



## ADMINISTRATIVE STAFF REPORT

**Report Date:** March 21, 2022

**Application Submittal Date:** 08/10/2021

**Application Complete Date:** 09/02/2021

**Project Name:** Membrere Critical Area Buffer Reduction

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

**Permit Number:** 21-02549

### Project Location

5636 NE Gunderson Rd.  
Poulsbo, WA  
Commissioner District 1 (North)

### Assessor's Account #

052602-4-029-2008

### Applicant/Owner of Record

Amy and Phillip Membrere  
5636 NE Gunderson Rd.  
Poulsbo, WA 98370

### VICINITY MAP



### Recommendation Summary

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

### 1. Background

Amy and Phillip Membrere (hereafter, “the Applicant”) proposes to reduce a Category 3 wetland buffer by up to 25% and the standard F-type stream buffer by up to 50% to allow for the replacement of one single-family home on the existing lot that is constrained by critical areas. For proposed single-family dwellings, the department may reduce a buffer by up to 50% percent of the area required under the standard buffer requirement under a Type II process.

An associated Building Permit (20-04885) is in review pending this approval.

### 2. Project Request

The proposal is for the review of a Critical Area Buffer Reduction (CABR) for the reduction of the category 3 wetland buffer from 110 feet, to 82.5 feet (25% reduction) and the standard F-type stream buffer from 150 feet to 75 feet (50% reduction) to allow for the replacement of a single-family home. The full amount of buffer being removed to accommodate the

homesite is 5,800 sf and is proposed to be achieved through buffer width averaging and restoration of 12,200 sf, once the planned residence is occupied and the existing residence is removed. This request is subject to a Type II process with Director’s approval.

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

The project is SEPA Exempt under KCC 18.04 State Environmental Policy Act.

**4. Physical Characteristics**

The project site is generally rectangular in shape and approximately 2.01-acres in total size. The project site has undergone prior land use manipulations to include forest harvest, site clearing and grading within the southern portions of the parcel, the development of an adjacent roadway, and residential development, including an existing shop. The project site is generally dominated by a gently sloping lawn area to a top of slope above the creek and associated riverine wetland to the north. The western portion of the project site (the selected location for the new single-family homesite) is grass lawn, somewhat flat and has been generally cleared by prior planning actions. The remainder of the project site is dominated by a mixed deciduous/coniferous forest plant community. Existing single-family homesites are located directly to the west, north, and east.

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Rural Residential Zone: Rural Residential (RR)	Standard	Proposed
Minimum Density	N/A	N/A - Subject property is an existing lot.
Maximum Density	1 dwelling unit/5 acres	
Minimum Lot Size	5 acres	N/A
Maximum Lot Size	NA	N/A
Minimum Lot Width	140 feet	N/A
Minimum Lot Depth	140 feet	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 RR zone.

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (South)	50 feet	50 feet

Side (East and West)	20 feet 5 feet for accessory structures	West: Approx. 20 feet East: Approx. 25 feet (existing shop)
Rear (North)	20 feet 5 feet for accessory structures	Approx. 110 feet

Applicable footnotes: None

Staff Comment: None

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Single-family residences	Rural Residential (RR)
South	Single-family residences (Gunderson Rd)	Rural Residential (RR)
East	Single-family residences	Rural Residential (RR)
West	Single-family residences	Rural Residential (RR)

**Table 4 - Public Utilities and Services**

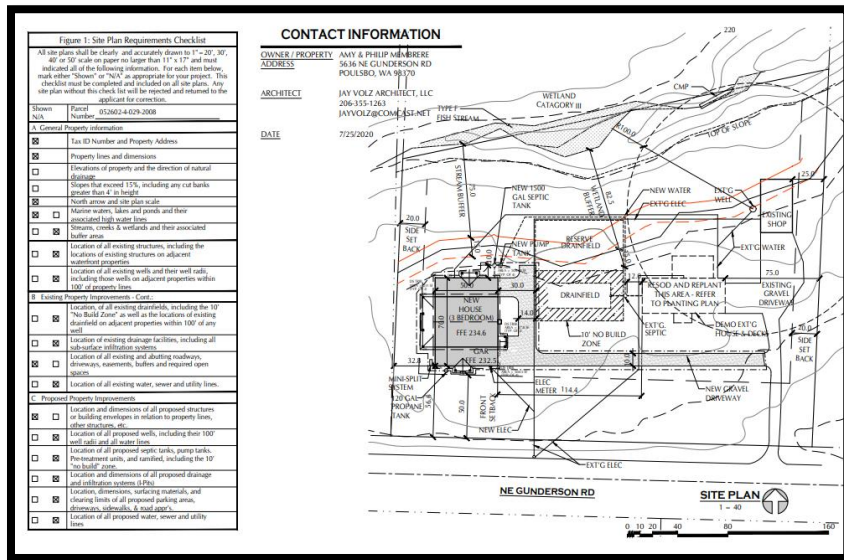
	Provider
Water	Onsite system
Power	Puget Sound Energy
Sewer	Onsite system
Police	Kitsap County Sherriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #400

**5. Access**

The site has existing access from NE Gunderson Rd and the home will be accessed by private driveway.

**6. Site Design**

The image below shows the proposed footprint of the home and associated drainfield as well as the existing driveway. The site plan also shows the location of the onsite wetland and stream.



**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 April 27, 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
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	Authorization Form	May 24, 2021
2	Permit Questionnaire	May 6, 2021
3	Civil and Site Plans	May 6, 2021
4	Septic Approval	May 6, 2021
5	Critical Area Assessment and Mitigation Plan	May 6, 2021
6	Buffer Reduction request (with variance criteria)	May 6, 2021
7	Storm drainage report and worksheet	May 6, 2021

**9. Public Outreach and Comments**

A Notice of Application was distributed pursuant to Title 21 land use and

development procedures, which provided recipients with project information and an opportunity for public comment. There were no comments received by the department. Anticipated concerns and analysis are as follows:

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1.	Parcel imagery shows previous clearing on Parcel	N/A
2.	Wetlands are not mapped on County GIS	

Issue Ref. No.	Issue	Staff Response
1.	Previous Clearing	Previous clearing is outside of the 110-foot wetland buffer. Buffer impacts that are part of this proposal will be mitigated with new native plantings and stream and wetland buffer averaging.
2.	Wetlands on Parcel	County GIS maps a Type "F" stream at the bottom of the ravine of Wetland 'A'. A wetland report was submitted that addresses wetlands and streams.

**10. Analysis**

**a. Planning/Zoning**

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

**b. Lighting**

Lighting was not analyzed as part of this proposal.

**c. Off-Street Parking**

Per KCC 17.490.030, a single-family dwelling requires 3 parking spaces. The proposal provides adequate parking.

**d. Signage**

No signage is proposed or required.

**e. Landscaping**

Per KCC 17.500.010, single-family lots are exempt from landscaping requirements.

**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 the associated building permit.

**i. Environmental**

**Wetlands and Streams:**

A wetland report was provided by BGE Environmental, October 9, 2020 that identified the following critical areas on site:

CRITICAL AREA	CATEGORY	REQUIRED BUFFER	PROPOSED IMPACT
Wetland A	III	110 feet	<ul style="list-style-type: none"> <li>Reduced wetland buffer by 25% to 82.5 feet, plus additional 15' structure setback.</li> <li>Existing septic system within wetland buffer, and is 100 feet from the buffer's edge. No new impacts are proposed.</li> </ul>
F-type stream	Fish	150 feet	<ul style="list-style-type: none"> <li>Reduced stream buffer by up to 50% to 75 feet, plus an additional 15' structure setback.</li> </ul>

**Wetland Report and Wetland Buffer Averaging**

A wetland report was provided by BGE Environmental, dated October 9, 2020. Because the proposed replacement homesite would require a modification of the standard 110-foot wetland buffer, the report included buffer averaging totaling 12,200 square feet. The criteria for buffer averaging in KCC 19.200.200.B.1 and KCC 19.300.315.A.3 are discussed below:

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

*Staff Comment: The rural residential zoning requires a minimum 50-foot front setback. Given site constraints, drainfield location and streams and wetlands,*

*there is no alternative placement of the home that conforms to setback requirements that would result in a lesser buffer reduction.*

*According to the submitted wetland report, the homesite development will avoid other potential impacts through directional lighting away from the buffer; a limited use of pesticides within 90 feet of the wetland and stream; the infiltration, treatment, detention, or dispersion of new runoff from surfaces into the buffer; the posting of the established outer boundary of the retained buffer adjacent to the homesite; dust controls during construction; and the planting of a minimum of 110 one-gallon potted or large bare-root trees and shrubs within the restored buffer area adjacent to the eastern side of the property upon residential demolition.*

- B. For wetlands and streams 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.

*Staff Comment: The onsite wetlands and streams and their required buffers do not provide documented habitats for endangered, threatened, or sensitive fish and wildlife species.*

- C. Width averaging will not adversely impact the wetland.

*Staff Comment: There are no direct impacts to the wetland or stream proposed. The home will require a 50% and 25% reduction in buffers but will still be located more than 90 feet from the edge of the buffer. The location of the existing septic system within the wetland buffer is not expected to have substantial adverse impacts. A wetland report was prepared that includes wetland buffer averaging and native plantings including 110 new conifer and deciduous shrubs.*

- D. The total buffer area after averaging is no less than the total buffer area prior to averaging.

*Staff Comment: As presently defined the amount of buffer area reduced along the western side of the stream and Wetland A (5,800 square feet) shall be added to the standard buffer along the eastern side of Wetland A (12,200 square feet). There shall be no loss of total buffer area through averaging.*

- E. For Category III and IV wetlands with habitat scores less than five points for habitat function based on the Washington State Wetland Rating System for



Western Washington: 2014 update, as amended, the minimum buffer width at any point will not be less than fifty percent of the widths established after the categorization is done and any buffer adjustments applied in accordance with this chapter.

*Staff Comment: Does not apply to Wetland A because of the habitat functions score.*

- F. For all other wetlands, the minimum buffer width at any point will not be less than seventy-five percent of the widths established after the averaging.

*Staff Comment: The applicant is requesting a buffer width reduction of 25% which complies to the requirement.*

**Critical Area Variance Criteria**

Per KCC 19.200.220.B.2 and KCC 19.300.315.A.3, the department may administratively reduce the buffer pursuant to the variance criteria listed in KCC section 19.100.135. Evaluation of these variance criteria is included below:

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 proposed home is similar to the size and location of neighboring homes. Lots in this area are heavily constrained by wetlands providing limited area to locate a home. The characteristics of this property require a buffer reduction to accommodate a home similar in size to neighboring properties.*

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 site conditions were not created by the applicant or previous owner. The environmental constraints requiring a buffer reduction were not the result of the applicant's actions.*

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: There are no direct impacts to the wetland or stream proposed. The home will require a 25% reduction in wetland buffer and up to a 50% reduction to the stream buffer width but will still be located more than 90 feet from the edge of the buffer. The location of the existing septic system within the wetland and stream buffer is not expected to have substantial adverse impacts. A wetland report was prepared that includes wetland buffer averaging and native plantings including 110 new native plantings.*

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

*Staff Comment: The rural residential zoning requires a minimum 50-foot front setback. Given site constraints, there is no alternative placement of the home that would result in a lesser buffer reduction.*

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

*Staff Comment: The site is a narrow rectangular parcel with only one feasible area to re-build the existing home. All other locations for the septic drain field have been examined by both a licensed septic designer and also an inspector from Kitsap County Health.*

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

*Staff Comment: The submitted Wetland Report characterizes the wetland buffer functions as well as upland areas outside of the buffer. The report states that avoidance is not possible and discusses minimization and mitigation.*

**Onsite Septic System:**

The on-site septic system is existing.

**Geological Hazards:**

Per KCC 19.400.420, an area in the central portion of the parcel is mapped as a Moderate Erosion Hazard, however, the home is placed outside of this mapped area in a flat portion of the parcel. A condition of approval has been added to require a minimum separation 25-foot native vegetation buffer from the edge of slope plus an

additional 15-foot structure setback, unless otherwise allowed through a Geological Assessment.

**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 Rural Protection (RP) zone in Title 17.
2. 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 Membrere Critical Area Buffer Reduction 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 #21-02549. 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.

**b. Development Engineering**

4. Residential development will be reviewed in the associated Single Family Residential Permit (SFR). All work shall be in accordance with the Accepted Plans under SFR Permit #20-04885, once approved.
5. 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.
6. 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 Storm Drainage Manual.
7. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Critical Area Buffer Reduction application was deemed complete, May 24, 2021. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington.
8. All development shall be located outside the Native Vegetation Buffer established with and shown on Short Plat 6036, recorded under Auditor's File No. 9302100143 and 9302100144.
9. If the project proposal is modified from that shown on the submitted site plan accepted for review May 12, 2021, Development Services and Engineering will require additional review and potentially new conditions.

**c. Environmental**

10. Construction techniques shall implement best management practices to ensure protection of the stream and Wetland A, associated buffers, and local water quality. Such best management practices shall include protective silt fencing would define work areas, protective orange construction fencing along defined work areas, work during periods of limited rainfall or potential for adverse erosion, and seeding of exposed soils as needed to prevent adverse erosion.
11. Due to the mapped erosion hazard area on this parcel, a non-clearing native vegetation buffer shall be maintained from the top of the slope to 25 feet beyond the top of the slope as depicted on the approved site plan, unless otherwise allowed through a Geological Assessment. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the buffer.
12. Prior to occupancy, the common boundary between the stream and wetland buffer and the adjacent land shall be permanently identified with critical area buffer signs. Critical Area Ordinance (CAO) signs shall be placed along the designated boundary spaced approximately 50-feet apart, visual from sign to sign. Signs must be attached to existing trees with diameter breast height greater than 4 inches. Alternative methods include 4x4 posts, metal posts or split rail fencing. We recommend the placement of stream buffer signs.
13. Equipment shall be staged in the previously cleared area in the east of the site. Avoid staging further within the critical area buffer.
14. 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.
15. 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.
16. 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 75 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.
17. As shown on the approved site plan, 12,200 square feet of added buffer area shall be provided directly to the south and east of Wetland 'A'.
18. Unless otherwise allowed through this Critical Area Buffer Reduction, a 110-

foot native vegetation buffer must be maintained along the delineated wetland boundary of Wetland 'A' 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.

19. The project shall adhere to the mitigation measures and recommendations within the approved Wetland Report prepared by BGE Environmental dated October of 2020. Per the report, 110 native coniferous trees and shrubs would be planted within the restored buffer along the south and west boundary of Wetland A.
20. 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.

**d. Traffic and Roads**

21. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.
22. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process (or building permit if no SDAP is required). The need for and scope of bonding will be determined at that time.

**e. Fire Safety**

23. None at this time.

**f. Solid Waste**

24. None at this time.

**g. Kitsap Public Health District**

None at this time.

Report prepared by:



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Steve Heacock / Project Lead

March 21, 2022  
Date

Report approved by:



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Scott Diener, DSE Manager

March 21, 2022  
Date

**Attachments:**

Site Plan

Attachment A – Zoning Map

Attachment B – Critical Areas Map

CC:

Amy and Phillip Membrere: [pmembrere0824@gmail.com](mailto:pmembrere0824@gmail.com)

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BGE Environmental: Robbyn Myers: [bgerobbbyn@comcast.net](mailto:bgerobbbyn@comcast.net)

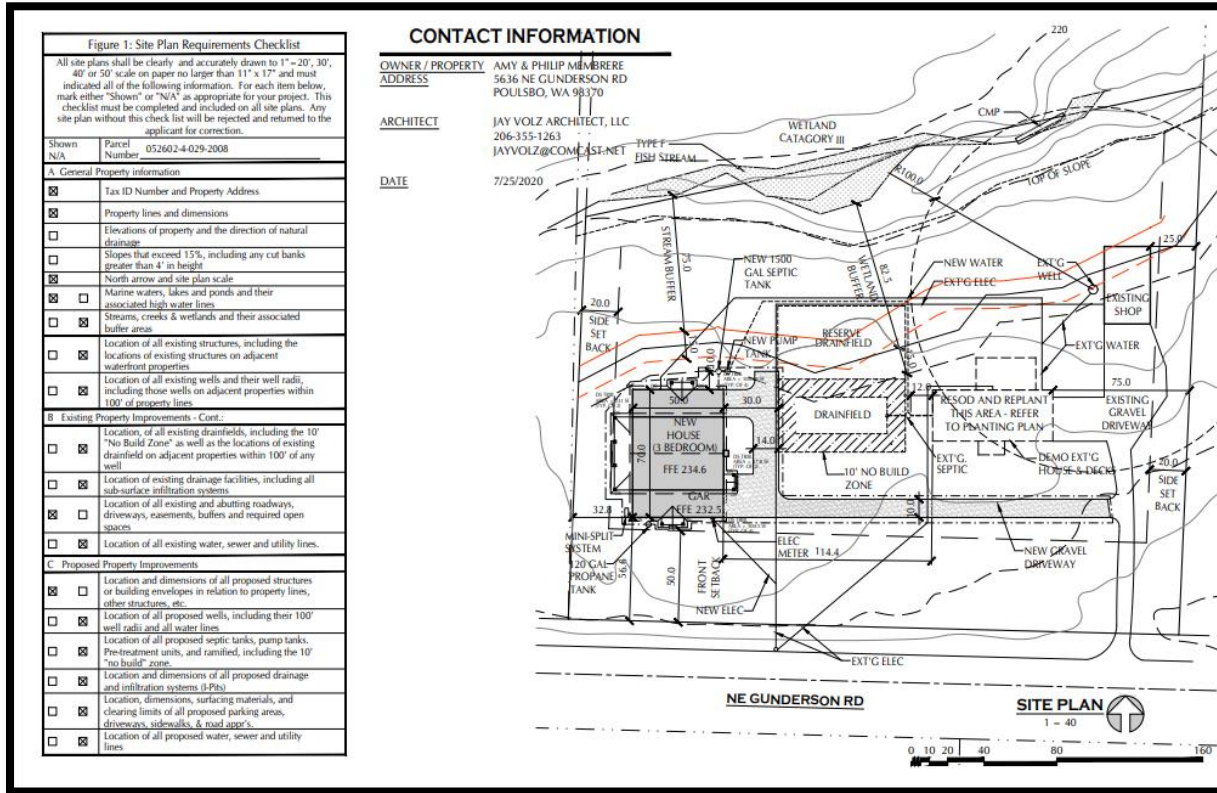
Suquamish Tribe, Kathlene Barnhart: [kbarnhart@suquamish.nsn.com](mailto:kbarnhart@suquamish.nsn.com)

Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Steve Heacock

Site Plan



Attachment A – Zoning Map





Attachment B – Critical Areas

