Kitsap County Department of Community Development

ADMINISTRATIVE STAFF REPORT

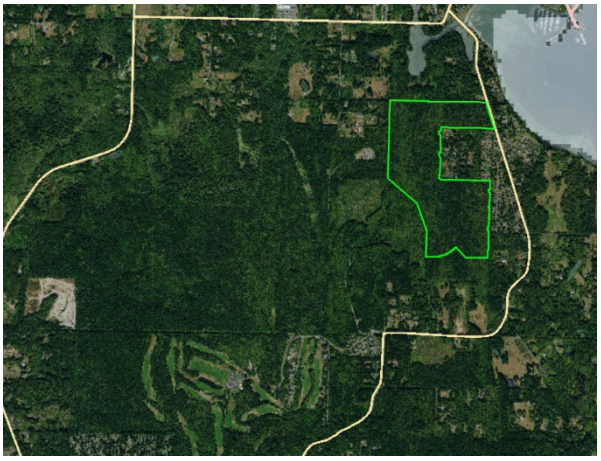
Report Date: June 27, 2023

Application Submittal Date: 05/26/2022
Application Complete Date: 03/01/2023

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 conditions listed under section 13 of this report.

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. 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 reductions of buffers are categorized as a variance and are considered a minor land use action. Minor land use actions are SEPA Exempt under KCC 18.04, and the State Environmental Policy Act, per 197-11-800 (6) (e).

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

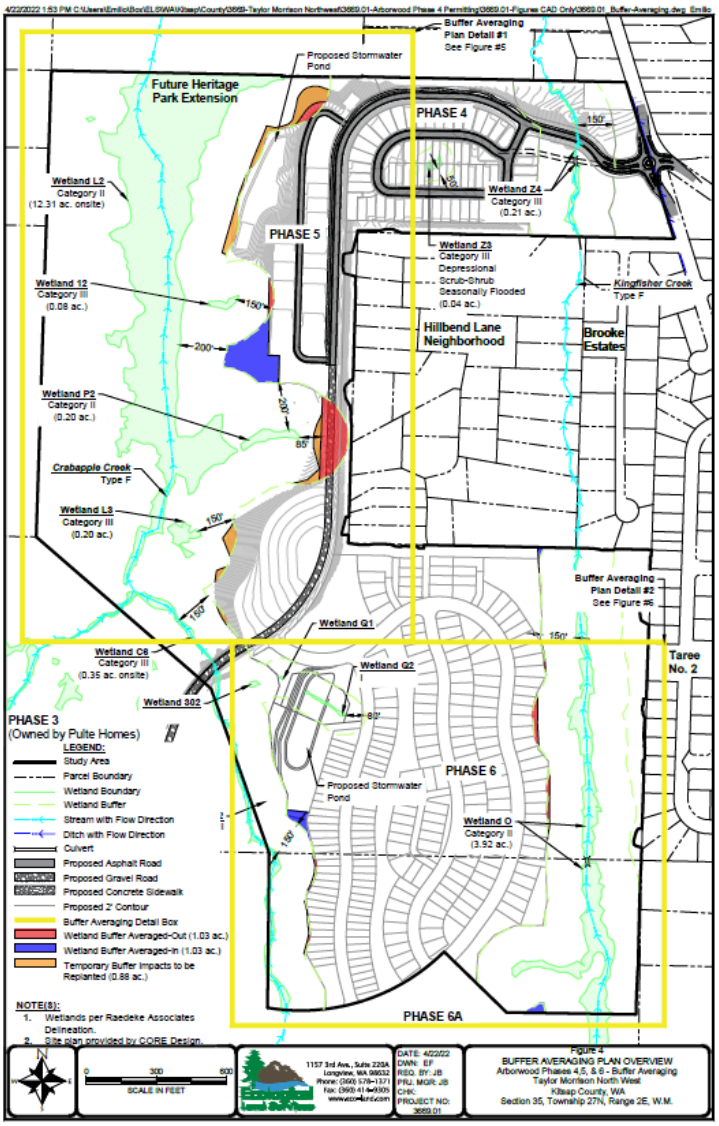
	Provider
Water	PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County Public Works
Police	Kitsap County Sherriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #400

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. Please see the associated Wetland Buffer Mitigation Plan by Ecological Land Services, Inc. (Dated September 2022, exhibit 3) for details.



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).**

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.

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

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:

A wetland report has been provided by Raedeke and associates and a wetland mitigation report and analysis was 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**

Wetland Report and Wetland Buffer Averaging and Wetland Buffer Reduction

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 at any point. 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.

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.

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.

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.

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 (*Pseudotsuga menziesii*)	10	1 gallon, potted	105
Grand fir (*Abies grandis*)	10	1 gallon, potted	105
Sitka spruce (*Picea sitchensis*)	10	1 gallon, potted	105

Species Name	Spacing (ft from center)	Minimum Size	Quantity
Shrubs/Ferns			
Vine maple (*Acer circinatum*)	5	1 gallon, potted	75
Ocean spray (*Holodiscus discolor*)	5	1 gallon, potted	125
Indian plum (*Oemleria cerasiformis*)	5	1 gallon, potted	125
Snowberry (*Symphoricarpos albus*)	5	1 gallon, potted	200
Nootka rose (*Rosa nutkana*)	5	1 gallon, potted	200
Oregon grape (*Mahonia nervosa*)	5	1 gallon, potted	250
Sword fern (*Polystichum munitum*)	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 (*Pseudotsuga menziesii*)	10	1 gallon, potted	65
Grand fir (*Abies grandis*)	10	1 gallon, potted	65
Sitka spruce (*Picea sitchensis*)	10	1 gallon, potted	65
		Total Trees	**195**
Shrubs/Ferns			
Vine maple (*Acer circinatum*)	5	1 gallon, potted	50
Ocean spray (*Holodiscus discolor*)	5	1 gallon, potted	50
Indian plum (*Oemleria cerasiformis*)	5	1 gallon, potted	50

Species Name	Spacing (ft from center)	Minimum Size	Quantity
Snowberry (*Symphoricarpos albus*)	5	1 gallon, potted	125
Nootka rose (*Rosa nutkana*)	5	1 gallon, potted	125
Oregon grape (*Mahonia nervosa*)	5	1 gallon, potted	125
Sword fern (*Polystichum munitum*)	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.

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 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 a critical area variance in KCC 19.100.135, as analyzed in section 10.i of this report.

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 19.100.135, the Department of Community Development recommends that the Critical Area Buffer Reduction 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 with 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 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 85 feet as shown on the approved site. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the wetland buffer.

13. As shown on the approved 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 variance.
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.
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:

_____ Date: June 26, 2023
Steve Heacock / Project Lead

Report approved by:

Katharine Shaffer

_____ Date: June 26, 2023
Katharine Shaffer DCD Planning Supervisor

Attachments:
Attachment A – Zoning Map
Attachment B – Critical Areas Map

CC: Owner/agent: Richard Rawlings; rrawlings@taylormorrison.com
TAYLOR MORRISON NORTHWEST LLC, LRowse@taylormorrison.com
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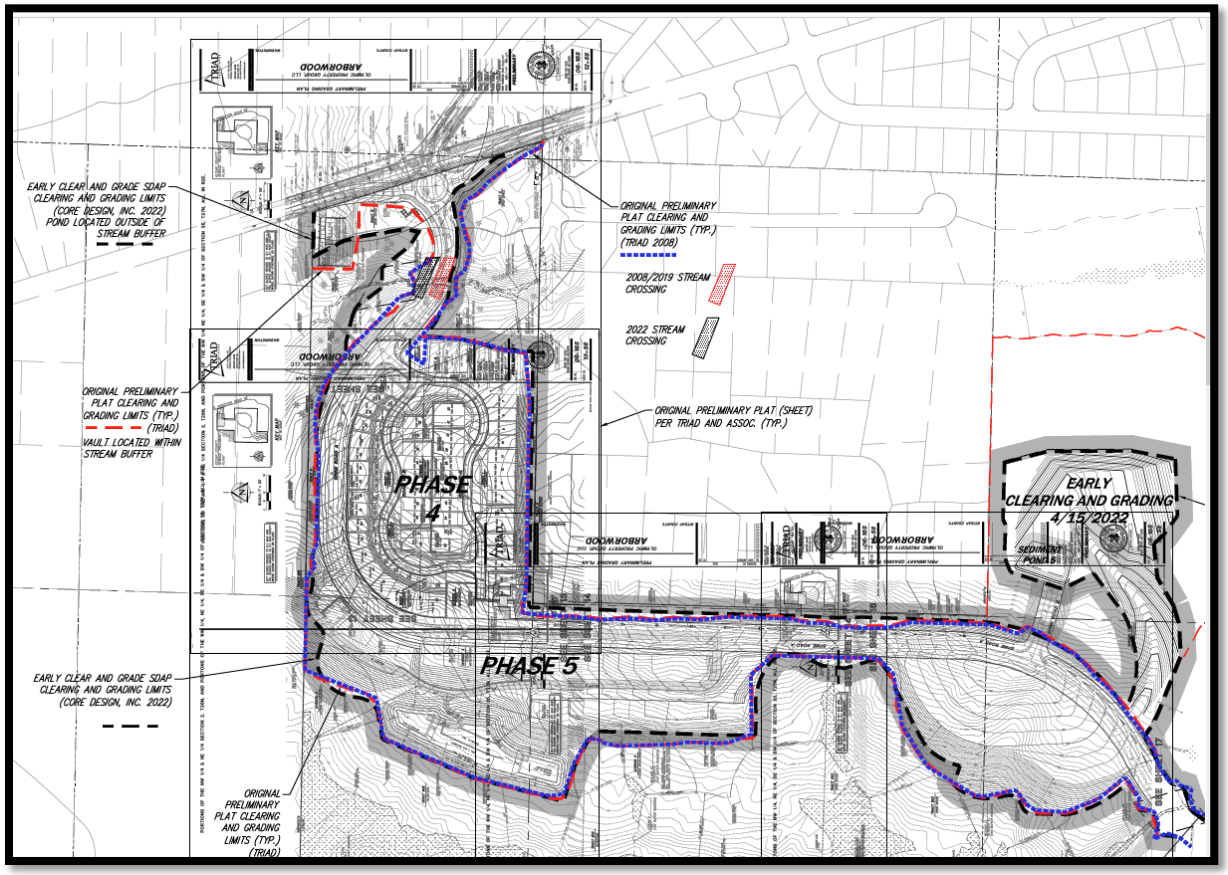
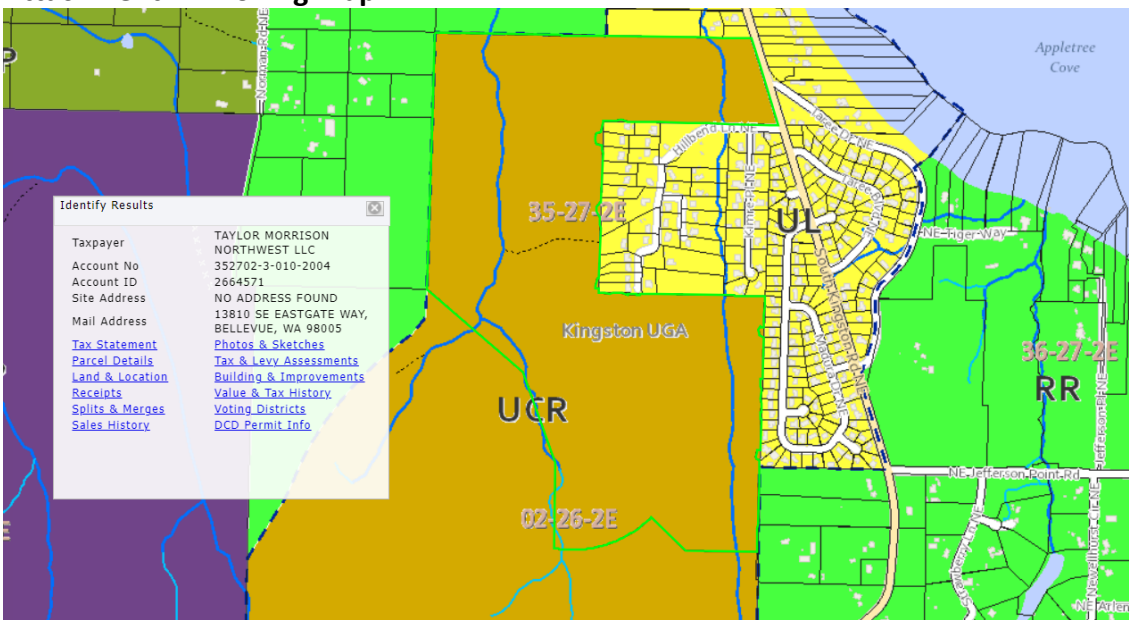
Biologist: Joanne Bartlett, ELS, Inc. joanne@eco-land.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planners: Steve Heacock, Jeff Smith
Interested Parties: Betsy Cooper, betsycooper1@gmail.com; Shawn M Gibbs, shawngibbs1@yahoo.com; Joe Lubischer, jslubischer@gmail.com; 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

Site Plan



Attachment A – Zoning Map



Attachment B – Critical Areas