



# 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 the view blockage section, include but are not limited to accessory dwelling units, boat houses, sheds, decks and fences.
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 that is not

a boathouse, converted boat house, accessory dwelling unit or other accessory structure.

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 vegetation conservation buffer and setback specified in Section 22.400.120.
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 Linear Shoreline. Where there are adjacent principal buildings on both sides of the proposed structure on a linear shoreline (not along a peninsula or cove), the shoreline structure setback line shall be determined by a stringline setback or the buffer and setback specified elsewhere in this program, whichever is greater. A stringline setback means a straight line drawn between the points on the primary structures having the greatest projection waterward. If one

of the adjacent properties is developed landward of the vegetation conservation buffer and setback, the line shall not be drawn to that adjacent structure but be drawn to the point where the standard buffer meets the side property line of the lot to be improved.

4. Where there are two adjacent principal structures on a shoreline which forms a cove, peninsula, or irregular shoreline, the shoreline structure setback line shall be determined by averaging the existing setback lines of the two adjacent principal buildings or the buffer and setback specified elsewhere in section 22.400.135, whichever is greater.

### **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. Fences 6-feet or less, unenclosed decks 18-inches or less from average grade, and structures less than ten feet in height from grade level and under 200 square feet, do not constitute view blockage but are still subject to other provisions of the Shoreline Master Program.

### **Conditional Waiver Procedure**

A. An applicant aggrieved by the strict application of the view blockage section may seek a conditional waiver from the director. Such a waiver shall be a Type II administrative decision and require an application to Kitsap County Department of Community Development. A conditional waiver may be granted after the applicant demonstrates the following:

1. The hardship which results from the application of the requirements of the view blockage section is specific 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 the view

blockage section 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 Shoreline Master Program in preserving the views of the adjacent shoreline residences; and
4. The conditional waiver, if granted, will not cause more harm to adjacent neighbors than would occur to the applicant in applying the county's view blockage requirements in section 22.400.135.

### **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.