



Hearing Examiner Staff Report and Recommendation

Report Date: May 16, 2024
Hearing Date: May 23, 2024

Application Submittal Date: May 24, 2023
Application Complete Date: June 14, 2023

Project Name: Easling Critical Area Variance for Single Family Residence (SFR)
Type of Application: Critical Area Variance (CVAR) Type III
Permit Number: 23-02578

Project Location

730 S.W. J H Rd.
Port Orchard, WA 98367
Commissioner District 2

Assessor's Account

272301-1-012-2001

Applicant/Owner of Record

Joel and Nichole Easling
1917 N. Callow Ave.
Bremerton, WA 98312

Recommendation Summary

Approved subject to conditions listed under section 13 of this report.

VICINITY MAP



1. Background

Applicant requests approval of a Critical Area Variance to develop a parcel encumbered by the identified critical areas and associated buffers, for the benefit of a 2,760-square-foot single-family residence (SFR) and detached garage. Associated infrastructure includes driveway and parking, utilities, onsite septic, and stormwater infrastructure. Access is via J H Road S.W.

2. Project Request

Applicant requests approval of a Critical Area Variance Reduction.

3. SEPA (State Environmental Policy Act)

Pursuant to WAC 197-11-800 (6) the application for a variance is considered SEPA-exempt, as it is considered a minor land use decision.

4. Physical Characteristics

The subject site is rectangular in shape and approximately 4.92 -acres in size. The site is undeveloped except for an access driveway along the upper half of the west perimeter that benefits adjacent parcels further west. A cleared area exists in the southwest quadrant, appearing in 2005 Kitsap County aerial maps, and originally proposed as the site to build the new single-family home.

The clearing, which is 4,024 square feet in area, was conducted many years ago to install the existing well and has been maintained since it's installation. The clearing was also in association with a building permit that was approved in 2008, which was never built. The property is generally bowl-shaped with steep slopes along the north and west edges, with low points in the south and east. The property is heavily vegetated with a large open wetland area in the center and south of the property. A stream runs along the southern edge of the property and a Type NS stream was identified running north to south roughly in the center of the combined properties. The surrounding area is wooded with rural residential property and sporadic single-family residences.

Wetland A is approximately 570 square feet (0.01 acre) in size onsite and located on the southeast portion of the subject property adjacent to Blackjack Creek. Wetland B is approximately 9,800 square feet (0.22 acre) in size onsite and located on the southwest portion of the subject property, extending offsite to the west and south. Wetland C is approximately 41,350 square feet (0.95 acre) in size and located on the northern portion of the subject property, extending slightly north offsite. Per KCC 19.200.220.A Tables 19.200.220(C & D), Wetlands A, B, and C are subject to 110-foot buffers when considering the moderate impact of the proposed land use. Blackjack Creek (Stream Z) was identified on the southeast corner of the subject property. Stream X originates from a subsurface drainage located centrally near the eastern boundary of the subject property and flows east for approximately 10 feet before draining to Blackjack Creek. Stream Y was identified offsite approximately 30 feet north of the subject property. Blackjack Creek (Stream Z) is classified as a Type F (fish-habitat) stream. Streams X and Y are classified as Type Ns (non-fish habitat, seasonal) streams. Per KCC 19.300.315.A.1 Table 19.300.315, Type F streams are subject to 150-foot buffers, and Type Ns streams are subject to 50-foot buffers.

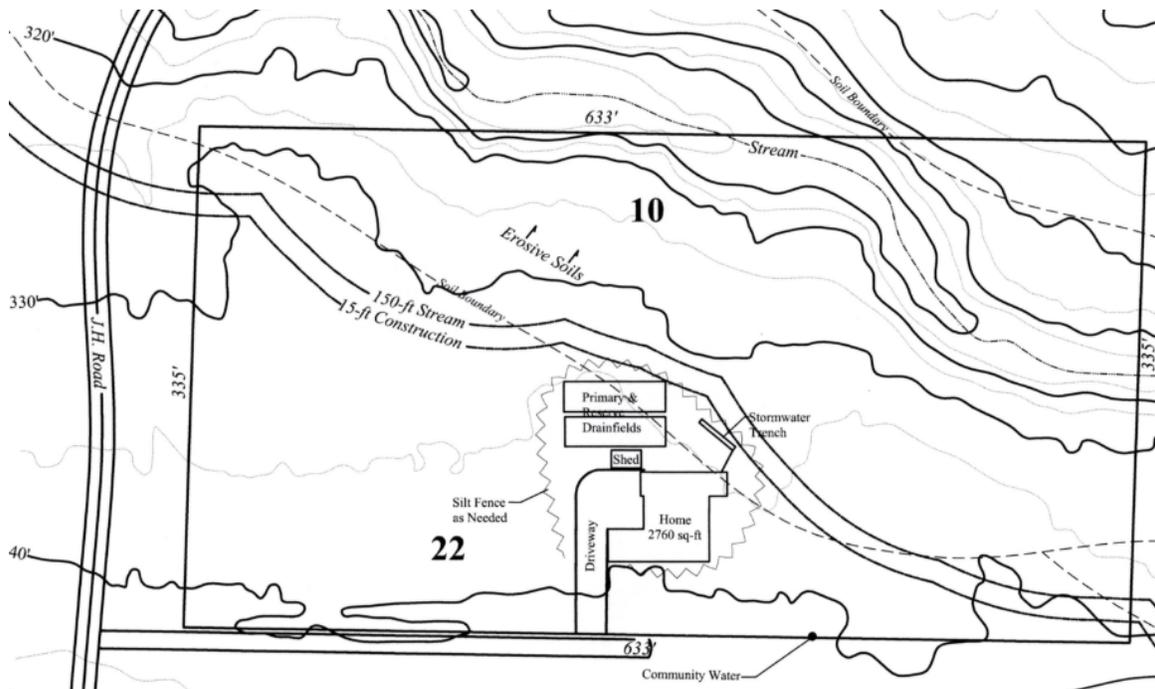


Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential (RR) Zone: RR	Standard	Proposed
Minimum Density	NA	NA- Subject property is an existing lot.
Maximum Density	1 dwelling unit/5 acres	
Minimum Lot Size	NA	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140	NA
Minimum Lot Depth	140	NA
Maximum Height	35 feet	SFR to be <35 feet
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: NA

Staff Comment: The proposal meets applicable standards for the RR zone. The parcel is recognized as a legally buildable lot.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (North)	50-feet	265-feet (SFR) 265-feet (Shed)

Side (West)	20-feet plus no build within 30-foot easement.	50-feet (SFR) 113-feet (Shed)
Side (East)	20-feet	220-feet (SFR) 206-feet (Shed)
Rear (South)	20 feet	255 feet (SFR) 304-feet (Shed)

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single Family Residence (SFR)	Rural Residential (RR)
South	Agriculture / SFR	RR
East	SFR	RR
West	SFR/Vacant/Undeveloped	RR

Table 4 - Public Utilities and Services

	Provider
Water	Northwest Water Systems
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #402

5. Access

The site is accessed from a private easement road, via S.W. J H Rd., which is an unmaintained public right of way (ROW).

6. Site Design

The image below shows the proposed footprint of the 2,760 square-foot home with a 240 square foot detached outbuilding, an associated drainfield, and the proposed driveway using the easement road accessed from the north.

7. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016, and as amended thereafter.

The following Comprehensive Plan goals and policies are most relevant to this application:

Land Use Policy 50:

Limit the designated rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and

Land Use Policy 51:

Permit residential uses in rural areas consistent with the planned rural character of the surrounding area.

Land Use Policy 53:

Outside of the Type III Limited Area of More Intensive Rural Development (LAMIRD), limit development only to that which serves rural residential or resource needs and does not draw population from Urban Growth Areas. This policy is implemented through Comprehensive Plan Land Use designations, zoning designations, and zoning code provisions.

Housing and Human Services Policy 5:

Use regulatory strategies to incentivize and provide flexibility for development of affordable and special needs housing.

Housing and Human Services Policy 7:

Adopt regulatory changes to allow non-traditional housing types.

Housing and Human Services Policy 11:

Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and sanitary housing suitable to their needs and financial resources, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class.

Housing and Human Services Policy 12:

Identify and remove regulatory barriers that limits access to or the provision of a diverse affordable housing supply.

Housing and Human Services Policy 14:

Disperse affordable housing opportunities throughout the County

Environment Policy 13:

Use best scientific information available to direct how functions and values of critical areas are preserved and enhanced.

Environment Policy 18:

Compensatory mitigation shall be the last option of resort in mitigation sequencing, following documentation of avoidance and minimization of any impact to the natural environment that triggers compensatory mitigation. Replacement of altered or displaced natural environments, (including critical areas and buffers) must be mitigated either on-site, within the watershed, or service area as defined through an approved mitigation bank or in-lieu fee program.

The County’s development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 19	Critical Areas Ordinance
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

A complete index of exhibits is located in the project file. To date, the index to the record consists of the following Exhibits.

Exhibit #	Document	Dated	Date Received
1	STAFF REPORT	05/16/2024	
2	Submission (Application)	05/31/2023	06/12/2023
3	Wetland Variance Analysis		06/12/2023
4	Mitigation Plan	05/16/2023	06/12/2023
5	Wetland Fish and Wildlife Habitat/CMP	05/17/2023	06/12/2023
6	Notice of Application	07/12/2023	
7	Dept of Ecology Comments – RE Site Visit	07/19/2024	07/19/2023
8	Public Comment – Kim Haskitt		08/03/2023
9	Staff Response to Public Comment		08/04/2023
10	Suquamish Tribe Comment – Malcom		08/22/2023
11	Site Visit Photos		09/12/2023
12	Information Request	11/09/2023	11/08/2023
13	Response to County (Technical	12/04/2023	01/12/2024

	Memorandum)		
14	Site Plan (Adjusted)		01/12/2024
15	Updated Mitigation Plan	11/27/2023	01/12/2024
16	Ecology Response Post Site Visit	02/12/2024	02/12/2024
17	Geotech Report	04/05/2022	04/18/2024
18	Geotechnical Drainage	09/23/2022	04/18/2024
19	Health District BSA Approval	05/12/2023	04/18/2024
20	Revised Site Plan	04/30/2024	04/18/2024
21	Updated Geotech Site Plan	02/29/2024	04/18/2024
22	Water Availability Letter	02/21/2022	04/18/2024
23	Stormwater Conditions Memo	04/27/2024	04/27/2024
24	Email RE: Water Purveyor	04/29/2024	04/29/2024
25	Notice of Public Hearing	05/08/2024	
26	Certification of Public Notice	05/15/2024	
27	Staff Presentation		
28	Hearing Sign In		

9. Public Outreach and Comments

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1	Neighbor would like to learn if the proposals will impact their adjacent property, especially water/runoff, tree removal, etc.	8

Issue Ref. No.	Issue	Staff Response
1	Be informed of potential impacts	Staff response to include neighbor as an interested party and receive decisions.

10. Analysis

a. Planning/Zoning

Access to the lot is from S.W. J H Rd., resulting in a 50-foot front setback at the north. There is a 20-foot side setback from the west property line with a 30-foot easement entirely on the subject property along the same perimeter boundary. Staff inquired whether the proposed SFR could be located 20 feet further westward, moving development further from critical areas, in order to meet the setback without encroaching into the 30-foot easement. Moving the SFR west to remain outside the 30-foot easement would not reduce impacts to the onsite critical areas. The septic

designer confirmed the septic system must be placed as shown on the site and no other feasible locations are available. As such, the clearing limits within the buffers of Wetlands B and C, and thus the amount of unavoidable impacts, would remain unchanged even if the proposed house location were shifted. Further, shifting the SFR west would remove any opportunity for maintained yard space for use by household members, such as children or pets, and would increase the potential for safety conflicts between the subject property and other users of the shared access road along the west property boundary.

The proposed development cannot be moved into the interior of the site to reduce impacts or shift the review to an administrative decision, since the largest buffer reduction permitted under an administrative review does not provide enough relief to develop the site. A revised buffer map has been provided showing the maximum possible reduction under an administrative review. A small area is available outside of the buffers in the center of the site, but access to this area cannot be provided without further reduction of the buffer (i.e., through a hearing examiner-level variance) due to the proximity of Wetland B & C buffers at the narrowest point (approximately 4.3'). Further, the central location on the site increases the potential for impacts on higher-priority critical areas onsite (e.g., Blackjack Creek, a salmonid-bearing Type F stream) and would place the proposed development on top of a potential underground water path between Wetland C and Blackjack Creek. The proposed development is located in the only other location where an administrative review could work. However, the area available under an administrative path is too small for a SFR and associated infrastructure and is located within the 30' access easement along the property boundary. As a result, the proposed location of the development is the most practical and reasonable option available to balance access and critical area impacts.

The drainfields cannot be placed landward of the proposed SFR. The proposed septic design has been identified as the best possible location for a septic system on the property by the septic designer. Other areas of the parcel, including landward of the proposed SFR, are not feasible due to prior development/land clearing, proximity to critical areas, and future land use needs. Further, locating the drainfields landward of the SFR would also place them uphill of the SFR, which may lead to potential issues of structural integrity of the proposed house over time, as well as potential health and safety issues if the system fails. Finally, the proposed location of the drainfields has been approved by the Kitsap County Health Department.

b. Lighting

Lighting was not analyzed as part of this proposal.

c. Off-Street Parking

The proposed residence shall provide additional off-street parking. Three parking spaces are required for each single-family residence (SFR) and can be accommodated on subject site.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	3 for single-family home	3	3
Total			3

d. Signage

No signage is proposed or required.

e. Landscaping

Per KCC 17.500.010, single-family lots are exempt from landscaping requirements.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	NA	
Required Buffer(s)		
North	NA	NA
South	NA	NA
East	NA	NA
West	NA	NA
Street Trees	NA	NA

f. Frontage Improvements

No frontage improvements are required or proposed as part of this application.

g. Design Districts/Requirements

The subject property is not within a design district.

h. Development Engineering/Stormwater

Development Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. These comments are

based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans accepted for review 06/12/2023, and as revised by additional materials accepted for review 01/12/2024 and 04/18/2024 to Kitsap County Development Engineering.

Development Engineering accepts the concepts contained in this preliminary submittal and requires the conditions found at the end of this report, as an element of the land use approval.

i. Environmental

Geological Hazards:

Per KCC 19.400.420, an area in the central portion of the parcel is mapped as a Moderate Erosion Hazard, however, the home is placed outside of this mapped area in a flat portion of the parcel with sloping of less than 10 percent. A condition of approval has been added to require a minimum separation 25-foot native vegetation buffer from the edge of slope plus an additional 15-foot structure setback, unless otherwise allowed through a Geological Assessment.

Wetlands and Streams:

A Wetland and Fish and Wildlife Habitat Assessment and Conceptual Mitigation Plan performed by Soundview Consultants LLC., dated May 17, 2023, identified the following critical areas on site:

Table 3. Wetland Buffer Summary.

Wetland	Category	Habitat Score	Planned Land Use Intensity	Standard Buffer Width (feet)
A	II	7	Moderate	110
B	III	7	Moderate	110
C	III	6	Moderate	110

Table 4. Stream Buffer Summary.

Stream	Type	Standard Buffer Width (feet)
Z (Blackjack Creek)	F	150
Y	Ns	50
X	Ns	50

Description of Impacts: (Soundview Consultants report)

Approximately 12,490 square feet of impacts to the buffers of Wetlands B and C are necessary and unavoidable. Buffer averaging pursuant to KCC 19.200.220.B.1 and buffer reduction pursuant to KCC 19.200.220.B.2 were considered to avoid buffer impacts; however, due to the extent of encumbrance by critical areas and associated buffers onsite, these measures would not provide enough space onsite to support the proposed development. As such, the Applicant is seeking a variance pursuant to KCC 19.100.135 to grant relief from the buffer provisions of KCC 19.200.220.A and allow for the necessary, unavoidable wetland buffer impacts.

Mitigation Sequencing: KCC 19.200.230.A

1. Avoiding the impact altogether by not taking a certain action or parts of actions.

The proposed project has been carefully designed to avoid impacts to the critical areas identified onsite to the greatest extent feasible, and direct wetland and stream impacts are avoided entirely. The proposed single-family residence and associated infrastructure are situated as close to the western property boundary as feasible to avoid impacts to the buffer of one Category II wetland (Wetland A) and the buffers of Stream X and Blackjack Creek. However, the entire subject property is encumbered by the identified critical areas and associated buffers. As such, impacts to approximately 12,490 square feet of the buffers of Wetlands B and C are necessary and unavoidable.

Buffer averaging pursuant to KCC 19.200.220.B.1 and buffer reduction pursuant to KCC 19.200.220.B.2 were considered to avoid/minimize buffer impacts; however, due to the extent of encumbrance by critical areas and associated buffers onsite, these measures do not grant the necessary relief to support the proposed development. As such, the Applicant is seeking a variance pursuant to KCC 19.100.135 from the buffer provisions of KCC 19.200.220.A

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to reduce impacts.

The proposed project has been carefully designed to minimize impacts to the greatest extent feasible. Buffer averaging and reduction measures were considered; however, these measures do not grant the necessary relief to support the proposed development. New surface runoff from the proposed single-family residence will be collected and treated prior to being routed to a dispersion trench and discharged down vegetated flow paths to minimize pollutants and adverse hydrologic impacts to the identified critical areas onsite. New runoff from the proposed driveway will also be dispersed down vegetated flow paths. All appropriate best management practices (BMPs) and temporary erosion and sediment control (TESC) measures will be implemented to minimize impacts for the duration of construction.

3. Using one of the following mitigation types, listed in order of preference:

a. Rectifying the impact by reestablishing, rehabilitating, or restoring the affected environment;

b. Compensating for the impact by replacing or providing substitute resources or environments; or

c. Compensating for the impact by improving the environmental processes that support wetland systems and functions.

Mitigation to offset impacts to approximately 12,490 square feet of the buffers of Wetlands B and C will be offset through 2,781 square feet of wetland enhancement in

Wetland B and 19,427 square feet of enhancement to the buffers of Wetlands B and C to the north, east, and south of the proposed residence. Wetland and wetland buffer enhancement actions will include removing non-native invasive species and inter-planting the existing deciduous forest/scrub-shrub areas with native conifers and shrub species to improve wetland functions and improve habitat and screening between Wetlands B, C, and Blackjack Creek and the proposed development. In addition, 5,697 square feet of voluntary wetland restoration and 7,646 square feet of voluntary buffer restoration is proposed for portions of Wetland B and the associated buffer impacted by prior clearing activities. Restoration actions will include removing non-native invasive species and planting native trees and shrubs to restore wetland and associated buffer functions onsite. Overall, the wetland buffer enhancement and voluntary wetland and wetland buffer restoration actions will ensure no net loss of wetland or wetland buffer functions onsite.

4. Monitoring the impact and compensation and taking appropriate corrective measures: The buffer enhancement and wetland/wetland buffer enhancement areas will be monitored for a period of five years consistent with the requirements of KCC 19.200.230.E.

Staff Comment: Staff has reviewed the Mitigation Implementation and Best Management Practices, as well as the Monitoring and the Contingency plans be adhered to. A planting plan for enhancement and restoration is included in the Mitigation Plan. This will be added at the end of this report as a condition of approval.

Critical Area Ordinance and Variance Analysis
Kitsap County Code 19.100.135

1. Because of special circumstances applicable the subject property, including size, shape, or topography, the strict application of this title is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity, provided, however, the fact that those surrounding properties have been developed under regulation is in force prior to the adoption of this ordinance shall not be the sole basis for the granting of a variance.

Applicant Comment: The Applicant is seeking variance from the wetland buffer provisions of KCC 19.200.220.A because the entire subject property is encumbered by the identified critical areas and their associated buffers. Other properties surrounding the subject property are developed with single-family residences and associated infrastructure similar to the Applicant's proposal.

Staff Comment: This 4.92-acre property is composed almost entirely of critical areas and their buffers. The extent of wetland and buffer represents a special circumstance, and the strict application of Title 19 will deprive the property owner

the right to construct a single-family home on an existing platted lot, which has been granted to other properties in the vicinity.

2. The special circumstances referred to in subsection 1 above are not the result of the actions of the current or previous owner.

Applicant Comment: The special circumstances referred to above are the result of natural site conditions, not the actions of the Applicant or previous landowner.

Staff Comment: This parcel was segregated from adjacent parcel #272301-1-028-2003 at the east, which has been recognized as a legally buildable lot, encompassing two dwellings and multiple outbuildings. The subject site has been undeveloped since that time and no actions were taken by the current owner to create the special circumstances and/or site constraints.

3. The granting of the variance will not result in substantial detrimental impacts to the critical area, public welfare or injurious to the property or improvements in the vicinity and area in which the property is situated or contrary to the goals, policies and purpose of this title.

Applicant Comment: The variance will not result in detrimental impacts to the identified critical areas or public welfare, will not be injurious to the property or improvements in the vicinity of the property, and is not contrary to the goals, policies, or purpose of KCC Title 19 – Critical Areas Ordinance. Runoff from new impervious associated from the residence will be collected and treated prior to being routed through a dispersion trench through a vegetated flow path to avoid adverse water quality or hydrologic impacts. Runoff from the proposed driveway will also be dispersed through a vegetated flow path. In addition, 2,781 square feet of Wetland B and 18,550 square feet of onsite buffer associated with Wetlands B and C will be enhanced by removing non-native invasive species and inter-planting the areas with native conifers and shrubs to improve wetland functions and improve habitat and screening between Wetland B, Wetland C, Blackjack Creek, and the proposed development. Further, 5,697 square feet of voluntary wetland restoration and 7,646 square feet of voluntary wetland buffer restoration are proposed in portions of Wetland B and the associated buffer that were previously cleared. Restoration actions will include the removal of non-native invasive species and planting native trees and shrubs to restore wetland and wetland buffer functions. Overall, the proposed enhancement and restoration actions will improve ecological functions onsite.

Staff Comment: Of the 4.92-acre parcel, 0.11 acres, or less than 2.3 percent of the entire site, is proposed for single-family development. The proposal limits impacts to

critical areas to the extent allowed by this site. This variance will allow a 2,760 square foot, sized single-family home with attached garage and a 240 square foot outbuilding.

4. The granting of the variance is the minimum necessary to accommodate the permitted use.

Applicant Comment: The proposed variance is the minimum necessary to accommodate the proposed single-family residence and associated infrastructure. All reasonable measures to avoid and minimize impacts have been considered, including locating the proposed residence and associated infrastructure as close to the western property boundary as feasible to avoid impacts to the buffer of Blackjack Creek. Buffer averaging and reduction measures were considered; however, these measures would not grant the necessary relief to support the proposed development due to the extent of encumbrance by the identified critical areas and associated buffers onsite.

Staff Comment: Single-family home development could not be achieved using buffer averaging. An administrative 25% buffer reduction would also not be feasible to create a large enough area to accommodate a single-family home.

1. No other practicable or reasonable alternative exists.

Applicant Comment: Due to the extent of encumbrance by the identified critical areas onsite and associated buffers throughout the entire site, no other practicable or reasonable alternative exists that would result in less impacts to critical areas.

Staff Comment: As described in preceding section 10a., as well as the variance criterion per #4 above, this property is composed entirely of critical areas and buffers with a small area for residential site development. Therefore, no other practicable or reasonable alternative exists for single family development on this existing platted property that will avoid impacts to the wetland buffer. The proposed development placement is the only other location where an administrative review could work, however, the area available under an administrative path is too small for an SFR and associated infrastructure and located within the 30' access easement along the property boundary. As a result, the proposed location of the development is the most practical and reasonable option available to balance access and critical area impacts.

6. A mitigation plan has been submitted and is approved for the proposed use of the critical area.

Applicant Comment: A mitigation plan has been prepared to support the proposed variance. 2,781 square feet of Wetland B and 18,550 square feet of buffer area associated with Wetlands B and C will be enhanced by removing non-native invasive

species and inter-planting the areas with native conifers and shrubs to improve wetland functions and improve habitat and screening between Wetland C, Blackjack Creek, and the proposed development. In addition, 5,697 square feet of voluntary wetland restoration and 7,646 square feet of voluntary buffer restoration are proposed for portions of Wetland B and the associated buffer previously impacted by clearing. Wetland and buffer restoration activities will include removing non-native invasive species and planting native trees and shrubs to restore wetland and buffer functions associated with Wetland B. Overall, these actions will ensure no net loss of wetland or wetland buffer functions onsite.

Staff Comment: Buffer mitigation is proposed to establish vegetation cover within the reduced buffer and to increase the function for protection of habitat within the wetland. The mitigation plan proposes to plant a total of 34,674 square feet for the enhancement and restoration to the wetlands and its buffers, using a variety of trees (98), shrubs (357), and groundcovers as proposed within the buffer for a diverse and dense vegetation community.

Upon the Suquamish Tribe request, a condition of approval will be added at the end of this report, for the retention of fallen trees to benefit of habitat.

j. Access, Traffic and Roads

No comments at this time.

k. Fire Safety

No comments at this time.

l. Solid Waste

No comments at this time.

m. Water/Sewer

Site is outside the service area for KCPW Sewer Utility Division.

n. Kitsap Public Health District

The proposal has been reviewed and approved by KPHD. The KPHD approval for onsite septic was dated May 12, 2023, and approval for the water supply on April 12, 2024, in the Building Site Application.

11. Review Authority

The Hearing Examiner has review authority for this Critical Area Variance Permit application under KCC, Sections 19.100.135 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a Critical Area Variance

Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

Staff Comments: The proposal is consistent with the Comprehensive Plan and the zoning standards for the Rural Residential (RR) zone in Title 17. The proposal meets the applicable requirements for a critical area variance in KCC 19.100.135, as analyzed in section 10.i of this report.

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 19.100.135 and under KCC 21.04, the Department of Community Development recommends that the Critical Area Variance request for Easling be **approved**, subject to the following conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. This Variance approval shall automatically become void if no building permit application is accepted as complete by the Department of Community Development within four (4) years of the Notice of Decision date or the resolution of any appeals.

3. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.
4. The decision set forth herein is based upon representations made and exhibits contained in the project application Permit #22-03914 and #22-00285. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.

b. Development Engineering

5. GENERAL: Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.
6. STORMWATER: Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the SDAP (or Building Permit if no SDAP required) application is deemed fully complete. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Code in effect at the time of SDAP application, or Building Permit if an SDAP is not required.
7. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.

c. Environmental

8. Construction techniques shall implement best management practices to ensure protection of the stream and Wetlands, associated buffers, and local water quality. Such best management practices shall include protective silt fencing to define work areas, protective orange construction fencing along defined work

areas, work during periods of limited rainfall or potential for adverse erosion, and seeding of exposed soils as needed to prevent adverse erosion.

9. Due to the mapped erosion hazard area (EHA) on this parcel, a non-clearing native vegetation buffer shall be maintained from the top of the slope to 25 feet beyond the top of the slope and will be depicted on the approved site plan, unless otherwise allowed through a Geological Assessment. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the EHA buffer.
10. The applicant shall record a Notice to Title for the proposed preservation area(s) of the site. The Notice to Title shall be submitted with the associated building permit and is required prior to approval of the building permit.
11. Prior to occupancy, the common boundary between the wetland buffer and the adjacent land shall be permanently identified with critical area buffer signs. Critical Area Ordinance (CAO) signs shall be placed along the designated boundary spaced approximately 50-feet apart, visual from sign to sign. Signs must be attached to existing trees with diameter breast height greater than 4 inches. Alternative methods include 4x4 posts, metal posts or split rail fencing.
12. Permit application approval is subject to chapter 19.300.315 of Kitsap County Code, which states that buffers or setbacks shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Refuse shall not be placed in buffers. Clearing and tree removal within the established wetland buffer shall be the minimum necessary to support the proposed improvements. Clearing limits must be clearly shown on the site plan with the associated building permit and clearing outside of the approved limits will require prior County approval.
13. A 150-foot native vegetation buffer shall be retained along the perimeter of the stream as depicted on the approved site plan. In addition, a building or impervious surface setback line of 15-feet is required from the edge of the stream buffer.
14. The project shall adhere to the mitigation measures and recommendations within the approved Wetland and Fish and Wildlife Habitat Assessment and Conceptual Mitigation Plan, dated September 21, 2020, and revised May 17, 2023, prepared by Soundview Consultants LLC (SVC).

15. In addition to the SVC Mitigation/Monitor Plan, the mitigation plan shall include some of the larger cleared trees, as well as smaller pieces, as possible coarse wood in the enhanced sites to provide wildlife habitat.
16. Monitoring and maintenance of the planted area shall be conducted for five years, and extended, if necessary, after DCD staff approves planting. Monitoring includes live and dead vegetation counts and records of all maintenance activities. Maintenance activities can be defined as, but are not limited to, removal practices on invasive or nuisance vegetation and watering schedules. Monitoring information shall be summarized in a letter with photographs depicting conditions of the vegetation and overall site. Monitoring reports are due to Kitsap County Department of Community Development Services and Engineering Division annually. If more than 20 percent of the plantings do not survive within any of the monitoring years, the problem areas shall be replanted, and provided with better maintenance practices to ensure higher plant survival. The construction of the permitted project is subject to inspections by the Kitsap County Department of Community Development. Extensions of the monitoring period may be required if original conditions are not met. All maintenance and construction must be done in full compliance with Kitsap County Code (KCC), including the Kitsap County Critical Area Ordinance (Title 19 KCC) and Shoreline Master Program (Title 22 KCC). Any corrections, changes or alterations required by a Kitsap County Development Engineer Inspector shall be made prior to additional inspections. Any assignment of savings, financial surety or other like security for maintenance of the buffer mitigation plan shall only be released if monitoring requirements are satisfied in the final year of the monitoring term.
17. This proposal is subject to the conditions of the Geotechnical Engineering Letter associated with this permit and on file at the Department of Community Development. All American Geotechnical report, dated April 5, 2022)

d. Traffic and Roads

18. No comments at this time.

e. Fire Safety

19. None at this time.

f. Solid Waste

20. No comments at this time.

g. Kitsap Public Health District

21. No comments at this time.

Report prepared by:



Jenny Kreifels, Staff Planner

May 13, 2024

Date

Report approved by:



Katharine Shaffer, Planning Supervisor

5-13-24

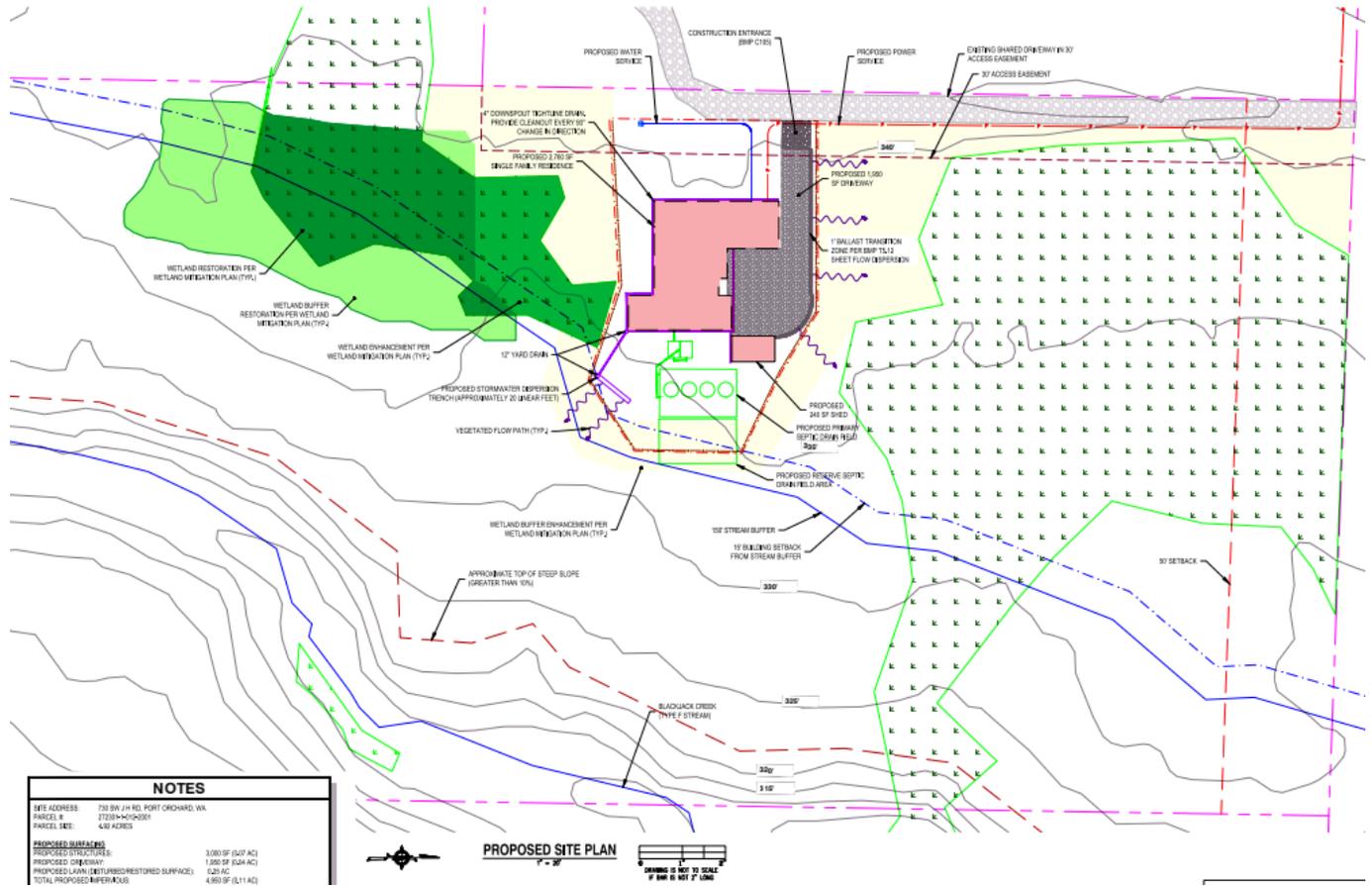
Date

Attachments:

- Attachment A – Site Plan
- Attachment B – County Imagery Map
- Attachment C – Critical Areas Map
- Attachment D – Zoning Map
- Attachment E – Existing/Buffers

CC: Owner/Applicant: Joel and Nichole Easling, joeleasling@gmail.com
Biologist: Alex Murphy, Soundview Consults: mdsupport@soundviewconsultants.com
Interested Parties: Robert & Kimberly Haskitt
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jenny Kreifels

Site Plan

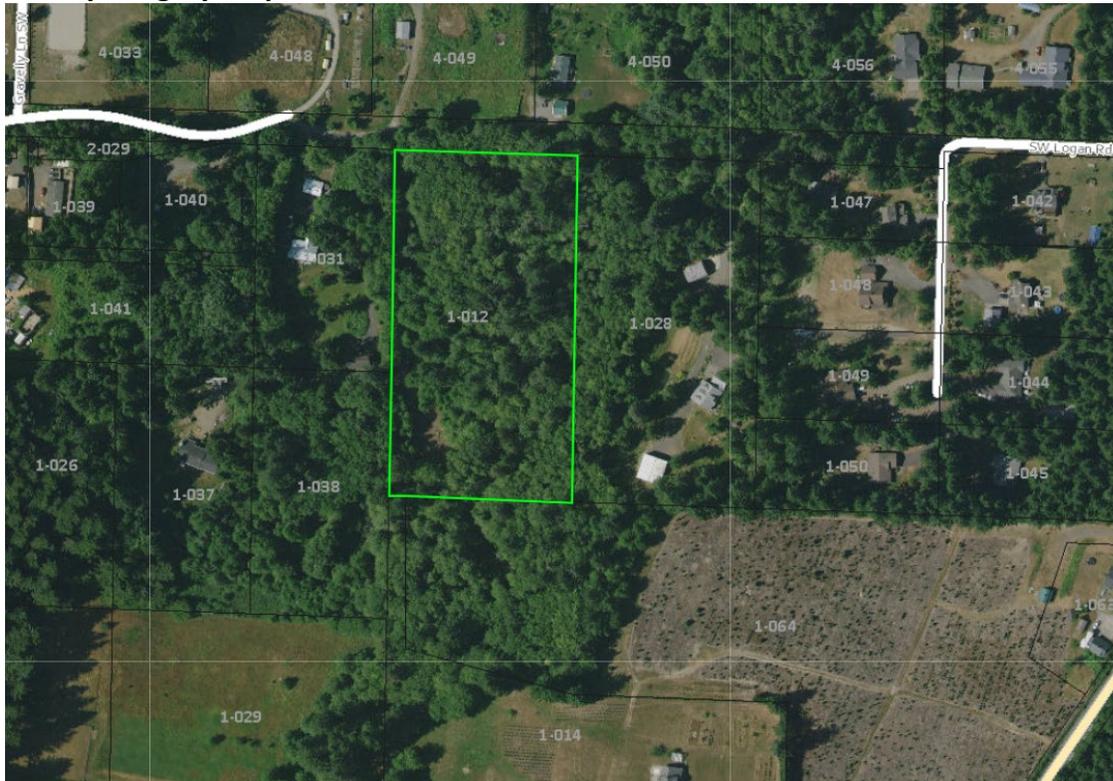


NOTES	
DATE ADDRESS:	750 SW 114 RD, PORT ORCHARD, WA
PARCEL #:	230014000004
PARCEL SIZE:	4.50 ACRES
PROPOSED SURFACING:	
PROPOSED PAVEMENT:	3,000 SF (0.67 AC)
PROPOSED CONCRETE:	1,200 SF (0.28 AC)
PROPOSED LAWN (DISTURBED/RESTORED SURFACE):	6,200 SF (1.41 AC)
TOTAL PROPOSED IMPERVIOUS:	4,200 SF (0.95 AC)

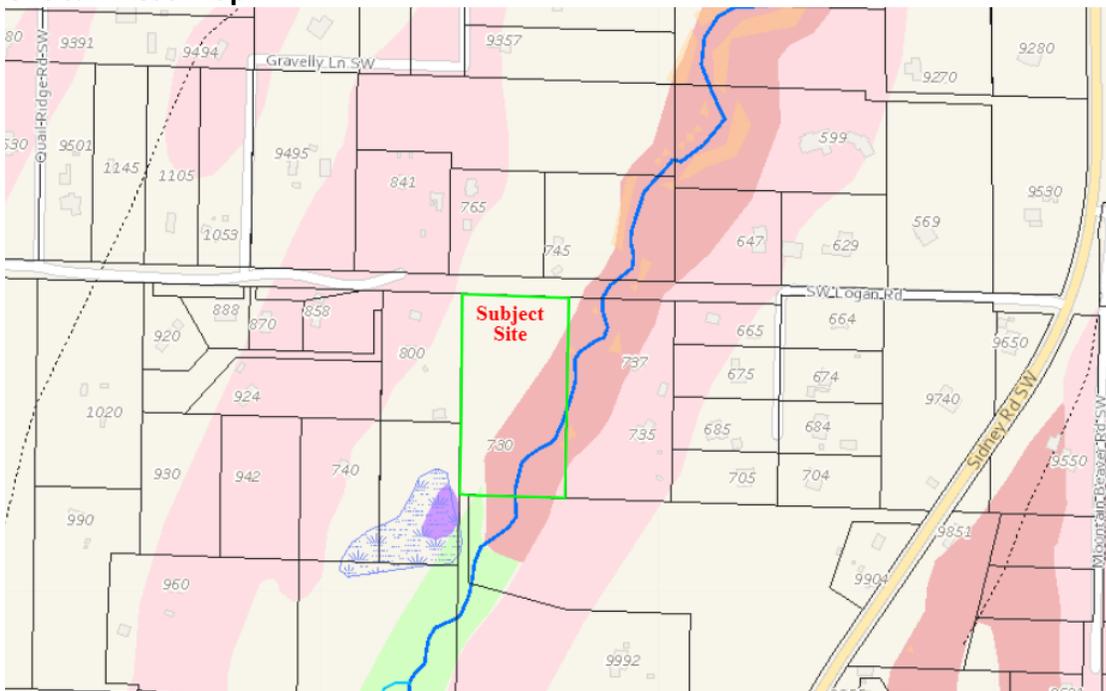
PROPOSED SITE PLAN

DRAWING IS NOT TO SCALE
 IF ANY IS NOT TO SCALE

County Imagery Map



Critical Areas Map



Zoning Map



Existing/Buffers

