



# BROCHURE # 81

## VIEW BLOCKAGE REQUIREMENTS



### OVERVIEW

The Kitsap County View Blockage Requirements ([KCC 22.400.135](#)) regulates building development affecting shoreline views (this code does not regulate landscaping or vegetative view blockage). The following definitions shall apply in the administration and enforcement of the ordinance.



1. "Accessory structure" means, as it relates to view blockage, buildings and other structures encompassing less than two hundred square feet and less than ten feet in height from grade level, and fences which are less than six feet in height from grade level.
2. "Adjacent principal building" means a principal building located on a lot abutting the applicant's lot.
3. "Building" means any structure used or intended for supporting or sheltering any use or occupancy.
4. "Building line" means the perimeter or that portion of a principal building closest to the ordinary high water mark (OHWM), but excluding decks and balconies, open steps, architectural features (such as cornices), and roof overhangs.
5. "Ordinary high water mark" means the mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existed on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the county or Ecology; provided, that in any area where the OHWM cannot be found, the OHWM adjoining salt water shall be the line of mean higher high tide and the OHWM adjoining fresh water shall be the line of mean high water.

6. "Principal building" means that building on a lot closest to the ordinary high water mark excluding accessory structures.

7. "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except

vessels.

8. "Shoreline structure setback line" means the closest distance measured on a horizontal plane between the ordinary high water mark and the building line.

### Shoreline Structure Setback Line

All principal buildings shall be so located as to maintain the minimum shoreline structure setback line. The shoreline structure setback line shall be determined as follows:

1. No Adjacent Principal Buildings. Where there are no adjacent principal buildings, the shoreline structure setback line shall be the buffer and setback specified elsewhere in this program.
2. Adjacent Principal Building on One Side. Where there is an adjacent principal building on one side, the shoreline structure setback line shall be a distance no less than that of the adjacent principal building to the shoreline or the buffer and setback specified elsewhere in this program, whichever is greater.
3. Adjacent Principal Buildings on Both Sides on a Regular Shoreline. Where there are adjacent principal buildings on both sides of the proposed structure on a regular shoreline, the shoreline structure setback line shall be determined by a line drawn between the building line of the adjacent principal buildings or the buffer and setback specified elsewhere in this program, whichever is greater.

4. Adjacent Principal Buildings on Both Sides on an Irregular Shoreline. Where there are two adjacent principal structures on a shoreline which forms a cove or peninsula, the shoreline structure setback line shall be determined by averaging the setback lines of the two adjacent principal buildings or the setback specified elsewhere in [KCC 22.400.135](#), whichever is greater.
  5. In balancing the interest of the applicant with adjacent neighbors, if more harm will be done by granting the conditional waiver than would be done by denying it, the conditional waiver shall be denied.
- B. The applicant seeking a conditional waiver of the strict application of this chapter may file an application with the department accompanied by an application fee per the Kitsap County development permit fee schedule.

### **Accessory Structures**

Accessory structures as defined for the purposes of view blockage may be sited within the shoreline structure setback area; provided, that they do not substantially obstruct the view of adjacent principal buildings and comply with applicable buffer provisions.

### **Conditional Waiver Procedure**

- A. An applicant aggrieved by the strict application of this chapter may seek a conditional waiver from the director. Such a waiver shall be a Type II administrative decision. A conditional waiver may be granted after the applicant demonstrates the following:
  1. The hardship which serves as the basis for granting the conditional waiver is specifically related to the property of the applicant and does not apply generally to other property in the vicinity;
  2. The hardship which serves as the basis for granting the conditional waiver is specifically related to the property of the applicant and does not apply generally to other property in the vicinity;
  3. The hardship which results from the application of the requirements of this chapter is not a result of the applicant's own actions;
  4. The conditional waiver, if granted, will be in harmony with the general purpose and intent of the Shoreline Management Act and this program in preserving the views of the adjacent shoreline residences; and

### **What Should I Do Before Applying?**

Kitsap County strongly encourages applicants to have a pre-submittal Staff Consultation with Kitsap County staff prior to making application for a shoreline permit. Staff members can assist and advise applicants on shoreline regulations at any stage of the project's development; however, consultation early in project planning most often results in smoother and less-expensive processing of an application. Call (360) 337-5777 to arrange a Staff Consult.

### **Appeals**

Determinations of shoreline structure setback lines are classified as Type I decisions under Title 21 of this code, the Land Use and Development Procedures Ordinance. (See Section [21.04.060](#), "Type I – Ministerial Decision").

Application for appeal from a decision regarding approval or denial of a permit may be obtained from Kitsap County Department of Community Development. Such an appeal shall be filed during the local appeal period-within fourteen (14) calendar days of the issuance of a conditional waiver permit.

### **Application Fees**

Fees are due at the time applications are submitted. They are charged in accordance with the current Kitsap County [Fee Schedule](#). Information on fees and procedural requirements are also available by calling (360) 337-5777.