



Hearing Examiner Staff Report and Recommendation

Report Date: July 17, 2025
Hearing Date: July 24, 2025

Application Submittal Date: July 2, 2023
Application Complete Date: July 19, 2023

Project Name: Rase Stream Buffer Reduction for Single Family Residence Replacement
Type of Application: Critical Areas Variance (CVAR)
Permit Number: 23-03173

Project Location

1930 Northlake Way N.W.
Bremerton, WA 98312
Commissioner District 3

Assessor's Account

082401-3-118-2002

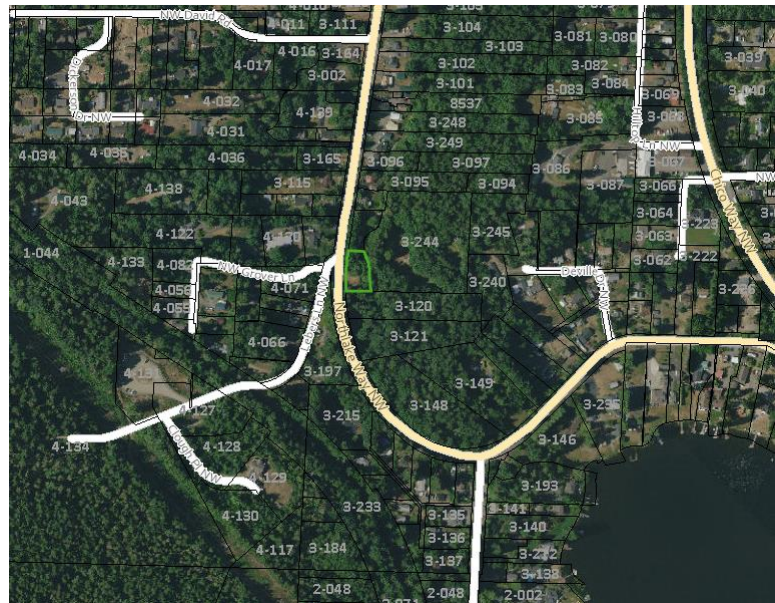
Applicant/Owner of Record

DAVID & GAIL RASE
5509 W GROSS RD
BREMERTON, WA 98312

Recommendation Summary

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

VICINITY MAP



1. Background

Request to reduce a Type F stream buffer from 150 feet and a 15-foot building setback, down to a 42-foot buffer or 82 percent, plus a 7.5-foot or 50 percent building setback. Per KCC 19.300.315(A)(3)(b), buffer reductions for single-family residences (SFR) greater than fifty percent shall be pursuant to a variance under Section 19.100.135. A Habitat Management Plan (HMP) and geological assessment are provided.

The previous manufactured home was 39 feet away from the Ordinary High-Water Mark (OHWM) of Kitsap Creek. The proposal includes a new SFR with site improvements to existing parking, driveway access and utilities. The existing septic drainfield which will be decommissioned.

2. Project Request

Applicants request approval of a Critical Area Variance Reduction to reconstruct a 1,215 square foot Single-Family Residence and new septic drainfield.

3. SEPA (State Environmental Policy Act)

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of “major” environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

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

This rectangular 0.35-acre lot is located at 1930 Northlake Way NW, Kitsap County Tax Parcel No. 082401-3-118-2002 in Bremerton, Washington, located on the east side of Northlake Way NW and extends west from the road to Kitsap Creek. Onsite terrain is level with the road and begins to slope down from west to east towards Kitsap Creek. The slope is steep on the south end of the lot compared to the gradual slope on the north end of the lot. Topography then gradually slopes down from the toe of the slope to the OHWM of Kitsap Creek. Currently the lot is undeveloped except for a gravel parking area near the road and a decommissioned septic system in the clearing. There are three existing concrete block retaining walls within the buffer that will remain. The primary vegetation onsite includes coniferous trees with English ivy dominating the understory. Kitsap Creek occurs primarily offsite but comes onto the northeast corner of the lot.

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 (West)	20 feet*	20 feet
Side (North)	5 feet*	~123 feet
Side (South)	5-feet*	~13 feet
Rear (East)	10 feet*	~34 feet

*Applicable Footnote KCC17.420.060 (42) b. Any single-family residential lot of record as defined in Chapter 17.110 that has a smaller width or lot depth than that required by this title, or is less than one acre, may use that residential zoning classification that most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence (SFR)	Rural Residential (RR)
South	Residential Accessory Structure	RR
East	SFR	RR
West	SFR/Ueland Tree Farm	RR/City of Bremerton

Running approximately 70 lineal feet along Northlake Way N.W., beginning at the southwest corner of the subject, lies the City of Bremerton boundary.

Table 4 - Public Utilities and Services

	Provider
Water	City of Bremerton
Power	Puget Sound Energy
Sewer	Onsite Septic System (OSS) KCPHD
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Bremerton 100-C

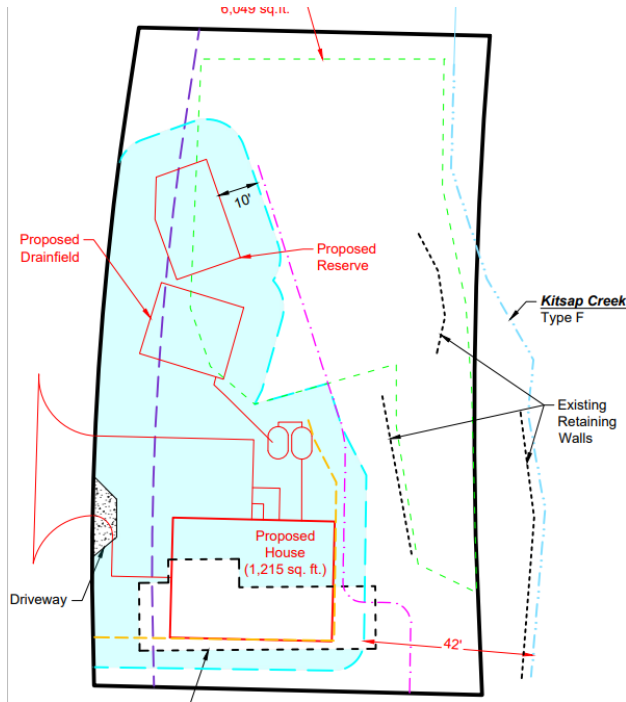
5. Access

The existing access is from Northlake Way N.W., a city maintained public right of way (ROW), with a minor arterial classification.

6. Site Design

The image below shows both previous and proposed footprints of the single-family dwellings, the driveway entrance with associated parking area, onsite septic (OSS),

including drainfields and existing retaining walls for the benefit of the single-family residence east of Northlake Way, N.W. The site plan also shows the location of the offsite & onsite stream in relation to the site. The replacement home proposes a 42 foot buffer and 7.5 foot building setback, and further landward than the original home's footprint.



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:
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 (CAO)
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 / Accepted
1	STAFF REPORT	7/17/2025	
2	Authorization Form	6/23/2023	7/19/2023
3	Drainage Report	11/18/2022	7/19/2023
4	Project Narrative	12/1/2021	7/19/2023
5	Submission Form	7/6/2023	7/19/2023
6	SEPA Checklist	1/17/2023	8/10/2023
7	Notice of Application	9/26/2023	
8	Biologist Response to DCD	2/2/2024	4/8/2024
9	Biologist Response to Suquamish Tribe	2/2/2024	4/8/2024
10	Engineered Drainage Plans	4/1/2024	4/8/2024
11	Geologic Assessment Report	11/21/2021	4/8/2024
12	Geologic Assessment Addendum	10/31/2022	4/8/2024
13	Updated Site Plan	4/1/2024	4/8/2024
14	Binding Utility Availability Letter	6/12/2023	7/23/2024
15	Information Request Response Letter	11/14/2024	12/9/2024
16	Updated Habitat Management Plan	11/14/2024	12/9/2024
17	1930 Northlake Septic Design – BSA for #23-00824	2/22/2019	6/13/2025
18	Biologist Response to HMP Mitigation	6/16/2025	6/16/2025

19	Notice of Public Hearing	7/9/2025	
20	Public Comment: Kitchens	7/13/2025	7/13/2025
21	Certification of Public Notice	7/14/2025	
22	Staff Presentation		
23	Hearing Sign In		

9. Public Outreach and Comments

Issue No.	Summary of Concern
1	Public Comment – Suquamish Tribe/Rod Malcom- Not meeting Kitsap County Best Available Science Report for Riparian Areas, HMP lacks support of deviation requested.
2	Public Comment – Doug Kitchens - In favor of proposal.

10. Analysis

a. Planning/Zoning

The proposal meets all zoning standards of the Rural Residential (RR) Zoning designation, Kitsap County Code (KCC) Title 17, and complies with KCC17.420.060 A.42.

b. for the purpose of establishing setbacks from the property lines as mentioned in the preceding Table 2.

Previously, there was a manufactured home along the southern property line which was removed in 2018 (permit 21-00142). Currently, a residential building permit under application #23-00824 is pending the CVAR approval.

b. Lighting

Lighting was not analyzed as part of this proposal.

c. Off-Street Parking

The proposed residence shall provide additional off-street parking. The CVAR is vested to the 2016 parking code shown in Table 5 below, however it should be noted that the Washington State legislature recently updated parking standards to require 2 parking spaces per unit or home, with a minimum dimension of 20 by 8 feet or 160 square foot in size and regardless of whether they are enclosed or unenclosed. Three parking spaces are required for each single-family residence (SFR) and can be accommodated on the subject site.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	Historic lots-3/unit Plats- 2 onsite/unit & 0.5 offsite/unit	3	3
Total		3	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	NA
Required Buffer(s) 17.500.027		
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 7/19/2023 and as revised by additional materials accepted for review 4/8/2024, to Kitsap County Development Engineering.

Development Engineering accepts the concepts contained in this preliminary submittal and requires the following conditions as an element of the land use approval:

i. **Environmental**

Critical Area Variance Criteria Per KCC 19.100.135, a variance in the application of the regulations or standards of this title to a particular piece of property may be granted by Kitsap County, when it can be shown that the application meets all of the following criteria:

1. Because of special circumstances applicable to the subject property, including size, shape, or topography, the strict application of this title is found to deprive the 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 regulations in force prior to the adoption of this ordinance shall not be the sole basis for the granting of a variance.

Applicant Response: The lot is zoned for single-family residential development (RR – 1DU/5-acres) and does not meet the minimum size for this zoning (0.35-acres). The stream flows along the east boundary of the lot and the 150-foot buffer extends west significantly encumbering the lot. For single-family residential development to occur, the lot cannot meet the full buffer width.

2. The special circumstances referred to in subsection (A)(1) of this section are not the result of the actions of the current or previous owner.

Applicant Response: The lot has been platted in this orientation for many years and is not the direct result of actions taken by the current or previous owner.

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 Response: The project proposes to construct single-family residential development as far from the stream as possible. The project also includes improvements to the stream and buffer. Therefore, the granting of this buffer reduction will not result in substantial, detrimental impacts to the critical area, public welfare, injury to the property, does not run contrary to the goals of the area, and is permitted by this title.

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

Applicant Response: The minimum buffer and setback reduction has been proposed to accomplish single-family residential development. The project as proposed in the minimum necessary to accommodate the permitted use.

The proposal allows construction of a modest single-family residence to replace a previously existing residence. Re-organizing the site design (house, parking areas, and septic areas) will encroach into the buffers to the same extent.

5. No other practicable or reasonable alternative exists. (See Definitions, Chapter 19.150.)

Applicant Response: There are no other feasible alternatives to the proposed site plan that will have less impact on the buffer.

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

Applicant Response: Mitigation in the form of invasive plant removal (English ivy) and installation of native plants is proposed to improve the function of the reduced buffer so that it functions as good as or better than the buffer at the required width.

KCC 19.300.315 Development Standards

Activities within a designated fish and wildlife habitat conservation area with its buffer are subject to the regulatory provisions of this chapter and shall comply with the performance standards outlined in this chapter.

3. Provision for Decreasing Buffer. a. The department may grant an administrative reduction to buffer widths when the following are met:

i. The applicant demonstrates that buffer widths cannot be met, according to the variance criteria in Section 19.100.135;

ii. The applicant submits a habitat management plan (HMP) that meets the requirements as described in Chapter 19.700 (Special Reports);

Applicant Comment: This Habitat Management Plan has been prepared in accordance with the requirements of KCC 19.700.720 D. (selection below).

D. Examples of mitigation measures to be included in the HMP report, include, but are not limited to:

1. Establishment of Buffer Zones. When applicable, the order of sequence for buffer reductions shall be as follows:

a. Reduction of building setback. The front yard setback has been reduced from 50 to 20 feet per KCC17.420.060 A.42.b., to allow the home to be constructed further from the stream, however, it is still located within the 150-foot buffer.

iii. The HMP is reviewed and consultation with the Washington State Department of Fish and Wildlife determines that a reduction is the minimum necessary for the permitted use.

Applicant Comment: WDFW will be consulted upon receipt of notification from Kitsap County.

iv. The conditions are sufficient to assure no net loss of ecological functions of the affected fish and wildlife habitat conservation area.

Applicant Comment: The project proposes to reduce the stream buffer by greater than 50 percent. To compensate for these reductions invasive vegetation will be removed, and native vegetation will be planted. Therefore, the project will result in a no net loss of ecological function.

b. The department may reduce the buffer width by up to twenty-five percent in a Type I decision under Chapter 21.04. Reductions of greater than twenty-five percent but less than fifty percent for single-family dwellings will be a Type II decision and require notification (see Chapter 19.800, Appendix F). Buffer reductions for single-family residences greater than fifty percent, and reductions greater than twenty-five percent for all other uses shall be pursuant to a variance under Section 19.100.135. When applicable, the order of sequence for buffer reductions shall be as follows: The project is requesting a Reasonable Use Exception decision for a reduction greater than 50 percent.

i. Use of buffer averaging, maintaining one hundred percent of the buffer area under the standard buffer requirement. Buffer averaging is not feasible on this lot because it is composed entirely of the 150 foot stream buffer.

ii. Reduction of the overall buffer area by no more than twenty-five percent of the area required under the standard buffer requirement. Reducing the buffer by 25 percent does not afford enough room on the lot to accommodate the proposal.

iii. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area. The project proposes to enhance the degraded buffer condition onsite by removing invasive species and planting portions of the buffer with native woody species and ferns.

iv. Use of alternative on-site wastewater systems in order to minimize site clearing. The project proposes to construct a new drainfield in an area that was previously developed and vegetated by new shoots of native vegetation.

v. Infiltration of storm water where soils permit. A stormwater management plan will be prepared in accordance with current state and local requirements.

vi. Retention of native vegetation on other portions of the site in order to offset habitat loss from buffer reduction. All native vegetation on other portions of the site will be retained.

KCC 19.300.315.A. Building or Impervious Surface Setback Lines

8. Building or Impervious Surface Setback Lines. A building or impervious surface setback line of fifteen feet, or as determined by a HMP, is required from the edge of any fish and wildlife habitat conservation area buffer. Minor structural or impervious surface intrusions into the areas of the setback may be permitted if the department determines that such intrusions will not adversely impact the fish and wildlife habitat conservation area. The setback shall be identified on a site plan.

Applicant Response: The project proposes to reduce the building setback to 7.5 feet which is the minimum necessary to complete the project and maintain a minimum buffer of 42 feet.

The FEMA 100-year flood zone is mapping on the parcel; however, the reports indicate the top of slope, east of the proposed SFR, allows water to run further east where the toe of slope meets the OHWM of the stream and inherently away from the structure. Staff assessed the Kitsap County parcel mapping lines are misleading due location of the stream channel and site topography.

Geological Hazards KCC 19.400

A geologic assessment report by Wnek Engineering, dated November 21, 2021, included presents the results of a soil and slope assessment directed at evaluating geologic conditions at the referenced parcel. Kitsap County GIS critical-area mapping indicates a stream and floodplain along the east property line, moderate seismic hazard off-site (and within 200-ft) to the west, and moderate landslide hazard off-site (and within 200-ft) to the east.

Building Setback & Buffer: A 7.5-ft building setback west of the top-of-slope is recommended for mitigation of the landslide hazard. This equates to the average height of the slope above the stream level. No buffer from the top-of-slope is proposed or necessary, since it has historically been cleared with no detriment to the slopes. However, stream buffer criteria is being developed by a separate report. Stream buffer recommendations will take precedence over the slope setback prescribed by Appendix B of the geologic assessment (Wnek, 11/21/21).

There are no indicators of high hazard geologic areas within the parcel area, and there is no proposed construction that will require engineering design recommendations or mitigation measures to successfully construct the proposed project. This geologic assessment report satisfies the intent of the Kitsap County critical areas ordinance for geologically hazardous areas, KCC 19.400.440, for this proposed project and is provided

to comply with KCC 19.400.440.D.2 "Geologic Report". A full geotechnical engineering investigation is not warranted (Wnek, 11/21/21).

A geologic assessment report addendum provided by Wnek, dated October 31, 2022, was issued and recommends the following. It may be beneficial to have a portion of the house footprint encroach into the 7.5-ft top-of-slope building setback prescribed by the report. There is an existing 3-ft rockery wall at the top-of-slope in the area adjacent to the house footprint, which is likely fill material. Therefore, extending the footings within outer edge of the 7.5-foot building setback the to the base elevation of the adjacent rockery wall is recommended. For any portion of the building footprint within the 7.5-ft building setback, the building foundations should be deepened to firm native soil. No provisions of the original report are altered by this addendum.

Ecological Land Services, Inc. (ELS) completed a Habitat Management Plan (HMP), dated December 7, 2021 & Updated November 14, 2024, for single-family residential development within the 150-foot buffer of a Fish and Wildlife Habitat Conservation Area (FWHCA). The FWHCA on this lot is Kitsap Creek and is identified as a Type F water. ELS conducted a site visit on May 6, 2021, to inventory site conditions for preparation of this HMP as required under Kitsap County Code (KCC) Section 19.300 Fish and Wildlife Habitat Conservation Areas, and determined the findings to be consistent with mapping of the stream as a Type F because the stream has permanent flow within a channel width greater than 2 feet on average and KCC requires a 150-foot buffer from the ordinary high-water mark (OHWM).

MITIGATION SEQUENCING

The project proposes residential development on a residentially zoned lot that is highly encumbered by a Type F stream buffer. The 150-foot buffer extends across the property and offsite to the west. Mitigation is proposed onsite to compensate for the 6,109 square feet of the reduced buffer area which was previously developed. As part of the mitigation process, projects are required to address mitigation sequencing to assess whether the project can avoid, minimize, rectify, or reduce impacts before identifying compensation or mitigation measures.

Avoiding Impacts: The project is avoiding direct impacts to Kitsap Creek by proposing development in the upland, at least 42 feet from the OHWM. The project cannot avoid all impacts to the stream buffer because the site is completely encumbered by the 150-foot buffer.

Minimizing Impacts: The project is minimizing impacts to the stream buffer by proposing the home as far from the stream as possible. According to KCC 17.420.052 Rural, resource, and urban residential zones density and dimensions table, the required minimum front yard setback is 50-feet, however, KCC 17.420.060 A.42. b. allows a reduced setback to be 20 feet. The project proposes to reduce the front yard setback to 20 feet so the home can be positioned as far from the stream as possible,

to minimize future homesite impacts. The previous homesite was contained with the south half where the new home is now proposed. Although the use of the former building site does not represent a minimization measure on its own, this area is composed of weeds and grasses, which do not provide much in the way of buffer function. This location minimizes impacts because it does not require removal of native trees, shrubs, or herbaceous species to construct the home. The proposed mitigation planting area will also be installed prior to construction to allow for a minimization in temporal loss of buffer function. By constructing the residence as far from the stream as possible, minimizing vegetation removal, utilizing best management practices, and installing the mitigation planting area prior to construction, the project minimizes impacts created by the proposed home.

Rectifying the Impacts: The project represents a permanent impact to the buffer so cannot rectify all the impacts to the affected habitats. Reducing or Eliminating the Impacts: The project cannot reduce or eliminate the impacts by preservation and maintenance.

Compensating for the Impacts: The project cannot avoid, rectify, or reduce the impact to the stream buffer but has minimized the impact to the extent possible by proposing the home as far from the stream as possible. Because it cannot avoid all impacts to the stream buffer, mitigation in the form of enhancement is proposed in the remaining buffer, which contains significant cover by invasive English ivy. The proposed mitigation plan compensates for the proposed buffer impacts at a ratio of 1.38:1. The plan will remove all ivy from the buffer totaling an area of 6,049 square feet, and includes planting 8,439 square feet, which will improve the conditions and functions of the stream buffer, and work to achieve no net loss of functions.

Staff Comments: Reduced setbacks are permitted under KCC 17.420.060 A.42. b., however, the director may not modify front yard setbacks from county arterials or collectors. The SFR proposes a minimized footprint of 1,215 square feet.

The total mitigation area encompasses 8,439 square feet, which includes two distinct planting zones: a 7,489 square foot area designated for native fern, shrub, and tree plantings, and a 950-square-foot area over the drainfield allocated for a northwest wildflower or native grass mix. If we consider only the zone with only native plantings, the mitigation ratio is 1.23:1. However, when we include the additional 950 square feet of wildflower/grass mix over the drainfield, the overall ratio increases to 1.38:1, as explained in the letter from ELS, error in the most recent version of the HMP. Pages 6 and 7 of the HMP distinguish between the two planting areas. The 1.23:1 ratio shown on Page 7 is actually 1.38:1, as shown in Figure 9 of the HMP:

IMPACT ANALYSIS

STREAM IMPACTS

Kitsap Creek will not be directly impacted by onsite activities because the proposed project will be constructed outside of the 42-foot stream buffer and 7.5-foot building setback extending from the OHWM. The stick-built residence is proposed as far from the stream as possible. The drainfield is proposed in an area that is vegetated with natives and is as far away from the stream as possible. Since the lot was previously developed in a similar manner the proposed single-family home does not represent significant new impervious surfaces. The stormwater management plan will control and convey surface water runoff generated from the new structure.

STREAM BUFFER IMPACTS

A formal buffer function assessment form has not been developed to assess whether a buffer at the proposed width will function as good as or better than a buffer at the required width. In lieu of a buffer assessment form, several reports were consulted to assess whether the proposed buffer mitigation plan will increase the function of the buffer. These reports include the Washington Department of Fish and Wildlife Management Recommendations for Washington's Priority Habitats: Riparian (Knutson and Naef 1998) and Washington Department of Ecology Wetland Buffers: Use and Effectiveness (Castelle et al 1992) in addition to professional knowledge and experience in assessing buffer conditions and functions. While there are no wetlands associated with Kitsap Creek as it flows along the east side of the lot, wetlands and streams are subject to the same environmental stressors and the buffers are applied in a similar manner to protect the habitat, water quality, and water quantity functions of these critical areas. Therefore, it is determined to be appropriate to assess the existing buffer conditions and functions using these reports for the proposed onsite buffer reduction and mitigation plan.

As discussed previously, the buffer is composed largely coniferous trees with English ivy understory. The inner portion of the buffer is composed of gently sloping terrain and native shrubs scattered throughout the ivy. The proposed reduction will allow for residential development, which will take place as far away from the stream as possible and in an area that is vegetated with grasses and weeds which took over when the previous manufactured home was removed. The higher quality inner buffer will not be impacted by construction activities and there will be a functional lift within the buffer once the mitigation plan is implemented.

The planting plan proposes to remove invasive English ivy and install native plants of varying heights to increase the function of the buffer, which will directly improve wildlife habitat and exclusion. Existing native vegetation, including large western red cedars, currently provide shading along the onsite portion of the stream. The dense cover of English ivy prevents wildlife from utilizing the stream buffer and does not permit the establishment of a shrub understory. By removing invasive vegetation and replanting the area with native plants available habitat suitable for wildlife will increase, and the overall buffer function will increase. Recommended buffer widths for filtration of sediments and pollutants range by condition of the vegetation within the

buffer. Replacing English ivy with native plants of varying heights will increase the effectiveness of the buffer by providing additional obstacles to runoff and deep soil stabilizing root systems. By improving the buffer area onsite there will be increased plant species diversity and exclusion of humans and pets and provide increased wildlife habitat function. The planting of native species will also screen noise and light generated on the upland portions of the lot.

The impervious surfaces will increase when development is complete but because runoff will be controlled with a stormwater management plan, there will be no impact to the quality of the water leaving this site. No untreated surface water will be allowed to drain to the stream. Therefore, the proposal will not generate significant amounts of pollutants or sediments that will have a negative impact on Kitsap Creek. The planting plan will increase the function of the buffer to protect water quality and wildlife habitat.

Staff Comment: Staff has reviewed the Mitigation Implementation and Best Management Practices, as well as the Monitoring and the Contingency plan. A planting plan for enhancement and restoration is included in the Mitigation Plan and made a condition of approval.

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. A binding water availability letter was provided by the City of Bremerton.

n. **Kitsap Public Health District**

The proposal has been reviewed and approved by KCPHD. An updated BSA for onsite septic is needed prior to building permit approval, as a condition of approval at the end of this report.

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 Conditional Use 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 with or will comply with the 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 17.550.030.A, the Department of Community Development recommends that the Critical Area Variance request for Rase be **approved**, subject to the following conditions:

a. Planning/Zoning

1. Review the linked Hearing Examiner decision for conditions of approval. The Staff Report conditions below are only recommended conditions to the Hearing Examiner and may not be valid.
2. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
3. 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.

4. 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.
 5. The decision set forth herein is based upon representations made and exhibits contained in the project application Permit #23-03173. 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.
 6. A current Building Site Application from Health District for onsite septic must be provided prior to building permit approval.
- b. **Development Engineering**
1. 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.
 2. 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.
 3. 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
- c. **Environmental**
4. Permit approval subject to conditions in the Hearing's Examiner Decision.
 5. Permit approval 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.

6. There shall be no clearing of vegetation or grading in the buffer area, as is depicted on the approved site plan. Prior to any clearing or development, please contact Development Services and Engineering Environmental staff at (360)337-5777 to confirm buffer boundaries.
7. A 42 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 7.5 feet is required from the edge of the buffer.
8. Prior to occupancy, the common boundary between the STREAM 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, and as recommended by the biologist. 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. Signs are provided at issuance and installation of the signs is required prior to final inspection and Certificate of Occupancy (CO).
9. Monitoring and maintenance permit is required. 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 the 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, 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.

d. **Traffic and Roads**

10. None at this time.

e. **Fire Safety**

11. None at this time.

f. **Solid Waste**

12. None at this time.

g. **Kitsap Public Health District**

13. None at this time.

Report prepared by:



Jennifer Kreifels, Staff Planner

June 24, 2025

Date

Report approved by:



Darren Gurnee, Department Supervisor

6/24/2025

Date

Attachments:

Attachment A – Site Plan

Attachment B – Critical Areas Map

Attachment C – Zoning Map, etc.

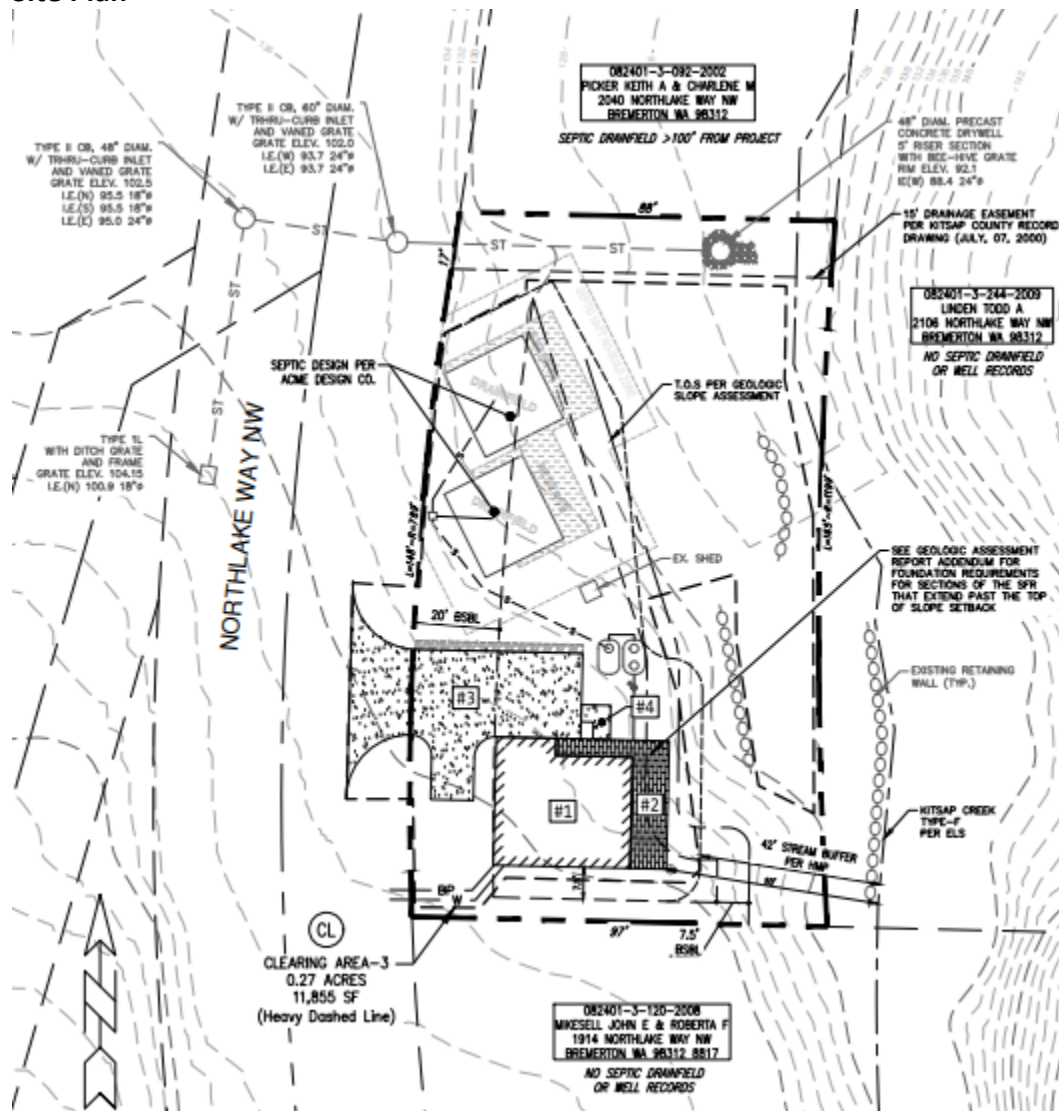
Attachment D - Mitigation Plan

Attachment E - Impact Analysis

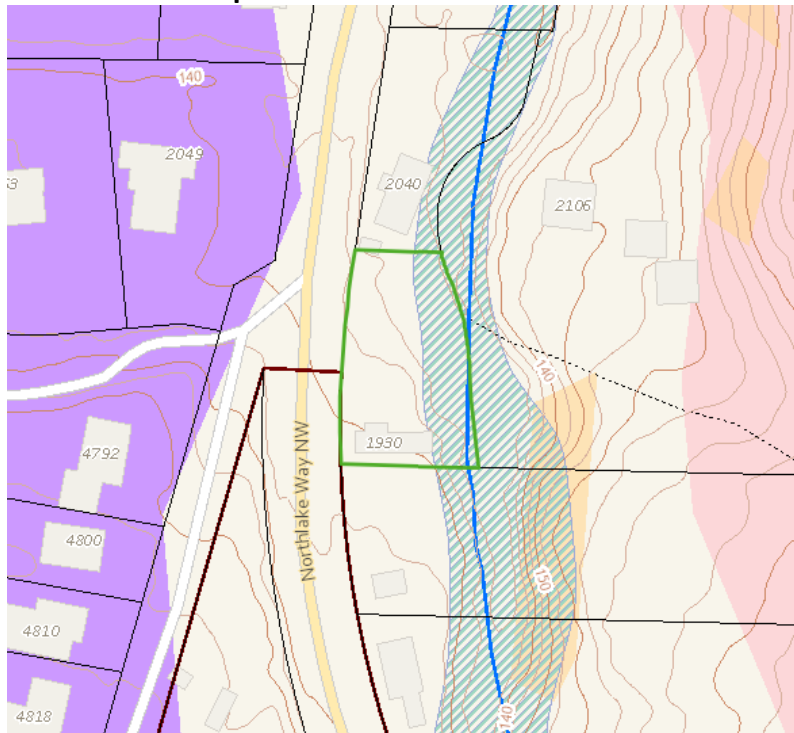
CC: Applicant/Owner: David & Gail Rase, davidrase@q.com
Project Representative: Juli Sullivan, Juli@KitsapPermits.com
Biologist: Joanne Bartlett - Eco-Land, joanne@eco-land.com

Interested Parties: Rod Malcom - Suquamish Tribe, rmalcom@suquamish.nsn.us;
 Douglas Kitchens, dougkitchens@gmail.com
 Kitsap County Health District, MS-30
 Kitsap County Public Works Dept., MS-26
 DCD Staff Planner: Jenny Kreifels

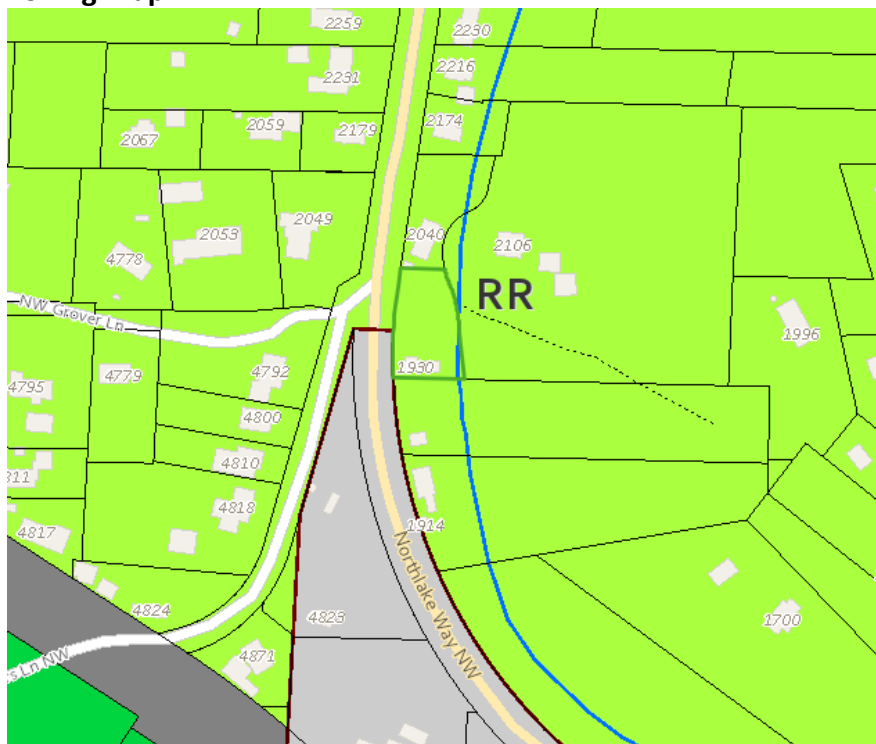
Site Plan



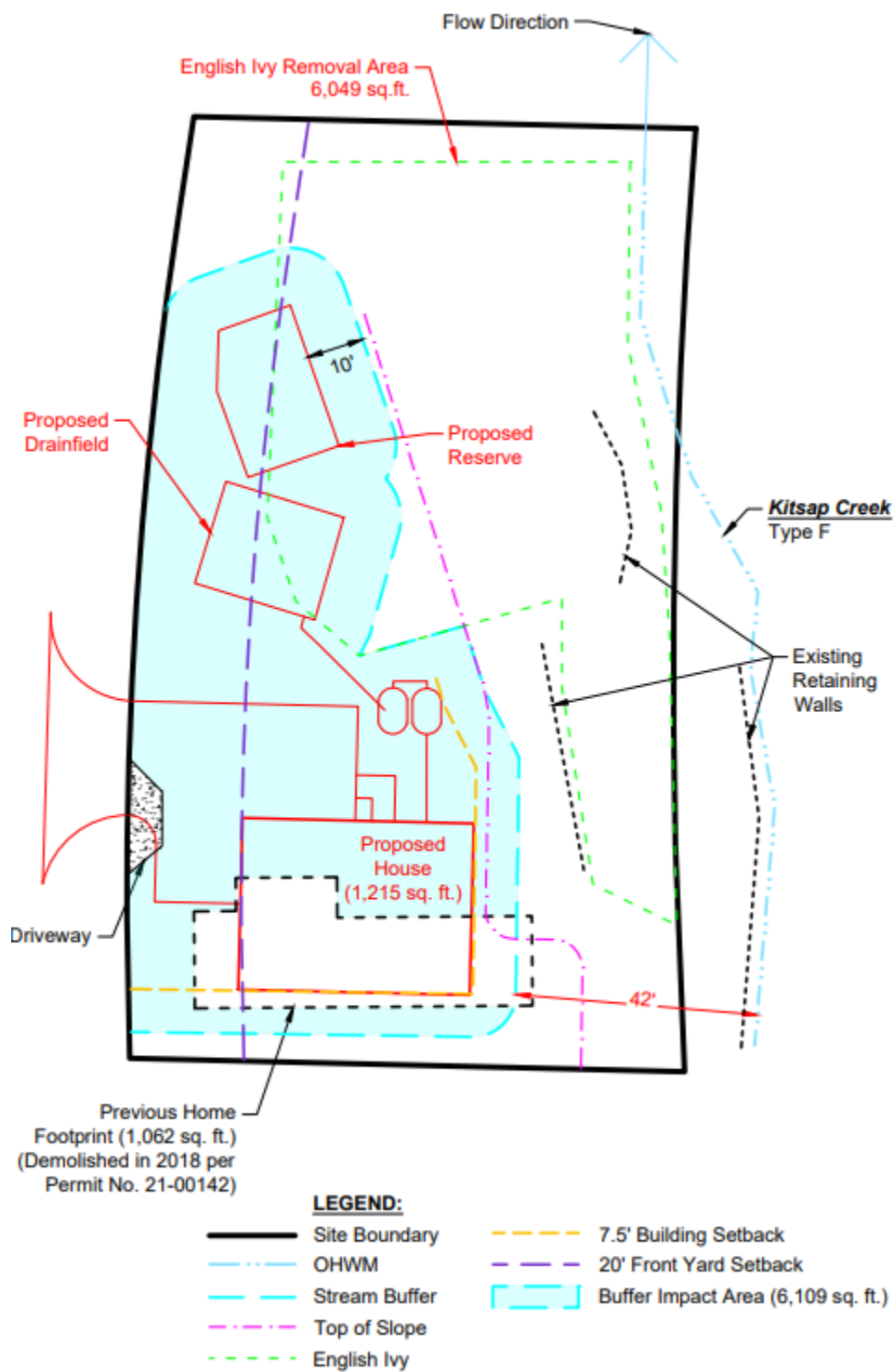
Critical Areas Map



Zoning Map



Impact Analysis by ELS (HMP Figure 8)



Mitigation Plan by ELS (HMP Figure 9)

