



**KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**

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**STAFF REPORT  
And  
RECOMMENDATION TO THE HEARING EXAMINER**

**Report Date:** February 2, 2012

**Application Complete Date:** September 6,

**Hearing Date:** February 9, 2012

2011

**Project: STROBEL CRITICAL AREA VARIANCE**

**LIS Number:** 11 99545

**Type of Application and Proposed Project:**

The applicant is requesting a Critical Area Variance (CVAR) pursuant to Kitsap County Code (KCC) Title 19 (Critical Areas), Section 19.200.220 (C)(1c), in order to allow the construction of a two story single-family residence on a 750 square foot footprint. The proposed residence including the associated driveway of approximately 1,000 square feet of new impervious surface will require a buffer reduction of approximately 36 feet to the normally required 60 foot wetland buffer, and therefore requires critical area variance approval, in accordance with Kitsap County Code Title 19.100.135 (Critical Areas). Mitigation, in the form of a buffer enhancement plan, will be required as a condition of approval.

**Project Location:**

The proposal includes two parcels, including 37734 Vine Place NE (for the drainfield) and 37728 NE Vista Key Drive (for the proposed residence), Hansville, North Kitsap County; Commissioner District #1.

**Assessor's Account #:** 4260-000-001-0006 and 4256-005-001-0001

**Applicant and Owner of Record:**

DAVID AND KELLY STROBEL  
PO BOX 466  
HANSVILLE, WA 98393

**Project Representative:**

PAUL WANDLING  
PO BOX 305  
TRACYTON, WA 98393

**State Environmental Policy Act (SEPA) Status:**

Pursuant to WAC 197-11-800(6)(b), the proposal is exempt from SEPA requirements.

**Physical Characteristics:**

The project is located on the south side of Vista Key Drive, between the intersections of Bay Street NE and Vine Place NE; Commissioner District 1. The property is covered in grass, wetland forbs and Reed canary grass. A Category III wetland is located in the center portion

of the property. The parcel is generally level, with a gentle slope toward the wetland. A non-typed, non fish stream is located in the center of the parcel and is conveyed beneath Vista Key Drive through an open ditch and County culvert.

**Comprehensive Plan Designation and Existing Zoning:**

The project area is zoned Rural Residential, one dwelling unit per 5 acres.

**Surrounding Land Use and Zoning:**

The properties in the surrounding area are zoned Rural Residential. The parcels in the area are developed with single-family residences, including the adjoining parcels to the east.

**Public Utilities and Public Services:**

Water: Driftwood Keys Class A Water

Power: Puget Sound Energy

Sewer: Approved On-site septic system

**Policies and Regulations Applicable to the Subject Proposal:**

*Kitsap County Code*

*Title 19 Critical Areas*

**Documents Consulted in the Analysis:**

**Applicant submittals:**

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Wetland and Delineation Analysis Report	01	February 28, 2011
On-site Sewage System Permit	02	April 4, 2011
BSA Plan and from KC Health District	03	April 21, 2011
Hearing Examiner Variance Application	06	August 29, 2011

**Public and agency comments:**

We received two comments from nearby residents who are both in opposition to the application. We acknowledged the contributions from these individuals via e-mail and find that the issues raised have been fully addressed by the applicant and applicable County code. We will address these concerns further in our presentation to the Hearing Examiner.

**Analysis:**

Following is an analysis of regulations applicable to the variance. Code citations are in italics, with staff comments following.

**KCC Title 19 Critical Areas; Section 19.100.135 Variances**

*A. A variance in the application of the regulations or standards of this Ordinance to a particular piece of property or a variance to the use prohibitions of this Ordinance 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 Ordinance is found to deprive subject*

*property of rights and privileges enjoyed by other properties in the vicinity; provided, however, the fact that those surrounding properties have been developed under regulations in force prior to the adoption of this ordinance shall not be the sole basis for granting of a variance.*

**Staff Comment:** Due to the small lot size and constraints of the property from the on-site and adjacent wetlands, the strict application of the 60-foot wetland buffer required by the development standards at KCC 19.200.220, would deprive the applicant of rights and privileges enjoyed by other properties in the vicinity. Other properties in the project vicinity are developed with single-family residences of moderate to large size. These neighboring properties are located at similar distances from the wetland. The applicant is proposing a very modest 860 square foot ground floor garage footprint, and will be moving an existing cabin from an adjacent lot as the upper floor.

*2. The special circumstances referred to in Item No.1 above are not the result of the actions of the current or previous owner.*

**Staff Comment:** The existing lot was platted well before any critical area limitations were placed on the parcel. Therefore, the special circumstances referred to in item No. 1 were not the result of actions by the current or previous owner.

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

**Staff Comment:** Any development within the wetland buffer has the potential to adversely impact the wetland habitat and receiving waters of the adjacent shoreline. The proposed use, however, will not result in substantial detrimental impacts to the functions and values of the critical area. The proposed buffer reduction will require removal of native vegetation within the buffer area, but no vegetation will need to be removed from the wetland itself. It is staff's opinion that the applicant has addressed impact avoidance and minimization by proposing a reasonable footprint suited to the parcel's constraints and the scale with the surrounding community. The applicant will be removing invasive weeds from the wetland and associated buffer as part of the mitigation plan for the development.

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

**Staff Comment:** The proposal is for a very small footprint for the main floor, inside of a building envelope limited by applicable wetland setbacks. The proposed footprint includes the driveway footprint, with residential use on the second floor. The proposed buffer encroachment is the minimum necessary to enjoy the lot for the permitted use of single-family development.

*5. No other practicable or reasonable alternative exists.*

**Staff Comment:** It is staff's opinion that practicable alternatives are limited to no action or reduction of the structural footprint to completely avoid the critical area and its buffer. The subject parcel is that of an existing developed lot, and the applicant is proposing a wetland

setback less than that of the adjacent homes. A greatly reduced building footprint would not be possible, as the buffer encompasses the entire property.

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

**Staff Comment:** A comprehensive mitigation plan has been prepared by C3 Environmental Consultants, LLC (exhibit 1). The applicants have expressed their desire to complete the mitigation plan, as outlined in the report upon completion of the required Site Development Activity.

**Findings:**

1. The Hearing Examiner has review authority for Variance applications under the KCC, Sections 19.100.130, 21.04.030.
2. Staff has determined that the applicant meets the six criteria as outlined in KCC, Section 19.100.135 and detailed above under conditions for granting a variance. All six need to be met in order for staff to recommend approval to the Hearing Examiner.

Based upon the above findings, staff recommends **APPROVAL** of the Strobel Critical Area Variance, subject to the following conditions:

1. Site development shall comply with the site plans submitted for the residence and driveway (Exhibit 2). The main floor shall not exceed the 750 square foot building footprint proposed.
2. The variance for critical area wetland buffer reduction shall be allowed provided that development of the single-family residence will not require additional wetland encroachment. The wetland shall remain in its natural condition, with the exception of the proposed SFR construction and mitigation specified below.
3. Wetland mitigation shall be completed as described in the February 28, 2011 wetland analysis by C3 Consultants, LLC.
4. If granted, the subject Critical Areas Variance shall be valid for three years following the date of approval.

cc: Applicant: David and Kelly Strobel, PO Box 466, Hansville, WA 98340  
Interested Parties:  
Kitsap County Health District, MS-30  
Kitsap County Development Engineering  
DCD Staff Planner Steve Heacock  
Clerk of Hearing Examiner  
DCD File