



Notice of Revised Administrative Decision (following Remand)

Date: 05/22/2024

To: **Applicant/Owner:** Taylor Morrison Northwest LLC, LRowse@taylormorrison.com
Authorized Agents: Eric Clarke w/Core Design, eclarke@coredesigninc.com;
Richard Rawlings, rrawlings@taylormorrison.com
Lisa Cavell, lcavell@taylormorrison.com
Jeff Thomas, jethomas@taylormorrison.com
Core Design, Inc., permits@coredesigninc.com
Interested Parties and Parties of Record

RE: Permit Number: 22-02629
Project Name: Arborwood Critical Area Buffer Reduction
Type of Application: Critical Area Buffer Reduction (CABR, Type I)

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit #22-02629 Arborwood Critical Area Buffer Reduction (CABR, Type I)**, **subject to the conditions outlined in this Notice and included Staff Report.**

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS TIMELY APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.

The written appeal shall be made on, or attached to, an appeal form titled: *'Appeal/Objection of an Administrative Decision'* found on DCD's website, through the Online Permit Application Portal: <https://app.oncamino.com/kitsapcounty/login>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777.

CC: Applicant/Owner: TAYLOR MORRISON NORTHWEST LLC, LRowse@taylormorrison.com;
Authorized Agents: Eric Clarke w/Core Design, Inc., eclarke@coredesigninc.com; Core Design, Inc., permits@coredesigninc.com; Richard Rawlings, rrawlings@taylormorrison.com; Lisa Cavell, lcavell@taylormorrison.com; Goldsmith Engineering, tclements@goldsmithengineering.com; PULTE HOMES OF WASHINGTON INC.: Jeff Thomas, jethomas@taylormorrison.com; Nicholas Lavaring,

nicholas.lavaring@pulte.com; Tyler Wilcox, tyler.wilcox@pultegroup.com; Mujib Kamawal, mujib.kamawal@pultegroup.com

Biologist: Joanne Bartlett, ELS, Inc. joanne@eco-land.com

Geotechnical Engineer: Carolyn Decker, Terra-Associates cdecker@terra-associates.com

Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

Kitsap County Prosecutor's Office

DCD

DSE

DCD Staff Planner: Steve Heacock, Jeff N. Smith

Interested Parties: Betsy Cooper, betsycooper1@gmail.com; Shawn M Gibbs, shawngibbs1@yahoo.com; Joe Lubischer, jslubischer@gmail.com; Julia Moreland, juliemail7@gmail.com; Marc Hershfield – WSDOT, hershfm@wsdot.wa.gov; Glen Kalisz – WSDOT, KalisGL@wsdot.wa.gov; Hillbend Lane POA, hillbendpoa@gmail.com; Jon Rose, jon.rose@raydient.com



REVISED STAFF REPORT FOLLOWING HEARING EXAMINER REMAND

Report Date: May 16, 2024

Application Submittal Date: 05/26/2022

Application Complete Date: 03/01/2023

Partial Remand Decision from Appeal 23-03375
2/5/2024 and 2/28/2024

Project Name: Arborwood Critical Area Buffer Reduction

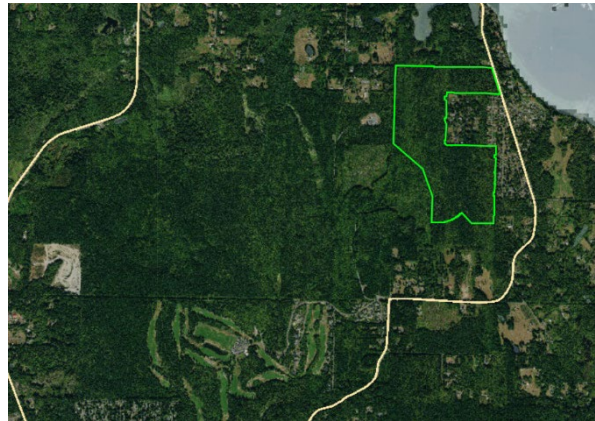
Type of Application: Critical Area Buffer Reduction (CABR, Type I)

Permit Number: 22-02629

Project Location

The project is located west of the intersection of NE South Kingston Rd and Taree Drive NE, in Kingston, WA Commissioner District 1 (North)

VICINITY MAP



Assessor's Account

352702-3-010-2004

Applicant/Owner of Record

Taylor Morrison Northwest
13810 SE Eastgate Way
Bellevue, WA 98005

Recommendation Summary

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

Appeal and Remand Summary

Please note that revised information in the following report addendum will be marked as an ***italicized correction*** and/or clarification with an associated applicant responses or report information in ***italic underline***, and staff comment and summary in ***italic underline bold***. Previous report Staff analyses used the ***italic Bold format***. ***We have noted there are previous report headings in italic bold underline, which have been corrected to bold italic.***

The appeal outcome of this Critical Area Buffer Reduction permit was ordered February 5, 2024, (Findings, Conclusions, and Decision in the Matter of the Appeal of the Critical Area Buffer Reduction Notice of Administrative Decision No. 22-02629 "Decision") with an associated Request for Reconsideration February 28, 2024 Order on Motion for Reconsideration and

Clarification in the Matter of the Appeal of the Critical Area Buffer Reduction Notice of Administrative Decision No. 22-02629 (“Order on Reconsideration”).

The Hearing Examiner remanded the CABR to the County for the following limited purposes:

1. Pursuant to Conclusion of Law 50, the Decision directs staff to modify the CABR to include a new condition of approval requiring buffer averaging not result in buffer widths of less than 100-feet for Wetland P2.
2. Pursuant to Conclusion of Law 51, the Decision directs staff to determine whether the revised alignment of the Spine Road will comply with applicable provisions of the Kitsap County Code (“Code” or “KCC”).
3. Pursuant to Conclusion of Law 106, the Decision and Order on Reconsideration directs staff to conduct additional decision making on the following: “Additional consideration and analysis of fill construction is required to determine compliance with former KCC 19.200.220.F, requiring a minimum construction setback from all critical area buffers, and whether calculations for buffer averaging continue to meet KCC 19.200.220.C.1.a.(1) through (5).”

Pursuant to the Hearing Examiner’s Decision and Order on Reconsideration, Taylor Morrison Northwest LLC (“Taylor Morrison”) has submitted additional materials to supplement the original CABR application. These supplemental materials are intended to address the aforementioned issues required by the Hearing Examiner as part of the County’s analysis on remand. (From Exhibit 8) The enclosed materials include:

- Heacock Letter 4/5/2024 letter from VanNess Feldman to Steve Heacock (Exhibit 8)
- Arborwood North Fill Specifications for Slopes Within Wetland Buffers 5/3/2024 (Exhibit 9)
- Updated Arborwood North Spine Road “A” Extension site plan, showing the revised alignment of the Spine Road. (Exhibit 10).
- Arborwood Supplemental Critical Areas Report, Ecological Land Services, Inc., 4/5/2024 (Exhibit 11).

Adjusted Spine Road Location

As part of the Decision, the Hearing Examiner found that “the parties stipulated and agreed to a modified condition of approval for the CABR requiring that the Wetland P2 buffer must be at least 100 feet at all points.” As a result, the Hearing Examiner remanded the CABR, in part and “direct[ed] staff to modify the CABR to include the Proposed Condition as a new condition of approval.” As shown in the Updated Arborwood North Spine Road “A” Extension site plan and Supplemental Critical Areas Report, Taylor Morrison has revised the location and design of Spine Road A in compliance with the Hearing Examiner’s order. Specifically, the Spine Road and associated pedestrian pathway have been shifted from its original proposed location, which was less than 100 feet from the Wetland P2 edge to a location that is 117 feet east of Wetland P2. Because of this revision, the location of the Spine Road and adjacent pedestrian pathway are both outside the required 100-foot Wetland P2 edge and are also set back over 15-feet from the

Wetland P2 buffer. Taylor Morrison will submit design and construction level detail plans to the County as part of separate site development activity permit re-submittals and future applications (from Exhibit 8).

1. Background

Taylor Morrison Northwest, LLC (hereafter, “the Applicant”) has purchased the northern portion of the vested Preliminary Plat (PP) and Performance-based Development (PBD), Arborwood. Arborwood is a planned residential development located west of South Kingston Road in the Kingston area of Kitsap County. The applicant is developing phases 4, 5 and the northern portion of phase 6 as defined in a preliminary plat amendment processed in 2022 to demark development plans for two owners, Taylor Morrison NW, and Pulte Homes of Washington. Development is planned in phases beginning at the southwest corner in Phase 1 (Divisions 1 and 2), currently under construction by Pulte Homes. The undeveloped portions of the property are in commercial timberland so there are areas of forest and clear cuts with existing roads and logging trails.

Phase 4 of Arborwood is located at the north end of the development, lying north of NE Hillbend Lane and west of South Kingston Road NE. Phases 5 and 6 are located west of NE Hillbend Lane and west of Taree Division 2, respectively, and will be accessed by the proposed road through Phase 4, which originates at the northeast corner of the Arborwood development. The associated Spine Road A connects with the road from the south end near the Phase 3/5 boundary. Currently there is no road access except from the end of Hillbend Lane where the old logging road begins and extends south through Phase 6. Associated Site Development permits and building permits are in review and are pending this buffer CABR approval.

2. Project Request

The proposal is for the review of a Critical Area Buffer Reduction (CABR) for the reduction of category I and II wetland buffers from 200 and 150 feet respectively, using buffer averaging (up to 50 percent) and minimized areas of buffer reductions (up to 25%) for areas necessary for the construction of roads, trails, utilities, and infrastructure. Buffer reductions of associated standard F-type stream buffers from 150 feet to 75 feet a (50% reduction) and incorporating buffer averaging (not to exceed a 25 percent reduction, from 150 feet to a reduced buffer of 112.5 feet) are also reviewed with this request. This Critical Area Buffer Reduction permit is a variance and is subject to a Type I process with Director’s approval. **Note that in review of the remand the CABR is not a type of variance but is a review procedure for reducing buffers administratively per the provided statutes in KCC 19.200 and 19.300 whereby wetland and stream buffers can be administratively reduced by up to 25%, and buffer averaging of up to 50% of the required buffer may be adjusted on site to balance reductions and extensions of buffers on site. The procedure is a Type 1 process with Director’s approval, per KC21.04.100.** The associated land use Site Development Activity Permits (SDAP’s) and building permits are also subject to the conditions of approval for this CABR report, as follows: LSUB SDAP 21-06120; SDAP Grading 3, Phases 4, 5, and portions of phase 6 Early Clear and Grade permit 22-00374; LSUB SDAP Spine

Road A 22-00785; North bridge permit 22-01582, and South bridge permit 22-01583.

3. SEPA (State Environmental Policy Act)

***The exemption from SEPA for certain variances (WAC 197-11-800 6 (e) does not apply as the CABR is not a variance, however the Development Agreement and Major Plat Alteration from 2009 provides SEPA analysis for the project which was already completed for all implementing approvals. Additional SEPA analysis is not necessary, absent major changes.**

* NOTE: In addition to the aforementioned statute, the related buffer reductions were reviewed as part of the approved minor plat amendment for this phase of the development, which was addressed in a SEPA addendum for that permit. **The permit number for the approved Minor plat amendment is 21-05805. The SEPA addendum specific to the buffer reduction reviewed are noted, as follows: “The addendum provides additional information about the Minor Plat Amendment. The modification and the impacts of these modifications are within the range of the alternatives and environmental impacts previously analyzed in the July 23, 2009, MDNS, and additionally within the previous addendum issued November 19, 2019. This addendum does not substantially change that analysis (see WAC 197-11-600). The addendum does the following:**

1. Describes modifications to the project per the revised submittal received and deemed complete on February 24, 2022, including revised plat ownership, clarified project phasing, reconfiguration of lots, revisions for stormwater control, a revised wetland report, and modification of lot numbers and locations, and revisions to the spine road designs and associated stream crossings incorporating wildlife corridor and crossing elements.

2. All conditions of the Hearing Examiner’s Decision for Permit 07-04766 and the associated Developer’s Agreement dated February 8, 2010, shall be adhered to. All previous land use actions and conditions shall apply including required SEPA substantive traffic and Right of Way mitigation conditions.”

4. Physical Characteristics

The project area has undergone land use manipulations prior to (predominant) pre-European settlement when ancestors of the Suquamish Tribe lived, hunted, and gathered food and resources from these lands. The land was later harvested for timber by European and Asian settlers beginning in the mid-to late 19th century when the region was logged, cleared, farmed, and settled. The project area has historically been managed as forest land where skid roads, rail logging and later log truck roads were built to transport timber to markets and mills.

The project site is a forested property with an approximately 40-year-old even-aged stand of timber within significant wetlands, slopes, and streams. The timber stands are comprised of Douglas fir, Western Red Cedar, and Red Alder with predominant understory vegetation of assorted forbs, salal, sword fern, Oregon grape, Salmonberry, Red elderberry, Indian plum, Twinberry and Beaked hazelnut. The subject phases of this review (Phases 4, 5 and 6 north) incorporate approximately 162-acres. The property is generally dominated by two drainage

systems, Crabapple Creek to the west, and Kingfisher creek to the east. The creek systems also include significant riparian and sloped wetlands that attenuate stream flows which transmit surface and spring water from north to south into Appletree Cove. An existing plat of the Hillbend community is located to the east and is comprised of Urban low designated single-family homesites. The Taree community is located to the north and east. Development is focused on the eastern portion of the property, and significant wetland areas will be protected. The plat is a vested subdivision and most recently had been the subject of a major plat amendment (2009) to revise the development area into the associated Urban Cluster Residential zoning, per the adopted December 2006 Comprehensive Plan. In order to densify the re-zoned urban cluster residential property, wetland and stream buffer averaging was implemented as part of the plat and associated performance-based development application to compress development, incorporate wildlife corridors, and minimize land impacts to incorporate buffer reductions of up to 25 percent, and wetland averaging by up to 50 percent.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban Low Density Residential Zone: Urban Cluster Residential (UCR)	Standard	Proposed
Minimum Density	5 dwelling units/acre	N/A - Subject property is an existing parcel subject to the PP, PBD and Development agreement
Maximum Density	9 dwelling units/per acre	
Minimum Lot Size	N/A	N/A
Maximum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Maximum Height	35 feet	N/A
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	N/A	N/A

Applicable footnotes: None

Staff Comment: The proposal meets applicable standards for the UCR zone.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front	N/A	N/A
Side	N/A	N/A
Rear	N/A	N/A

Applicable footnotes: None
 Staff Comment: None

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residences	Urban Low (UL)
South	Single-family residences	Rural Residential (RR)
East	Single-family residences	Urban Low (UL)
West	Single-family residences	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County Public Works
Police	Kitsap County Sherriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #400

5. Access

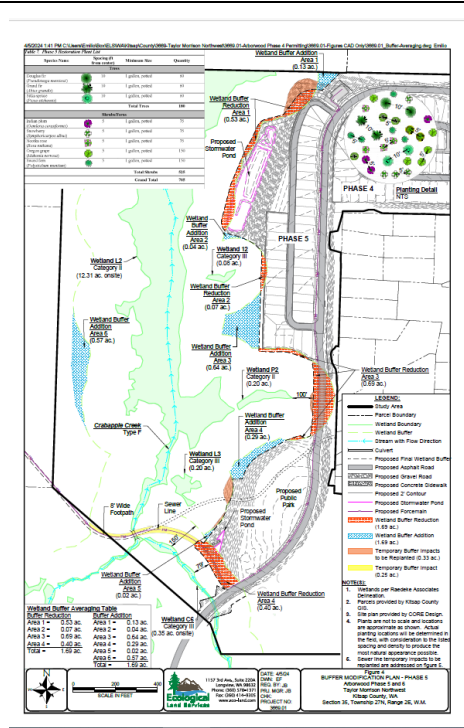
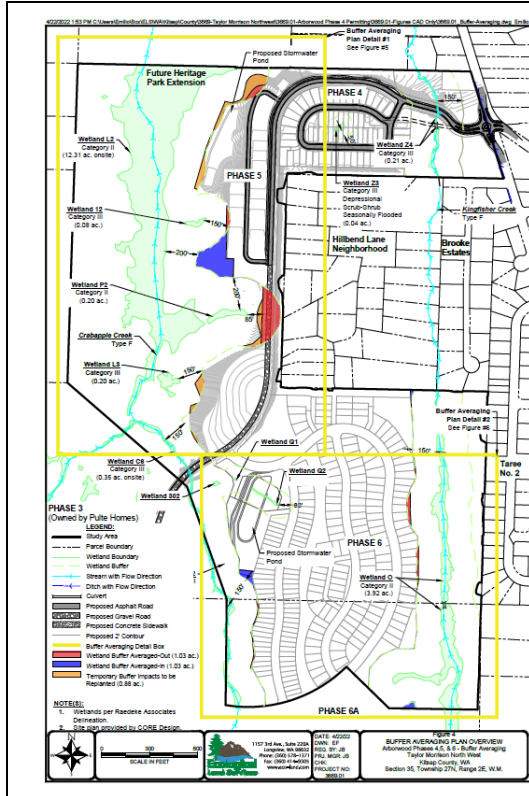
The site has existing access from South Kingston Road NE via a planned access road, NE Arborwood Drive, located west of the intersection of Taree Drive NE. The road will be conveyed through the property via a spine road connection to NE Whitehorse Drive.

6. Site Design

The image on the page below shows the proposed buffer averaging and reduction plans. **Staff has included the revised wetland buffer mitigation plan from ELS (from Exhibit 11)** Please see the associated Wetland Buffer Mitigation Plan by Ecological Land Services, Inc. (Dated September 2022, exhibit 3) for details. Please also find the revised Wetland Buffer Mitigation Plan by Ecological Land Services and the revised site plan. **Per the remand order (Pursuant to Conclusion of Law 50, the Decision directs staff to modify the CABR to include a new condition of approval requiring buffer averaging not resulting in buffer widths of less than 100-feet for Wetland P2), the site plan provided by Ecological Land Services, dated April 3, 2024 (provided in the second submittal as Exhibit 11), is presented here as the corrected Critical Area site plan of record. The plan shows the 100-foot buffer for wetland P-2, including an additional 17-feet of setback proposed by the applicant in excess of the code requirement referenced in KCC 19.200.220. F (building or impervious Surface Setback Lines, per the associated vested Critical Area Ordinance. The associated North Spine Road "A" Extension site plan (Exhibit 10) is the revised site plan of record.**

Original buffer mitigation Plan

Revised buffer mitigation plan



Revised Buffer Mitigation Plan (Exhibit 11, Fig 4)

Revised Site Plan (exhibit 10)

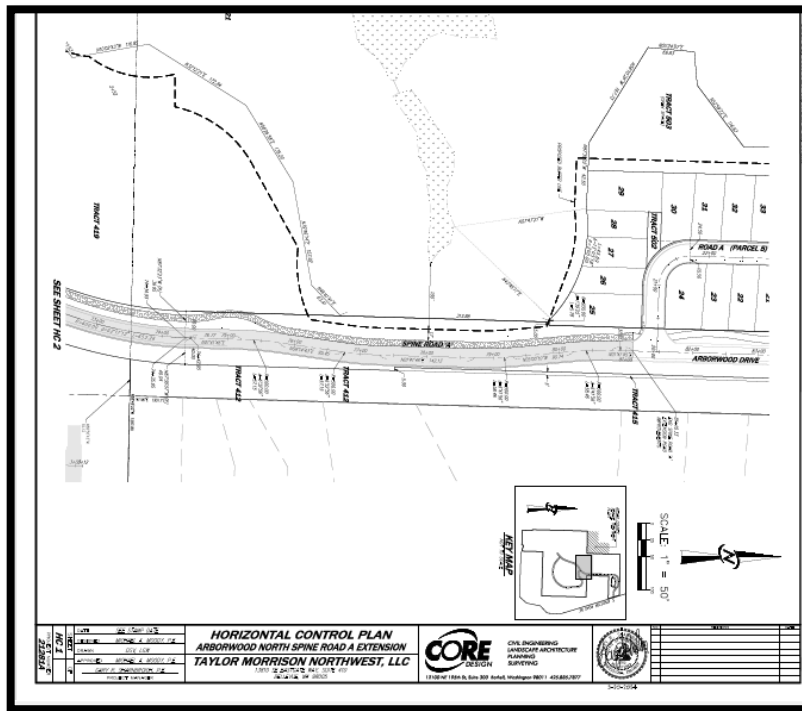
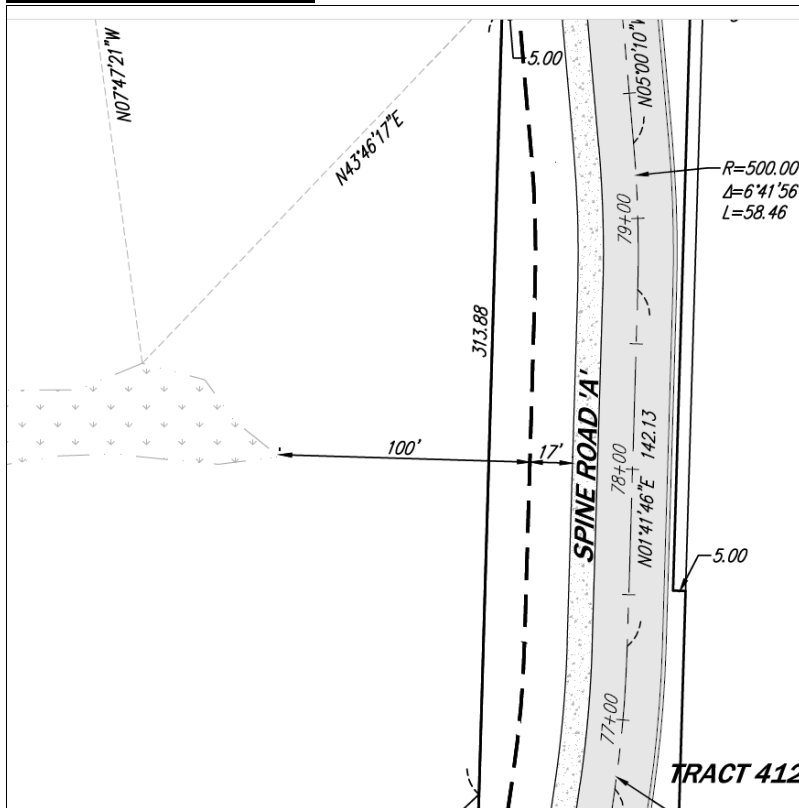


Exhibit 10 enlargement



The plan shows the 100-foot averaged buffer for L2/P2 and proposed additional 17 feet

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 11, 2006 (this is a vested date).

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

Land Use Goals and Policies

Goal 6. Encourage and reinforce development patterns within UGAs that are distinct from those in rural areas.

Policy LU-20 Encourage compact development patterns within UGAs, allowing for efficiencies in transportation and utilities, as well as public and capital facilities.

Policy LU-21 Encourage infill development on vacant and underutilized lands within UGAs.

Policy LU-22 Encourage development patterns in UGAs that support pedestrian connectivity between neighborhoods and community destinations where possible.

Policy LU-23 Encourage development patterns in UGAs that support and encourage transit use, such as in and around more intensive nodes of mixed-use development along major transportation corridors, and major employment centers.

Goal 11. Encourage new residential growth to locate within designated UGAs at higher densities than in rural areas.

Policy LU-43 Require all new residential development within the UGA to achieve minimum densities except where lower densities are appropriate to recognize the presence of critical areas including streams, wetlands, fish and wildlife habitat, geologically hazardous areas, flood-prone areas, and aquifer recharge areas.

Policy LU-44 Allow for flexible development standards in residential zones.

Goal 12. Provide a variety of housing types within UGAs to meet the housing needs of all Kitsap residents.

Policy LU-46 Provide development standards that allow for a range of housing types such as single-family, clustered, duplexes, townhouses, zero lot-line, condominiums, and manufactured homes.

Goal 14. Provide residential areas with convenient access to transportation, urban amenities, and goods and services.

Policy LU-55 Encourage urban amenities such as open space, plazas, and pedestrian features in areas of more intensive development within UGAs.

Policy LU-57 Encourage non-motorized and pedestrian linkages in UGAs.

Policy LU-60 Encourage development in residential zones to occur in a manner that results in the design and construction of an interconnected system of pedestrian and bicycle trails linking residential neighborhoods with open spaces, recreational areas, transportation corridors and retail and employment opportunities.

Policy LU-61 Encourage development in residential zones to occur in a manner that results in the design and construction of an interconnected system of open space linking designated open spaces, critical areas, and recreational areas with wildlife corridors.

Goal 23. Ensure that privately owned open space meets its intended purpose.

Policy LU-112 Require open space in performance based and master planned developments to be contiguous within the site plan to the extent possible, encourage such spaces to be contiguous with preserved open spaces on adjacent sites, and require public access for trail linkages when appropriate.

Policy LU-113 Encourage homeowner associations and property owners to work with parks agencies and land trusts to effectively maintain buffers and open space within and around developments and form active partnerships with community groups to effectively maintain natural areas, trails, and greenways.

Goal 29. Prevent the loss of life, property damage, and environmental degradation from stormwater and related flooding and contaminants using appropriate regulatory means.

Policy LU-131 Implement development regulations to manage stormwater to a) protect human life and health; b) protect private and public property and infrastructure; c) protect resources such as shellfish beds, eelgrass beds, kelp, marine and freshwater habitat and other resources; d) prevent the contamination of sediments from urban runoff; and e) achieve standards for water and sediment quality by reducing and eventually eliminating harm from pollutant discharges.

Policy LU-132 Implement development regulations that avoid, minimize, and mitigate unavoidable erosion, sedimentation, and stormwater runoff problems including stream and shoreline erosion related to land clearing, grading, development, and roads.

Policy LU-133 Implement development regulations to control stormwater runoff that meet or exceed the state's minimum stormwater technical requirements. Require stormwater facilities concurrent with development. Emphasize source control for stormwater and nonpoint pollutants. Emphasize water quantity and quality protection of natural drainages, fish and wildlife habitat and wetlands. Utilize infiltration to the fullest extent practicable to minimize downstream impacts and maximize groundwater resources.

Policy LU-134 Protect property from excess stormwater runoff, erosion, and sedimentation.

NATURAL SYSTEMS

Goal 1. Protect public safety and health, maintain water quality and habitat, minimize erosion of soils and bluffs, and diminish the public cost of repairing areas from damage due to landslides, erosion, and seismic activities.

Policy NS-1 Ensure that development in geologically hazardous areas occurs in a manner that poses no hazard to health or property and that minimizes impacts to the natural environment, including stream and shoreline processes.

Policy NS-4 Review building and land use applications in geologically hazardous areas to see that public health, safety and welfare are protected.

Policy NS-5 Restrict development in Geologically Hazardous Areas unless the site is demonstrated by a qualified geotechnical to be suitable for building.

Goal 4. Protect the water quality, flows and ecological integrity of rivers, streams, lakes, wetlands, the Puget Sound and Hood Canal by appropriately regulating through the development review process stormwater and land use while allowing for compatible growth and development.

Policy NS-19 Protect marine and fresh surface water resources by ensuring that development, including rights-of-way, in critical areas is consistent with the CAO, Shoreline Management Master Program, and other applicable local regulations.

Policy NS-20 Evaluate, avoid, minimize, and mitigate unavoidable impacts to surface water quality and quantity during the planning and development review process. Consider the cumulative impacts of existing and future development on surface water quantity and quality.

Policy NS-21 Require native vegetation buffers along streams and wetlands to protect the functions and values of those surface waters.

Policy NS-22 Strive to achieve no net loss of wetland function in the short term, and a measurable gain of wetland function in the long term, in the following manner: Avoid direct impacts on wetlands and buffers; minimize direct impacts to wetlands and buffers; and mitigate impacts through creation, restoration, or enhancement of wetlands or buffers.

Goal 8. Preserve the biological diversity of Kitsap County and Puget Sound by appropriately regulating terrestrial and aquatic habitat areas.

Policy NS-35 Minimize habitat fragmentation and maximize connectivity of open space corridors when designating land use and zoning classifications and reviewing development proposals.

Policy NS-36 Identify and protect habitat conservation areas throughout Kitsap County, where appropriate.

Policy NS-40 Require vegetative buffers along surface waters to protect fish and wildlife habitat. Larger or enhanced buffer areas may be required to adequately protect priority fish and wildlife species. Buffer enhancement, restoration, and/or mitigation shall be required where buffers have been degraded or removed during new development.

Policy NS-42 Encourage developers to protect continuous corridors of native vegetation wherever possible, to disturb as little natural vegetation as feasible, and to enhance or restore wildlife habitat by transplanting or planting native vegetation in the developed landscape.

Policy NS-43 Encourage cluster development to protect fish and wildlife habitat and, where possible, plan cooperatively with adjacent property owners to provide maximum habitat potential.

TRANSPORTATION

Goal 14. Maximize the opportunity for non-motorized travel, including development of greenways that are safe for all ages.

Policy T-63 Require the provision of accessible bicycle/pedestrian facilities within the roadway system of new developments.

Goal 15. Build a greenways network of non-motorized on-road commuter trails and off-road recreational trails, within and outside of road rights-of-way, that interconnect open spaces, urban areas, communities, and recreational areas.

Policy T-66 Develop a system of non-motorized transportation facilities that:

- Are constructed primarily within the rights-of-way of existing and proposed public streets or roads.
- Provide safe transportation among a variety of regional, inter-community and local Kitsap County destinations for bicyclists and pedestrians.

PARKS, RECREATION, AND OPEN SPACE

Goal 1. Provide regional park, recreation, and open space to meet the regional needs.

Policy POS-2 Complete acquisition of the Heritage Park system.

Policy POS-3 Begin development of the Heritage Parks, including tournament-level athletic field complexes, trail networks, and facilities to meet other identified needs.

Policy POS-5 Acquire and preserve an integrated system of open space lands that preserve valued wildlife habitat, and historical and cultural lands.

Policy POS-8 Implement the adopted Parks, Recreation and Open Space Plan to plan, acquire, and develop open space, greenways, and wildlife habitat to the greatest extent possible with funds provided. Consider the concepts in the adopted County Greenways Plan as the POS Plan is implemented and updated.

Goal 7. Preserve open space lands in a targeted manner to meet specific goals.

Policy POS-19 Retain an integrated open space network in the county that protects natural, cultural, and historical resources; protects water supplies; buffers land uses; provides recreational opportunities; and enhances the quality of life of County residents.

Goal 10. Build a Greenways Network of non-motorized, trails and off-road recreational trails, within rights-of-way, that interconnect open spaces, communities, and recreational areas.

Policy POS-31 Coordinate Greenway implementation efforts with Chapter 8, *Transportation*, to develop a system of nonmotorized transportation facilities that:

- Are constructed primarily within the rights-of-way of existing and proposed public streets or roads; and
- Provide safe transportation among a variety of regional, inter-community and local Kitsap County destinations for bicyclists and pedestrians.

Staff comment: the 2009 major plat amendment decision incorporates the elements of the Arborwood Final Environmental Impact Statement which analyzed the Land Use Goals and Policies of the 2006 Kitsap Comprehensive Plan. The conditions of this Critical Area Buffer Reduction reflect these elements and are further directed in the permit conditions which will be transmitted to the Phases 4, 5, and Phase 6 North for associated Site Development Activity Permits, Wall Permits and the permits for bridge crossings (see Conditions section, with emphasis on condition 17). Note: The modified conditions have revised this to condition 19)

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 11	Roads
Title 12	Storm Water
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Title 19	Critical Areas
Chapter 18.04	State Environmental Policy Act (SEPA)
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 7 Exhibits, listed below.

Per the remand order, we have received 4 additional index items from the applicant representatives, listed below as Exhibits 8-11. The revised report contains 11 Exhibits

Exhibit #	Document	Dated
1	Project submission	May 26, 2022
2	Wetland Buffer Mitigation Plan	September 7, 2022

3	Wetland Buffer Mitigation Site Plan	September 7, 2022
4	South Bridge Plan and habitat crossing (21-05805)	April 3, 2023
5	North Bridge Plan and aerial view (21-05805)	April 3, 2023
6	ELS Culvert Crossing Analysis (21-05805)	December 14, 2021
7	Early Clear and Grade site plan	May 26, 2022
<u>8</u>	<u><i>Heacock Letter (letter from VanNess Feldman)</i></u>	April 5, 2024
<u>9</u>	<u><i>Arborwood North Fill Specifications for Slopes within Wetland Buffers (corrected with figures)</i></u>	May 3, 2024
<u>10</u>	<u><i>Arborwood North Spine Road "A" Extension</i></u>	March 20, 2024
<u>11</u>	<u><i>Arborwood Supplemental Critical Areas Report by Eco Land Services</i></u>	April 5, 2024

9. Public Outreach and Comments

The proposed buffer averaging is an administrative decision, and as such did not require a Notice of Application. There are no public comments regarding this application.

10. Analysis

a. Planning/Zoning

The proposal meets all zoning standards of the Urban Cluster Residential (UCR) Zoning designation, Kitsap County Code Title 17.

b. Lighting

Lighting was not analyzed as part of this proposal.

c. Off-Street Parking

Parking is not applicable to this proposal.

d. Signage

No signage is proposed or required to be reviewed with this application.

e. Landscaping

Per KCC 17.500, landscaping elements are required to be analyzed with the associated land development permits.

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 Services and Engineering has reviewed the land use proposal and finds the concept supportable in its approach to civil site development. Further review will occur with associated Site Development Activity permits.

i. Environmental

Wetlands and associated Streams (original analysis)

A wetland report has been provided by Raedeke and associates and a wetland mitigation report and analysis were provided by Ecological Land Services, Inc. dated September 7, 2022 (Exhibit 3). The project is proposed mostly outside the required wetland buffers and building setbacks per the hearing examiner decision (Examiner 2009). Buffer alterations are necessary in areas where the wetlands or portion of wetlands lie within 150 or 200 feet of the proposed development (See Exhibit 4) and the associated Table 2 from the report, below.

Most of the reductions are proposed within Phase 5 to accommodate the stormwater ponds, portions of the main roadways, and grading slopes necessary to support the ponds and roads. The alteration of buffers includes buffer averaging and temporary buffer impacts caused by grading needs, for which restoration through plant installation is proposed.

Table 2: Buffer Impact and Averaging Overview

Phase	Wetland	Required buffer (feet)	Temporary Buffer Impact	Subtracted Buffer (acres)	Added Buffer (acres)
5	L2	200	0.55	0.10	0.10
5	L3	150	0.16	--	--
5	P2	200	0.17	0.70	0.70
5	12	150	--	0.04	0.04
Phase 5 Total			0.88	0.84	0.84
6	C2	150	--	0.05	0.12
6	O	150	--	0.13	0.07
Phase 6 Totals			--	0.18	0.19
Overall Totals			0.88	1.02	1.03

Wetlands and Associated Streams (revised analysis)

The following are excerpts taken from the Arborwood Supplemental Critical Areas Report (Exhibit 11). Ecological Land Services, Inc. (ELS) was contracted by Taylor Morrison Northwest (TMN) to conduct critical area analysis and prepare numerous reports in support of TMN's development of Phases 4, 5, and 6 of the Arborwood preliminary plat ("Arborwood Development"). Phases 4, 5, and 6 are located on the east half of the Arborwood Development within the Crabapple and Kingfisher Creek drainage basins, respectively (Figure 2). This project is vested to the Critical Area Ordinance, Title 19 of the Kitsap County Code ("KCC" or "Code"), and

other regulations in effect when the original preliminary plat application was approved (OPG 2010). Chapter 19.200 of the Code, which was in effect in 2010, defines the applicable wetland categories, buffers, and buffer reductions (OPG 2010). The supplemental report: (1) demonstrates the modified CABR Application complies with the Proposed Condition requiring buffer averaging to not result in buffer widths of less than 100 feet for Wetland P2; (2) analyzes installation of fill in buffers of wetlands, concluding that the proposed fill constitutes a temporary impact in the respective buffers, complies with former KCC 19.200.220.F, and calculations of buffer averaging continue to meet KCC 19.200.220.C.1.a(1) through (5); and (3) clarifies the scope of buffer impacts resulting from the north and south stream crossings and a utility corridor for sanitary sewer demonstrating consistency with vested critical area regulations.

Additionally, this supplemental report updates the prior buffer averaging and buffer restoration plan for Phases 5 and 6 of the Arborwood Development. The wetlands for the Arborwood Development addressed in this supplemental report are as follows:

- Wetland P2
- Wetland Z4
- Wetland 12
- Wetland L2
- Wetland L3
- Wetland C6

The streams that this supplemental report addresses are as follows:

- Kingfisher Creek
- Crabapple Creek

SUPPLEMENTAL PROJECT DESCRIPTIONS

The Arborwood Development has previously been described in the ELS reports listed above. This section only describes changes to the Arborwood Development and the CABR Application since issuance of the Hearing Examiner Decision. TMN has relocated the Spine Road and associated pedestrian walkway 117-feet east of Wetland P2. Updated Arborwood North Spine Road "A" Extension site plan (provided by CORE, INC.) (reference to Exhibit 10). As result of this relocation, no impervious surfaces or improvements are located within the reduced buffer of Wetland P2 or 15-feet from the buffer. Additionally, the amount of fill necessary to regrade the slope within the buffer of Wetland P2 and the 15-foot setback has been significantly reduced from what was originally proposed and shown in the September 2022 Wetland Buffer Mitigation Plan (5&6). The location of the utility line corridor that will impact the buffers of Wetlands C6 and L2 remains the same. However, TMN has revised the proposal so that only a sanitary sewer line is now proposed (Figures 3b and 3c). Additional buffer alterations are proposed in buffers of Wetlands L2, L3, C6, and 12 (Figure 4). However, there has been no change to the improvements shown within additional buffer reduction areas (stormwater ponds, portions of the main roadways, maintenance road, and grading slopes necessary to support the ponds and roads) compared to those same areas shown in the September 2022

Wetland Buffer Mitigation Plan (5&6), the August 2022 Wetland Mitigation Plan (4), and the October 2022 Habitat Management Plan. These additional buffer alterations are proposed so that at-grade improvements can be set back 15-feet from all buffers within Phases 5 and 6 (after buffer modifications are applied). Buffer alterations for Wetlands P2, L2, L3, C6, and 12 includes buffer averaging, with revised configurations and calculations. Temporary impacts occur in buffers of Wetlands P2, L2, L3, and C6 due to grading needs, for which restoration is proposed (Figures 4 and 5, Exhibit 11). Soils within the temporarily impacted buffers will be restored to match the preconstruction soil conditions per Terra specifications (Exhibit 9).

Revised Phase 5 Buffer Impact and Averaging Overview (Exhibit 11, Figure 4)

Table 2: Phase 5 Buffer Averaging Overview (Figure 4)

Area	Wetlands	Buffer Width (feet)	Subtracted Buffer (acres)	Added Buffer (acres)
1	L2	200	0.53	0.13
2	12	150	0.07	0.04
3	P2	200	0.69	0.64
4	L2/P2	200	0.40	0.29
5	C6/L3	150	0	0.02
6	L2	200	0	0.57
		Totals	1.69	1.69

Wetland Report and Wetland Buffer Averaging and Wetland Buffer Reduction (original analysis)

A wetland mitigation report was provided by ELS, Inc., dated September 7, 2022.

Buffer Averaging

Buffer reductions are proposed in five areas to accommodate the stormwater pond and main road as well as some of the building lots (Figure 4). Overall, averaging proposes to subtract 1.02 acres of buffer and add 1.03 acres of buffer mostly within Phase 5 (0.88 acres) and fewer smaller areas in Phase 6 (0.18 acres) (Table 2). The greatest area of reduction is proposed for construction of the stormwater pond and the spine road within Phase 5 (Figure 5). The 2010 KCC to which this project is vested allows buffer averaging as the first step in the buffer reduction sequencing, as presented in italics. Staff comments provided in ***bold italic***.

KCC 19.200.220.C.1.a Buffer averaging. Standard buffer widths may be modified by the department for a development proposal by averaging buffer widths. The total area contained within the buffer after averaging shall be no less than that contained within the standard buffer width prior to averaging. The buffer shall not be reduced by more than 50 percent of the standard buffer width at any point. The department may allow wetland buffer averaging where it can be demonstrated that such averaging can clearly provide as great or greater functions and values as would be provided under the standard buffer requirement. The following standards shall apply to buffer averaging:

1. The decrease in buffer width is minimized by limiting the degree or magnitude of the regulated activity.

The proposed buffer impacts have been minimized by avoiding significant reductions in the buffer except in those areas of temporary impact, which will be restored. The reductions are mostly small in area at the outer edge of the 150 and 200-foot-wide wetland buffers.

2. For wetlands and/or required buffers associated with documented habitat for endangered, threatened, or sensitive fish or wildlife species, a habitat assessment report has been submitted that demonstrates that the buffer modification will not result in an adverse impact to the species of study.

There is no documented habitat for endangered, threatened, or sensitive fish or wildlife species within Phases 5 and 6 of the Arborwood Development.

3. Width averaging will not adversely impact the wetland.

Phase 5 was designed to utilize upland that is outside the buffers of Wetlands L2, L3, P2, and 12 to avoid adverse impacts to these wetlands. However, reductions and temporary impacts are necessary along the entire length of this phase and are spread out into smaller areas (Figure 5 see Exhibit 4). This allows for smaller reductions in several locations rather than larger reductions in one or two locations, which reduces the potential for adverse impacts to occur to the wetlands. Temporarily impacted buffer areas are located near or next to the areas where buffer will be subtracted so there will be improvement of buffer functions that will avoid adverse impacts to the wetlands. The buffer reductions are not as extensive in Phase 6 because there are fewer wetlands than in Phase 5 (Figure 6). The reductions are proposed along Wetlands C2 and O, which lie on the west and east edges of Phase 6, respectively, to accommodate the backs of the proposed residential lots. These reductions are very minor and are scattered along the outer edge of the buffers so will not result in large areas of (0.18 acres). Because the subtracted buffers are mostly small in area and are scattered along the outer eastern buffer of these wetlands, the impacts to the buffer are minimized. The buffer additions are also proposed in proximity to the reductions to maintain the functions of the required buffer widths. Runoff generated on the existing and new impervious road surfaces will be directed to the stormwater facilities, which will reduce potential water quality impacts to the wetlands.

4. The total buffer area after averaging is not less than the buffer area prior to averaging.

Table 2 (above) provides an overview of the proposed buffer averaging and the figures entered show that the buffer area after averaging is not less than the buffer area prior to averaging. The buffer reduction totals 0.84 acres in Phase 5 and the added buffer totals 0.84 acres and in Phase 6, the subtracted and added buffers total 0.18 acres. Therefore, this criterion is met.

5. The minimum buffer width will not be less than 50 percent of the widths established after the categorization is done, and any buffer adjustments applied.

The averaging plan does not propose to reduce the buffers by more than 50 percent in any location. *There is a slightly lower buffer at the east end of Wetland P2, but it be accompanied by buffer restoration, which will provide some additional buffer protection in this area. This

reduction is needed to grade the proposed road and cannot be altered because of the development to the east. **** This related comment is no longer applicable to the application.***

6. *If buffer width averaging is utilized and significant trees are identified on the outer edge of the reduced buffer such that their drip line extends beyond the buffer edge, tree protection requirements must be followed.*

The forest within the buffers of these wetlands is second to third growth timber and there are no significant trees occurring along the outer edge.

Staff comment: The analysis meets the requirements in 19.200.220.C.1.a.

Buffer Averaging Analysis (revised, Exhibit 11)

WETLAND P2 BUFFER ADJACENT TO SPINE ROAD A

The Spine Road and adjacent pedestrian walkway has been relocated 117-feet east of Wetland P2 which is outside the 100-foot buffer. The Wetland P2 buffer has been reduced through use of buffer averaging as described in the September 2022 Wetland Mitigation Plan. Relocation of the Spine Road results in buffer averaging for Wetland P2 in compliance with the Proposed Condition imposed by the Hearing Examiner. The Proposed Condition requires that buffer averaging for the Wetland P2 buffer will not result in buffer widths of less than 100 feet pursuant to KCC 19.200.220. C.1.a.(5) (“The minimum buffer width will not be less than 50 percent of the widths established after the categorization is done and any buffer adjustments applied.”). Additionally, the relocation of the Spine Road and adjacent pedestrian walkway includes a 15-foot setback from the edge of the Wetland P2 buffer per KCC 19.200.220.F. This 15-foot setback is in addition to the 100-foot buffer as required by the Proposed Condition and KCC 19.200.220.C.1.a.(5). As noted above, the relocation of the Spine Road and adjacent pedestrian walkway is 117-feet east of Wetland P2 buffer and fully satisfies the Proposed Condition and KCC 19.200.220.F. While the construction of Spine Road A within the buffer of Wetland P2 was previously addressed using buffer averaging of the KCC 19.200.220.C.1.a., see September 2022 Wetland Buffer Mitigation Plan (5&6), the construction of Spine Road A could also have been permitted within the buffer under KCC 19.200.225.D. Section 19.200.225.D allows construction of roadways within a wetland or buffer when there are no alternatives, it serves more than one purpose, and is the minimum to provide safe roads. Even if TMN had not applied for the use of buffer reduction through buffer averaging in the previous CABR application, the location of Spine Road A in the standard buffer of Wetland P2 also meets each of the criteria as set forth in KCC 19.200.225.D, which is addressed below:

KCC 19.200.225.D. Road/Street Repair and Construction. Any private or public road or street repair, maintenance, expansion or construction, which is allowed shall comply with the following minimum developments standards:

1. No other reasonable or practicable alternative exists, and the road or street serves multiple properties whenever possible.

The Arborwood Development preliminary plat was designed and approved by the County in 2009 (“Preliminary Plat”). The Preliminary Plat requires the Arborwood Development to provide

access from South Kingston Road at the north and south ends. Spine Road A is the main road providing access from South Kingston Road. Spine Road A was designed to avoid direct impacts to wetlands by placing the north end of Spine Road A alongside the west line of the Hillbend Residential community. There are no reasonable or practicable alternatives to the proposed location of Spine Road A that avoids and minimizes all impacts to the wetlands and streams. Because Spine Road A provides access to the entire Arborwood Development by connecting Spine Roads B and C, Spine Road A serves multiple properties.

2. For publicly owned or maintained roads or streets crossings should provide for other purposes such as utility crossings, pedestrian or bicycle easements, viewing points, etc. Upon completion of the Arborwood Development, Spine Road A will be publicly owned and maintained by Kitsap County. In addition, Spine Road A will also be used to convey necessary utility lines as well as provide pedestrian and bicycle pathways. The other future publicly owned roadways (Spine Roads B and C) will also convey utilities and provide safe travel for pedestrians and bicyclists.

3. The road or street repair and construction are the minimum necessary to provide safe roads and streets. The proposed construction of Spine Road A is the minimum necessary to provide safe roads and streets and will include sidewalks and bike lanes where possible, which are two of the methods to provide safe roads and streets for vehicles, bike riders, and pedestrians.

4. Mitigation shall be performed in accordance with specific project mitigation plan requirements. Mitigation necessary to allow Spine Road A in the standard buffer for Wetland P2 could be readily accomplished through mitigation sequencing, by way of creation of additional buffer adjacent to Wetland P2. See September 2022 Wetland Buffer Mitigation Plan (5&6).

Staff has reviewed the Supplemental Critical Area Report (Exhibit 11) and the Arborwood North Fill Specifications for Slopes Within Wetland Buffers (Exhibit 9) and concur with the findings related to compliance with both KCC 19.200.220.C.1.a.5 and KCC 19.200.220.F. Staff recognizes that the proposed additional 17-foot of construction setback is provided for this portion of phase 5 development for 50 percent buffer averaging for wetland P2. Further, the Proposed Condition requires that buffer averaging for the Wetland P2 buffer will not result in buffer widths of less than 100 feet pursuant to KCC 19.200.220. C.1.a.(5) ("The minimum buffer width will not be less than 50 percent of the widths established after the categorization is done and any buffer adjustments applied."). As such, The buffer reduction is met and exceeds the requirement.

Temporary Buffer Impacts

Temporary buffer impacts are those areas where grading is required within the buffer and will remain buffer after the project is completed. The largest temporary impact is proposed at the north end of Wetland L2 where 0.55 acres of buffer will be impacted by grading for the proposed roadway and stormwater pond (Figure 5). There are smaller areas of temporary impact at the south end of Phase 5 that total 0.33 acres around Wetlands L3 and P2. The

temporary impacts overlap slightly with some of the reduced buffer areas, but each is a separate part of the proposal. The total area of temporary buffer impact is 0.88 acres, and all areas will be planted with native vegetation to recover the functions of these buffer areas. There are no temporary impacts proposed within Phase 6 so no replanting will occur in the buffers of Wetlands C2 and O (Figure 6).

Staff comment: The analysis meets the requirements in 19.200.220.C.1.a. and impacts will be restored in accordance with code, per the buffer restoration plan.

Temporary Buffer Impacts Analysis (revised, Exhibit 11)

PHASE 5 AND 6 TEMPORARY IMPACTS RESULTING FROM FILL IN BUFFERS AND 15-FOOT SETBACKS

Section 19.15.170 of the Code defines “buffer” as non-clearing native vegetation area which is intended to protect the functions and values of critical areas.” Wetland buffers are intended to protect water quality, habitat, and hydrogeologic functions. Buffers help allow sedimentation to settle out and water to fall out to prevent flooding. Soils are among the 6 factors that contribute to the function of wetland and stream buffers (Hruby 2013). These 6 factors include:

1. Width
2. Slope
3. Soil infiltration
4. Surface roughness
5. Slope Length
6. Adjacent land uses

The soil type is an important aspect of infiltration. If a soil is more porous, then there will be higher percolation into the water table, which will eventually discharge into a wetland. The soil also functions to remove pollutants, such as Nitrogen and Phosphorous, by binding those pollutants to soil particles. Additionally, the ability of the soil to function is related directly to the condition of the vegetation because the plants within the buffer impede surface water flow and facilitates uptake of pollutants by both the plant and soil material. Soil in the buffer also functions to support vegetation, which in turn slows the flow of surface water and facilitates storage of water behind aboveground growth. The vegetation roughens the buffer and effectively dams up water behind the vegetation so that water can percolate into the soil. The water storage effect allows for the percolation of water into the soils for eventual discharge into the wetland.

Projects that propose impacts to wetlands and buffers are subject to compliance with KCC 19.200.250 (KCC 2010). Prior to developing a mitigation plan, a project must first demonstrate that the impacts cannot be avoided, minimized, or rectified, which is referred to as Mitigation Sequencing as set forth in KCC 19.200.250.A:

A. Mitigation. All regulated development activities in wetlands or buffers shall be mitigated according to this title subject to the following order:

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

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.

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

4. Monitoring the impact and compensation and taking appropriate corrective measures.

5. Combining any of the above measures to mitigate for individual actions.

Temporary buffer impacts refer to impacts to buffers during construction because the areas that will be temporarily disturbed will be reestablished, rehabilitated, or restored, and then remain buffer after construction is completed. Temporary buffer impacts fall within mitigation sequencing step 3.a. as provided in KCC 19.200.250.A (“Rectifying the impact by reestablishing, rehabilitating, or restoring the affected environment”), because at the conclusion of the construction and development activity, the areas that temporarily lose buffer vegetation and function will be reestablished, rehabilitated, and restored. As noted above, the Hearing Examiner concluded that grading and ground disturbance “work within the buffer pursuant to former KCC 19.200.215 and 19.300.315” is a temporary impact because “disturbed areas of buffers will be enhanced to improve their functional attributes. Clearing of areas within buffers is consistent with the applicable vested Code provisions and with prior land use approvals for the project including the 2009 preliminary plat, minor plat amendments and the 2009 MDNS and subsequent SEPA analyses.” See Hearing Examiner Decision, Conclusion of Law 105.

As required by the Hearing Examiner Decision, areas of temporary impacts to wetland buffers in Phases 5 and 6 due to installation of fill in the buffers is addressed below. The current on-site soil conditions have been documented in four geotechnical reports (as follows):

1. Preliminary Geotechnical Report, Arborwood, Kingston, Washington, Project No. T-8502, prepared by Terra Associates, Inc., dated June 14, 2021, revised July 29, 2021.

2. Geotechnical Report, Arborwood Phases 4 and 5, South Kingston Road Northeast and Taree Drive Northeast, Kingston, Washington, Project No. T-8502-2, prepared by Terra Associates, Inc., dated September 23, 2022.

3. DRAFT Geotechnical Report, Arborwood Phase 6 North, Kingston, Washington, Project No. T-8502-7, prepared by Terra Associates, Inc., dated April 12, 2023.

4. Memorandum, Supplemental Subsurface Exploration, Arborwood Phases 4 & 5, Kingston, Washington, Project No. T-8502-2, prepared by Terra Associates, Inc., dated November 28, 2023.

As part of this supplemental CABR Application re-submittal, Terra Associates, Inc. (“Terra Associates”), prepared a report titled “Fill Specification for Slopes within Wetland Buffers, Arborwood, Kingston, Washington, Project No. T-8502-2,” dated March 12, 2024, revised April 3, 2024 (“Fill Specification Letter” (See Exhibit 9). The Fill Specification Letter includes

recommendations regarding fill specification and compaction for use in buffers. The Fill Specification Letter recommends that the fill material mimics the hydraulic conductivity of the existing onsite soils within the buffer to allow for a consistent hydrogeologic condition from existing conditions to the post-construction condition. In particular, this ensures that soils in the buffer support vegetation that is necessary to store water in the post-construction stage. Additionally, compliance with KCC 19.200.220.F for fill in the 15-foot setback of wetland buffers is discussed below. KCC 19.200.220.F states: "A building or impervious surface setback line of 15 feet is required from the edge of any wetland 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 wetland. The setback shall be identified on a site plan and filed as an attachment to the notice to title as required by Section 19.100.150."

Wetland P2

Wetland P2 is a 0.20-acre, Category II wetland located in Phase 5 of Arborwood. See Figure 2 (Existing Conditions, Exhibit 11). Wetland P2 is a slope wetland, and as such, vegetation is especially important for its capacity to store water in sloping upland buffers because typically water flows more quickly on slopes that have less vegetation. The United States Department of Agriculture Natural Resource Conservation Service ("NRCS") identifies that the mapped soil type in this area is Kapowsin gravelly ashy loam, 6 to 15 percent slopes (23) which are described as formed from glacial drift (till) with components of volcanic ash. This soil description is generally consistent with the soils observed throughout the site as noted in the referenced geotechnical reports and the Fill Specification Letter prepared by Terra Associates. This soil is moderately well drained, and the hydro class is B,1 which means that the soils have the ability to facilitate percolation into the water table. 1 Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have a moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Fill in Wetland P2 Buffer

Temporary impacts due to fill occur within the eastern edge of the Wetland P2 buffer, which has been reduced to 100-feet through the use of buffer averaging. As described above, Spine Road A has been shifted further east by approximately 30 feet since the Hearing Examiner Decision. See Updated Arborwood North Spine Road A Extension site plan. As a result, the amount of fill in the buffer has been significantly reduced. Temporary impacts to the Wetland P2 buffer due to fill occur within the eastern edge of the buffer. The total surface area of fill within the buffer is 0.67 acres, to a depth of about 4 feet thick in this location. The purpose of the fill in the Wetland P2 buffer is to regrade the existing slope to accommodate differences in height between current conditions and the slope necessary for the proposed Spine Road A. Because the Spine Road A location has shifted further east since the Hearing Examiner Decision, the change in the grade in the Wetland P2 buffer as a result of the Spine Road A construction has also been reduced by up to 6 feet in depth. As described above, Terra Associates provided fill specification and compaction recommendations for the Wetland P2 buffer in its Fill Specification Letter. Per Terra Associates' recommendation, fill will be composed of native, onsite soil material, and will be compacted to 90 percent to provide stability of the filled slope. See Fill Specification Letter

(Exhibit 9). Staff comment, 90% compaction refers to a compaction test using the Modified Proctor test per the American Society for Testing Materials ASTM-1557 method). The fill material will grade gradually into the retained forested buffer and undisturbed soil conditions, which will hydraulically connect the groundwater and further facilitate pollutant uptake. Compliance with Terra Associates' recommendations will reestablish, rehabilitate, and restore any temporary loss of buffer function as a result of the fill.

Fill in Wetland P2 Setback

The purpose of the fill proposed within the 15-foot setback of the Wetland P2 buffer is to regrade the slope to accommodate differences in height between current conditions and the proposed Spine Road. Fill proposed within the 15-foot setback is not a building or impervious surface, thus, fill complies with KCC 19.200.220.F. The area of fill will be revegetated and stabilized as required to protect the slope and TMN will not install buildings, impervious surfaces, or other improvements within the setback. The setback will be identified on the site plan and filed as a notice on title.

Wetland 12

Wetland 12 is a small wetland (0.08 acres) located east of and within the buffer of Wetland L2 adjacent to Phase 5 (Figure 2). Wetland 12 is a Depressional forested wetland system that has a seasonally flooded hydroperiod that meets the criteria for Category III wetland. A 150-foot buffer is required. As a depressional system, Wetland 12 functions to detain water during the winter and alleviate flooding in downstream areas. No fill is proposed within the buffer of Wetland 12. The buffer will be averaged to remove the small area that extends onto the proposed lots and establish the building setback from the reduced buffer (Figure 4). The building setback will then lie at the back of the three lots. There will be no fill within the buffer of Wetland 12 or within the setback.

Wetland L2

Wetland L2 is a large (12.51 acre) Riverine wetland system that is oriented north-south on the west half of Phase 5 (Figure 2). It was rated as a Category II system that contained three vegetation communities (emergent, scrub-shrub, and forested) and is associated with Crabapple Creek. The rating of Wetland L2 included Wetlands L1 and P2 and all three wetlands require a standard 200-foot buffer before the use of buffer averaging. The NRCS identifies the mapped soil type in this area as Kitsap silt loam, 6 to 15 percent slopes (29) and 15-30 percent slopes (30) which are described as formed from Lacustrine deposits with components of volcanic ash. This soil description is generally consistent with the soils observed throughout the site as noted in the referenced geotechnical reports and the Fill Specification Letter prepared by Terra Associates. Kitsap soil is moderately well drained, and the hydro class is C which means that the soils lower ability to facilitate percolation into the water table.

Fill in Wetland L2 Buffer

Temporary impacts due to fill occur in the north portion of the Wetland L2 buffer because of the location of the adjacent proposed stormwater pond and roadway which provides access to lots within Phase 5 (Figure 3a). The total amount of surface area impact of the Wetland L2 buffer is

0.30 acres, with depths up to 20 feet of fill. Additionally, there are temporary impacts resulting from installation of utility lines in the southern portion of the Wetland L2 buffer, which is discussed in a subsequent section of this supplemental report. Per the recommendations in the Fill Specification Letter, the fill will be composed of native, onsite soil material, and will be compacted to 90 percent to provide stability of the filled slope. This area of fill will occur within the outer edges of the averaged 100-foot buffer. The fill material will grade gradually into the retained forested buffer and undisturbed soil conditions, which will hydraulically connect the groundwater and further facilitate pollutant uptake. Compliance with Terra Associates' recommendations will reestablish, rehabilitate, and restore any temporary loss of buffer function as a result of the fill.

Fill in Wetland L2 Setback

The purpose of the fill proposed within the 15-foot setback of the Wetland L2 buffer is to regrade the slope to accommodate differences in height between the current conditions and the necessary grade for the proposed stormwater pond. Fill proposed within the 15-foot setback is not a building or impervious surface, thus, fill complies with KCC 19.200.220.F. The area of fill will be revegetated and stabilized as required to protect the slope and TMN will not install buildings, impervious surfaces, or other improvements within the setback. The setback will be identified on the site plan and filed as a notice on title.

Wetland L3

Wetland L3 is a small (0.20 acres) Depressional system that lies within the eastern buffer of Wetland L2 at the south end of Phase 5 (Figure 2). Wetland L3 is a forested wetland that has a seasonally flooded hydroperiod and meets the criteria for a Category III system. A 150-foot standard buffer is required for Wetland L3. The NRCS identified the mapped soil type in this area as Kapowsin gravelly ashy loam, 6 to 15 percent slopes (23) which are described as formed from glacial drift (till) with components of volcanic ash. This soil description is generally consistent with the soils observed throughout the site as noted in the referenced geotechnical reports and the Fill Specification Memo prepared by Terra Associates (**Exhibit 9**). This soil is moderately well drained, and the hydro class is B which means that the soils have the ability to facilitate percolation into the water table.

Fill in Wetland L3 Buffer

The purpose of the fill in the Wetland L3 buffer is to accommodate a portion of the necessary grade transitions that will provide a level area for the adjacent public park and construction of a stormwater pond (Figure 3a). Per the recommendations in the Fill Specification Letter, at least 8 feet of fill, which will be composed of native, onsite soil material, will be compacted to 90 percent to provide stability of the filled slope. The total amount of surface area impact from clearing and fill is about 0.20 acres, with depths of fill up to 8 feet. The fill material will grade gradually into the retained forested buffer and undisturbed soil conditions, which will hydraulically connect the groundwater and further facilitate pollutant uptake. Compliance with Terra Associates' recommendations will reestablish, rehabilitate, and restore any temporary loss of buffer function as a result of the fill.

Fill in Wetland L3 Setback

The purpose of the fill proposed within the 15-foot setback of the Wetland L3 buffer is to provide a portion of the grade transitions necessary to construct a public park. Fill proposed within the 15-foot setback is not a building or impervious surface, thus, fill complies with KCC 19.200.220.F. TMN will not install buildings, impervious surfaces, or other improvements within the setback. The setback will be identified on the site plan and filed as a notice on title.

Wetland C6

Wetland C6 is a Riverine forested system that is associated with Crabapple Creek. Before flowing across the southwest corner of Phase 5, Wetland C6 crosses Phase 6 South (Pulte phase) and the western tip of Phase 6 North (Taylor Morrison) (Figure 2). It is a narrow system lying on both sides of the stream, which lies at the base of a steep sided ravine. In some areas, it is little more than the stream, especially where Spine Road A will cross. Wetland C6 is a Category III system that requires a standard buffer of 150 feet.

Fill in Wetland C6 Buffer

The purpose for fill proposed in the buffer for wetland C6 pertains to installation of a utility corridor. Temporary and permanent impacts to the Wetland C6 buffer are addressed in the section below.

Fill in Wetland C6 Setback

The purpose of the fill proposed within the 15-foot setback of the Wetland C6 buffer is to provide a portion of the grade transitions to construct the adjacent storm drainage pond and provide level area for the public park. Fill proposed within the 15-foot setback is not a building or impervious surface, thus, fill complies with KCC 19.200.220.F. The area of fill will be revegetated and TMN will not install buildings, impervious surfaces, or other improvements within the setback. The setback will be identified on the site plan and filed as a notice on title.

Staff has reviewed the revised submittals and concur with the analyses provided (Exhibits 9 and 11) that the areas that will be temporarily disturbed in the buffers and building setbacks will be reestablished, rehabilitated, or restored, and then remain buffer after construction is completed. Temporary buffer impacts fall within mitigation sequencing step 3.a. as provided in KCC 19.200.250.A ("Rectifying the impact by reestablishing, rehabilitating, or restoring the affected environment"), because at the conclusion of the construction and development activity, the areas that temporarily lose buffer vegetation and function will be reestablished, rehabilitated, and restored. In addition, the activities will be monitored and maintained as part of the buffer averaging and monitoring and maintenance plans and associated mitigation bond requirements. Last, the protocols for temporary impact areas related to fill will mimic hydraulic conductivity of the existing onsite soils within the buffer to allow for a consistent hydrogeologic condition from existing conditions to the post-construction condition.

PHASE 4 AND PHASE 6 STREAM CROSSING AND TEMPORARY IMPACTS TO ASSOCIATED WETLANDS

The Arborwood Development was initially approved by the County in 2009 with multiple stream

crossings to access all six phases from South Kingston Road in two places. The two crossings proposed in Phases 4, 5, and 6 will be constructed in the locations indicated on the original plat designs. The wetlands associated with Kingfisher Creek (Wetland Z4) and Crabapple Creek (Wetland C6) lie on both sides of the stream channel and lie at the base of the topographic ravines (Figure 2). The stream buffers establish the regulated buffers for these crossings because the wetland is contained within a narrow area on both sides of the streams and the stream buffers are significantly wider than the required wetland buffers. See October 2022 Habitat Management Plan. To meet the requirements of the Washington State Department of Fish and Wildlife (WDFW), Washington State Department Of Transportation (**WSDOT-through required KCC Title 11 Road Standards from Kitsap County Public Works- Roads Division**), and Kitsap County the bridges will consist of a structural metal arch spanning the streams and set on concrete footings that are buried below the scour elevation of the stream within the buffer. See October 2022 Habitat Management Plan (Figure 5 and 7). Headwalls will extend from the ends of the arch within the stream buffer to retain the backfill materials and slope above the bridge needed to raise the grades to the final road elevations. The headwalls will be modular block retaining walls that extend out to allow transition of grade to the existing slopes on either side of the bridge. There are no alternatives to these crossings that would have less impact to the streams, wetlands, and their required buffers due to the extent of critical areas within Arborwood including wetlands and streams. The crossings have been designed to avoid direct impacts to the streams and associated wetlands and will allow for continued water flow without impacting the floodway or floodplains. See October 2022 Habitat Management Plan. They also avoid direct impacts by crossing at narrow locations where the span and required construction is not as extensive. The bridge headwalls and roadways proposed over Kingfisher and Crabapple Creeks will have permanent impacts to buffers but cannot be avoided. As documented in the October 2022 Habitat Management Plan, the stream crossings meet the criteria in KCC 19.300.315.D, which authorizes stream crossings under the applicable critical area ordinance, and no stream or wetland buffer reductions are required. Temporary impacts will result from the grading of the slopes around the bridges to create the required elevations adjacent to the road and bridge. See October 2022 Habitat Management Plan (Figure 11 and 12). The work will also include clearing and grading with some excavation of soil material to install the bridge footings. The temporarily impacted buffers will be restored after construction is completed by planting native trees, shrubs, and ferns that will function to protect the streams, as addressed in the October 2022 Habitat Management Plan (Figures 11-14).

Compliance with Terra Associates' recommendations will reestablish, rehabilitate, and restore any temporary loss of buffer function as a result of the fill. The fill material will grade gradually into the retained forested buffer and undisturbed soil conditions, which will further facilitate groundwater recharge and pollutant uptake. The vegetation component of the buffer function will be rectified through spread of topsoil and mulch over the fill and installation of native plants that will provide the necessary roughness for rectifying the buffer functions.

Staff has reviewed the revised reports and concur with the findings related to compliance with KCC 19.300.315 D. In addition, staff has also analyzed the associated bridge crossings as related to wetland buffers and also find the crossings meet the road construction criteria of KCC 19.200.225 D.

Mitigation Sequencing

According to KCC 19.200.250 (KC 2010), projects that propose impacts to wetlands and buffers must first demonstrate that the impacts cannot be avoided, minimized, or rectified before proposing mitigation. The mitigation sequencing as outlined in the 2010 KCC is presented below along with a discussion of how this project is avoiding, minimizing, and rectifying buffer impacts.

A. Mitigation. All regulated development activities in wetlands or buffers shall be mitigated according to this title subject to the following order:

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

The Arborwood development was designed to keep most of the components outside of the required buffers but there were some areas where minor reductions are needed to either provide grading for a road and stormwater pond or facilitate full buildable area within the lots. Direct wetland impacts have been avoided using this approach and the buffer impacts are relatively minor when considering their locations at the outer edge of the buffer and in most areas, the buffer areas will remain intact.

2. Minimizing the 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.

Buffer averaging. The project has minimized the impacts of buffer reductions by utilizing buffer averaging. Buffer averaging is proposed in areas where there are minimal reductions at the outer edge of the required buffers with the proposed additions in proximity to the reduced areas. The total area of buffer after averaging matches the area prior to averaging.

Buffer Restoration. Buffer restoration is proposed in areas where grading is necessary to achieve the appropriate project grades mostly for the proposed stormwater ponds and portions of the future roadway. There are small areas of grading that will occur along the outer edge of the 150- and 200-foot-wide wetland buffers. In some locations, grading exceeds the 50 percent reduction so is not included in the buffer averaging proposal. Buffer restoration will replace the vegetation to restore the function of the temporarily impacted buffer areas.

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.

The function of the buffer in the temporarily impacted buffer will be restored by planting a variety of native vegetation. The planting plan not only restores the lost vegetation, but it will also increase vegetative diversity by planting a variety of species ranging from ground cover to conifer trees.

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

Compensation for the buffer reductions is proposed through the averaging process, which essentially provides substitute buffer areas by adding upland areas to the buffer. The added buffer areas exceed the subtracted buffer areas so there is a net increase in buffer area and function.

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

The project proposes no direct impacts to wetlands so compensatory wetland actions are not warranted. Temporarily impacted buffer areas will be restored with native vegetation.

4. Monitoring the impact and compensation and taking appropriate corrective measures.

The restored buffer areas will be monitored for a period of 5 years following installation of plants. They will be monitored for plant success, plant growth, and invasive plant coverage and any deficiencies will be corrected to ensure successful development of a forested buffer.

5. Combining any of the above measures to mitigate for individual actions.

This project utilizes a combination of avoidance and minimization methods to reduce long term impacts to the wetlands and buffers. Buffer averaging will maintain the current buffer acreage and areas of temporary impact will be planted to restore buffer function.

Temporary Buffer Impacts

Temporary buffer impacts are those areas where grading is required within the buffer and will remain buffer after the project is completed. The largest temporary impact is proposed at the north end of Wetland L2 where 0.36 acres of buffer will be impacted by grading for the proposed roadway and stormwater pond (Figure 4). There are smaller areas of temporary impact at the south end of Phase 5 that total 0.26 acres around Wetlands L3 and P2. The temporary impacts overlap slightly with some of the reduced buffer areas, but each is a separate part of the proposal. The total area of temporary buffer impact is 0.62 acres, and all areas will be planted with native vegetation to recover the functions of these buffer areas.

Temporary Buffer Impacts-Sewer Line Corridor

Temporary impacts will occur within the buffers of Wetland L2 and C6 by construction activities to install the sewer and water lines. The sewer line corridor in the western buffer of Wetland L2 will follow the existing logging road/path to the existing culvert and follow it for a short distance before curving to the south. It will then cross through the outer half of the buffer of Wetland C6/Crabapple Creek to the proposed sewer line/stormwater pond access road (Figure 5). Temporary impacts in the western buffer of Wetland L2 totals 0.08 acres and on the east side totals 0.03 acres. The temporary impacts to the eastern buffer of Wetland C6 overlap slightly within the Wetland L2 impacts and totals 0.26 acres. The total area of temporary buffer impacts is 0.37 acres within the sewer line corridor.

Permanent Buffer Impacts-Sewer Line Corridor

A 246-foot-long by 10-foot-wide maintenance road is proposed at the south end of the sewer line corridor beginning at Spine Road A (Figure 5). It will impact approximately 0.08 acres of the buffer of Wetland C6 and Crabapple Creek, which overlap in this location. The location of the road places it in an area that has both permanent and temporary impacts for which mitigation and restoration are proposed. The maintenance access road represents the permanent impact while the area east of the road is considered temporary despite being separated from the remainder of the buffer

because it will be replanted with native vegetation. An 8-foot-wide walking path will be constructed over the top of the sewer line corridor once the pipes are installed. The trail is being positioned on one side of the 30 easement and will partially lie on the existing logging road.

Staff comment: The analysis meets the requirements in 19.200.250 (A through D) and impacts will be restored in accordance with code, per the buffer restoration plan.

Staff comment: the aforementioned mitigation sequencing, averaging, restoration and impacts analysis are provided in the following revised submittal documents.

BUFFER IMPACTS FOR SANITARY SEWER UTILITY ADJACENT TO WETLANDS L2 & C6

Necessary infrastructure for sanitary sewer will occur in the Wetland L2 and Wetland C6 buffers. The construction of this necessary infrastructure will also temporarily impact the Wetland L2 and C6 buffer through grading. Specifically, the Arborwood project will connect to the Kitsap County Sewer Treatment Plant that lies to the northwest (Figure 3c Exhibit 11). The sewer line will originate at the treatment plant and cross through upland forest to the western boundary of Arborwood Phase 5. Once the utility line corridor enters Phase 5, it crosses the 200-foot buffer of Wetland L2 and Crabapple Creek as it flows under an existing logging road. There is a culvert under the old logging road that will be retained, and it will follow the road for about 50 feet then curve to the southeast where it will lie along the outer edge of the 150-foot buffer of Wetland C6. The sewer line will end at Spine Road A just northeast of where Spine Road A crosses Crabapple Creek. The trench for installation of the sewer force main will require adjacent areas to be cleared in about a 30-foot-wide area, including the removal of trees and understory shrub vegetation. Once construction is completed, a pedestrian path is proposed atop the trench and will be about 8 feet wide and lined with bark mulch to create a non-impervious surface. The remainder of the corridor will be replanted with native vegetation to restore a portion of the removed vegetation.

Utility Line Installation in Wetland and Stream Buffers

KCC 19.200.225.H "Utilities in Wetlands or Wetland Buffers" allows the proposed sanitary sewer line within the buffer adjacent to L2 and C6 because it meets the following standards:

1. The utility development authorized in Section 19.100.125(E) shall be allowed, subject to best management practices in wetlands and wetland buffers.

Not applicable.

2. Construction of new utilities outside the road right-of-way or existing utility corridors may be permitted in wetlands or wetland buffers, only when no reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined below, and as required in the filing and approval of applicable permits and special reports (Chapter 19.700) required by this title.

The sewer line connection from the nearby Kitsap County Wastewater Treatment plan will cross through the buffer of Wetlands L2 and C6 to reach Spine Road A, where the sewer line will then connect the future homes to sanitary sewer systems. The length of the crossing is about 721 feet within the wetland buffers and includes three segments:

a. The western third (~250 feet) will utilize an existing logging road from the edge of the western buffer of Wetland L2 to just past the culvert crossing at Crabapple Creek.

b. The central third (~225 feet) will cross through the buffer of Wetland C6 beginning at the logging road and extending easterly to the proposed maintenance road.

c. The eastern third (~246 feet) lies along the north side of the maintenance road. This segment ends at Spine Road A just northwest of Crabapple Creek.

There are no reasonable or practicable alternatives to the proposed route of the sewer line for two reasons. First, the extent of wetlands, streams, and buffer makes it impossible to route the sewer line to Phases 4, 5, and 6 North. Second, the sewer line corridor cannot use the logging road on the east side of Wetland L2 because the terrain becomes much steeper and would not facilitate proper flow within the sewer pipe.

The impacts caused by construction to install the sewer line are considered temporary as they can be rectified through installation of native plants upon completion, which will restore the wetland buffers to their prior conditions. A planting plan has been prepared only for the central section because it is composed of forested vegetation. Revegetation of the western segment is not required because it follows an existing logging road. The eastern segment will not be located within the buffer due to buffer reduction and averaging.

3. Construction of sewer lines or onsite sewage systems may be permitted in wetland buffers only when: (a) the applicant demonstrates it is necessary to meet state and/or local health code minimum design standards (not requiring a variance for either horizontal setback or vertical separation), and/or (b) there are no other practicable or reasonable alternatives available, and construction meets the requirements of this section. Joint use of the sewer utility corridor by other utilities may be allowed.

Condition 4 of the Arborwood Preliminary Plat requires the developer to install sanitary sewer service to the wastewater treatment plant located just west and north of the site by way of a pump station and force main. This condition further required extension of service to accommodate service to unsewered properties east and south of the plat that lie within the urban growth area. Wetlands and wetland buffers fully constrain the east portion of Phases 4, 5, and 6, resulting in there being no practicable or reasonable alternative to siting a portion of the sewer main extension through wetland buffers. The utility route as shown closely matches the original proposed route shown on the Preliminary Plat with some modifications to minimize disturbance of the area based on updated survey information. The proposed route through the wetland buffer that utilizes portions of the old logging road corridor and an existing culvert crossing of Crabapple Creek is the least impactful reasonable alternative to provide sanitary sewer service from the east side of Crabapple Creek and the lift station because the extensive wetland and stream complex make any other alternative much more impactful. The design will utilize construction methods such as minimal excavation and cover, heat fusing pipe to eliminate the need for structures through this area, and use of materials that will be more durable and require less maintenance in an effort to minimize future disturbances.

4. New utility corridors shall not be allowed when the regulated wetland or buffer has known locations of federal or state listed endangered, threatened or sensitive species, heron

rookeries or nesting sites of raptors, which are listed as state candidate or state monitor, except in those circumstances where an approved habitat management plan indicates the utility corridor will not significantly impact the wetland or wetland buffer.

There are no federal or state listed endangered, threatened or sensitive species within the proposed sewer corridor. Heron rookeries and raptor nesting sites have not been identified within the Arborwood project site or within the proposed sewer line corridor.

5. New utility corridor construction and maintenance shall protect the regulated wetland and the buffer environment by utilizing the following methods:

a. New utility corridors shall be aligned, when possible, to avoid cutting trees greater than 12 inches in diameter at breast height (four and one-half feet), measured on the uphill side.

The alignment of the sewer corridor utilizes an existing road for approximately one third of the route to minimize the removal of trees. The remainder of the proposed alignment is forested and with the required pipe and the other requirements of force main installation, it cannot be realigned to avoid removal of trees of multiple sizes.

b. New utility corridors shall be revegetated with appropriate native vegetation at preconstruction densities or greater, immediately upon completion of construction, or as soon thereafter as possible, if due to seasonal growing constraints. The utility shall ensure that such vegetation survives.

Because only the central section of the sewer corridor is composed of forested vegetation, a planting plan has been prepared only for the central section. As part of the planting plan, a five-year monitoring plan is proposed to document the survival and growth of the installed plans. Maintenance is also proposed for at least five years to care for the plants by watering and removing invasive species.

c. Any additional utility corridor access for maintenance shall be provided as much as possible at specific points, rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width but no greater than 15 feet; and shall be contiguous to the location of the utility corridor on the side away from the wetland. Mitigation will be required for any additional access through restoration of vegetation in disturbed areas.

Access to maintain the sanitary sewer line will be provided by foot trail to be created atop the corridor.

d. The department may require other mitigation measures.

TMN will comply with any other mitigation measures imposed by the Department.

6. Utility corridor maintenance shall include the following measures to protect the regulated wetland and buffer environment.

a. Where feasible, painting of utility equipment such as power towers shall not be sprayed or sandblasted, unless appropriate containment measures are used, nor should lead-based paints be used.

This utility corridor does not propose utility equipment that would necessitate painting or sandblasting so this criterion is not applicable.

b. No pesticides, herbicides or fertilizer may be used in wetland areas or their buffers except those approved by the U.S. Environmental Protection Agency (EPA) and Washington Department of Ecology. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.

Maintenance within the utility corridor will be conducted by hand removal of invasive plant species and will likely not necessitate use of pesticides, herbicides, or fertilizer. If needed, the work will be conducted by a licensed applicator to ensure safe application practices.

Temporary Buffer Impacts-Sewer Line Corridor

Temporary impacts will occur within the buffers of Wetland L2 and C6 by construction activities to install the sewer force main, which consist of excavating the soil to place the pipe and covering the excavated areas with the removed soil material. The trench for installation of the sewer force main will require regrading of about a 30-foot-wide area, including the removal of trees and understory shrub vegetation within the buffer of Wetland C6. The soil removed from the sewer force main trench will be stockpiled alongside or near the work area for replacement back in the trench once the pipe is in place. There will be no change to the soil consistency or texture that would change the ability of the soil to function as it had prior to the construction activities. The impacts of this type of construction are considered temporary because the area can be rectified, restored, or reestablished following the work and does not require compensation for the impacts.

The table below describes the mitigation sequencing proposal for temporary and permanent impacts to the Wetland L2 and Wetland C6 buffers **(From Exhibit 11)**.

Table 1. Phase 5 Temporary and Permanent Impacts

Priority	Mitigation Sequencing Steps	Discussion
1.	<i>Avoiding the impact altogether by not taking a certain action or parts of actions.</i>	The sewer line corridor has been established from the Kitsap County Wastewater Treatment Plant offsite to the west. The entirety of Phases 4, 5, and 6 North lie east of a large wetland complex (Wetland L2), which presents an issue with getting the sewer line to the approved development. The corridor follows an old logging road in the western third to avoid direct impacts to the Wetland L2 buffer, the Crabapple Creek buffer, and the actual channel of Crabapple Creek. The remainder of the corridor crosses through the forested buffer of Wetland C6 and clearing and grading cannot be avoided in this area.
2.	<i>Minimizing the 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.</i>	Crabapple Creek- The channel of this stream will not be directly impacted by installation of the sewer line because it will cross the stream at the existing road and culvert crossing. The soil within the roadway will be temporarily impacted because there is no vegetation in the crossing. Wetland C6 Buffer. Vegetation and soil within the buffer of Wetland C6 will be temporarily impacted by clearing and grading necessary to install the sewer pipe. The impacts will be minimized by retaining trees wherever possible and providing protective BMPs.
3.	<i>Using one of the following mitigation types, listed in order of preference.</i>	
<i>a.</i>	<i>Rectifying the impact by reestablishing, rehabilitating, or restoring the affected environment.</i>	The function of the buffer in all of the temporarily impacted buffer areas will be restored by planting a variety of native vegetation. The planting plan not only restores the lost vegetation, but it will also increase vegetative diversity by planting a variety of species ranging from ground cover to
		conifer trees. It will also rectify the native soil by placing the material removed from the trench back in on top of the sewer pipe prior to plant installation.
<i>b.</i>	<i>Compensating for the impact by replacing or providing substitute resources or environments.</i>	Not applicable because compensation is achieved in 3.b. above.
<i>c.</i>	<i>Compensating for the impact by improving the environmental processes that support wetland systems and functions.</i>	Not applicable because compensation is achieved in 3.b. above.
4.	<i>Monitoring the impact and compensation and taking appropriate corrective measures.</i>	The restored and mitigated buffer areas will be monitored for a period of 5 years following installation of plants. They will be monitored for plant success, plant growth, and invasive plant coverage and any deficiencies will be corrected to ensure successful development of a forested buffer.
5	<i>Combining any of the above measures to mitigate for individual actions.</i>	This project is employing a combination of mitigation measures to compensate for individual actions, including mitigation for permanent impacts and restoration of temporary impacts.

PHASE 5 AND 6 BUFFER REDUCTIONS AND AVERAGING

ELS previously completed critical area reports and a buffer mitigation plan addressing permanent buffer impacts in September 2022 Wetland Buffer Mitigation Plan. While TMN has not proposed changes to proposed improvements or grading activities Phases 5 and 6 that necessitate additional buffer reductions, TMN is proposing additional buffer reductions through the use of buffer averaging in order to establish a 15-setback between the buffer and at-grade

improvements. The following discussion updates ELS's prior analysis with these additional buffer reductions proposed through use of buffer averaging in Phases 5 and 6.

Wetlands 12, L2, L3, and P2-Buffer Averaging

Buffer reductions are proposed to accommodate the stormwater ponds, Spine Road A, as well as some of the building lots (Figure 4). As shown on Figure 4 and in Table 2 below, there are four areas of buffer reductions, and six areas of buffer addition. Overall, averaging proposes to subtract 1.69 acres of buffer and add 1.69 acres of buffer in Phases 5 and 6 (Table 2) (Figure 4). The greatest area of reduction is proposed for construction of the stormwater pond and the spine road on the north end and the east side of Phase 5, respectively (Figure 4).

Table 2: Phase 5 Buffer Averaging Overview (Figure 4)

Area	Wetlands	Buffer Width (feet)	Subtracted Buffer (acres)	Added Buffer (acres)
1	L2	200	0.53	0.13
2	12	150	0.07	0.04
3	P2	200	0.69	0.64
4	L2/P2	200	0.40	0.29
5	C6/L3	150	0	0.02
6	L2	200	0	0.57
		Totals	1.69	1.69

Wetlands L2 and L3-Temporary Buffer Impacts Restoration

As compared to the prior CABR Application, the temporary impacts proposed within the buffers have now been decreased by moving components of the project outside the buffer and by increasing the areas where buffer averaging is applied. These measures have reduced the temporarily impacted areas and as a result, less of the buffer area will require replanting. The temporarily impacted areas have decreased from 0.49 to .37 acres and occur at the north end of Wetland L2 and at the south end within the buffers of Wetlands L2 and L3. Plant totals were reduced as a result and **Table 3 (from Exhibit 11)** presented below contains the same plants at the same spacing and minimum sizes, but the quantity is revised to reflect the updated areas of temporarily impacted buffers. See September 2022 Wetland Buffer Mitigation Plan (5&6) (**See Exhibit 3**).

Table 3. Phase 5 Restoration Plant List-Wetlands L2 and L3

Species Name	Spacing (ft from center)	Minimum Size	Quantity
Trees			
Douglas fir (<i>Pseudotsuga menziesii</i>)	10	1 gallon, potted	60
Grand fir (<i>Abies grandis</i>)	10	1 gallon, potted	60
Sitka spruce (<i>Picea sitchensis</i>)	10	1 gallon, potted	60
Total Trees			180
Shrubs/Ferns			
Indian plum (<i>Oemleria cerasiformis</i>)	5	1 gallon, potted	75
Snowberry (<i>Symphoricarpos albus</i>)	5	1 gallon, potted	75
Nootka rose (<i>Rosa nutkana</i>)	5	1 gallon, potted	75
Oregon grape (<i>Mahonia nervosa</i>)	5	1 gallon, potted	150
Sword fern (<i>Polystichum munitum</i>)	5	1 gallon, potted	150
Total Shrubs/Ferns			525
Grand Total			705

Wetlands C6 and L2 Temporary Buffer Impacts-Sewer Line Corridor

There have been no changes from the September 2022 Wetland Buffer Mitigation Plan (5&6) to the areas of temporary impact and restoration due to the sewer line corridor. However, the buffer of Wetland C6 has been reduced through buffer averaging to accommodate a maintenance road south of the stormwater pond. As a result, the area of mitigation previously needed within the buffer of Wetland C6 has been reduced (Figure 4 from Exhibit 11), while increasing the area of buffer creation. Table 4 as previously shown in the September 2022 Wetland Buffer Mitigation Plan has been revised to reflect the reduced area of impact within the sewer line corridor and includes the same plant species, spacing, and minimum sizes. The quantity of plants has been reduced per updated areas of buffers impacted by sewer line installation.

Table 4. Sewer Line Corridor Buffer Restoration Plant List-Wetlands C6 and L3

Species Name	Spacing (ft from center)	Minimum Size	Quantity
Trees			
Douglas fir <i>(Pseudotsuga menziesii)</i>	10	1 gallon, potted	35
Grand fir <i>(Abies grandis)</i>	10	1 gallon, potted	35
Sitka spruce <i>(Picea sitchensis)</i>	10	1 gallon, potted	35
Total Trees			105
Shrubs/Ferns			
Vine maple <i>(Acer circinatum)</i>	5	1 gallon, potted	25
Ocean spray <i>(Holodiscus discolor)</i>	5	1 gallon, potted	25
Indian plum <i>(Oemleria cerasiformis)</i>	5	1 gallon, potted	50
Snowberry <i>(Symphoricarpos albus)</i>	5	1 gallon, potted	50
Nootka rose <i>(Rosa nutkana)</i>	5	1 gallon, potted	60
Oregon grape <i>(Mahonia nervosa)</i>	5	1 gallon, potted	60
Sword fern <i>(Polystichum munitum)</i>	5	1 gallon, potted	75
Total Shrubs			345
Grand Total			450

Staff comment: The analysis of mitigation sequencing, buffer averaging, buffer restoration and the associated impacts analysis meets the requirements in 19.200.250 (A through D) and impacts will be restored in accordance with code, per the buffer restoration plans. Monitoring and maintenance bonds will be required and reporting within years 1, 2, 3, and 5 will be required and is a condition of approval. Annual reporting prior to December 31 of each monitoring year is required to be provided for each associated site development activity permit phase. The County agrees the utilities complies with KCC 19.200.225.H (Utilities in Wetlands or Wetland buffers).

Wetland Buffer Restoration Plan

Wetland buffer restoration is proposed to restore the functions of buffer where temporary grading impacts will occur. Restoration will include placement of topsoil, woody mulch, and installation of a variety of native trees, shrubs, and ferns followed by five years of maintenance and monitoring to adequately restore buffer functions. The area of proposed restoration totals 0.88 acres within the temporarily impacted buffer areas, which will occur only in Phase 5. Buffer restoration will occur in three generalized locations along the outer buffer of Wetland L2 with the greatest area at the north end to accommodate the grades for the Phase 5 road and

stormwater pond. Some of the restoration occurs in the general location of the subtracted buffer areas, which will help to replace any lost buffer function.

Goals, Objectives, and Performance Standards

Project Goal: Restore wetland buffer functions where temporary buffer impacts are proposed, which will replace vegetation lost during construction. The performance standards focus on keeping cover by invasives low and having a high survival rate of planted species so that there will be a resulting increase in percent cover.

Objective 1: Control invasive species.

Performance Standard 1(a): During Years 1 through 5, invasive species will be removed and suppressed around the installed plants in the mitigation area as often as necessary to meet a performance standard of no greater than 10 percent cover by invasive species. Percent cover will be recorded annually and included in monitoring reports.

Objective 2: Increase native plant cover within the shoreline buffer.

Performance Standard 2(a): The project will maintain 100 percent survival of plants in Years 1 through 3. After Year 3, the plants should be surviving and growing well within the buffer area so additional survival rate monitoring may not be warranted. Plant species number will be recorded annually and compared with as-built conditions for inclusion with the monitoring reports.

Performance Standard 2(b): Native installed and volunteer species in the buffer will provide a minimum of 15-percent cover in Year 1, 15 to 20-percent cover in Year 2, 20 to 25 percent cover in Year 3, 25 to 40 percent cover in Year 4, and 40 to 50 percent in Year 5. Plant species and percent cover will be recorded annually and included in monitoring reports.

Buffer Restoration Areas

1. Spread 4 to 6 inches of organic topsoil across the bare soils and 2 inches of woody mulch on the graded areas to create a suitable planting medium.
2. Install plants as specified on the planting plan and at the specified spacing to allow for maintenance activities (Figure 9).

Specifications for Planting

The plants specified for installation are intended to rectify temporary impacts to initiate a trend toward a native forested community. The specified trees, high and low shrubs, and ferns proposed; Douglas fir, grand fir, Sitka spruce, vine maple, ocean spray, Indian plum, Nootka rose, snowberry, Oregon grape, and sword fern - grow relatively quickly, and if maintained, will create a diverse buffer zone to provide high quality buffer function.

Plant Materials

Potted Stock

1. All plants specified for this restoration plan will be purchased from a native plant nursery.
2. Potted stock will have a minimum size of 1.5 to 3 feet tall.
3. Potted stock will be kept in a shaded area prior to being planted.
4. The potted stock will have well-developed roots and sturdy stems with an appropriate root-to-shoot ratio.
5. No damaged or desiccated roots or diseased plants will be accepted.

6. Unplanted stock will be properly stored at the end of each planting day to prevent desiccation.

7. The project biologist will be responsible for inspecting potted stock prior to and during planting and culling unacceptable plant materials.

Planting Specifications

Plants will be installed as roughly indicated on the attached planting plan (Figure 9) after topsoil and mulch have been applied. Table 3 provides a list of plants proposed for installation within the buffer based on the square footage of the restoration areas. Plant spacing is intended to permit maintenance of invasive plants without impacting the installed vegetation.

Table 3. Wetland Buffer Restoration Plant List

Species Name	Spacing (ft from center)	Minimum Size	Quantity
Trees			
Douglas fir (<i>Pseudotsuga menziesii</i>)	10	1 gallon, potted	105
Grand fir (<i>Abies grandis</i>)	10	1 gallon, potted	105
Sitka spruce (<i>Picea sitchensis</i>)	10	1 gallon, potted	105

Species Name	Spacing (ft from center)	Minimum Size	Quantity
Shrubs/Ferns			
Vine maple (<i>Acer circinatum</i>)	5	1 gallon, potted	75
Ocean spray (<i>Holodiscus discolor</i>)	5	1 gallon, potted	125
Indian plum (<i>Oemleria cerasiformis</i>)	5	1 gallon, potted	125
Snowberry (<i>Symphoricarpos albus</i>)	5	1 gallon, potted	200
Nootka rose (<i>Rosa nutkana</i>)	5	1 gallon, potted	200
Oregon grape (<i>Mahonia nervosa</i>)	5	1 gallon, potted	250
Sword fern (<i>Polystichum munitum</i>)	5	1 gallon, potted	250
Grand Total			1,540

Table 5. Sewer Line Corridor Buffer Restoration Plant List

Species Name	Spacing (ft from center)	Minimum Size	Quantity
Trees			
Douglas fir (<i>Pseudotsuga menziesii</i>)	10	1 gallon, potted	65
Grand fir (<i>Abies grandis</i>)	10	1 gallon, potted	65
Sitka spruce (<i>Picea sitchensis</i>)	10	1 gallon, potted	65
Total Trees			195
Shrubs/Ferns			
Vine maple (<i>Acer circinatum</i>)	5	1 gallon, potted	50
Ocean spray (<i>Holodiscus discolor</i>)	5	1 gallon, potted	50
Indian plum (<i>Oemleria cerasiformis</i>)	5	1 gallon, potted	50

Species Name	Spacing (ft from center)	Minimum Size	Quantity
Snowberry (<i>Symphoricarpos albus</i>)	5	1 gallon, potted	125
Nootka rose (<i>Rosa nutkana</i>)	5	1 gallon, potted	125
Oregon grape (<i>Mahonia nervosa</i>)	5	1 gallon, potted	125
Sword fern (<i>Polystichum munitum</i>)	5	1 gallon, potted	200
Total Shrubs			725
Grand Total			875

Planting Methods

1. Install the specified plants as listed in Table 3 at any time of the year but preferably in the early spring. Space the plants somewhat irregularly within the pods to create dense heterogeneity in the mitigation area. Plant the potted stock with a tree shovel or comparable tool.
2. Place the potted species in the planting holes so that their roots are able to extend down entirely and do not bend upward or circle inside the hole.
3. Position the root crowns so that they are at, or slightly above, the level of the surrounding soil.
4. Firmly compact the soil around the planted species to eliminate air spaces.
5. Install a minimum 2 inches yard of woody mulch before or after plant installation to provide moisture retention and minimize non-native plant recovery. The woody mulch should be created from trees and vegetation removed to construct this project to minimize the establishment of non-native plant species.
6. Irrigate all newly installed plants as site and weather conditions warrant.

Staff comment: The analysis meets the requirements in 19.200.250 and 19.700.715 and impacts will be restored in accordance with code, per the buffer restoration plan.

MAINTENANCE

Maintenance of the planting areas will occur for 5 years and will involve removing invasive plant species, irrigating planted species, and reinstalling failed plantings, as necessary. The maintenance may include the following activities:

1. Remove and control non-native and/or invasive vegetation from within the wetland buffer areas a minimum of two times during the growing season for the first 5 years.
2. Irrigate planted species as needed during the dry season, approximately July 1 through October 15. ELS biologists recommend that watering occur at least every two weeks during the dry season for the first 3 years. The most successful method of watering plants is using a temporary above-ground irrigation system set to a timer to ensure the plants are regularly watered.
3. Replace dead or failed plants as described for the original installation to meet the minimum

annual survival rate and percent cover performance standards.

MONITORING PLAN

The buffer restoration areas will be monitored annually for a 5-year period following plant installation. Monitoring reports will be submitted to the Kitsap County Department of Community Development (KCDCD) by December 31st of each monitored year. The goal of monitoring is to determine if the previously stated performance standards are being met. The buffer areas will be monitored once during the growing season, preferably during the same two-week period each year to better compare the data. Representative monitoring units 30 to 40 feet in diameter will be established in each of the largest restoration areas but the smaller areas may be monitored in their entirety to track plant success. Photo stations will be established from several locations within the mitigation area to visually document the changes that occur in the buffer during the 5-year monitoring period.

Vegetation

Vegetative monitoring will document the developing native vegetation buffer within the mitigation area. The following information will be collected during each monitoring visit:

- Number and frequency of trees, shrubs, and ferns (survival rate standard).
- Native species composition of restoration area, including native volunteers (percent cover standard).
- Non-native, invasive composition of restoration areas (non-native percent cover standard)
- Photo documentation of vegetative changes over time.

Monitoring Report Contents

The annual monitoring reports will contain at least the following:

- Location map and representational drawing.
- Historic description of project, including dates of plant installation, current year of monitoring, and restatement of goals, objectives, and performance standards.
- Description of monitoring methods.
- Documentation of plant cover and overall development of plant communities.
- Assessment of non-native, invasive plant species and recommendations for management.
- Photographs from permanent photo points.
- Summary of maintenance and contingency measures proposed for the next season and completed for the past season.

CONTINGENCY PLAN

If the performance standards are not being met during the 5-year monitoring period, contingency measures will be implemented to achieve the standard by the next monitoring season. The contingency measures utilized will depend on the failure of the plants or maintenance activities and will include but are not limited to replacement of dead plants (with the same or a similar species) when the survival rate standard is not met, addition of plants

when the yearly percent cover standard is not met, and more intensive maintenance if the invasive plant cover exceeds 10 percent. All contingency actions will be undertaken only after consulting and gaining approval from KCDCD.

The applicant will be required to complete a contingency plan that describes (1) the causes of failure, (2) proposed corrective actions, (3) a schedule for completing corrective actions, and (4) whether additional maintenance and monitoring are necessary.

Staff comment: The analysis meets the requirements in 19.700, 19.700.710, and 19.700.715 and impacts will be restored in accordance with code, per the buffer restoration plan.

Staff comment: upon review of the revised submittal materials and extensive review of the associated documents submitted, the aforementioned mitigation analysis meets the requirements in 19.700, 19.700.710, and 19.700.715 and we concur that temporary and permanent impacts will be restored in accordance with code, per the revised Buffer Restoration Plan, Goals Objectives and Performance Standards, Revised Planting Specifications, Revised Monitoring and Maintenance Plan and Contingency plans.

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

Potable water is proposed to be provided by an on-site well; sanitary sewage disposal is proposed to be provided by an existing on-site septic system. Prior to site development activity the applicant must provide approval for water and sewer from Kitsap County Health Department.

n. Kitsap Public Health District

No comments at this time.

11. Review Authority

The Director has review authority for this ***(Revised)*** Critical Area Buffer Reduction application under KCC 21.04.100. The Director may approve, approve with conditions, or deny this application.

12. Findings

1. The proposal is consistent with the Comprehensive Plan and the zoning standards for

the Urban Cluster Residential (UCR) zone in Title 17.

The proposal meets the criteria for an administrative critical area buffer reduction in KCC 19.100.135, as analyzed in section 10.i of this report.

13. Recommendation

Based upon review of the revised submittals and associated analysis above and the decision criteria found in KCC 19.100.135, the Department of Community Development recommends that the Revised Critical Area Buffer Reduction Upon Remand for Taylor Morrison Northwest (Arborwood North, Phase 4, 5, and 6 north, Spine Road A, and associated access bridges) 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. 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.
3. The decision set forth herein is based upon representations made and exhibits contained in the project application Permit #22-02629. 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.
4. Associated plantings and stabilization shall be required for open space tracts which may be impacted by project grading and/or wall permits. This replanting will be reviewed within the required landscape review elements.

b. Development Engineering

5. Commercial development will be reviewed in the associated Site Development Activity Permits and with the accepted plans under SDAP 22-00374, SDAP 21-06120, SDAP 22-00785 and related bridge permits 22-01582 and 22-01583, once approved.

c. Environmental

6. Construction techniques shall implement best management practices to ensure

- protection of the wetlands, streams, associated buffers, and local water quality. Such best management practices shall include protective silt fencing in defined 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.
7. Due to the mapped slopes on this parcel, work on sloped areas shall be guided by the associated geotechnical reports and geotechnical specialists.
 8. Prior to final approval for each SDAP phase, the common boundary between stream and wetland buffers 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.
 9. Equipment shall be staged in designated areas. Avoid staging within the critical area buffer.
 10. Permit application approval is subject to chapter 19.200.215 and 19.300.315 of the 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.
 11. Clearing and tree removal within the established stream and wetland buffers shall be the minimum necessary to support the proposed improvements. Clearing limits must be clearly shown on the site plan with the associated site development activity permit (or) building permit and clearing outside of the approved limits will require prior County approval.
 12. **Due to area constraints from on-site streams and wetlands and their associated buffers, averaging was applied. The total area contained within the buffer after averaging shall be no less than that contained within the standard buffer prior to averaging. The decrease in buffer widths is the minimum size required for the regulated activity and is no less than 50% of the required width. The minimum applied width is 100-feet as shown on the revised site plan. In addition, a building or impervious surface setback line of 15-feet is required from the edge of the wetland buffer to associated structures where building structures are planned. The applicant has proposed compliance with the 15-foot construction setback for related roadways; however, conformance with 19.200.225 D does allow buffer mitigation with no associated building setback as long as mitigation sequencing for necessary roadway construction is proposed.**
 13. As shown on the revised site plan, additional buffer areas shall be provided per the mitigation report.
 14. Unless otherwise allowed through this Critical Area Buffer Reduction, a 200-foot and 150-foot native vegetation buffer must be maintained along the

delineated wetland boundaries, as depicted on the approved plans and 150 feet for the F-type creek. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the buffer, unless otherwise approved by this Critical Area Buffer Reduction permit.

15. **The project shall adhere to the mitigation measures and recommendations within the approved wetland Mitigation Report prepared by ELS, Inc. dated September 7, 2022, and the associated revised ELS submittal dated April 5, 2024 (see Exhibit 11).**
16. Vegetation planting shall occur as specified in the approved planting plan produced in support of this permit. Planting of native vegetation shall occur within the first dormant season once the permitted project has been constructed and approved. When planting is complete, the applicant must contact Development Service and Engineering Staff at (360)337-5777 for a site inspection and as-built approval. Monitoring and maintenance of the planted area shall be conducted for three years 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 by December 31 of each monitoring year. 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.
17. Associated site inspections under an Environmental Clearing Limits inspection shall be called out prior to site work for each phase of construction to verify flagged limits for tree removal adjacent to all buffers, clearing limits, and adjacent properties.
18. Due to area constraints from the on-site stream and associated buffer, the application of a Habitat Management Plan (HMP) shall be implemented to compensate for a buffer reduction at the minimum necessary to accommodate the proposed bridge installations and associated development infrastructure and temporary impacts under permit 22-01582 and 22-01583. This buffer reduction is allowed for the south and north bridge stream crossings, as there are no other alternatives to access the plat, the bridge access is vested per the 2009 Plat decision/Developer Agreement, and the bridge access is the minimum necessary of the required buffer. The modified buffer is related to the required benching for wildlife access to and through the wildlife open space tracts and corridors. The bench minimum specification is at least 2 feet above the stream Ordinary high-water line and includes a 5-foot-wide path and minimum 10-foot-high clearance above the path. The bench minimum

specification shall include a coir-fabric armored slope-face to reduce stream cutting into the bridge trail. The coir shall be pinned into the bank. If armoring is necessary, it shall be done with rounded cobble or river rock, per Washington State Fish and Wildlife specs and under HPA direction.

19. Upon successful completion of the required plantings, restoration work, monitoring and maintenance conditions and actions (and completion of associated bonds), a Homeowners Association (or the developer) will be required to maintain buffers, open space tracts, landscaping, and critical area protections.

d. Traffic and Roads

None at this time (Note: Spine Road A will be a dedicated County Road and will be required to be constructed to Kitsap County Road standards, Per KCC Title 11).

e. Fire Safety

None at this time.

f. Solid Waste

None at this time.

g. Kitsap Public Health District

None at this time.

Report prepared by:



Revised Date: May 15, 2024

Steve Heacock / Project Lead

Report approved by:



Revised Date: May 15, 2024

Katharine Shaffer DCD Planning Supervisor

Attachments:

Attachment A – Zoning Map

Attachment B – Critical Areas Map

CC:

Applicant/Owner: TAYLOR MORRISON NORTHWEST LLC, LRowse@taylormorrison.com;

Authorized Agents: Core Design, Inc., permits@coredesigninc.com; Richard Rawlings, rrawlings@taylormorrison.com; Lisa Cavell, lcavell@taylormorrison.com; Eric Clarke w/Core Design, Inc., ecclarke@coredesigninc.com; Goldsmith Engineering, tclements@goldsmithengineering.com;

PULTE HOMES OF WASHINGTON INC.: Jeff Thomas, jethomas@taylormorrison.com; Nicholas Lavaring, nicholas.lavaring@pulte.com; Tyler Wilcox, tyler.wilcox@pultegroup.com; Mujib Kamawal, mujib.kamawal@pultegroup.com

Biologist: Joanne Bartlett, ELS, Inc. joanne@eco-land.com

Geotechnical Engineer: Carolyn Decker, Terra-Associates cdecker@terra-associates.com

Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

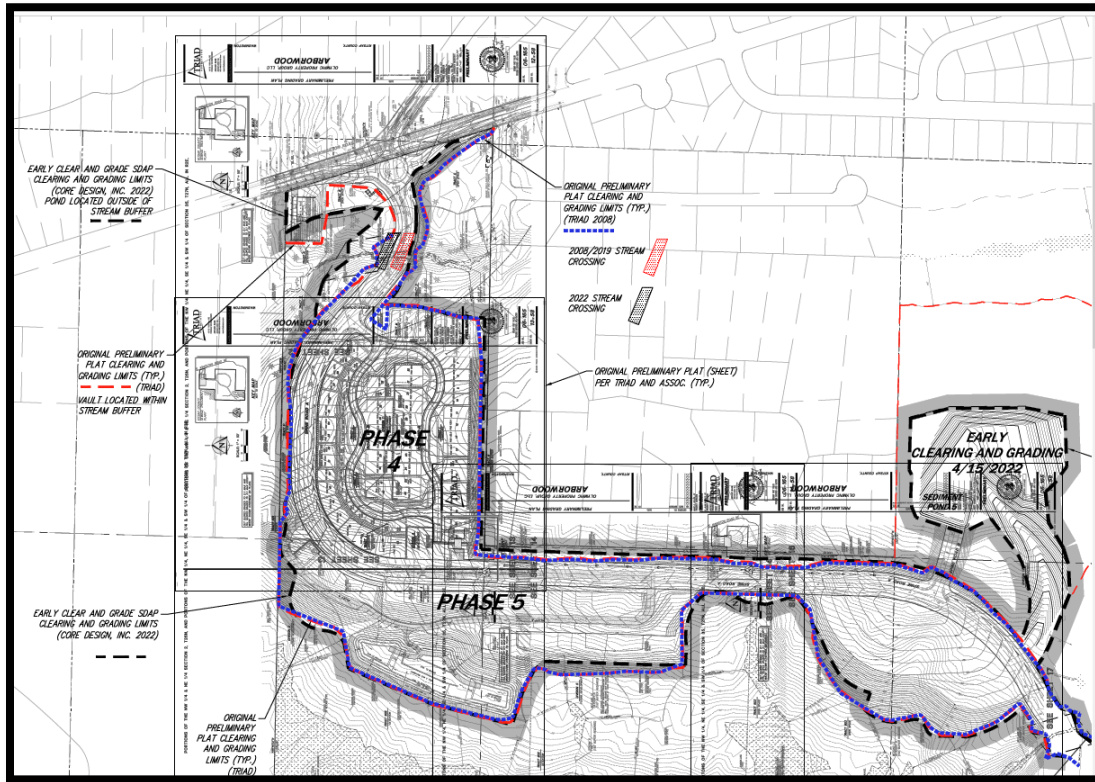
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DCD Staff Planner: Steve Heacock

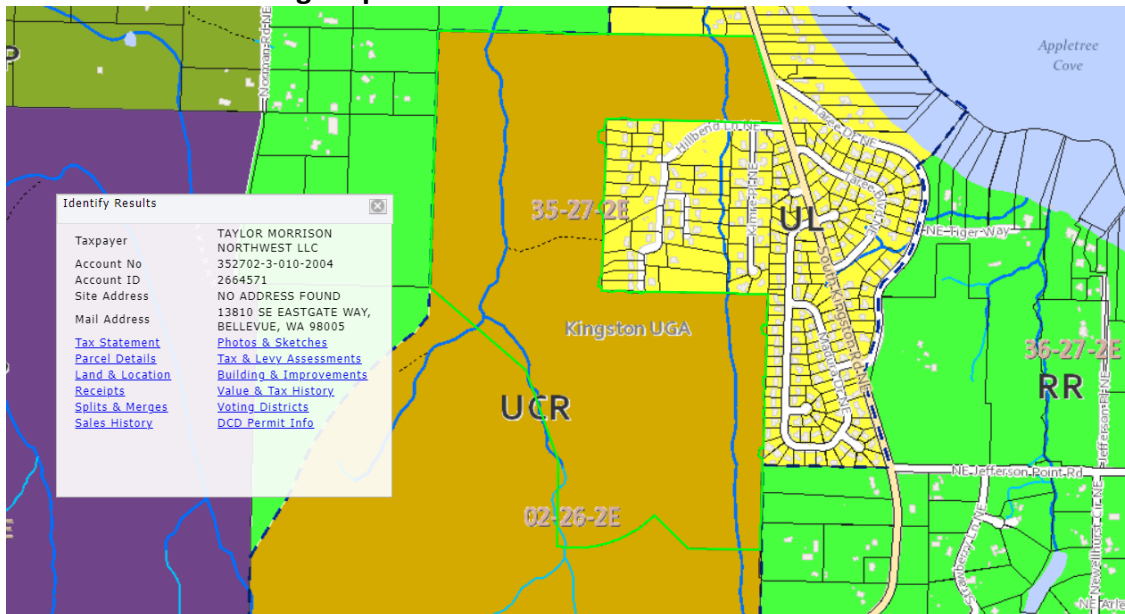
DCD Staff Planner: Jeff Smith

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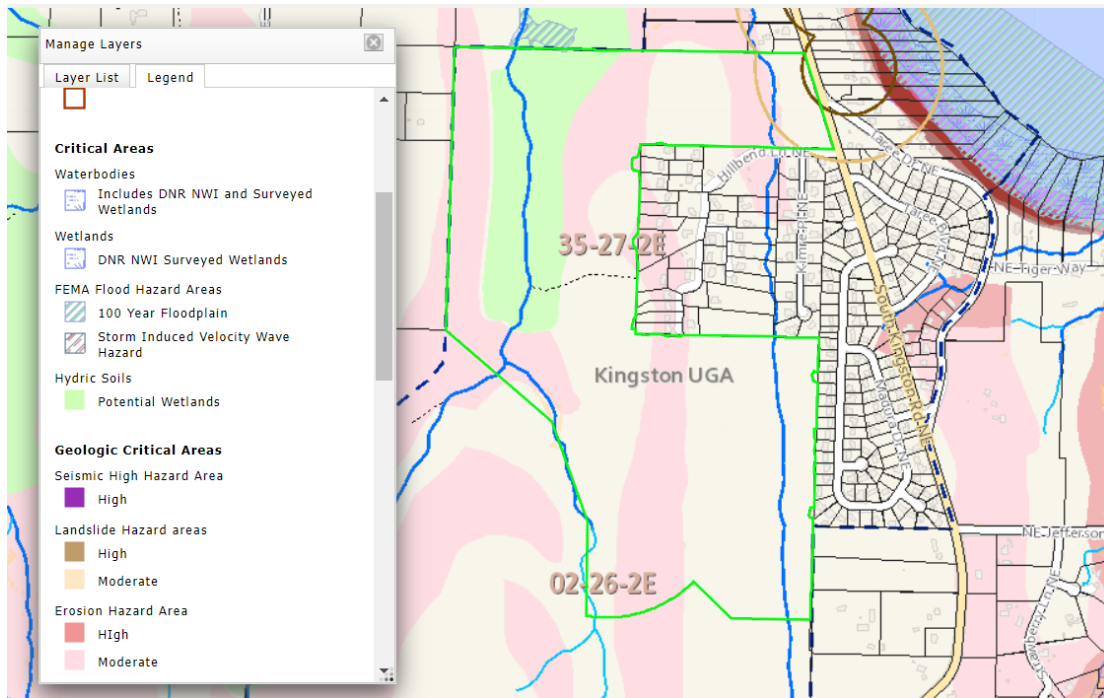
Site Plan



Attachment A – Zoning Map



Attachment B – Critical Areas



Revised Ste Plan (Exhibit 10)

