



Administrative Staff Report

Report Date: 3/4/25

Application Submittal Date: 8/21/2023

Application Complete Date: 6/20/2023

Project Name: Watts Shop/Single-Family Residence

Type of Application: Critical Area Buffer Reduction (CABR)

Permit Number: 23-02834

Project Location

4793 NE Oreseth Road
Poulsbo, WA 98370
Commissioner District #1

Assessor's Account

062602-1-039-2001

Applicant/Owner of Record

Tami Watts
19799 4TH AVE NE,
POULSBO, WA 98370

Decision Summary

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

VICINITY MAP



1. Background

The project proposes the construction of a 3,800-square-foot dual-use building that includes a shop and a 900-square-foot single-family residence integrated within the structure. Associated actions include the development of a driveway, installation of a well, septic system, and drainfield, as well as the construction of necessary supporting infrastructure such as utilities and stormwater management facilities. The property is 3.48 acres in size, fully encumbered by wetlands and streams, and located within the Rural Protected (RP) zoning district, which allows one dwelling unit per ten acres.

The proposed project avoids direct impacts to nearby wetlands and streams. Modifications to buffer widths are proposed for two wetlands: Wetland A is rated as a Category IV and Wetland B is a Category III, with habitat scores of 5 and 6, respectively.

- Wetland A (Category IV): Buffer impacts are mitigated through on-site buffer averaging.
- Wetland B (Category III): Buffer reductions of 25% from the standard width are

proposed (Type 1 decision). This wetland shares its buffer with a Type F stream, where the proposed stream buffer modifications range from 25% to 50% of the standard width (Type II Decision).

The reduction in the Category III wetland and Type F stream buffer requires enhancement measures, including planting native trees and shrubs. Wetland A buffer adjustments qualify as a Type I decision, while the modifications to the shared dual buffer for the Wetland B and Type F stream are subject to a Type II decision.

The submitted mitigation plan includes the following enhancement measures:

- Wetland A: Enhance 400 square feet within the wetland area with mixed native trees and shrubs.
- Wetland A Buffer: Enhance 300 square feet of the buffer area with mixed native trees and shrubs.
- Wetland B/Type F Stream Buffer: Enhance 15,000 square feet of the shared buffer area with mixed native trees and shrubs.

2. Project Request

The applicant requests a reduction of standard buffers under the guidelines of Kitsap County Code 19.200.220(B)(2) and 19.300.315(A)(3).

3. SEPA (State Environmental Policy Act)

The proposal is SEPA exempt per Kitsap County Code 18.04.090.A.1.b: Up to four residential dwelling units outside the boundaries of an urban growth area.

4. Physical Characteristics

The subject property is a vertical rectangle with irregular edges, narrowing significantly in the north to form a "panhandle" like shape. It can also be described as a flag lot.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Protection Zone: Rural Protection	Standard	Proposed
Minimum Density	NA	3.48 acres* Lot is existing, and project does not propose any newly created parcels
Maximum Density	1 unit per 10 acres	
Minimum Lot Size	10 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140	NA
Minimum Lot Depth	140	NA
Maximum Height	35 feet	NA

Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: None

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (North)	50 feet	~548 feet
Side (East)	20 feet	20' feet
Side (West)	20 feet	300 feet
Rear (South)	20 feet	65 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Rural Residential (RR)
South	Single-family residence	Rural Protection (RP)
East	Single-family residence	Rural Protection (RP)
West	Single-family residence	Rural Protection (RP)

Table 4 - Public Utilities and Services

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

5. Access

Access to the subject property is via NE Orseth Road, which connects to Port Gamble Road.

6. Site Design

Site design is analyzed under Section 10.

7. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the

Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016 and amended in 2020.

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

Land Use Policy 50

Limit the designed rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.

Land Use Policy 51

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

Land Use Policy 53

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

Environment Policy 18.

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

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

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)

Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
CABR Application	June 20, 2023
Critical Area Assessment & Mitigation Plan	January 6, 2023
Geological Report	August 17, 2023
Environmental (SEPA) Checklist	December 7, 2023
Final Site Plan	December 7, 2023
Rejection HPA Application	December 23, 2023
Department of Ecology Comment Letter	December 27, 2023
Memo from BGE Environmental	February 20, 2024

9. Public Outreach and Comments

Kitsap County prepared a notice of application consistent with Kitsap County Code (KCC) 21.04 published on December 13, 2023.

Kitsap County received a comment letter from Washington Department of Ecology with the following comments:

- The depicted Wetland B buffer does not accurately follow the delineated boundary of Wetland B. It seems like the buffer of Wetland B should be south of the footprint of the proposed building.
- It does not appear that the location of the proposed building is fully compliant with County code, specifically 19.100.135(A)(4) and 19.100.135(A)(5). For example, if the proposed building is oriented east-west instead of north-south, this would reduce the amount of intrusion into the stream buffer.

As a result of the comment, a memo from BGE Environmental dated February 20, 2024 was submitted responding to Washington Department of Ecology’s comment. The memo concluded:

- Wetland B is described in their January 2023 report as an area integrated with the stream for approximately 65 feet west of a chain-link fence, with steep slopes and minimal separation between the wetland and stream in some areas. The report acknowledges discrepancies in the site plan's depiction of Wetland B and provides additional context in the narrative, including off-site wetland and hydrologic conditions.
- To address concerns about buffer impacts, BGE offered an alternative exhibit showing only the stream without Wetland B, avoiding wetland buffer impacts but retaining unavoidable impacts to the stream buffer. However, BGE maintains the proposed project minimizes impacts through compliance with all relevant Kitsap

County codes and standards. The project design balances environmental protections and residential development, resulting in minimal developable space on the 3.48-acre property.

- The request to reorient the building east-west, rather than the proposed north-south alignment, would increase buffer intrusion, placing nearly the entire structure within the stream buffer. BGE argues the current proposal is the most feasible option, minimizing impacts while supporting residential use. Alternatives to reduce buffer impacts are limited, with no practicable option to avoid all impacts other than forgoing development.

Memo was forwarded to Department of Ecology with the summarized response:

Since the existing buffer between the proposed building and the offsite Type F stream/wetland is primarily mowed grass pasture, the environmental impact of the building may not significantly differ based on its orientation. Orienting the building east-west could eliminate the need for wetland buffer reductions, though it would still likely encroach on the 15-foot setback. This orientation could also provide an opportunity for wetland/stream buffer enhancement in the area most impacted by the development. This rationale for the comments made in the December 2023 letter.

Due to the impacts with any orientation of the proposed structure, staff proceeded with approval of the current proposal.

10. Analysis

a. Planning/Zoning

The subject property is zoned Rural Protection. Kitsap County Code (KCC) 17.410.042 permits single-family detached housing units.

Table 2 demonstrates that the proposed structure will meet the required setbacks in KCC 17.420.052.

Table 5 shows 3 parking spaces are required and 3 are proposed.

b. Lighting

Lighting was not analyzed for this proposal.

c. Off-Street Parking

KCC 17.490.030 requires 3 parking spaces for single-family residences. The submitted site plan shows 3 proposed parking spaces meeting the parking requirements.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	3 per unit	3	3
Total			3

d. Signage

Signage was not proposed in this application.

e. Landscaping

Landscaping was not analyzed for this proposal per KCC 17.500.010: Single-family lots shall be exempt.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	NA	NA
Required Buffer(s) 17.500.025	NA	NA
North	NA	NA
South	NA	NA
East	NA	NA
West	NA	NA
Street Trees	NA	NA

f. Frontage Improvements

Front improvements were not required for this proposal.

g. Design Districts/Requirements

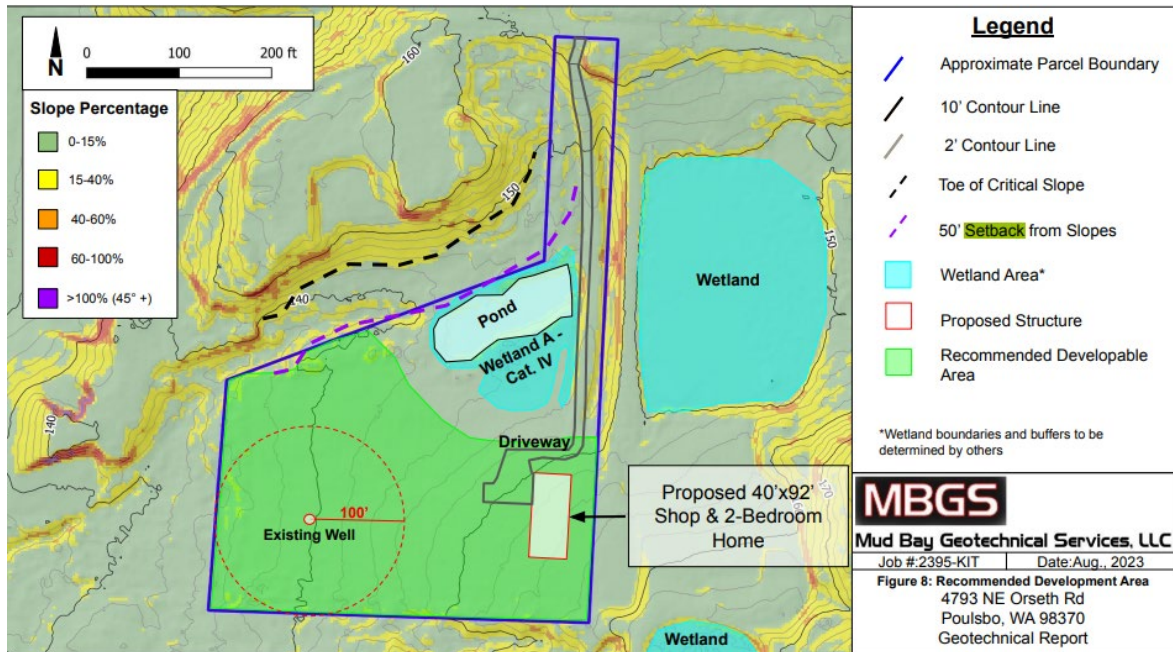
The subject property is not within a design district.

h. Development Engineering/Stormwater

The proposed stormwater facilities include dispersion for stormwater quantity control. Development Engineering reviewed and approved the concepts contained in the preliminary submittal and required conditions.

i. Environmental

The Kitsap County Critical Area Map shows geologic hazards adjacent to the subject property. There was a Geologic Report submitted prepared by Mud Bay Geotechnical Services, LLC dated August 17th 2023. The report stated, “to mitigate the risk of geologic hazard, we recommend positioning all new structures a minimum setback of 50 feet from the top of slopes greater than 40 percent with 10 or more feet of vertical relief.” The proposed structure exceeds the buffer setback area. Project is conditioned to follow recommendations of the submitted report.



Kitsap County Code 19.100.135 Variances.

A. A variance in the application of the regulations or standards of this title to a particular piece of property may be granted by Kitsap County, when it can be shown that the application meets all of the following criteria:

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

Staff Comment: The subject property is 3.48 acres. However, much of it is constrained by critical areas (wetlands and streams). Strict application of the standard buffers prohibits development when considering conformance to all Kitsap County titles. Please see special circumstances listed and described below.

Special Circumstances:

Critical Areas: Submitted with the application is a Critical Area Assessment and Mitigation Plan prepared by BGE Environmental LLC dated January 6, 2023. The assessment identified four wetlands and two streams on and/or adjacent to the subject property.

1. *Wetlands:*

Wetland A (Category IV): Buffer impacts are mitigated through on-site buffer averaging.

Wetland B (Category III): Buffer reductions of 25% from the standard width are proposed. This wetland shares its buffer with a Type F stream, where the proposed stream buffer modifications range from 25% to 50% of the standard width.

Wetland C is located offsite at the southeast corner. The proposed structure is over 250' and exceeds the buffer/setback required. Project application does not seek reduction for Wetland C.

Wetland D is a large, excavated pond on the adjacent property to the east. It is within 250 feet of the proposed development. Its buffer is occupied by two driveways and a ditch, which disrupt buffer functionality. As a result, the wetland buffer does not extend onto the subject parcel. Consequently, no determination or formal rating was conducted for this off-site critical area.

2. *Fish And Wildlife Habitat Conservation Areas*

There are two streams adjacent the subject property.

Type F Stream is located on the western side of the properties that requires a 150' buffer. Project application seeks to reduce the standard buffer 50% at the site of the proposed structure.

Type N Stream is located on the northeastern portion of the subject property. It requires a 50' buffer which is met by the proposed structure and does not seek reduction.

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

Staff Comment: The current applicant and the previous owner did not create the on-site critical areas.

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

Staff Comment: According to the Critical Area Assessment and Mitigation Plan prepared by BGE Environmental LLC dated January 6, 2023, the project avoids direct impacts to vicinity wetlands and streams.

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

Staff Comment: The granting of the variance is the minimum necessary to accommodate the permitted use, as the proposed project efficiently combines two uses—a shop and a single-family residence—into a single structure. This design minimizes environmental impacts while supporting the permitted uses, ensuring that the variance is not excessive and aligns with the property's intended functionality.

5. No other practicable or reasonable alternative exists.

Staff Comment: The structure's location adheres to the constraints of maintaining critical area buffer widths, as it is situated between wetland and stream buffers. Given the limited net developable area and the soil requirements for a septic drainfield, there are no practicable or reasonable alternatives to the proposed development.

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

Staff Comment: The Critical Area Assessment and Mitigation Plan prepared by BGE Environmental LLC dated January 6, 2023 is designed to achieve no net loss of wetland and stream buffer function, incorporating enhancement measures that include native planting and habitat improvement. A monitoring plan will ensure the success of these measures over time.

Kitsap County Code 19.300.315.A.3: Provision for Decreasing Buffer (for Stream Buffers)

- a. The department may grant an administrative reduction to buffer widths when the following are met:

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

Staff Comment: The submitted applications shows if all the critical area buffers were applied there would be no reasonable opportunity for development of the subject property.

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

Staff Comment: The Critical Area Assessment and Mitigation Plan prepared by BGE Environmental LLC dated January 6, 2023 meets the requirements of KCC Chapter 19.700.

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

Staff Comment: WDFW was notified as part of the Notice of Application no comments were received. The applicant also provided a Hydraulic Project Approval (HPA) rejection letter from WDFW. The application was rejected because the “proposed project falls outside the jurisdiction of RCW 77.55. and no HPA is required as no work will be performed to alter the bed, bank or flow of state waters.”

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

Staff Comment: The submitted mitigation plan is designed to achieve no net loss of wetland and stream buffer function, incorporating enhancement measures (see details below). A monitoring plan will ensure the success of these measures over time.

The submitted mitigation plan includes the following enhancement measures:

- *Wetland A: Enhance 400 square feet within the wetland area with mixed native trees and shrubs.*
- *Wetland A Buffer: Enhance 300 square feet of the buffer area with mixed native trees and shrubs.*
- *Wetland B/Type F Stream Buffer: Enhance 15,000 square feet of the shared buffer area with mixed native trees and shrubs.*

j. Access, Traffic and Roads

Kitsap County staff reviewed and approved the project for access, traffic and roads.

k. Fire Safety

Fire Safety will be analyzed under the building permit (23-01610) for the project.

l. Solid Waste

Kitsap County staff reviewed and approved the project for solid waste.

m. Water/Sewer

Sanitary sewage disposal is proposed to be provided by proposed septic disposal method.

n. Kitsap Public Health District

Health District has reviewed and approved water and onsite sewage.

11. Review Authority

The Director has review authority for this Critical Area Buffer Reduction Permit application under KCC, Sections 17.540.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. The Director may approve, approve with conditions, or deny a Critical Area Buffer Reduction Permit.

12. Findings

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

13. Decision

Based upon the analysis above and the decision criteria found in KCC 17.540.040.A, the Department of Community Development recommends that the Critical Area Buffer Reduction request for Watts Shop/Single-family residence be **approved** subject to the following 16 conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. The decision set forth herein is based upon representations made and exhibits contained in the project application. 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.
3. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing

requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

b. Development Engineering

4. Stormwater mitigation, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington.
5. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, and is located within 200' of critical areas; as such the building permit application materials shall include an engineered drainage design demonstrating compliance with Minimum Requirements #1-5, as outlined in the Kitsap County Stormwater Design Manual.
6. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.
7. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.

c. Environmental

8. Permit approval subject to chapter 19.300.315 of Kitsap County Code, which states that buffers or setbacks shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Refuse shall not be placed in buffers.
9. There shall be no clearing of vegetation or grading in the buffer area, as is depicted on the approved site plan. Prior to any clearing or development, please contact Planning and Environmental Programs staff at (360)337-5777 to confirm buffer boundaries.
10. Project shall follow the recommendations of the Geologic Report submitted prepared by Mud Bay Geotechnical Services, LLC dated August 17th 2023.
11. Due to area constraints from the on-site stream and wetland and associated buffer, the application of the submitted Critical Area Assessment and Mitigation

- Plan prepared by BGE Environmental LLC dated January 6, 2023 shall be implemented on-site to compensate for a buffer reduction at the minimum necessary to accommodate the proposed development, per the approved site plan. This buffer reduction is not greater than 50% of the required buffer. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the buffer per KCC 19.200.220.E
12. Vegetation planting shall occur as specified in the approved mitigation and enhancement 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 shall submit an as-built plan to DCD for approval prior to requesting the final inspection. Any assignment of savings, financial surety or other like security for performance of the buffer mitigation plan shall be released if planting requirements are satisfied upon completion of the site inspection and as-built approval. Monitoring and maintenance of the planted area shall be conducted for a minimum of five years after DCD staff approves planting. A permit will be required for the ongoing monitoring plan with reports and photos submitted to KCDCD by December 31 of each monitored year.
 13. Minor pruning, removal, or elimination of danger trees in the buffer may be allowed, subject to approval by the Department.
 14. Prior to final inspection and occupancy, the common boundary between the stream and the wetland buffer and the adjacent land shall be permanently identified with critical area buffer signs. A total of 11 Critical Area Ordinance (CAO) signs shall be placed along the designated boundary spaced approximately 50 ft 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. Signs may be requested with any inspection prior to final, but not at final inspection. The consulting habitat biologist shall place the signs.
 15. This CABR approval shall automatically become void if no building permit application is accepted as complete by the Department of Community Development within three years of the Notice of Decision date or the resolution of any appeals.

d. Traffic and Roads

N/A

e. Fire Safety

N/A

f. Solid Waste

N/A

g. Kitsap Public Health District

N/A

Report prepared by:



Steve Heacock, Staff Planner / Project Lead

3/4/2025

Date

Report approved by:



Darren Gurnee, Planning Supervisor

3/4/2025

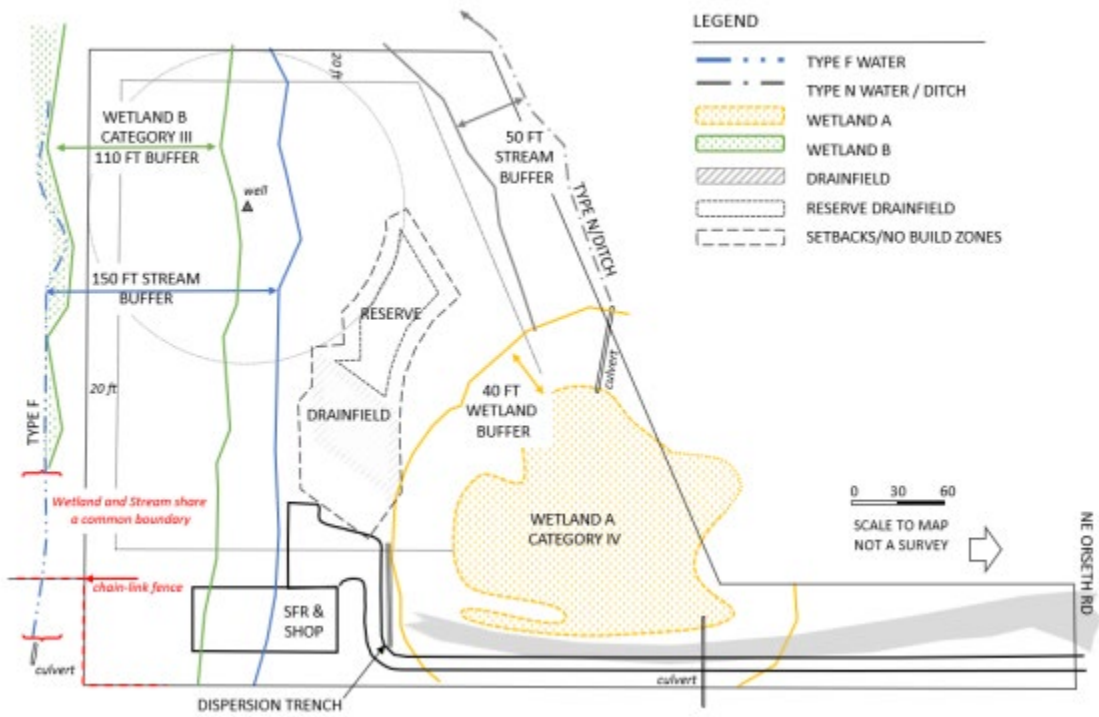
Date

Attachments:

Attachment A – Zoning Map (Required)

CC: Applicant/Owner email: Tami Watts, tami88965@gmail.com
Project Representative email: Kurt Van Ness, kurt.vanness88@gmail.com
Interested Parties:
Amanda McCloskey, selyoba@mccasa.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Steve Heacock

Site Plan



Attachment A – Zoning Map

