



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:** Emily and Tom Harris, [tomlajetee@gmail.com](mailto:tomlajetee@gmail.com)

**Representative:** Soundview Consultants - Stream Team - MD Support,  
[mdsupport@soundviewconsultants.com](mailto:mdsupport@soundviewconsultants.com)

**Interested Parties and Parties of Record**

**RE: Permit Number:** 23-04449

**Project Name:** HARRIS - Shoreline Variance Type II

**Type of Application:** SVAR

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit #23-04449: HARRIS - Shoreline Variance Type II – 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](mailto:help@kitsap1.com) or (360) 337-5777.

CC:

Contractor: Eric Engelland, [eric@cobaconstruction.com](mailto:eric@cobaconstruction.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

Skokomish Tribe

Squaxin Island Tribe

Permit #23-04449, HARRIS - Shoreline Variance Type II  
5/27/2025

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](mailto:KMillward@kitsap.gov)  
Interested Parties: None  
NOA Distribution List:  
Applicant/owner: Tom and Emily Harris, [tomlajetee@gmail.com](mailto:tomlajetee@gmail.com)  
Biologist: Alex Murphy, Soundview Consultants, [amurphy@soundviewconsultants.com](mailto:amurphy@soundviewconsultants.com)  
Project Representative: Eric Engelland, [eric@cobacontruction.com](mailto:eric@cobacontruction.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  
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 21, 2025

**Application Submittal Date:** September 13, 2023

**Application Complete Date:** October 10, 2023

**Project Name:** Harris Shoreline Variance

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

**Permit Number:** 23-04449

### Project Location

14750 Seabeck Hwy NW  
Seabeck, WA  
Central Kitsap

### Assessor's Account #

4454-002-011-0006

### Applicant/Owner of Record

Emily and Tom Harris  
5407 SW Beach Dr Terrace  
Seattle, WA 98116

### VICINITY MAP



### Decision Summary

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

### 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 subject property was previously cleared and developed with a single-family residence. The residence has been demolished; however, existing infrastructure is still present onsite. Existing infrastructure onsite includes a concrete building pad, paved site access/parking, concrete/rock retaining walls, a concrete bulkhead, and concrete stairways for access to the shoreline and up the steep slope of the site. In addition, a septic system, stormwater drainage system, and utilities were previously installed onsite. 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 a 66% reduction of the 50-foot reduced standard buffer to 17 feet with a building setback of 18 feet to 20 feet due to the extent of encumbrance by the vegetation conservation buffer associated with Seabeck Bay and the presence of steep slopes

onsite that limit the location of development. The applicant seeks relief from these buffers to allow enough buildable area for a single-family home on this constrained .25-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 .25-acre rectangular property originally developed with a single-family residence, but now is vacant. 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, moderate landslide hazard and high erosion hazard. Topography ranges from sea level to 55 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 concrete building pad associated with the demolished residence, a paved site access and parking, rock/concrete retaining walls throughout the site, and concrete stairs for beach access--all of which will be retained.

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 per footnote 17.120.060.42.b)	47 feet

Side (East)	20 feet (5-feet using UR setbacks per footnote 17.120.060.42.b)	50 feet
Side (West)	20 feet (5 feet using UR setbacks per footnote 17.120.060.42.b)	9 feet
Rear (North)	Regulated by Shoreline Master Program: 50-foot reduced vegetation buffer plus 15-foot building setback.	17-foot vegetation buffer and 18-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 (RR)
West	Single-family Residence	Rural Residential (RR)

**Table 4 - Public Utilities and Services**

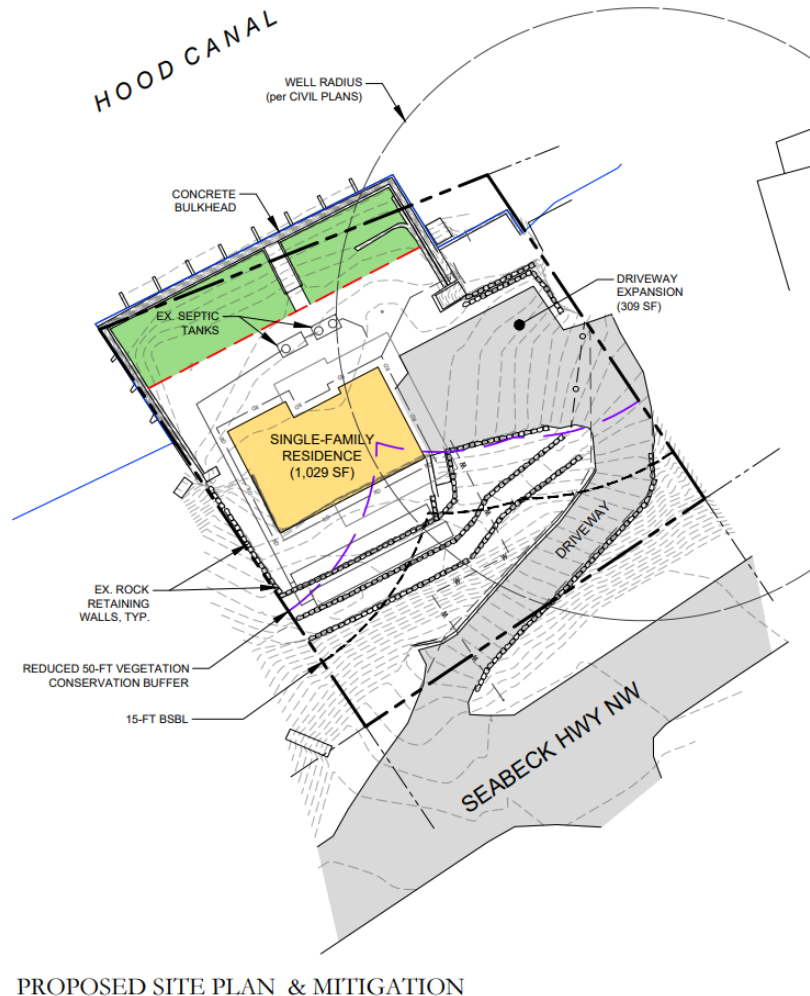
	Provider
Water	Private Well
Power	Puget Sound Energy
Sewer	Private septic system
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire and Rescue
School	Central Kitsap School District

## 5. Access

Access will be via a private driveway off Seabeck Hwy.

## 6. Site Design

The proposed site plan includes a 1,029 square-foot single-family residence and two septic tanks between the bulkhead and house, as well as the primary and reserve drainfields between the house and road. Mitigation is proposed in the green area along the bulkhead on the site plan. 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 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 ensure 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 septic tanks and a drain field. 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**

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
JARPA	September 19, 2023
Site Plan	September 19, 2023
SEPA Checklist	September 19, 2019
Required Permit Questionnaire	September 19, 2023
Shoreline Mitigation Plan	September 19, 2023
Stormwater Worksheet	September 19, 2023
Shoreline Mitigation Plan Amendment	March 27, 2025
Geologic Assessment	April 4, 2025

## 9. Public Outreach and Comments

The department sent a Notice of Application on February 14, 2024 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 no comments.

## 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 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 without a variance.*

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 landward of 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 18 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 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 redevelopment of the residence with a 1,029 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 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 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 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**

Development Services and Engineering generally supports the proposed concepts shown in the site plan.

**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 remove lawn areas and replant and enhance 1,190 square feet of native species.

**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 landslide 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. The development area is located well 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.

#### **KCC 22.400.120 Vegetation Conservation Buffers**

The associated vegetation conservation buffer standards for this proposal are analyzed under the Shoreline Rural Conservancy 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.

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.

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.

b. Expansion of Development Within the Standard Buffer. Structures in existence on the effective date of this program that do not meet the setback or buffer requirements of this program may be remodeled or reconstructed; provided, that the new construction or related activity does not exceed the standard height limit, and does not further intrude into the standard buffer except where mitigation is applied pursuant to the mitigation options to achieve no net loss for new or redevelopment activities table (Chapter 22.800, Appendix B). Mitigation may be waived where the expansion occurs directly upland of the existing structure and where such expansion does not require removal of intact native vegetation or expansion of impervious surfaces.

The project does not exceed the height limit, and applies mitigation toward further buffer intrusions that results in a no net loss of shoreline buffer function.

#### **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. This approval has been issued.

**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 Kitsap Public Health District.

**n. Kitsap Public Health District**

The proposed septic design has received preliminary approval by Kitsap Public Health on 4/23/2019, 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 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 Harris Shoreline Variance (23-04449), subject to the following 8 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**

1. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.
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 Building Permit 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 <https://wdfw.wa.gov/licenses/environmental/hpa> or by calling the Aquatic Protection Permitting System at (360) 902-2422.
3. The Site Development Activity Permit (or Building Permit, if an SDAP is not required) shall include plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county or state rights-of-way. Approaches to county rights of way shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Approaches to state rights of way shall be designed in accordance

with current WSDOT standards. Existing approaches may need to be improved to meet current standards.

4. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process, or Building Permit process, if a SDAP is not required. The need for and scope of bonding will be determined at that time.
5. The application indicates that a significant quantity of grading will occur. Estimated grading quantities of cut and fill should be provided on the civil plans of the building permit. If export is proposed:
  - Prior to issuing the SDAP, an approved fill site(s) must be identified.
  - Any fill site receiving 150 cubic yards or more of material must obtain an SDAP.
  - Fill sites receiving 5,000 cubic yards or more, or located within a critical area, must have an engineered SDAP.
  - For any fill site receiving less than 150 cubic yards, the SDAP holder shall submit to Kitsap County Department of Community Development load slips indicate the location of the receiving site and the quantity of the material received by said site

**c. Environmental**

6. This project shall comply with the Shoreline Mitigation Plan and No-Net-Loss assessment prepared by Soundview Consultants, dated September 6, 2023 and the Technical Memorandum prepared by Soundview Consultants, dated March 27, 2025. The project proposes 1,190 square feet of new planting, 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.
7. 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.
8. This project shall comply with the Geologic Assessment prepared by Wneck Engineering, dated April 6, 2025.

**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

5/16/25

Date

**Report approved by:**



Darren Gurnee, Planning Supervisor

5/19/2025

Date

**Attachments:**

Attachment A - Zoning Map

Attachment B - Shoreline Environment Designation Map

Attachment C - Critical Areas Map

**CC:**

Applicant/Owner: Tom & Emily Harris, tomlajetee@gmail.com

Authorized Agent: Soundview Consultants; mdsupport@soundviewconsultants.com

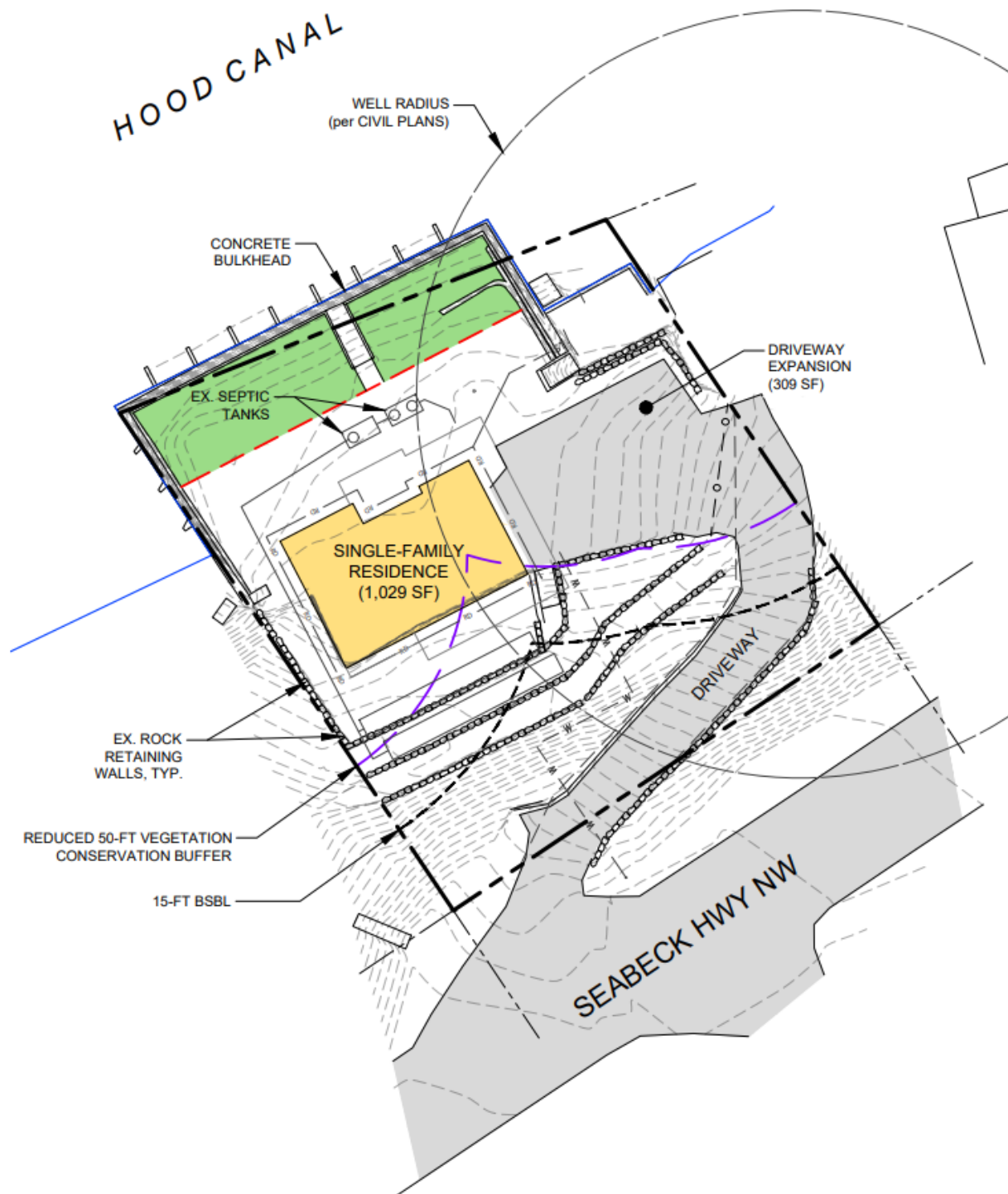
Interested Parties: Eric Engelland; eric@cobaconstruction.com

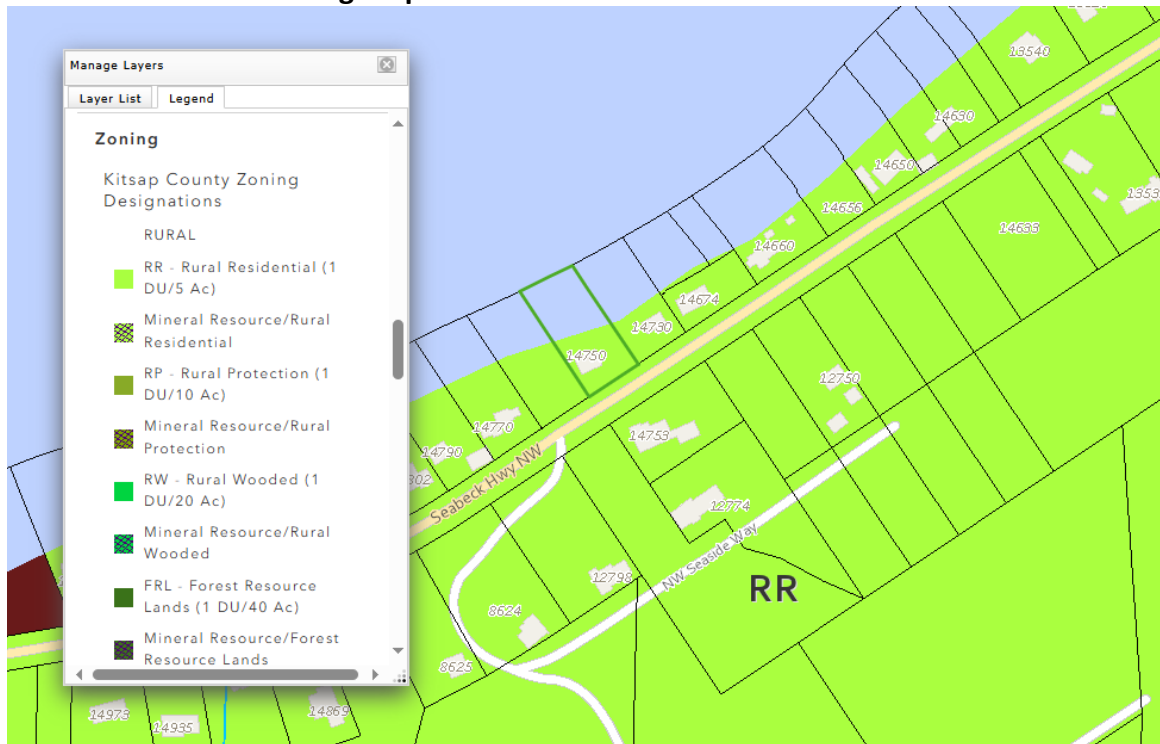
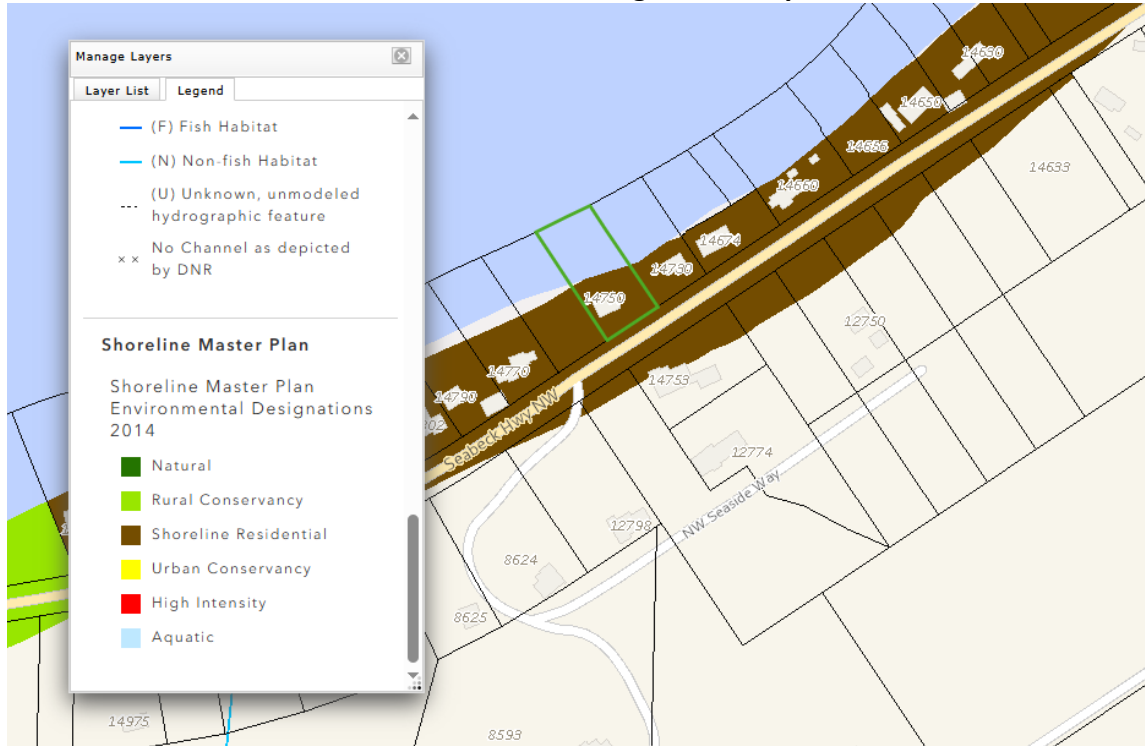
Kitsap Public Utilities District

Kitsap County Health District

Kitsap County Public Works Dept.

DCD Staff Planner: Kate Millward

**Site Plan****PROPOSED SITE PLAN & MITIGATION**

**Attachment A - Zoning Map****Attachment B - Shoreline Environment Designation Map**

## Attachment C - Critical Areas Map

