

# Kitsap County Department of Community Development

# Hearing Examiner Staff Report and Recommendation

**Report Date:** May 1, 2025 **Application Submittal Date:** September 30, 2024 **Application Complete Date:** October 28, 2024

**Project Name:** Morton Critical Area Variance for Single-Family Residence

Type of Application: Critical Area Variance (CVAR) Type III

Permit Number: 24-04433

#### **Project Location**

9389 Lawrence Drive S Port Orchard, WA 98367 Commissioner District 2

**Assessor's Account #** 202302-3-011-2004

#### Applicant/Owner of Record

Ryan Morton 9389 Lawrence Drive SE Port Orchard, WA 98367

#### **Recommendation Summary**

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

#### **VICINITY MAP**



#### 1. Background

The applicant proposes to develop the subject property with a new 2,300-square-foot single-family residence, along with associated infrastructure improvements including a driveway, utilities, septic system, and stormwater management facilities. To minimize impacts to on-site critical areas, the proposed project intends to utilize existing site improvements, specifically the existing driveway and utility connections, to the greatest extent feasible.

However, the subject property is almost entirely encumbered by a delineated Category III wetland (Wetland A) and its associated 110-foot buffer, significantly limiting the available area for development. Due to this constraint, the applicant is requesting a Critical Area Variance from the wetland buffer requirements outlined in Kitsap County Code (KCC) 19.200.220.A. The requested variance would authorize a reduction in the standard buffer for Wetland A, allowing development to occur as close as 33 feet from the wetland edge. This represents an approximate 70% reduction from the buffer width typically required by KCC 19.200.220.A.

Alternative buffer provisions, including buffer averaging per KCC 19.200.220.B.1 and standard buffer reduction under KCC 19.200.220.B.2, were evaluated but determined insufficient to accommodate the proposed development given the extensive critical area encumbrance on the site.

The site currently contains an existing 840-square-foot manufactured home, which will remain and continue to serve as a special care residence for the property owner's family. As part of the proposed development, the applicant has submitted a mitigation plan that includes restoration efforts within the wetland buffer. Specifically, a portion of the gravel driveway will be removed and replanted with native vegetation to enhance wetland buffer functions. In addition, an existing hogwire fence located within the wetland will be removed to further support wetland preservation and ecological function.

#### 2. Project Request

Applicant requests approval of a Critical Area Variance Reduction to reduce a wetland buffer approximately 70% to allow for the construction of a 2,300 square foot single-family residence.

#### 3. SEPA (State Environmental Policy Act)

Pursuant to WAC 197-11-800(6), the proposed variance qualifies as a categorical exemption under the State Environmental Policy Act (SEPA). This section exempts certain minor land use decisions, including variances, from SEPA review when they do not involve significant environmental impacts.

### 4. Physical Characteristics

The subject property is rectangular shaped and encompasses approximately 3.56 acres in total area. Located on the site is a Category III wetland that has been delineated at approximately 58,060 square feet. Based on the Washington State Department of Ecology wetland rating system, this wetland has been assigned a habitat score of 6, which necessitates the application of a standard 110-foot buffer from the wetland's edge.

An existing 840-square-foot manufactured home, originally constructed in 1974, is also located on the property. The structure is situated within the currently required wetland buffer; however, it predates the adoption of local and state wetland protection regulations and is therefore considered a legally established nonconforming structure.

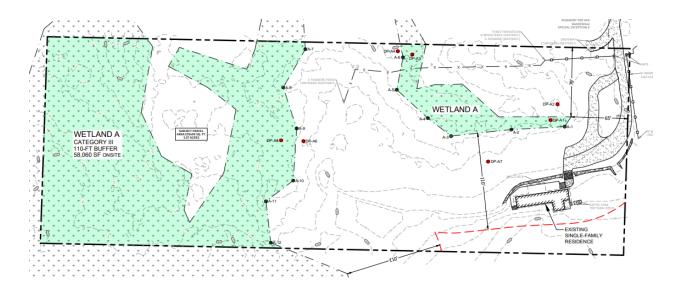


Table 1 - Comprehensive Plan Designation and Zoning

able 1 - Comprehensive Plan Designation and Zoning				
Comprehensive Plan:				
Rural Protection (RP)	Standard	Proposed		
Zone: Rural Protection				
Minimum Density	NA	3.56 acres *Lot is		
Maximum Density	1 dwelling unit/10 acres	existing, and project		
		does not propose any		
		newly created parcels		
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	NA	NA		
Surface Coverage				
Maximum Lot Coverage	NA	NA		

Applicable footnotes: NA

**Table 2 - Setback for Zoning District** 

	Standard	Proposed
Front (North)	50-feet	~135 feet
Side (West)	20-feet	~360 feet
Side (East)	20-feet	~220 feet
Rear (South)	20 feet	~40 feet

Staff Comment: Proposed SFR meets all zoning setbacks.

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning	
North	Single-Family Residence	Rural Protection	
South	Single-Family Residence	Rural Protection	
East	Single-Family Residence	Rural Protection	
West	Single-Family Residence	Rural Protection	

**Table 4 - Public Utilities and Services** 

Provider	
Water Public Utility District #1	
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 Lawerence Drive SE which is an unmaintained public right of way (ROW).

## 6. Site Design

The image below illustrates the proposed footprint of the new 2,300-square-foot single-family residence, including associated utilities and the proposed driveway extension. Also shown is the existing 840-square-foot manufactured home.

The proposed project has been intentionally designed to avoid and minimize impacts to onsite wetland. To achieve this, the applicant has prioritized the use of existing infrastructure wherever feasible. The project utilizes the existing gravel driveway and utility corridors—originally installed to serve the manufactured home—thereby reducing the need for new ground disturbance within the wetland buffer.



#### 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 December 2025, and as amended thereafter.

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

#### Land Use Policy 17.1:

Permit residential uses in rural areas in a variety of rural lot sizes consistent with the rural character of the surrounding area.

#### Environment Policy 2.3:

Provide development regulations that protect all functions and values of critical areas to ensure no net loss of ecological functions and values.

#### **Environment Policy 6.2:**

Employ Best Management Practices to protect the long-term integrity of the natural environment, adjacent land uses, and the productivity of resource lands.

#### Housing Policy 1.1:

Promote housing preservation and development in areas that are already near jobs and well-served by utilities, schools, public transportation and multi-modal options, green spaces, commercial facilities, and have adequate infrastructure to support alternative modes of transportation.

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	5/1/25	
2	Authorization Form	9/25/24	10/21/24
3	Existing & Proposed Plans	9/12/24	10/21/24
4	Project Narrative	9/30/24	10/21/24
5	Site Plan	9/12/24	10/21/24
6	Storm Drainage Report	8/16/24	10/21/24
7	Stormwater Worksheet		10/21/24
8	Submission Form	10/3/24	10/21/24
9	Wetland Mitigation Plan	9/13/24	10/21/24
10	Kitsap DE Staff Stormwater Memo	9/13/25	
11	Notice of Application	1/30/25	
12	Updated Civil Plans	3/21/25	4/7/25
13	Notice of Public Hearing	4/23/25	
14	Certification of Public Notice	4/28/25	
15	Staff Presentation		
16	Hearing Sign In		_

#### 9. Public Outreach and Comments

Pursuant to KCC Title 21, Land Use and Development Procedures, the Department gave proper public notice 800 feet around the project site for the Variance request. To date, the Department has not received written public comments on the request.

#### 10. Analysis

#### a. Planning/Zoning

The subject property is zoned Rural Protection and was legally platted through Short Plat 3485, under the Kitsap County's Auditor File: 8408020097. The proposed single-family residence meets all required zoning setbacks (Please see Table 2).

Generally, when property owners seek relief from development standards, a zoning variance is the preferred over a critical area variance, as it avoids direct impacts to environmentally sensitive areas. However, in the case of this application, a zoning variance is not a viable option due to the extent of the critical area on the subject property. The presence of critical areas and their associated buffers significantly constrain the subject property, making a critical area variance the only feasible pathway for development.

# 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 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)	3 for single-family home	3	3 (400 square feet proposed at the end of driveway)
Existing Special Care Unit	1 additional space for accessory dwelling units or accessory living quarters	1	1 (existing driveway)
Total		4	4

## 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	NA	
Landscaping		
(Sq. Ft.)		
15% of Site		
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 proposed land use application and finds the overall approach to civil site development to be supportable. This determination is based on the review of the Preliminary Drainage Report and Preliminary Engineering Plans, initially accepted for review on October 21, 2024, and as subsequently revised through additional materials submitted to Kitsap County Development Engineering.

The conceptual civil design presented in the preliminary submittal is acceptable at this stage. As a condition of land use approval, Development Engineering requires the implementation of five conditions.

#### i. Environmental

#### **Identified Critical Area: Wetlands**

There was Mitigation Plan submitted with the application prepared by Peninsula Environmental Group Inc dated September 2024. The report stated that on February 27, 2024, Peninsula Environmental Group, Inc. conducted a site investigation of the subject property and identified one wetland (Wetland A) located on-site. Based on delineation and assessment using the Washington State Wetland Rating System for Western Washington, Wetland A is classified as a Category III wetland with a moderate habitat score of six points. In accordance with Kitsap County Code 19.200.220.A and Table 19.200.220(C), a standard buffer of 110 feet applies to Category III wetlands with moderate habitat scores when associated with a moderate-intensity land use such as the proposed development. Additionally, pursuant to KCC 19.200.220.E, a 15-foot building and impervious surface setback is required from the outer edge of the wetland buffer.

No additional regulated wetlands, waterbodies, or fish and wildlife habitat conservation areas were identified on the property or within 250 feet of its boundaries according to the submitted report.

Wetland	Category	Habitat Score	Proposed/Potential Future Land Use Intensity	Standard Buffer Width <sup>1</sup>
A	III	6	Moderate	110

<sup>1.</sup> Wetland buffer width for Category III wetlands per KCC 19.200.220.A Table 19.200.220(C).

#### **Mitigation Sequencing**

KCC 19.200.230. A outlines the required mitigation sequencing steps that applicants must follow when proposing development within or adjacent to critical areas. The intent of this provision is to ensure that impacts to critical areas are avoided and minimized to the greatest extent feasible before any mitigation is considered. The following describes each step of the mitigation sequence as it applies to the submitted proposal.

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

Staff Comment: Avoiding the proposed project all together would be a determent to the applicants. The subject property is zoned for residential use and is intended to support a single-family dwelling, the inability to construct a new and larger single-family residence would result in a substantial limitation on the property's development potential.

The proposed project has been strategically designed to avoid impacts to critical areas wherever possible, and no direct impacts to Wetland A will occur. However, Wetland A and its required buffer cover a substantial portion of the property. In addition to this constraint, suitable areas for residential development are further limited by steep slopes and the location of an existing well and septic system in the southeast corner of the site.

The applicant considered buffer averaging (per KCC 19.200.220.B.1) and standard buffer reduction (per KCC 19.200.220.B.2) to minimize impacts. However, due to the significant area affected by Wetland A and its buffer, these options do not provide adequate relief to accommodate the proposed development. Therefore, the applicant is requesting a variance from the standard buffer requirements under KCC 19.100.135

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.

Staff Comment: The proposed residence is sited in the southeast portion of the property, within an area previously disturbed and currently vegetated with younger,

secondary-growth trees. This location was intentionally selected to avoid impacts to the portions of Wetland A located in the northeastern portion of the site, as well as to preserve mature, higher-functioning coniferous forest habitat.

To minimize potential water quality and hydrologic impacts to Wetland A and its buffer, stormwater generated from new impervious surfaces will be collected and dispersed as sheet flow within the buffer area. In addition, appropriate best management practices (BMPs) and temporary erosion and sediment control (TESC) measures will be implemented throughout construction to further reduce the risk of environmental impacts.

- 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.

Staff Comment: Applicant indicates Wetland A cannot be reestablished, rehabilitated, or restored. However, a component of the project will be to remove the existing concrete driveway and reduce existing buffer impacts. Staff does agree with applicant on the proposed mitigation strategy.

- b. The proposed permanent impacts to the buffer of Wetland A cannot be reestablished, rehabilitated, or restored. However, as part of the project, 1,409 square feet of existing concrete driveway within the buffer will be removed, thereby reducing the overall footprint of existing impacts. This area will be restored with native trees, shrubs, and groundcover. In addition, approximately 260 linear feet of existing hogwire fencing are located within portions of Wetland A and its buffer will be removed to facilitate wildlife movement. The project also includes enhancement of 49,838 square feet of buffer area through the removal of non-native invasive species and the interplanting of native shrubs and groundcover to improve habitat quality and visual screening between Wetland A and the proposed development. Temporarily disturbed areas within the wetland and buffer resulting from restoration or utility installation activities will be replanted and restored. Collectively, these mitigation efforts will result in no net loss of wetland or buffer functions.
- 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: The restoration and enhancement areas will be monitored for a period of 5 years consistent with the requirements of KCC 19.200.230.E. Please see Condition 17.

# 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.

Staff Comment: The applicant is requesting a variance from the standard buffer requirements of KCC 19.200.220.A, as the subject parcel is substantially encumbered by Wetland A and its associated buffer, significantly limiting the buildable area. The administrative provisions for buffer averaging and reduction under KCC 19.200.220.B.1 and B.2 are insufficient to accommodate reasonable development of a single-family residence on the site. The proposed residential development is consistent in use and intensity with adjacent parcels, which are developed with single-family dwellings and related infrastructure.

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

Staff Comment: The special circumstances on the subject property are attributable to existing natural site conditions and are not the result of actions taken by the applicant or any prior property 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.

Staff Comment: The application is not anticipated to result in detrimental impacts to identified critical areas or to the public welfare. It will not be injurious to surrounding properties or improvements, and it is consistent with the goals, policies, and purpose of KCC Title 19 – Critical Areas Ordinance. Stormwater runoff associated with new impervious surfaces will be managed through dispersion as sheet flow into the wetland buffer, thereby minimizing potential water quality and hydrologic impacts. As part of the project, the existing driveway will be reconfigured to reduce its footprint within the buffer of Wetland A, and approximately 260 linear feet of existing hogwire fencing

located within Wetland A and its buffer will be removed to enhance wildlife passage. All temporarily disturbed areas will be restored with native vegetation to support buffer function. In addition, approximately 49,838 square feet of wetland buffer will be enhanced through the removal of non-native, invasive species and the interplanting of native shrubs and groundcover to improve habitat quality and visual screening between Wetland A and the proposed development. Collectively, these actions will result in a no net loss of wetland or buffer functions.

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

Staff Comment: The proposed single-family residence has a footprint of approximately 2,300 square feet, which constitutes a modest residential structure in the context of surrounding development and typical single-family home sizes. The existing 840 manufactured home will remain, but no other outbuildings or garages are proposed.

5. No other practicable or reasonable alternative exists.

Staff Comment: Given the substantial encumbrance of the site by Wetland A and its associated buffer, there are no practicable or feasible alternatives for siting the proposed development that would result in reduced impacts to critical areas. The location and design of the proposed residence have been carefully considered to minimize disturbance to regulated resources to the maximum extent possible while still allowing for reasonable use of the property. Other options such as a zoning variance would not provide relief.

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

Staff Comment: The application included a Mitigation Plan prepared by Sound View Consultants dated September 13, 2024. The mitigation proposed in the report was in support of the requested variance and will offset unavoidable impacts to the wetland buffer. As part of the proposed mitigation measures, the existing driveway will be reconfigured to reduce its footprint within the buffer of Wetland A. Additionally, approximately 260 linear feet of existing hogwire fencing located within portions of Wetland A and its buffer will be removed to enhance ecological connectivity and wildlife passage. All areas temporarily disturbed by these activities will be fully restored with native trees, shrubs, and groundcover to reestablish vegetation and buffer functions. Furthermore, approximately 49,838 square feet of existing wetland buffer will be enhanced through the targeted removal of non-native invasive species and interplanting of native vegetation to improve habitat quality and visual screening. Collectively, these mitigation actions are designed to ensure no net loss of wetland or buffer functions on the subject site. Please see Condition 17.

#### j. Access, Traffic and Roads

No comments at this time.

#### k. Fire Safety

No comments at this time.

#### I. 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.
- 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.

#### 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 Morton Critical Area Variance request be **approved**, subject to the following 18 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 #24-04433. 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.
- 5. Issuance of this permit certifies that the applicant has read and examined this application and knows the same to be true and correct. All provisions of Laws and Ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state/local law regulating construction or the performance of construction.

#### b. Development Engineering

6. 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

- 7. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Full Drainage Site Development Activity Permit (SDAP) from Development Engineering.
- 8. 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.
- 9. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP (or for the Building Permit if an SDAP is not required) for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.
- 10. 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

11. 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.

- 12. 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.
- 13. 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.
- 14. 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.
- 15. 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.
- 16. The project shall adhere to the mitigation measures and recommendations within the approved Conceptual Mitigation Plan, dated September 13, 2024, prepared by Soundview Consultants LLC.
- 17. 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.

d. Traffic and Roads

N/A

e. Fire Safety

N/A

f. Solid Waste

N/A

g. Kitsap Public Health District

18. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.

Report	prepared	by:
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Jeff Smith, Senior Planner

April 21, 2025

Date

Report approved by:

4/24/2025

Darren Gurnee, Planning Supervisor Date

#### **Attachments:**

Site Plan Zoning Map Civil Site Plan

CC:

Owner/Applicant: Ryan Morton, <a href="mailto:rmorton7577@outlook.com">rmorton7577@outlook.com</a>
Biologist: Alex Murphy, <a href="mailto:amurphy@soundviewconsultants.com">amurphy@soundviewconsultants.com</a>

Engineer: Kallie Maas, kallie@mcinnisengineering.com

Interested Parties: Chris Porter, <a href="mailto:chris.porter021@gmail.com">chris.porter021@gmail.com</a>; Dan Bossuyt,

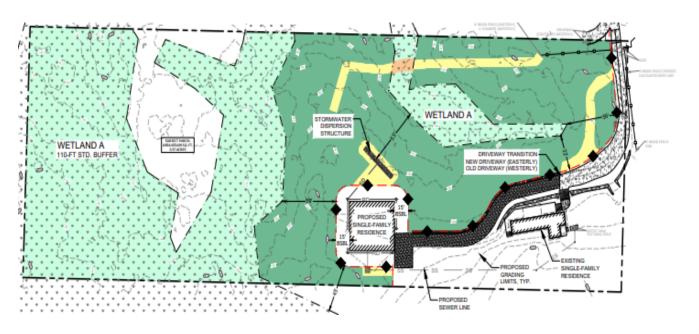
danboss 13@yahoo.com; Brian Nathanson, NO CONTACT INFORMATION PROVIDED;

Brandon Vukelich, <u>bvukelich@gmail.com</u>

Kitsap County Health District, MS-30 Kitsap County Public Works Dept., MS-26

DCD Senior Planner: Jeff Smith

# Site Plan



# **Zoning Map**



# **Civil Site Plan**

