

KCC 22.500.100(E) Shoreline Variance Criteria

4.a The strict application of the bulk, dimensional, or performance standards set forth in Chapters 22.400 and 22.600 of this program preclude, or significantly interfere with, reasonable use of the property.

Staff Response: The standard buffer width of 85-feet extends past the western property line and the 50-foot reduced buffer takes up approximately three quarters of the upland portion of the lot. Given required setbacks, it is not feasible to build a modestly-sized single family residence with septic drainfield without impacting the standard and reduced buffer, therefore strict application of bulk, dimensional and performance standards do not allow for reasonable use of this property.

4.b The hardship described in subsection (E)(1) is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this Program, and for example, not from deed restrictions or from the actions of the applicant or a predecessor in title.

Staff Response: The variance request is due to the existing non-conforming setting of the property. Many lots in this area were established before adoption of the Shoreline Management Program and are not large enough to accommodate the current buffers that were adopted after the lot was created. Due to the depth of the lot, and the required septic drainfield, compliance with the Shoreline Residential standard and reduced buffer cannot be achieved.

4.c The design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this Program, will not cause net loss to shoreline ecological functions and does not conflict with existing water dependent uses.

Staff Response: The zoning of this property and properties nearby are Rural Residential, and the parcel acreage is similar to adjacent properties. The zoning designation and Comprehensive Plan encourage low-density residential development in this zone, but the site is constrained by shoreline regulations. The development is consistent with the zoning designation and impacts to the shoreline will be mitigated to ensure no net loss to shoreline ecological functions. The proposal will not conflict with any water dependent uses.

4.d The variance will not constitute a grant of special privilege not enjoyed by other properties in the area.

Staff Response: Neighboring parcels are zoned residential and are mostly developed with single-family residences. The proposed 1,800 square foot home is no larger than the majority of those on the shoreline in the immediate vicinity. The average square footage

of 5 adjacent primary structures on the shoreline is 1,892 square-feet. The proposed structure has a footprint of 1,800 square-feet, inclusive of an attached garage, and aligns below the median footprint within the common developed shoreline properties. No associated outbuildings are proposed.

4.e The variance requested is the minimum necessary to afford relief.

Staff Response: Site plan design reflects compliance to other titles, specifically zoning setbacks and Kitsap Public Health District standards. Taking into consideration these requirements, as well as considerations of slopes on the site, the proposed building footprint is the most practical. Due to the required front setback and septic drainfield, it is not possible to locate the home further landward.

4.f The public interest will suffer no substantial detrimental effect.

Staff Response: The surrounding lots are almost fully developed with single-family homes similar in character to the proposed home. The proposed development retains the residential designation to the shoreline environment. The building area is already cleared, with other parts of the shoreline buffer covered with invasive vegetation providing little benefit to the shoreline. The proposal includes shoreline buffer restoration to meet the policy for no net loss of shoreline ecological function.

b. Lighting

Single-family developments are exempt from lighting design standards (KCC 17.420.030.A).

c. Off-Street Parking

Single-Family developments require three (3) off-street parking spaces (KCC 17.490.030), measuring at least 9 feet by 20 feet. The proposed home includes an attached garage and adequate driveway space for 3 vehicles

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family	3 per unit	3	3
Total	3	3	3

d. Signage

No signage is proposed.

e. Landscaping

Single-family developments are exempt from landscaping design standards (KCC 17.420.030.A).

Table 6 - Landscaping Table

Not Applicable

f. Frontage Improvements

No frontage improvements are proposed or required.

g. Design Districts/Requirements

Single-Family developments are exempt from general design standards (17.420.030.A). The site is not located within any district or sub-area that requires further design review.

h. Development Engineering/Stormwater

A Limited Geotechnical Engineering Investigation prepared by Krazan and Associates, Inc., dated December 30, 2019, has been submitted. The report makes various findings and recommendations which will be verified at the time of building permit review and a condition has been placed on the approval to address this.

i. Environmental

Policies: See the previous Policies section for general policy analysis.

Regulations:

KCC 22.400.105 Proposed Development

A. Location.

1. New development shall be located and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
2. New development shall be located and designed to avoid the need for future shoreline stabilization for the life of the structure. Likewise, any new development which would require shoreline stabilization which causes significant impacts to adjacent or down-current properties shall not be allowed.
3. New development on lots constrained by depth, topography or critical areas shall be located to minimize, to the extent feasible, the need for shoreline stabilization.
4. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
5. Subdivision shall be planned to avoid the need for shoreline stabilization for newly created lots, utilizing geotechnical analysis where applicable.
6. Non-water-oriented facilities and accessory structures, except for preferred shoreline uses, such as single-family residences and single-family residential appurtenances when consistent with buffer provisions in this chapter, must be located

landward of buffers and adjacent water-oriented uses, or outside shoreline jurisdiction, unless no other location is feasible.

Staff Comment: The proposed development will be entirely above Ordinary High Water and is designed per the recommendations of the geotechnical engineer. There is an existing rip rap bulkhead and the proposal does not create the need for further shoreline stabilization. Due to the physical lot constraints, the project has been sited in the most appropriate location, using the minimum front setback to the west, and developed near the slope to the east per the geotechnical recommendation.

KCC 22.400.110 Mitigation

The planned new residence proposes mitigation through incorporation and implementation of the Shoreline Mitigation Plan and No Net Loss Assessment. The Shoreline Mitigation report appropriately addresses mitigation sequencing, mitigation options and mitigation compliance. In the report, it is proposed to remove invasive species and replant with 1,557 of native species and retain 2,247 square feet of existing vegetation.

KCC 22.400.115 Critical Areas

The site is mapped in Kitsap County GIS as a 'Moderate Seismic Hazard Area', requiring that the project be designed in accordance with Chapter 14.04, Kitsap County Building and Fire Code.

Parts of the site are mapped as 'Moderate Landslide Hazard Area' and 'Moderate Erosion Hazard Area', with a small portion in the northeast rated as 'High Erosion Hazard Area,' as defined in Kitsap County Code 19.400. This classification required the submittal of a Geotechnical Report.

The report has concluded that the development as proposed is feasible, when the recommendations of the report are implemented during construction. The report also found that the proposed setback from the top of slope is adequate when down slope footing lines are used. Other recommendations of the report are required to be incorporated in construction as a conditional of approval of this variance.

Part of the site is also mapped as within a FEMA flood hazard area. Per requirements of KCC Title 15 (Flood Hazard Area) and KCC 22.400.115.B, a FEMA Floodplain Habitat Analysis was submitted within the Shoreline Mitigation report.

KCC 22.400.120 Vegetation Conservation Buffers

The associated vegetation conservation buffer standards for this proposal are analyzed under the Shoreline Residential buffer criteria in 22.400.120.B.1.b requiring an 85-foot standard buffer and 22.400.120.B.2.b requiring a 50-foot reduced buffer.

Per 22.400.120.C.b.ii. the applicant may seek an administrative variance for any amount of buffer reduction within the shoreline residential designation. As the proposed development requires review under the variance criteria of 22.500.100 (E), review of this code falls under that analysis. See section 10.a above.

KCC 22.400.125 Water Quality and Quantity

The project as proposed has been reviewed under KCC Title 12 and will require further review and approval under the associated Building Permit. If stormwater is discharged to the shoreline, a Hydraulic Project Approval (HPA) will be required from the Washington State Department of Fish and Wildlife.

KCC 22.400.130 Historic, Archaeological, Cultural, Scientific and Ed. Resources

There were no comments provided by the Tribes related to cultural resources. A condition of approval has been added that Kitsap County DCD, the Washington State Office of Archaeology and Historic Preservation, and the affected tribes must be notified if archaeological resources are uncovered during excavation.

KCC 22.400.135 View Blockage

Both the properties to the north and south are developed with single-family homes and subject to the view blockage per the requirements of KCC 22.400.135.A.3. By request the applicant submitted a drawing with the view line, which showed a small portion of the home within the view line.

Per KCC 22.400.135.A.5, the view blockage requirements may be administratively waived after consideration of existing mitigating circumstances. The applicant submitted a narrative describing mitigating circumstances as well as a letter from the neighbor to the north attesting they have no issues with the proposal concerning view obstruction. Staff analyzed this information along with the proposal and site photographs, and agreed that the view blockage requirement could be waived due to following mitigating circumstances:

- The existing home to the south is separated by thick vegetation, and the new home would not affect the view from this home.



Picture taken from property looking north.

- The proposal is a one-story home with a daylight basement. The home utilizes existing topography with the daylight basement located on the slope which reduces the height of the home within the view blockage area.
- The home on the adjacent property to the north does not have any windows or viewpoints directly facing the proposed home. The northern neighbor has a deck that extends to the east beyond the proposed structure line.
- The original plans for the proposed home showed a deck on the east of the home within the view blockage area, which was relocated on the south side of the house by County request.

KCC 22.400.140 Bulk and Dimension Standards

The proposed residence meets the criteria under this code.

j. Access, Traffic and Roads

No adverse impacts to traffic or roads are likely. Access to the parcel is by way of a private driveway off of Chico Way NW, an existing roadway.

k. Fire Safety

Not applicable to this review. Fire review will be completed with associated building permit.

l. Solid Waste

No comments

m. Water/Sewer

The property will be serviced by public water. The site is outside of the service area for Kitsap County Public Works Sewer Utility Division. Approval of the onsite sewage will be required from Kitsap County Public Health.

n. Kitsap Public Health District

The proposed septic design has received preliminary approval by Kitsap Public Health which will be reviewed again with the associated building permit. Any changes to the approved site plan must be approved by Kitsap Public Health District and may require a modification to the approved Administrative Variance.

11. Review Authority

The Director has first review authority for this Administrative Variance application under KCC 21.04.100. The Director may approve, approve with conditions, or deny this application. Once the Decision is made, the proposal is forwarded to the Washington Department of Ecology pursuant to WAC 173-27-200, for final approval, approval with conditions, or denial. No approval shall be considered final until it has been acted upon by Ecology (KCC 22.500.100(E)).

12. Findings

The Department of Community Development has determined that this application, as conditioned, meets requirements of KCC Title 17 Zoning and Title 22 Shoreline Master Program, and will comply with all other applicable provisions of Kitsap County Code and all other applicable regulations. The application also meets the Shoreline Variance Criteria of 22.500.100(E), as described in section 10.a of this report.

13. Decision

Based upon the analysis above and the Variance Criteria in KCC 22.500.100(E), the Department of Community Development grants conditional approval of the Type II Shoreline Variance request for the Oien Shoreline Variance (20-03551), subject to the following 3 conditions. Per WAC 173-27-200, no approval shall be considered final until it has been acted upon by Ecology (KCC 22.500.100(E)).

a. Planning/Zoning

None at this time.

b. Development Engineering

None at this time.

c. Environmental

1. This project shall follow the recommendations of the Limited Geotechnical Engineering Investigation, dated December 30, 2019.
2. This project shall comply with the Shoreline Mitigation Plan and No-Net-Loss Assessment prepared by Ecological Land Services, dated August 7, 2020. The project proposes 1,557 square feet of new planting and 2,247 square feet of retained vegetation. Planting must be completed, inspected and approved prior to the final inspection of the building permit. There will be a 5-year monitoring period with annual reports provided to Kitsap County DCD demonstrating compliance with the mitigation plan in this report.
3. If archaeological resources are uncovered during excavation, the contractor and property owners must immediately stop work and notify Kitsap County Department of Community Development, the Washington State Office of Archaeology and Historic Preservation and affected tribes.

d. Traffic and Roads

None at this time.

e. Fire Safety

None at this time.

f. Solid Waste

None at this time.

g. Kitsap Public Health District

None at this time.

Report prepared by:



Name, Staff Planner / Project Lead

3-10-21

Date

Report approved by:



Scott Diener, DSE Manager

3-10-21

Date

Attachments:

Attachment A - Zoning Map

Attachment B - Shoreline Environment Designation Map

CC:

Applicant/Owner: Dale Oien: oiencon@msn.com

Authorized Agent: Keelin Lacey: keelin@eco-land.com

Interested Parties

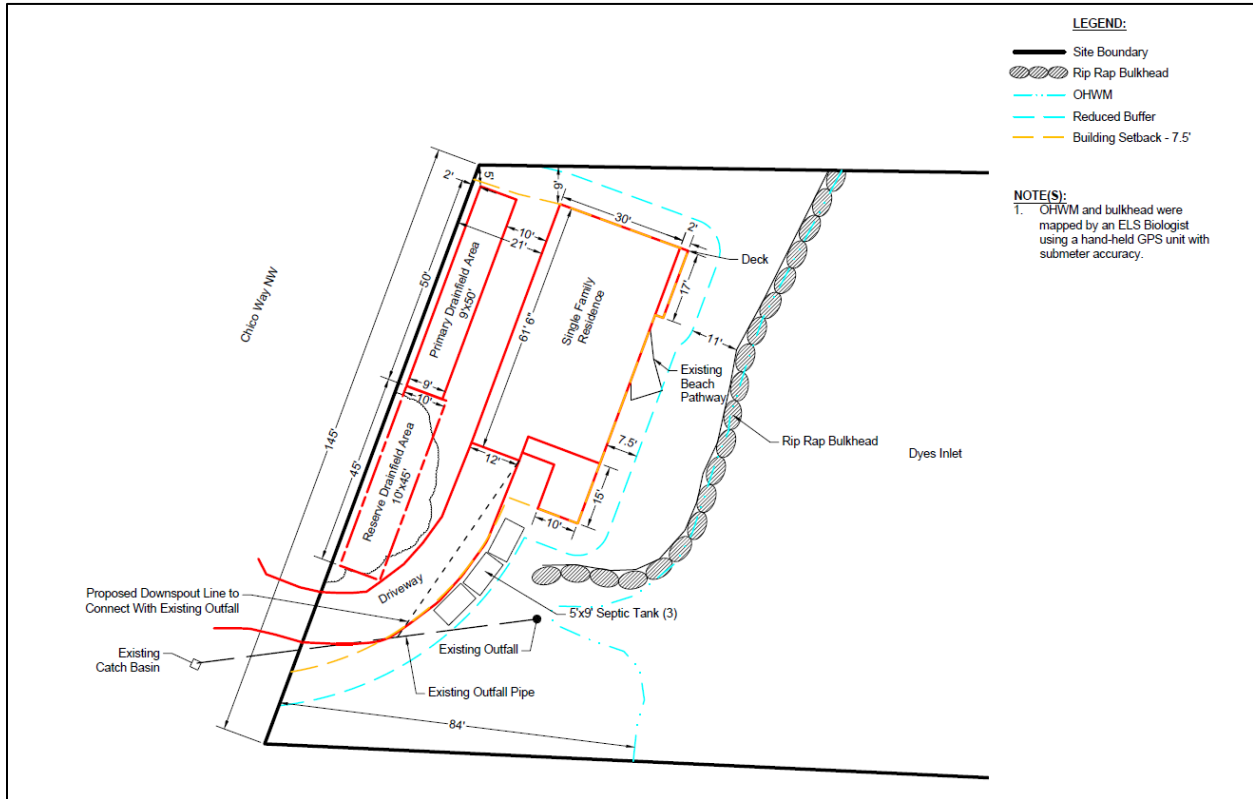
Kitsap Public Utilities District

Kitsap County Health District

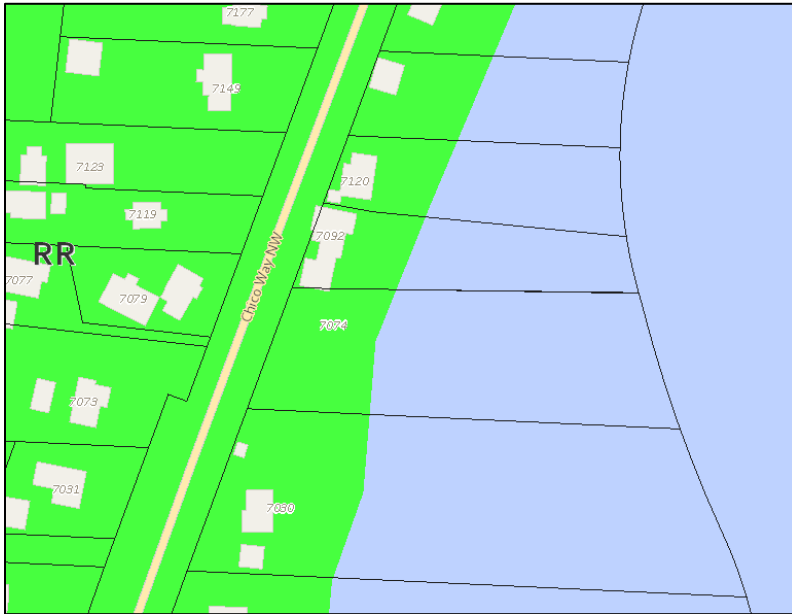
Kitsap County Public Works Dept.

DCD Staff Planner: Colin Poff

Site Plan



Attachment A - Zoning Map



Attachment B - Shoreline Environment Designation Map

