Tribe , Washington Department of Fish and Wildlife, Kitsap County Conservation District, U.S. Natural Resources Conservation Service, U.S. Fish and Wildlife Service, Washington Department of Natural Resources, or other public agency approved by the Director which are consistent with the County Comprehensive Plan, County floodplain management plans, water quality plans, and other plans adopted by the Kitsap County Board of Commissioners.*
	19.400				
15	Mass Wasting/Runout Zones	Not adequately addressed	Runout zones have been added as indicators of landslide hazard areas in the 3/8/24 Preliminary Draft CAO.	*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.*	
22	Slope calculation	Diagram needed	Concur.		See Appendix B for example diagrams.
47	19.400.425.B- Seismic Hazards	Revised from "a geologic assessment *may be requested"* to "a geologic assessment *will be required"* to make clear that a geologic assessment is a standard development permit application requirement.	Concur	*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.*	*2. For "moderate hazard" seismic hazard areas, a geologic assessment shall , ~~may~~ be requested by the department to confirm the site is suitable for the proposed development.*
	19.500				
	19.600				

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
2; 5; 15;24; 45	Groundwater Recharge	Infiltration; stream flows	The County is not a provider of water, but DCD may consider additional policies or development standards to address water quantity / recharge concerns. It is expected that HMPs and wetland reports will address ALL critical area functions and values at a site-specific level. Staff are proposing adding groundwater recharge to the definition of 'functions and values' as a point of clarity, but that list is also not intended to be exhaustive. Enhancement proposed to existing policy to partially address, but further development standards are outside the original scope of this update based on available information.	*D. Balance competing needs for water supply while preserving essential natural functions and processes, especially for maintaining critical fish and wildlife habitat conservation areas.*	*D. Balance competing needs for water supply while preserving essential natural functions and processes, especially for maintaining critical fish and wildlife habitat conservation areas. This includes, but is not limited to, ensuring groundwater recharge to maintain natural stream flows .*
4					Additional consideration: Potential addition could be added to address projects which may impact groundwater QUANTITY to also require a hydrogeological report when post-development water discharge from the site would exceed pre-development discharge. In such cases, the report would need to assess these impacts and additions would also be needed to 19.700.
5		well monitoring; saltwater intrusion	Well monitoring, including for saltwater intrusion (conductivity), is conducted by Kitsap Public Health and water purveyors. Kitsap DCD does not monitor wells, only reviews that Health has approved prior to development permit issuance. While the Kitsap CAO may not be the appropriate avenue for addressing this particular concern, a policy may be added to the Comprehensive Plan to get at this multi-faceted concern.		No proposed changes at this time to the CAO, however additional policies are being looked at for incorporation into the final draft Comprehensive Plan.
24; 45	CAO vs. SW Manual	Neither is addressing changes to subsurface drainage, stream recharge, and associated impacts to aquatic life due to development	The stormwater manual is outside the scope of this update. As additional groundwater recharge development standards were outside the scope of this update, no cross-walk/gap-analysis between the CAO and stormwater manuals has been completed.		
	19.700				
24	19.700.705 and 19.700.715.B.7.a.iii	Need to quantify temporal loss	Concur. Temporal loss is expected to be addressed in mitigation reports, however additions to the standards will emphasize this.	*iii. Discussion of wetland rectification strategies. Where applicable note how temporary impacts, occurring during implementation of the development project, could be rectified through restoration and maintenance activities.*	iii. Discussion of wetland rectification strategies. Where applicable note how temporary impacts, occurring during implementation of the development project, could be rectified through restoration and maintenance activities and the time frame for those impacts to be rectified (i.e. temporal loss of functions and values).
45	19.700.710.B.8 and 9	Adding "buffer" to these sections makes this wording consistent with wording later found in the existing CAO under description of plant communities	Concur. The existing and proposed conditions of both the critical area and buffer need to be addressed	*8. Analysis of the functional values of existing wetland(s), including vegetative, fauna, habitat, water quality, and hydrologic conditions;* *9. A summary of proposed activity and potential impacts to the wetland(s) and its buffer;*	*8. Analysis of the functional values of existing wetland(s) and its buffer , including vegetative, fauna, habitat, water quality, and hydrologic conditions;* *9. A summary of proposed activity and potential impacts to the wetland(s) and its buffer ;*
45	19.700.715.B.6.g.ii	wording changes need to bring the CAO closer to paying special attention to anadromous fish.	Concur	*ii. Qualitative description of the functions performed by the wetland affected relative to the position in the watershed. This may include its role in attenuating flooding, as a corridor for wildlife between different regions of the watershed, as part of a regional flyway, or in improving water quality regionally.*	*ii. Qualitative description of the functions performed by the wetland affected relative to the position in the watershed. This may include its role in attenuating flooding, as a corridor for wildlife between different regions of the watershed, as part of a regional flyway, moderating downstream temperatures, contributing to base flows, maintaining stream flows or in improving water quality locally and regionally.*
45	19.700.715.B.6.j.i	Proposed edits to address watershed and cumulative impacts	Concur	*Information on Water Quality, Where Applicable.* *i. Description of any known or observable water quality problems at the development site and whether they will continue after the development project is completed. Basic water quality parameters that should be considered include dissolved oxygen (DO), pH and alkalinity, temperature, turbidity/suspended solids/sediment accretion, nutrients, fecal coliform, and heavy metals.*	*Information on Water Quality, Where Applicable.* *i. Description of any known or observable water quality problems at the development site and downstream until marine waters are reached and whether they will continue after the development project is completed. Basic water quality parameters that should be considered include dissolved oxygen (DO), pH and alkalinity, temperature, turbidity/suspended solids/sediment accretion, nutrients, fecal coliform, and heavy metals.*

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
*Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
44	19.700.720.A- HMP	Remove dated reference and add "current"	Concur	*A. A HMP is a site investigation report to evaluate the potential presence or absence of a regulated fish or wildlife species or habitat affecting a subject property and proposed development. This report shall identify how development impacts to fish and wildlife habitat from a proposed project will be mitigated. WDFW Priority Habitat and Species (PHS) Management Recommendations, dated May 1991 , or as amended, and any applicable species and/or habitat-specific management regulations approved by WDFW ~~all applicable volumes and revisions, or the National Bald Eagle Management Guidelines~~ may serve as guidance for this report.*	*A. A HMP is a site investigation report to evaluate the potential presence or absence of a regulated fish or wildlife species or habitat affecting a subject property and proposed development. This report shall identify how development impacts to fish and wildlife habitat from a proposed project will be mitigated. The current WDFW Priority Habitat s and Species (PHS) Management Recommendations, ~~dated May 1991~~ , or as amended, and any applicable species and/or habitat-specific management regulations approved by WDFW ~~all applicable volumes and revisions, or the National Bald Eagle Management Guidelines~~ may serve as guidance for this report.*
44	19.700.720.B.7	Add "Identification of any species of local important, priority species, *priority habitats* , or endangered, threatened, sensitive, or candidate species… *A WDFW PHS database search that is no older than one year from the project submittal.* "	Concur	*7. ~~5~~ . Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species. ~~A WDFW PHS database search that is no older than one year from the project submittal.~~*	*7. ~~5.~~ Identification of any species of local importance, priority species, priority habitats, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species. A WDFW PHS database search that is no older than one year from the project submittal.*
43	19.700.720.C.2	Delete the first "and". Revise first sentence to read "ecological quality, and functions and values."	Concur.	*2. An analysis of the existing species, habitats, and ecological quality, functions and values. This includes but is not limited to a detailed description of vegetation on and adjacent to the project area and its associated buffer, and a discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;*	*2. An analysis of the existing species, habitats, ~~and~~ ecological quality, and functions and values. This includes but is not limited to a detailed description of vegetation on and adjacent to the project area and its associated buffer, and a discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;*
	19.700.720.C.4.a	Adding a section similar to KC 19.700.715 B. 12 for wetland site protections to this section of the code	Concur. This was not intentionally left out and should be clarified that mitigation required for stream (HMP) will also require a protective covenant. Language for 'wetland' replaced with 'fish and wildlife habitat conservation area'.	[19.700.715.B.12.] *Site Protection. The mitigation area and any associated buffer shall be protected by a legal mechanism such as a critical area tract or a conservation easement. The department may approve another legal and administrative mechanism if it is determined to be adequate to protect the site. The following shall be required to demonstrate compliance and ensure adequate protection of the wetland functions and values:* *a. Physical site protection of the remaining wetland boundaries and buffer.* *b. Proof of establishment of a covenant or other approved legal mechanism for the remaining wetlands and buffers on the development project site (if any) and a legal site protection mechanism for the compensatory mitigation areas.*	Add as 19.700.720.C.6 9current C.6 would change to C.7): *Site Protection. The mitigation area and any associated buffer shall be protected by a legal mechanism such as a critical area tract or a conservation easement. The department may approve another legal and administrative mechanism if it is determined to be adequate to protect the site. The following shall be required to demonstrate compliance and ensure adequate protection of the wetland functions and values:* *a. Physical site protection of the remaining fish and wildlife habitat conservation area boundaries and buffer.* *b. Proof of establishment of a covenant or other approved legal mechanism for the remaining fish and wildlife habitat conservation area and buffers on the development project site (if any) and a legal site protection mechanism for the compensatory mitigation areas.*
44	19.700.720.C.6	Ensure if staff are preparing reports that they are qualified.	Concur.	*6. F . A HMP shall be prepared by a fish or wildlife biologist, as defined at Sections 19.150.320 and 19.150.690. For proposed single-family dwelling construction, the department may complete the plan. Fees may be collected for this plan as specified in Title 21.*	*7 ~~6.F~~ . A HMP shall be prepared by a fish or wildlife biologist, as defined at Sections 19.150.320 and 19.150.690. For proposed single-family dwelling construction, the department may complete the plan as resources and qualified staff allow . Fees may be collected for this plan as specified in Title 21.*
24; 45	19.700.730-Hydrogeo Report	Does not go far enough to quantify changes in infiltration	Propose including references to 'water quantity' where appropriate and assessment of changes in onsite infiltration.	A.5 *Available surface water and groundwater quality data;* *A.9. Recommendations on appropriate BMPs (best management practices) or mitigation to assure no significant degradation of groundwater quality*	*A.5 Available surface water and groundwater quality and quantity data;* *A.8 [new] Cross reference the storm drainage report to determine potential reductions in the annual volume of water infiltration onsite due to the proposed development.* *A.9. Recommendations on appropriate BMPs (best management practices) or mitigation to assure no significant degradation of groundwater quality or quantity*
	Appendix B				

2024 Critical Areas Ordinance Update: Comment Summary and Response Matrix with Staff Recommended Revisions (3/8/24-4/26/24 and 5/21/24 Planning Commission Hearing)					
**Note: This matrix does not represent all comments and responses, but rather is a consolidation of key issues and proposed edits by staff based on the public comment. A full comment/response matrix of the comment numbers referenced is also available as a separate document. Minor, non-substantive edits recommended in comments may also not be included in this matrix, but may still be incorporated as appropriate.*					
Comment #s	**Topic/Code**	**Summary of Issue**	**Staff Response**	**Existing Code (if applicable)**	**Recommended Change for Consideration**
44		Update GIS sources	Concur: Update the GIS data from WDFW to state "Priority Habitats and Species Database" in the fish and wildlife habitat conservation areas. Add the GIS data from the "Washington Natural Heritage Program" to the list of WA. Dept. of Natural Resources in the fish and wildlife habitat conservation areas. Update the information source for the LiDAR mapping GIS data from Puget Sound LiDAR Consortium to WA. Dept. of Natural Resources LiDAR portal for the geological hazard areas.		Add / Amend table as suggested.
NA	**Appendix E**	Update decision type table for wetland score consistent with rest of 3/8 draft	Concur. Error correction to be consistent with changes proposed in Chapter 19.200 of 3/8/24 preliminary draft.		Amend table as suggested.

Recommended addition to KCC 19.200.220.B.2

Table 19.200.220(F)

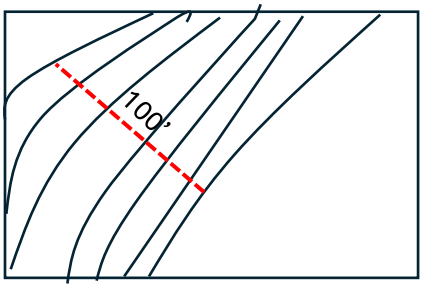
Standard Increased Buffer Widths

Standard Buffer Width (feet)	Standard Increased Buffer Width (feet)
40	50
50	70
60	80
75	100
100	130
110	145
125	165
150	200
190	250
225	300
300	Per Wetland Report

Appendix B

19.400.435 Diagram for Calculating Slope

Slope= Rise/Run



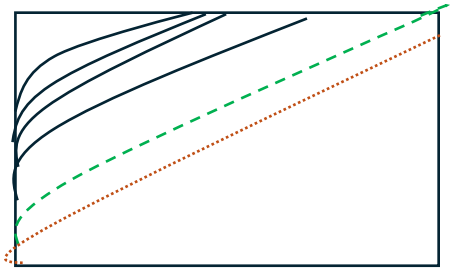
Contours of 5-foot intervals; Rise=change in elevation; Run= set distance

Example: Dashed line is measured on map as a 100-foot distance. The change in elevation based on contours is 35-feet. Slope is therefore 35/100= .35 or 35% .

19.400.435 Diagram for Calculating Slope Setback

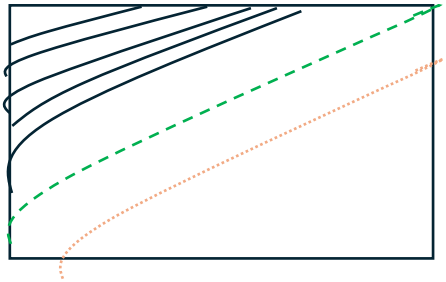
Moderate and High Erosion Hazard / Moderate Landslide Hazard Areas

25-foot vegetated buffer and additional 15-foot building setback= 40-foot total building setback from top or toe of slope.



High Landslide Hazard Area

25-foot vegetated buffer and additional setback 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.



Example: Contours are 5-feet. Height of the slope is 25-feet. One-third of that height would only be 8.33 feet. Therefore, the setback will be the height of the slope (25-feet) plus 25-feet, for a total setback of 50-feet from the top of the slope. The first 25-feet of which will be the vegetated buffer.