



BROCHURE # 33

CRITICAL AREA BUFFER REDUCTIONS



Exceptions may be granted from critical area buffer standards under certain circumstances, as detailed in Kitsap County Code Title 19 “Critical Areas.” Depending on the amount of buffer reduction requested, the request will be reviewed either administratively by staff or through a public hearing process by the Kitsap County Hearing Examiner.



which the property is situated, or be contrary to the goals, policies and purpose of Title 19.

4. The granting of the reduction is the minimum necessary to accommodate the permitted use.
5. No other practical or reasonable alternative exists.

REVIEW CRITERIA

The following basic criteria must be met for all buffer reduction requests (KCC 19.100.130):

ADMINISTRATIVE REVIEW (TYPE I & II DECISIONS)

1. Because of special circumstances applicable to the subject property (including size, shape, topography, location or surroundings) the strict application of the standard deprives the property of rights and privileges enjoyed by other properties in the vicinity; provided, however, the fact that those surrounding properties have been developed under regulations in force prior to the adoption of the current critical areas ordinance shall not be the sole basis for the granting of the variance.
2. The special circumstances referred to in subsection 1 above are not the result of the actions of the current or previous owner.
3. The granting of the reduction will not result in substantial detrimental impacts to the critical area, public welfare or be injurious to property or improvements in the vicinity and area in

Critical Area Buffer Reduction Requests up to 25% are Type I administrative decisions. Type I decisions do not require public notice or a public hearing

Critical Area Buffer Reductions between 25 to 50% (streams and shorelines only) are Type II administrative decisions. Type II decisions require public notice and a 14-day comment period.

The DCD staff decision for either type may be appealed to the Hearing Examiner (for details, see Kitsap County Code Chapter 21.04).

Hearing Examiner Review (Type III decisions)

Applications for buffer reductions greater than 25% for wetlands and greater than 50% for streams and shorelines require a Critical Areas Variance, and are Type III decisions. Type III decisions are subject to public notice as well as Hearing Examiner review and approval. DCD staff prepares a recommendation and the Hearing Examiner decision may be appealed to the Kitsap Superior Court.

Amount of Proposed Buffer Reduction	Type of Application	Decision Type	Where Decision is Made	Potential Levels of Appeal	
Up to 25% (wetlands, streams and shorelines)	Critical Area Buffer Reduction Request	I	DCD Staff	Hearing Examiner	Superior Court
25% to 50% (streams and shorelines only)	Critical Area Buffer Reduction Request	II	DCD Staff	Hearing Examiner	Superior Court
	Critical Area Variance	III	Hearing Examiner	-----	Superior Court