



Rafe Wysham
Director

KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

To enable the development of quality, affordable, structurally safe and environmentally sound communities.

Notice of Administrative Decision

Date: 5/27/2025

To: Hong-Lien Mai and Scott Nguyen, scottlien.nguyen@gmail.com
Interested Parties and Parties of Record: Huber, Heidi - Hood Canal Coord. Council, hhuber@hccc.wa.gov; Powers, Marla - Port Gamble S'Klallam Tribe, mpowers@pgst.nsn.us; KEENAN GARY T & SHERRY L, garytracyton@hotmail.com

RE: Permit Number: 23-03240

Project Name: NGUYEN & MAI - Administrative Shoreline Variance for Single Family Residence

Type of Application: SVAR

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit #23-03240: NGUYEN & MAI - Administrative Shoreline Variance for Single Family Residence – SVAR**, subject to the conditions outlined in this Notice and included Staff Report.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS TIMELY APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.

The written appeal shall be made on, or attached to, an appeal form titled: 'Appeal/Objection of an Administrative Decision' found on DCD's website, through the Online Permit Application Portal: <https://app.oncamino.com/kitsapcounty/login>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777.

CC:

Biologist: Crater Land Use Consulting, ryan@craterluc.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
Dept of Archaeological Historic Preservation
Point No Point Treaty Council
Port Gamble S'Klallam Tribe
Puyallup Tribe

Permit # 23-03240, NGUYEN & MAI - Administrative Shoreline Variance for Single
Family Residence
5/27/2025

Skokomish Tribe
Squaxin Island Tribe
Suquamish Tribe
WA Dept of Fish & Wildlife
WA Dept of Natural Resources
WA State Dept of Transportation
DCD Staff Planner: Kate Millward, KMillward@kitsap.gov
Interested Parties: Huber, Heidi - Hood Canal Coord. Council, hhuber@hccc.wa.gov ;
Powers, Marla - Port Gamble S'Klallam Tribe, mpowers@pgst.nsn.us ; KEENAN GARY
T & SHERRY L, garytracyton@hotmail.com
NOA Distribution List:
Applicant/owner: Scott and Mai Hong-Lien Nguyen, scottlien.nguyen@gmail.com
Biologist: Ryan Crater, Crater Land Use Consulting, ryan@craterluc.com
Health District
Public Works
Parks
Navy
DSE
Kitsap Transit
Central Kitsap Fire District
Central Kitsap School District
Puget Sound Energy
Water Purveyor - PUBLIC UTILITY DIST NO 1
Point No Point Treaty Council
Skokomish Tribe
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Shoreline Review



Administrative Staff Report

Report Date: May 20, 2025

Application Submittal Date: June 7, 2023

Application Complete Date: August 1, 2023

Project Name: Nguyen & Mai Shoreline Variance

Type of Application: Shoreline Variance - Administrative (Type II)

Permit Number: 23-03240

Project Location

14656 Seabeck Hwy NW
Seabeck, WA 98380
Central Kitsap

Assessor's Account

4454-002-016-0001

Applicant/Owner of Record

Hong-Lien Mai and Scott Nguyen
7 Lindley Rd
Mercer Island, WA 98040

Decision Summary

Approved subject to conditions listed under section 13 of this report.

VICINITY MAP



1. Background

The applicant proposes to develop the property with a single-family residence and associated infrastructure on the shoreline of Hood Canal and Seabeck Bay. The original cabin and deck are very deteriorated and will be removed before construction. Because of the shallow configuration of this lot and confining inland slopes, the applicant cannot meet the required shoreline buffers and a shoreline variance is required to build.

2. Project Request

The applicant requests an 82% to 87% reduction of the 85-foot vegetation buffer to a range between 10 feet and 17 feet with a 5-foot building setback due to the extent of encumbrance by the vegetation conservation buffer associated with Seabeck Bay and the presence of steep sloped onsite that limit the location of development and require the location of reserve and primary septic drainfields landward of the proposed residence.

The applicant seeks relief from these buffers to allow enough buildable area for a single-family home on this constrained .23-acre lot.

3. SEPA (State Environmental Policy Act)

This project is SEPA Exempt under KCC 18.04 State Environmental Policy Act.

4. Physical Characteristics

The property is a .23-acre rectangular property originally developed with a cabin. The parcel is aligned southeast to northwest off Seabeck Hwy with shoreline frontage to Hood Canal and Seabeck Bay. The parcel is mapped with Shoreline Residential designation, portions of FEMA 100-year floodplain, seismic moderate hazard, moderate landslide hazard and high erosion hazard. Topography ranges from sea level to 45 feet above sea level.

A flat lawn is located between the house and the concrete bulkhead. Existing infrastructure landward of the Ordinary High-Water Mark includes a cabin with deck and associated outhouse, a paved site access and parking. The cabin, deck and outhouse will be demolished.

The drain field and reserve will be landward of the house, serving as a restoration area. Adjacent parcels are single-family residences on both sides.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Reserve Zone: Rural Reserve (RR)	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	1 DU/ 5 acres	
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140-feet	NA
Minimum Lot Depth	140-feet	NA
Maximum Height	35-feet	Approx. 22 feet (one story construction)
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (South)	50 feet standard (20 feet using Urban Restricted (UR) setbacks)	43 feet

	per footnote 17.120.060.42.b)	
Side (East)	20 feet (5-feet using UR setbacks per footnote 17.120.060.42.b)	21 feet
Side (West)	20 feet (5 feet using UR setbacks per footnote 17.120.060.42.b)	20 feet
Rear (North)	Regulated by Shoreline Master Program: 85-foot reduced vegetation buffer plus 15-foot building setback.	11 to 15-foot vegetation buffer and 5-foot building setback, per variance request

Applicable footnotes:

17.120.060.42.b Any single-family residential lot of record as defined in Chapter 17.110 that has a smaller width or lot depth than that required by this title, or is less than one acre, may use that residential zoning classification that most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Hood Canal	N/A
South	Single-family Residence	Rural Residential (RR)
East	Single-family Residence	Rural Residential
West	Single-family Residence	Rural Residential

Table 4 - Public Utilities and Services

	Provider
Water	Private Well
Power	Puget Sound Energy
Sewer	Private septic system
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire and Rescue
School	Central Kitsap School District

5. Access

Access will be via a private driveway off Seabeck Hwy.

6. Site Design

The proposed site plan includes a 1,200 square-foot single-family residence with septic tanks and drain fields. Mitigation and restoration are proposed throughout the lot. Landscaping and lighting requirements of KCC 17.500 are not applicable. See the site plan to the right.

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 and amended April 27, 2020.

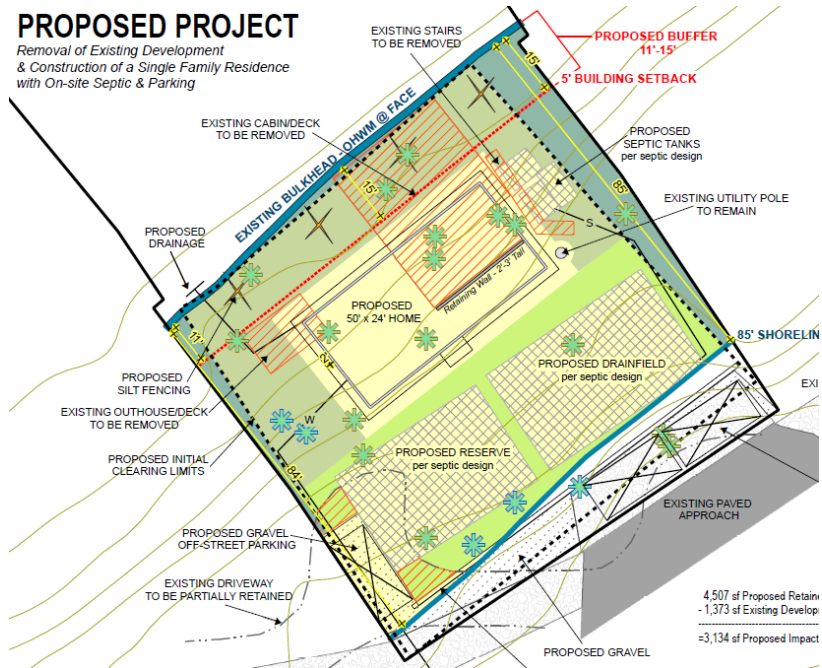
The following Comprehensive Plan goals and policies are most relevant to this application:

Chapter 3- Environment, incorporates by reference the goals and policies of the Kitsap County Shoreline Master Program.

Land Use Policy 51: Permit residential uses in rural areas consistent with the planned rural character of the surrounding area.

Policy SH-1. Protect and conserve shoreline areas that are ecologically intact and minimally developed or degraded. Develop incentives and regulations for privately owned shorelines that will protect and conserve these areas while allowing reasonable and appropriate development.

Staff Comment: The proposed development is the minimum necessary to afford re-



construction of a single-family residence, while still protecting ecological functions. The building area was previously developed and the replacement residence will use some of the same footprint, orienting away from the shoreline. The project proposes enhancement of the shoreline area to improve ecological functions.

Policy SH-2. Recognize that nearly all shorelines, even substantially developed or degraded areas, retain important ecological functions.

Staff Comment: With proposed mitigation, ecological functions will be retained and restored.

Policy SH-4. Permitted uses and developments should be designed and conducted in a manner that protects the current ecological condition, and prevents or mitigates adverse impacts. Mitigation measures shall be applied in the following sequence of steps listed in order of priority:

1. Avoid the impact altogether by not taking a certain action or parts of an action;
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. Rectify the impact by repairing, rehabilitating or restoring the affected environment;
4. Reduce or eliminate the impact over time by preservation and maintenance operations;
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu fee process where appropriate; and
6. Monitor the impact and the mitigation projects and take appropriate corrective measures.

Staff Comment: With mitigation, the proposed residence will achieve no net loss. A mitigation plan and associated monitoring and maintenance plan will assure compliance with these requirements.

Policy SH-7. In assessing the potential for new uses and developments to impact ecological functions and processes, the following should be considered:

1. On-site and off-site impacts;
2. Immediate and long-term impacts;
3. Cumulative impacts, from both current and reasonably foreseeable future actions, resulting from the project; and
4. Any mitigation measures or beneficial effects of established regulatory programs to offset impacts.

Staff Comment: Implementation of the mitigation plan along with the required monitoring and maintenance of the project area will ensure no net loss of ecological functions and processes.

Policy SH-8. Critical areas in the shoreline jurisdiction shall be protected in a manner that results in no net loss to shoreline ecological functions. Pursuant to RCW 36.70A.030(5), critical areas include:

1. Wetlands.
2. Frequently flooded areas.
3. Fish and wildlife habitat conservation areas.
4. Geologically hazardous areas.
5. Critical aquifer recharge areas.

Staff Comment: There are no wetlands or streams on site. A geotechnical report has been provided to address the Geologically Hazardous Areas (KCC 19.400). No flood zone impacts are proposed. Associated impacts from shoreline buffer intrusions will be mitigated.

Policy SH-9. Preserve native plant communities on marine, river, lake and wetland shorelines to maintain shoreline ecological functions and processes, development along the shoreline should result in minimal direct, indirect, or cumulative impacts. This includes:

1. Keeping overhanging vegetation intact along the shoreline edge to provide shading and other ecological functions;
2. Preserving established areas of native plants and minimizing clearing and grading near bluff edges and other erosion or landslide-prone areas in order to maintain slope stability and prevent excess surface erosion and stormwater runoff;
3. Designing and placing structures and associated development in areas that avoid disturbance of established native plants, especially trees and shrubs; and
4. Removal of noxious weeds in accordance with WAC 16-750-020.

Staff Comment: Implementation of the mitigation plan along with the required monitoring and maintenance of the project area will ensure no net loss of ecological functions and processes, including site design and vegetation management. Significant trees on site within the shoreline buffer will be retained.

Policy SH-10. Shoreline landowners are encouraged to preserve and enhance native woody vegetation and native groundcovers to stabilize soils and provide habitat. When shoreline uses or modifications require a planting plan, maintaining native plant communities, replacing noxious weeds and avoiding installation of ornamental plants are preferred. Nonnative vegetation requiring use of fertilizers, herbicides/pesticides, or summer watering is discouraged.

Staff Comment: Implementation of the Shoreline Mitigation Plan and No-Net-Loss Assessment, along with the required monitoring and maintenance of the project area will ensure no net loss of ecological functions and processes, including site design and vegetation management.

Policy SH-13. Ensure mutual consistency with other regulations that address water quality

and stormwater quantity, including standards as provided for in Title 12 (Storm Water Drainage) and Chapter 173-201A WAC (Water Quality Standards).

Staff Comment: This project has been reviewed under the current standards in Title 12 (Stormwater Drainage). Engineered Drainage Plans are required to be submitted with the building permit. A simplified drainage design, engineered has been submitted and has been reviewed and accepted by the stormwater review team.

Policy SH-16. Accommodate and promote, in priority order, water-dependent, water-related and water-enjoyment economic development. Such development should occur in those areas already partially developed with similar uses consistent with this program, areas already zoned for such uses consistent with the Kitsap County Comprehensive Plan, or areas appropriate for water-oriented recreation.

Staff Comment: Single-family residences are a priority use of the shoreline when developed in a manner consistent with control of pollution and prevention of damage to the natural environment (22.600.170(B)10).

Policy SH-21. Give preference to water-dependent uses and single-family residential uses that are consistent with preservation of shoreline ecological functions and processes. Secondary preference should be given to water-related and water-enjoyment uses. Non-water-oriented uses should be limited to those locations where the above-described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Act. For use preference within shorelines of statewide significance, see Section 22.300.145(B).

Staff Comment: This is a proposed single-family residential use that will be consistent with preservation of shoreline functions and processes through the implementation of the Shoreline Mitigation Plan and No-Net-Loss Assessment.

Policy SH-23. Through appropriate site planning and use of the most current, accurate and complete scientific and technical information available, shoreline use and development should be located and designed to avoid the need for shoreline stabilization or actions that would result in a net loss of shoreline ecological functions.

Staff Comment: The proposed home will be located in approximately the same footprint as the original home. The planned re-construction includes installing a drain field, which will be enhanced with native vegetation. New impacts will be addressed through shoreline mitigation. No additional shoreline stabilization is required.

Shoreline Environment Designation-
KCC 22.200.115 Shoreline Residential Designation

A. Purpose.

1. To accommodate residential development and appurtenant structures that are consistent with this program, and to provide appropriate public access and recreational uses.

B. Designation Criteria.

1. Shoreline areas that are predominately single-family or multifamily residential development or are planned or platted for residential development;

2. Does not include shorelines supporting existing residential development that may not support higher densities of development due to potential cumulative impacts to sensitive environments or safety, such as steep slopes or floodplains. Such shorelines shall be designated rural or urban conservancy, whichever applies.

C. Management Policies.

1. Standards for buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be set to assure no net loss of shoreline ecological functions.

2. Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities. If public access is not feasible on site, off-site options such as an in-lieu fee may be recommended.

3. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

4. Commercial development should be limited to water-oriented uses. Water-oriented includes water-dependent, water-related and water-enjoyment uses.

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 17	Zoning
Title 19	Critical Areas Ordinance
Chapter 21.04	Land Use and Development Procedures
Title 22	Shoreline Master Program

8. Documents Consulted in the Analysis

Applicant Submittals

JARPA
 Site Plan
 SEPA Checklist
 Required Permit Questionnaire
 Shoreline Mitigation Plan
 Stormwater Worksheet
 Geological Assessment

Dated or date stamped

June 7, 2023
 March 25, 2025
 June 7, 2019
 July 11, 2023
 March 25, 2025
 June 11, 2023
 June 9, 2024

9. Public Outreach and Comments

The department sent a Notice of Application on November 27, 2023 and the public comment period remained open for 21 days, as required in the land use permit procedures outlined in Title 21 of the Kitsap County Code. The department received one comment, from Mike Lisitza with the Hood Canal Coordinating Council. On an earlier version of the project he advised that the applicant could not buy off-site mitigation credits and, therefore, the applicant revised the project to accomplish mitigation on-site.

10. Analysis

a. Planning/Zoning

A single-family residence is proposed within the Rural Residential zone. The Urban Restricted Zoning setbacks may be applied as the lot is less than 140 feet in width.

This parcel has a Shoreline Environment Designation of Shoreline Residential, which has a standard buffer of 85-feet and additional 15-foot building setback. As this is already lower than the 100-foot reduced standard buffer referenced in KCC 22.400.120(B)2, no standard reduced buffer is available, thus the request for this Type II Shoreline Variance. The variance can be processed as a Type II Administrative Variance per KCC 22.400.120(C)b(ii). See the below analysis of Variance Criteria (KCC 22.500.100(E)), which allows for a further reduction of 25% from the reduced standard buffer.

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 across nearly the entire parcel. Given required setbacks, it is not feasible to reconstruct a modestly-sized single family residence without impacting the standard buffer and the slopes on the property. Therefore, the 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 as well as the subject parcel 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, compliance with the Shoreline Residential standard buffer cannot be achieved. Construction

of the residence is located in approximately the same location as the existing footprint and conforms to the Type 2 variance criteria, limited to no less than a 25% reduction of the 50-foot reduced standard buffer, with a modified building setback of 5 feet.

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 is 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 redevelopment of the residence with a 1,200 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 2,573 square feet.

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. The proposal locates the septic drain field furthest from the shoreline, in the front zoning setback. Locating the home further landward would require installing the septic system closer to the shoreline and potentially in the floodplain.

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

Staff Response: The surrounding lots are almost entirely 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 developed, with other parts of the shoreline buffer covered with lawn 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 adequate 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 Hydraulic Project Approval (HPA) permit may be required for work below the ordinary high water mark or associated with the outfall. Prior to SDAP approval, the applicant shall submit an approved HPA from the Washington Department of Fish and Wildlife (WDFW), or documentation from WDFW specifying that a HPA is not required. Information regarding HPA's can be found at <http://www.wdfw.wa.gov/hab/hpapage.htm> or by calling the Office of Regulatory Assistance at (360) 407-7037.

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. The slopes are deemed stable 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, 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 restore 3,134 square feet of native species and enhanced areas and remove two concrete remnants of the bulkhead as well as three concrete pillars landward of the bulkhead.

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.

The site is mapped as 'Moderate Landslide Hazard Area' and 'High Erosion Hazard Area' 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. 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. The development area is located outside of the FEMA mapped area. Per requirements of KCC Title 15 (Flood Hazard Area) and KCC 22.400.115(B), a FEMA Floodplain Habitat Analysis was not required. Structures in the floodplain shall require a Flood Elevation Certificate.

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.d requiring a 85-foot standard buffer and 22.400.120.B.2.d requiring a 50-foot reduced buffer.

Per 22.400.120.C.2.b. the applicant may seek an administrative variance for up to a 25% buffer reduction of the reduced standard shoreline 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. Stormwater is proposed to be discharged to the shoreline, and 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

The properties on either side of this project are developed with single-family homes and subject to the view blockage requirements of KCC 22.400.135(A)3. The planned reconstruction is located landward of the historic view line.

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 Seabeck Hwy, 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 an existing private well. The site is outside of the service area for Kitsap County Public Works Sewer Utility Division. Approval of the onsite sewage has been completed by the Kitsap County Public Health.

n. Kitsap Public Health District

The proposed septic design has received preliminary approval by Kitsap Public Health on August 12, 2022, which will be reviewed 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 Type 2 Variance.

11. 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.

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 Nguyen & Mai Shoreline Variance (23-03240), subject to the following 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

1. Structures in the floodplain shall require a Flood Elevation Certificate.

b. Development Engineering

2. A Hydraulic Project Approval (HPA) permit may be required for work below the ordinary high water mark or associated with the outfall. Prior to SDAP approval, the applicant shall submit an approved HPA from the Washington Department of Fish and Wildlife (WDFW), or documentation from WDFW specifying that a HPA is not required. Information regarding HPA's can be found at <http://www.wdfw.wa.gov/hab/hpapage.htm> or by calling the Office of Regulatory Assistance at (360) 407-7037.

c. Environmental

3. This project shall comply with the revised Shoreline Mitigation Plan and No-Net-Loss Assessment prepared by Crater Land Use Consulting, dated March 25, 2025. The project proposes 3,134 square feet of restoration as well as removing two concrete remnants of the bulkhead and three concrete pillars. 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.
4. 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:



Kate Millward, Staff Planner / Project Lead

4/3/25

Date

Report approved by:



Darren Gurnee, Planning Supervisor

4/28/2024

Date

Attachments:

Attachment A - Zoning Map

Attachment B - Shoreline Environment Designation Map

Attachment C - Critical Areas Map

CC:

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Interested Parties: Marla Powers - Port Gamble S'Klallam Tribe, mpowers@pgst.nsn.us;

Heidi Huber - Hood Canal Coordinating Council, hhuber@hccc.wa.gov ; Gary and Sherry

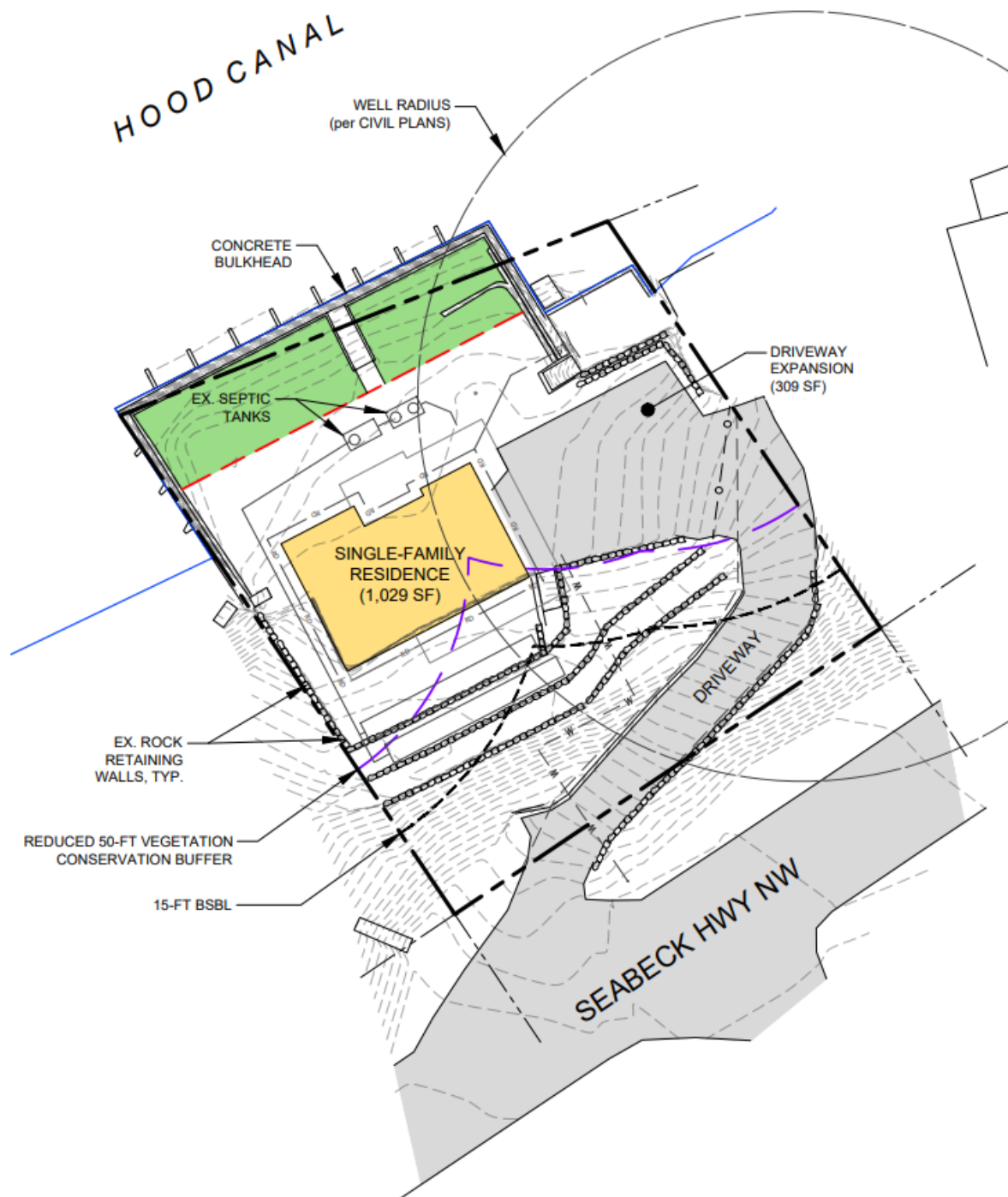
Keenan, garytracyton@hotmail.com

Kitsap Public Utilities District

Kitsap County Health District

Kitsap County Public Works Dept.

DCD Staff Planner: Kate Millward

Site Plan**PROPOSED SITE PLAN & MITIGATION**

Manage Layers

Layer List Legend

Zoning

Kitsap County Zoning Designations

RURAL

- RR - Rural Residential (1 DU/5 Ac)
- Mineral Resource/Rural Residential
- RP - Rural Protection (1 DU/10 Ac)
- Mineral Resource/Rural Protection
- RW - Rural Wooded (1 DU/20 Ac)
- Mineral Resource/Rural Wooded
- FRL - Forest Resource Lands (1 DU/40 Ac)
- Mineral Resource/Forest Resource Lands

Manage Layers

Layer List **Legend**

- (F) Fish Habitat
- (N) Non-fish Habitat
- (U) Unknown, unmodeled hydrographic feature
- No Channel as depicted by DNR

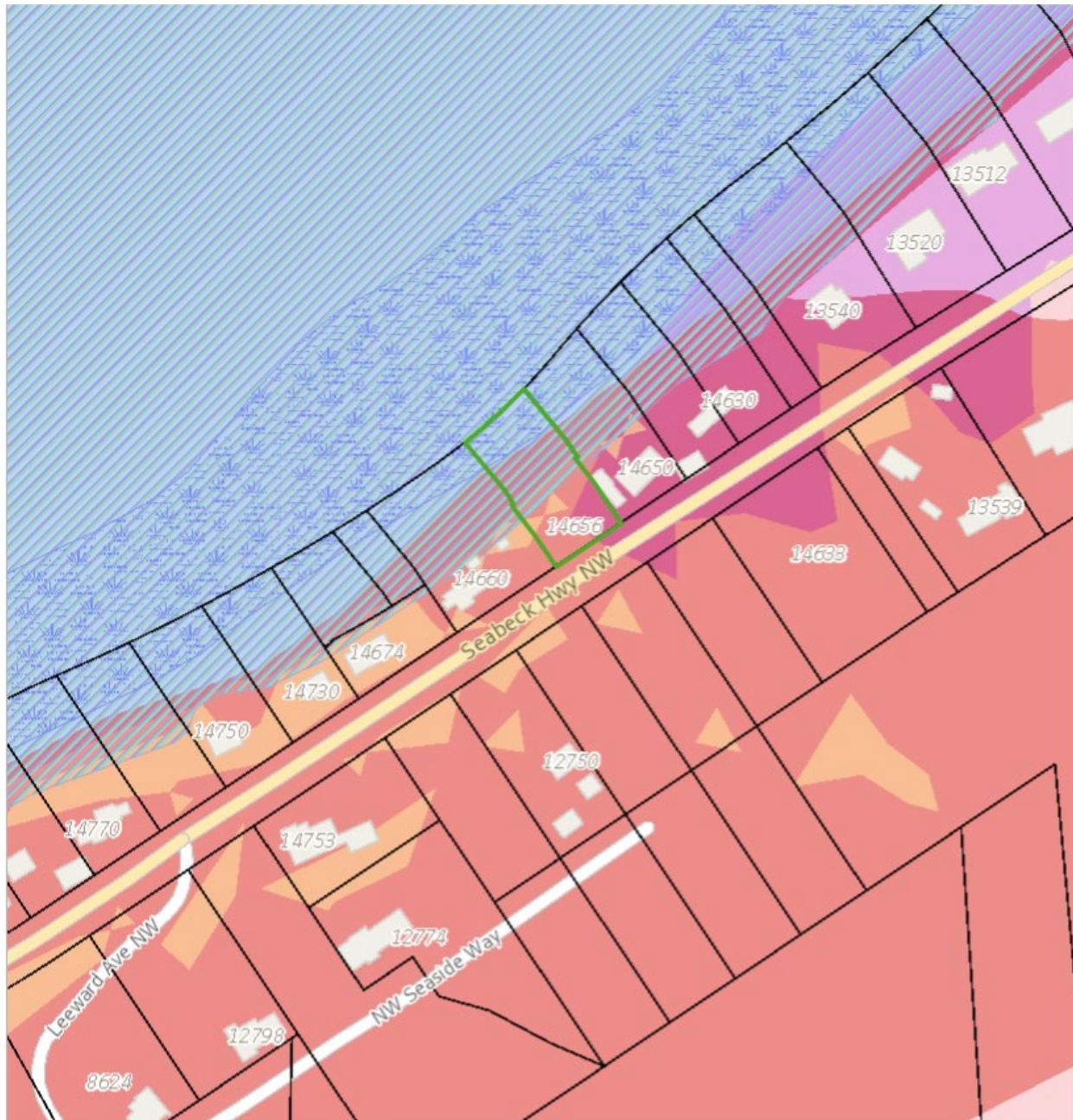
Shoreline Master Plan

Shoreline Master Plan
Environmental Designations
2014

- Natural
- Rural Conservancy
- Shoreline Residential
- Urban Conservancy
- High Intensity
- Aquatic

The map displays a shoreline area with various habitat designations. A green rectangle highlights a specific area on the shoreline. The map also shows property lines and lot numbers.

Attachment C - Critical Areas Map



**** This map is not a substitute for field survey ****

200 ft