

3. SEPA (State Environmental Policy Act)

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of “major” environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA comment period previously occurred concurrent with the Notice of Application, dated August 19, 2022. A SEPA Addendum for Mitigated Determination of Nonsignificance (MDNS) was issued on April 5, 2023. The SEPA appeal period expired April 19, 2023. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The property is 13.6 acres in size, contains a seasonal stream (Type N) and three wetlands east of the proposed area for recreation. Two of the wetlands are associated with the stream and the other is located north of the existing pump station. An onsite wetland delineation was conducted on May 11, 2011. It has been determined that buffers will need to be reduced slightly and averaged for the development to occupy the site.

The parcel generally slopes down from the north to the south with a short steep bank running east and west where the park area meets at the south side of the property. The parcel is forested on the west half and north side of the property dominated by conifer trees. The remaining areas of the property include open grass areas with scattered fruit and elm trees. There are trails across the property that provides local access between the 3.6-acre lower park area to the County skate park located to the west of the commercial development.

The site is sloped down from commercial development along SR-104, which conveys storm drainage by culverts onto the property, which has caused some flooding. The Kitsap County Soil Survey identifies #40 Poulsbo gravelly sandy loam, 6-15 percent slopes on the west half of the development site, #45 Ragnar fine sandy loams, 6-15 percent slopes on east half, and #39 Poulsbo gravelly sandy loam, 0-6 percent slopes along the park to the southwest.

The property is a former site for the US Department of Navy, nine units housing development, which was demolished in 2008. The Kitsap County Wastewater Division operates a sewer pump station #71 on the on the eastern portion of the property, and small pocket park, which

receives access from NE West Kingston Road. There is a 6,000-to-8,000-gallon underground stormwater detention tank south of the tennis courts. Volunteers in conjunction with Kitsap County Parks Department developed the park site.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban Low Intensity Commercial Zone: Neighborhood Commercial	Standard	Proposed
Minimum Density	10	NA
Maximum Density	30	
Minimum Lot Size	NA	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	35'	NA
Maximum Impervious Surface Coverage	85%	NA
Maximum Lot Coverage	NA	NA

Staff Comment: No newly created lots are proposed.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (South)	20 feet	760-feet (Proposed shed to NE West Kingston Rd.)
Side (West)	10 feet (50-feet when abutting residential) KCC 17.410.050.A.12 requires 50-foot setback in RCO zone.	43-feet (proposed recreational area and equipment storage shed)
Side (East)	10-feet (defer to critical area stream and wetland buffers)	580-feet (proposed shed)
Rear (North)	10 feet	~ 60 feet (proposed shed) 20 feet (clearing area)

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Warehousing, Gas Station, Convenience Store	Commercial (C)
South	Single-family residence (SFR) / NE West Kingston Rd.	Urban Low Residential (UL)
East	SFR / Vacant Undeveloped	Urban Village Center (UVC)
West	Kitsap County Parks / Skate Park	C

Table 4 - Public Utilities and Services

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

5. Access

The site is accessed via Dulay Rd. NE., private right of way (ROW), from N.E. West Kingston Rd., public ROW, county maintained.

6. Site Design

Lighting

The design standards require that there is adequate lighting for pedestrian walkways and building entries for public safety.

Exterior Lighting shall meet 17.420.030 C., artificial outdoor lighting shall be arranged so that light is directed away from adjoining properties and so that no more than two-foot candle of illumination leaves the property boundaries and all lighting be directed downward and away from adjacent properties.

Trash Receptacles

A trash can will be available at the southeast corner of the proposed equipment shed. The tenant lease agreement with the property owner to maintain and remove garbage, maintain own janitorial service consistent with good practices and allows disposal of garbage in the available dumpsters on site. The lease excerpt is provided as an exhibit.

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.

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

Land Use Goal 2. Promote health in the built environment.

Land Use Policy 12. Review spatial requirements and proximity as considerations when requiring new development to provide connectivity to existing trails, paths and sidewalks and seek locations and means to expand existing trail system.

Land Use Goal 14

Foster rural business and business opportunities on designated commercial and industrial lands in the rural area, while balancing protection of rural character.

Land Use Policy 15. Link non-motorized planning requirements to land use planning decisions.

Land Use Policy 57

Unlimited expansion of commercial and industrial uses in the rural areas is not appropriate. Accordingly, only limited new commercial and industrial uses will be permitted in the rural areas. Such commercial and industrial uses must be consistent with the Growth Management Act and Comprehensive Plan requirements for rural areas, preserve Kitsap County's rural character, and shall not allow urban-type uses or services.

Economic Development Goal 1

Promote a healthy and diverse economy that provides for a strong and diverse tax base, encourages business formation, retention, and expansion; creates industrial and professional business and employment opportunities to attract new business to the County.

Economic Development Policy 3

Provide a diverse mix and appropriate range of commercial, industrial and business and uses that will encourage economic activity capable of providing living-wage jobs and reasonably scaled to the needs of the community.

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)
Title 19	Critical Areas Ordinance
Title 21	Land Use and Development Procedures

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Submission Application	February 8, 2022
Environmental (SEPA) Checklist	February 10, 2023
Habitat Management Plan/Mitigation	July 6, 2022
Site Plan	February 10, 2023
Project Narrative	February 10, 2023
Information Request Checklist Response	February 10, 2023
Appendix A Site Map (Overview)	
Appendix B Detailed Site Plan (Inset)	
Appendix C Arborist Assessment	
Appendix D Lease Excerpts	
Appendix E Submittal Waiver (Sewer)	
Appendix F: Kingston Community Center Village Green/Phase 2 (13 01305)	June 19, 2014
Appendix G: Habitat Management Plan	July 6, 2022
Appendix H: Engineers Parking Analysis	February 10, 2023
Appendix I: Parking Map/Calcs	May 30, 2014
Kingston Village Staff Report ACUP 11-99358	

9. Public Outreach and Comments

To date, no comments have been received from neighbors or the public.

10. Analysis

a. Planning/Zoning

A detailed site plan shows the location of area to be cleared and the proposed equipment shed and trees to be used for climbing. Tree climbing holds and belay systems will be attached to trees using removable and non-penetrating ratcheting straps. All equipment in the trees will be installed in the spring and removed in the fall. Climbing hold locations on each tree will vary from the previous season to maintain tree health. After brush has been cleared, 4-5 inches of wood chips will be placed around trees to protect the tree roots from soil compaction. Additionally, participants will climb to the tree canopy with the use of ropes instead of climbing spikes, making the activity less impactful. An arborist,

Allen Taylor from Conservation Tree Care, conducted an assessment on the effects of these systems and mitigations to address tree health, The letter dated January 13, 2023, is included (appendix C) in the exhibits.

b. Lighting

One security light for safety purposes is proposed at the east side of the equipment shed. A condition is added to the end of this report.

c. Off-Street Parking

For shared parking agreement see lease excerpt in exhibits. The current community center use requires 118 parking spaces. The proposed use requires 5 parking spaces. This makes for a total of 123 required parking spaces. The site has 124 parking spaces available. See appendix H for parking analysis. See appendix I for the approved Kingston Community Center Parking Plan/Calculations.

Staff agrees with the parking analyses, including the identified use, provided by the engineer. The applicant and business owner of Elevated Adventures LLC agrees that there will be a maximum total of 15 guests at any given time and 5 spaces is needed to meet the parking requirements based on 1 space per 3 guests.

The following amendment was passed after the 2012 ACUP approval for the Kingston Community Center. Under current code standards, fewer parking spaces (50% reduction) are required for gymnasium use per KCC 17.490.030.

Amendment #5 of Ordinance 587-2020 allows a parking reduction for High-Capacity Transit Station Areas under 17.110.340 defined as “High-capacity transit station areas” include only those portions of urban growth areas within:

- A. One-half mile of the following public ferry terminals:
 - 1. Kingston – Washington State Ferry and Kitsap Transit Fast Ferry (see boundary in Chapter [17.700](#), [Appendix E1](#)).

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Stadium, Arena, Theater	1 per 4 seats or 8 feet of bench length in the main auditorium	5	5/118 currently used for community center per parking analysis/agreement
Fitness Centers	1 per 400 square feet of gross floor area		
Total			124

d. Signage

Currently, no signs are proposed. A condition is added at the end of this report that signs proposed in the future will meet 17.510 Sign Code and Kingston Design Standards.

e. Landscaping

The 3,500 square foot area proposed for clearing will maintain a 20-foot setback at the north and 43-foot setbacks at the west. There are no additional landscape requirements for this proposal. There will be a natural vegetation buffer maintained along the perimeter of the site. Three trees are proposed for removal within the clearing area.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	NA	
Required Buffer(s) 17.500.025	NA	

f. Frontage Improvements

No additional frontage improvements are required.

g. Design Districts/Requirements

A shed approximately 100 square feet in size is proposed at the northeast portion of the parcel. A condition at the end of this report will include any structures greater than 120 square feet in size to be permitted and meet design requirements per the Kingston Design sub area standards.

h. Development Engineering/Stormwater

Development engineering had the following comments and no further conditions of approval. Proposing parking on existing parking lot area. Less than 2000 sf hard surface.

i. Environmental

Clearing of underbrush will be performed to improve access to the trees. Native understory vegetation will be preserved where practical. A four-inch-thick layer of arborist wood chips shall be placed under the dripline of each tree to improve soil conditions and to minimize soil compaction from pedestrian traffic. Arboricultural best practices will be adhered to when climbing the subject trees. This includes exclusively using rope ascent for tree access. Climbing gaffs (spurs) or other damaging means of tree access will not be utilized. Temporary artificial anchors will be established to minimize the impact from repeated tree entry. All belay systems will be attached to the tree with removable and non-damaging anchors. Climbing holds and other climbing aids will be attached to trees using removable and non-penetrating ratcheting straps. All equipment will be installed in the spring and removed each fall. Equipment will be placed in offset areas the following season. Additionally, equipment will be inspected throughout the

course of the operational season and corrective measures shall be taken if needed to minimize impact to the subject trees. After the first year of operation the trees and the area surrounding them should be inspected by an arborist to determine if additional measures are needed to minimize impact. Proposal is meeting Title 18 requirements.

All proposed development is located outside of the stream and wetland critical areas and their standard buffers. A portion of the Treetop Park is located within the 15-ft Stream Z building setback, however, no impervious surfaces will be added within the setback.

j. Access, Traffic and Roads

Existing approved access will be used. A tenant lease agreement will allow access via Dulay Rd. from N.E West Kingston Rd.

k. Fire Safety

Fire Marshal approved the proposal with no additional requirements.

l. Solid Waste

Approved for proposal. No comments.

m. Water/Sewer

Approved with the following comment. Applicant is not proposing to connect to the County sanitary sewer. Proposed changes will not affect existing County sewer.

n. Kitsap Public Health District

Approved with no comment.

11. Special Use Review 17.100.145

Special use review is an administrative process unless the underlying permit requires a public hearing. Special use review may be requested for revisions to existing permits, or when review by external authorities would be necessary to assure the department applies reasonable conditions to minimize, rectify, or compensate for impacts to the critical area or buffer. Those external authorities include, but are not limited to federal agencies, state agencies, tribes, public utilities, and Kitsap public health.

The department is authorized to take action on permits as required by this title. Development identified as a special use review may be approved, approved with conditions, or denied according to the procedures and criteria outlined in this section.

A. The department may approve a permit after review of the application and any required special reports submitted in accordance with this title. The department shall determine whether the use or activity cannot be avoided because no reasonable or practicable alternative exists, the proposed use is consistent with the spirit and intent of this title and it will not cause adverse impacts to the critical area or the buffer which cannot be mitigated. In taking action to approve a special use review, the department may attach reasonable conditions.

- B. The department shall deny a special use review request when it finds that the proposed use or activity is inconsistent with this title and/or will cause adverse impacts to the critical area or the buffer, which cannot be adequately mitigated and/or avoided.
- C. Special use review determinations are appealable to the hearing examiner pursuant to Section [19.100.150](#) (Appeals).

19.300.315 Development Standards

I. Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as benches, interpretive centers, and viewing platforms, may be allowed in fish and wildlife habitat conservation areas or their buffers pursuant to the following standards:

1. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or other such previously disturbed areas.
2. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat.
3. Viewing platforms, interpretive centers, benches, and picnic areas, and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected conservation area. Platforms shall be limited to one hundred square feet in size, unless demonstrated through a habitat management plan that a larger structure will not result in a net loss of habitat and critical functions.
4. Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers they shall be located in the outer twenty-five percent of the buffer, except where stream crossings or for direct access to viewing areas have been approved by the department.
5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails have been specifically allowed and mitigation has been provided. Trail width shall not exceed five feet unless there is demonstrated need, subject to review and approval by the department. Trails shall be constructed with pervious materials except where determined infeasible.
6. Regional or public trails and trail-related facilities as identified in the 2013 Kitsap County Non-Motorized Facility Plan (and associated recognized community trails) and as amended, and provided design considerations are made to minimize impacts to critical areas and buffers shall not be subject to the platform, trail width, or trail material limitations above. Such trails and facilities shall be approved through special use review (Section [19.100.145](#)), unless any underlying permit requires a public hearing.

Staff Comment: The trail proposed to access the recreation area at the northwest portion of the site was shown on the approved site plan for the "Kingston Community Center (Kingston Village Green Phase 2) dated 6/19/2014 (appendix F-Information Request Checklist Response). Kitsap County Code 19.200.225 section F and 19.300.315 section I,

and in accordance with Peninsula Environmental Group, Inc. Habitat Management Plan, dated July 6th, 2022, Section D.2.2.3, page 112 (see appendix G).

It should be noted that the walking trails with a bridge for access across the stream were included in the 2012 ACUP Decision for the Kingston Community Center at the Village Green and the MDNS.

12. Review Authority

The Director has review authority for this Administrative Conditional Use 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 an Administrative Conditional Use Permit.

13. 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.

Staff Comment: Staff finds no evidence that the proposal is not meeting the preceding findings. Located between the community center and skate park, the proposal is compatible with the character, appearance, quality and development of the community aesthetics, and for use and characteristics in the surrounding vicinity and zoning, as aligns with land use goals and policies of the comprehensive plan, the Kingston sub area plan, and 6.2 Goals, policies & projects as follows.

Kingston Design Standards 6.2 GOALS, POLICIES & PROJECTS

The goals and policies included in this Sub-Area Plan Update are intended to be concurrent with the Comprehensive Plan and Capital Facilities Element.

Goal 1: Improve safety for pedestrians, bicycles, and vehicles.

Policy 1.1: Provide pedestrians and bicyclists with an integrated system of pathways, trails, dedicated bike lanes, and sidewalks that support connections between residential areas, employment centers, shopping, schools, recreational

facilities, public transit, and other similar destination-oriented uses. Kingston should develop a safe and convenient environment for pedestrians and bicyclists by:

- Physically separating pedestrian and vehicle traffic; and
- Placing special consideration on accommodating pedestrians, and bicyclists in school, park, commercial areas, and community facilities.

14. 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 ACUP request for Elevated Adventures be **approved**, including the trail as seen on the subject site, to the following conditions:

a. Planning/Zoning

1. Any proposed signage will be required to obtain permits in order to meet the goal of design standards to display information in a manner that is visually attractive and compatible with downtown Kingston.
2. A building permit is required for any commercial storage exceeding 120 square feet in size. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
3. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
4. The recipient of any administrative conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the administrative conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the applicant's expense.
5. Typical days and hours of operation will be seven days a week, from 10 am – 7 pm.
6. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
7. 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.

8. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.

b. Environmental

9. Existing approved trails shall be limited to pedestrian use, shall not exceed five feet in width and maintain conditions and compliance with the original ACUP approval.
10. Waste receptacles will be disposed of each day and maintained in an orderly fashion to deter any pest/critters concern.
11. On-site tree mitigation should be accomplished based on the arborist assessment from Conservation Tree Care, dated January 13, 2023, provides best practices and mitigation. After the first year of operation the trees and the area surrounding them should be inspected by an arborist to determine if additional measures are needed to minimize impact.
12. Proposed measures to preserve or enhance wildlife shall be followed to avoid and minimize adverse impacts to the environment. Conservation measures for project mitigation shall include avoidance measures, seasonal restrictions, and restoration/enhancement guidance as stated in the Critical Areas Assessment (CAA) and Habitat Management Plan (HMP)/Mitigation Plan, Appendix D., conducted by Peninsula Environmental Group, dated July 6, 2022, including: Performance Standards and Monitoring of the heron colony annually for 10 years and Trail Improvements and Signage strategies per D.2.2.2 and D.2.2.3 of the CAA and HMP.
13. Permit approval subject to no removal of trees or vegetation on the parcel beyond those proposed in the current application. Please contact Kitsap County Department of Community Development before any clearing (360)337-5777.
14. Any expansion or alteration to the proposed use or activity, outside of the scope of this proposal would require additional department review.

c. Stormwater

15. Should this project require a building permit or development permit, the project shall comply with Kitsap County Code Title 12 effective at the time the building or development permit application is deemed complete."

a. Fire

16. Prior to opening, contact local fire district (North Kitsap Fire & Rescue) to ensure responder access for personnel and equipment.

Report prepared by:

Jenny Kreifels 4/20/23
Jenny Kreifels, Staff Planner / Project Lead Date

Report approved by:

Katharine Shaffer 4-14-23
Katharine Shaffer, Planning Supervisor Date

Attachments:

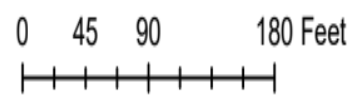
- Attachment A – Site Plan Overview
- Attachment B – Site Plan Inset
- Attachment C – Parking Analyses
- Attachment D – Aerial Map
- Attachment E – Critical Areas Map
- Attachment F – Zoning Map
- Attachment G – Tree Climbing Equipment

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Kitsap County Health District / eric.evans@kitsappublichealth.org;
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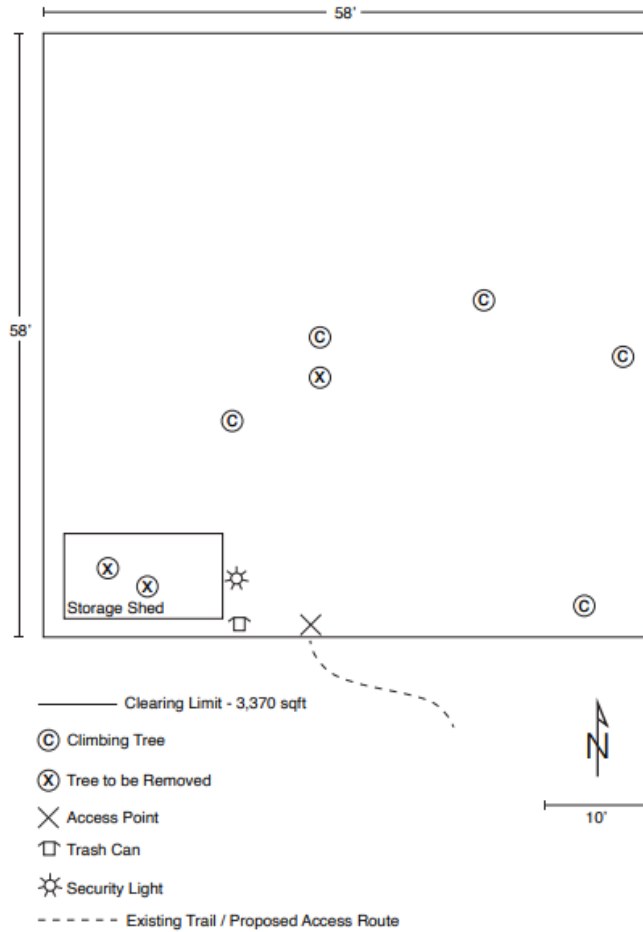
Site Plan



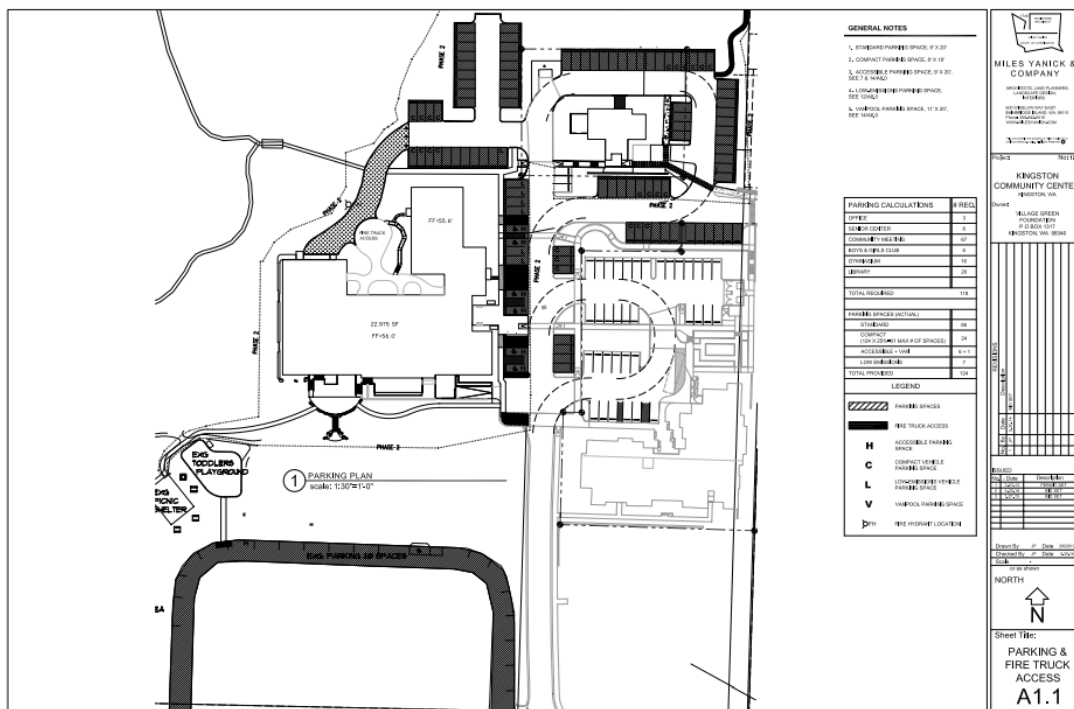
- Legend
- Stream Z
 - Stream Z buffer 150-ft
 - Clearing Area 3,370-sf
 - Kitsap County parcels
 - Wetland boundary
 - High intensity land use wetland buffer 80-ft
 - Moderate intensity land use wetland buffer 60-ft
 - Low intensity land use wetland buffer 40-ft
 - Setbacks
 - Trees with abandoned great blue heron nests
 - great blue heron colony boundary
 - great blue heron colony buffer 197-ft
 - Proposed Access Route
 - Existing Trail
 - side and rear setback 10-ft
 - front setback 20-ft
 - Shed
 - Trash Cans (to be installed)
 - Parking - 6 spaces
 - Security Light
 - Access Point



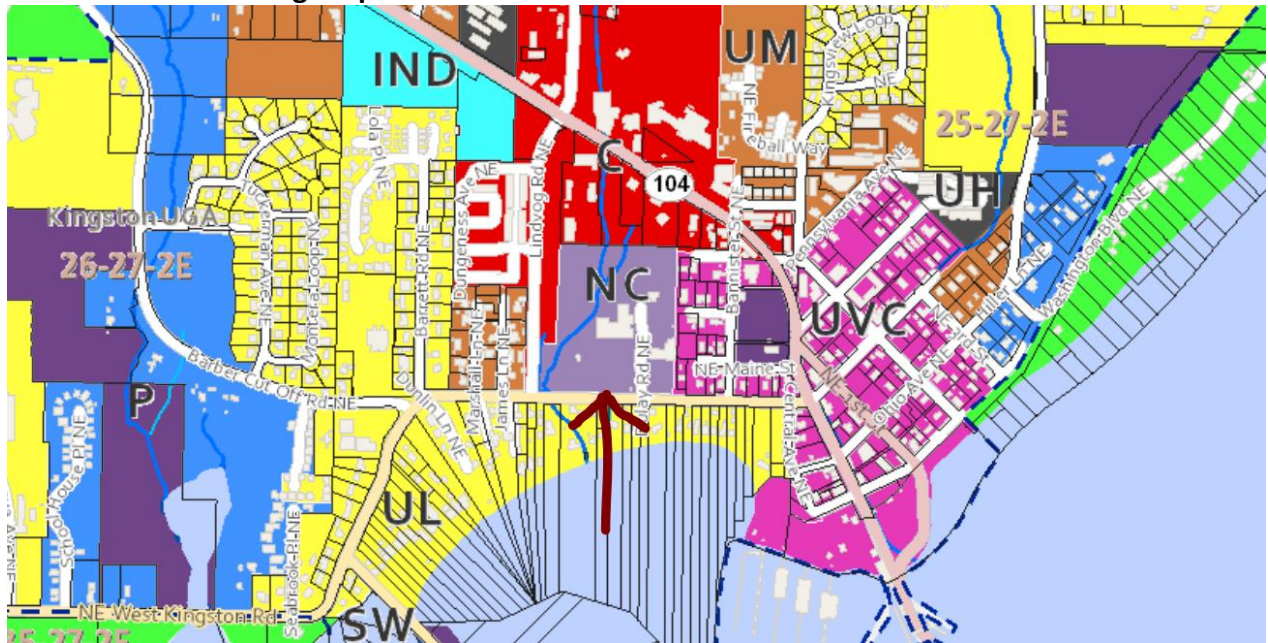
Attachment B – Site Plan Inset



Attachment C – Parking Analyses



Attachment F – Zoning Map



Subject site zoned Neighborhood Commercial (NC), marked with arrow.

Attachment G – Tree Climbing Equipment

