KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET, MS-36, PORT ORCHARD, WASHINGTON 98366-4682 **Larry Keeton, Director**
(360) 337-5777 FAX (360) 337-4415 HOME PAGE www.kitsapgov.com/dcd/

NOTICE OF ADMINISTRATIVE DECISION

February 10, 2015

To: Interested Parties and Parties of Record

RE:	Project Name:	Manz - Conditional View Blockage Waiver Conditional Waiver from View Blockage Requirements
	Application: File Number:	14 04629

Enclosed is the Administrative Decision issued by the Kitsap County Department of Community Development (DCD) for the above referenced application.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER BEFORE THE CLOSE OF BUSINESS ON FEBRUARY 24, 2015. PLEASE NOTE: THE DEPARTMENT OF COMMUNITY DEVELOPMENT IS OPEN MONDAY THROUGH THURSDAY FROM 9:00 A.M. TO 4:00 P.M. AND FRIDAY FROM 9:00 A.M. TO 1:00 P.M.

Pursuant to the Kitsap County Land Use and Development Procedures, an appeal may be filed objecting to the Department's Decision. An appeal must be made in writing, and received by the Department of Community Development (DCD). At the time of filing the appeal, the appellant shall pay the sum of five hundred dollars ($500.00). This fee is non-refundable and subject to change. Make check payable to Kitsap County Department of Community Development (DCD).

The written appeal shall be made on, or attached to, an appeal form provided by DCD, and shall contain the following information.

1. The project name, project applicant, application type, and file number designated by the County;

2. The name, address, and signature of each appellant. If multiple parties file a single appeal, the appeal document shall designate, in writing, one party as the contact representative for all contact with the DCD Director and the Office of the Hearing Examiner. All contact between the County and the appellants regarding the appeal, including notices, shall be through this contact representative; and

3. A written statement of the specific aspect(s) of the Decision and/or SEPA determination being appealed, the reasons why each is in error as a matter of fact or law, and the evidence relied upon to prove the error.

The complete application file will be available for review at the Department of Community Development, Monday through Thursday, except holidays, from 9:00 A.M. to 4:00 P.M. and Fridays from 9:00 A.M. to 1:00 P.M. You may make an appointment by calling Constance Blackburn at (360) 337-4487.

If you have questions, please contact Constance Blackburn at (360) 337-4487 or Lisa Lewis at (360) 337-5777.

Sincerely,

Constance Blackburn

Clerk of the Hearing Examiner

Cc:

XX Applicants and Owners: Ron and Peggy Manz
XX Representative: Robert F. Cousins, Attorney at Law P.L.L.C., rob@rcousinslaw.com
XX Architect: Roger Katz, roger@rogerkatz.com
XX DCD Staff Planner: Lisa Lewis
XX DCD DSE Supervisor / Manager: Shawn Alire and Scott Diener
XX Point No Point Treaty Council: Cynthia Rossi, crossi@pnptc.org
XX Suquamish Tribe: Alison O'Sullivan, aosullivan@suquamish.nsn.us
XX Adjacent property owners: For this permit type only, distribution is limited to the two adjacent property owners.

Jeffrey Allen Brown and Leanne Bohnen
26601 Ansel Road NW
Poulsbo, WA 98370

John Schaefer and Carole Gunderson
26866 Edgewater Blvd. NW
Chevron, Perth Australia 05 PO Box 6008

XX Port Gamble S'Klallam Tribe: Roma Call, romac@pgst.nsn.us
XX Skokomish Tribe: Chris Eardley, ceardley@skokomish.org
XX WA State Department of Fish & Wildlife: Gina.Piazza@dfw.wa.gov
XX Interested party: Duane Delong: drdelong43@gmail.com

KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682 Larry Keeton,
(360) 337-5777 FAX (360) 337-4415 HOME PAGE–www.Kitsapgov.com/dcd

STAFF REPORT and DECISION
ADMINISTRATIVE REVIEW
Approval with Conditions

Date: February 10, 2015 Application Date: December 23, 2014

Project Name: **Manz Conditional View Blockage Waiver**

Planning File Number: **14 04629**

Assessor's Number: **282701-1-039-2005**

Request: A previously existing boat ramp, concrete bulkhead, and boathouse are located on the shoreline at the site. The boathouse (16 feet by 22.5 feet) has been damaged and is planned for reconstruction. The boathouse, located at the base of a steep slope, cannot be seen by any adjacent property owners.

Project Location: The project is located at 26609 Ansell Road NW, Poulsbo, in Northern Kitsap County, Commissioner District 1. The subject parcel is zoned Rural Residential. The area shoreline environment designation is Rural.

Applicant/Owner: Ron and Peggy Manz

Notification and Review
View blockage waivers are classified as a Type II decision under KCC Title 21 Land Use Development and Procedures. A Notice of Application was issued on January 26, 2015 and copies of the notice were distributed in accordance with established procedures. There was one written comment letter received during the two-week comment period. The concern expressed was not about view blockage, but about slope stability when implementing the project. He had no view blockage concerns. I had the geologist and geotechnical engineer give the concerned client a call.

Policies and Regulations applicable to the Subject Proposal:
The applicant, aggrieved by strict application of the view blockage requirements, seeks conditional waiver of the requirements at Kitsap County Code Chapter 17.450. In accordance with KCC 17.450.040, the decision whether to grant a conditional waiver from view blockage requirements is based on an analysis of whether the applicant has demonstrated 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 results from the application of the requirements of this chapter is not a result of the applicant's own actions;

(3) The conditional waiver, if granted, will be in harmony with the general purpose and intent of the Shoreline Management Act and the Kitsap County Shoreline Management Master Program in preserving the views of the adjacent shoreline residences;

(4) 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.

Analysis:

1. <u>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</u>.

The damaged boathouse was a legally established, non-conforming structure located at the base of the bluff. Rebuilding the bulkhead is reasonable and the boathouse serves as a water dependent structure that can only be located on the shoreline water ward of the view line.

2. <u>The hardship which results from the application of the requirements of this chapter is not a result of the applicant's own actions.</u>

The previously existing boathouse was damaged by a small scale landslide activity that resulted from normal precipitation.

3. <u>The conditional waiver, if granted, will be in harmony with the general purpose</u>

and intent of the Shoreline Management Act and the Kitsap County Shoreline Management Master Program in preserving the views of the adjacent shoreline residences.

Reconstructing the boathouse will not block views and will result in no net-loss of shoreline ecological functions through available shoreline mitigation. The boathouse promotes recreational access and shoreline use as contemplated by the Kitsap County Shoreline Master Plan and the State Shoreline Management Act.

4. 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.

No harm will be done to adjacent neighbors. The boathouse cannot be seen from adjacent upland neighbors.

CONCLUSIONS:

1. The project, as proposed, is consistent with the character of the shoreline environment designation and reflects the character of the surrounding area. The project is consistent with the goals and intent of KCC Title 22, Kitsap County Shoreline Management Master Program.

2. The project will not obstruct the view of the adjacent shoreline residences.

3. The project, as proposed, meets the applicable criteria of KCC 17.450 for a Conditional Waiver from View Blockage Requirements.

DECISION:

1. Based upon the above findings, the Manz conditional waiver for view blockage is approved, as depicted on the site plan received by Kitsap County Department of Community Development.

Any appeals of the decision regarding this application shall be filed with the Department of Community Development within 14 days of the date of this decision. APPEALS MUST BE SUBMITTED BY 1:00 PM, FRIDAY FEBRUARY 24, 2015 WITH A $500 APPEAL FEE.