



## Hearing Examiner Staff Report and Recommendation

**Report Date:** 08/18/2022  
**Hearing Date:** 08/25/2022

**Application Submittal Date:** 12/21/2020  
**Application Complete Date:** 01/13/2021

**Project Name:** Pedigo Residence Shoreline Variance and Zoning Variance  
**Type of Application:** Shoreline Variance and Zoning Variance Permit  
**Permit Number:** 20-03709 and 21-00024

### Project Location

The project is located at the northern shore of Big Beef Creek, at the road end of Kid Haven Lane NE, in unincorporated Bremerton, Kitsap County, WA, Commissioner District 3.

### Site Address

4607 Kid Haven Lane NW  
Bremerton, WA

### Assessor's Account #

032401-2-031-1005

### Applicant/Owner of Record

Ron Pedigo  
1507 Fir Street SE  
Auburn, WA 98092

### Owner of Record

Natalie and Phillip Bonstein  
13330 SE 30<sup>th</sup> St  
Bellevue, WA 98005

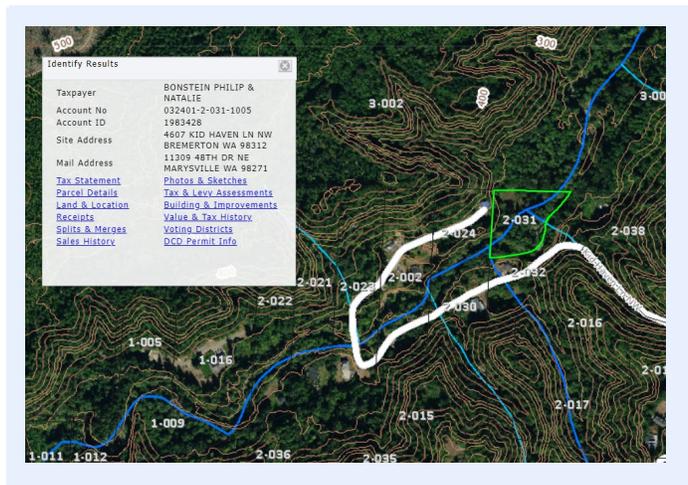
### Authorized Agent:

Ryan Crater, Crater Land Use Consulting  
477 Parpala Rd  
Nacelle, WA 98638

### Recommendation Summary

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

### VICINITY MAP



## 1. Background

Ron Pedigo (represented by Ryan Crater), and now under the recent ownership of Natalie and Phillip Bonstein, is proposing to develop on the subject property for a new residential use. The project site is within the unincorporated Rural Residential zone designation. The Kitsap County tax parcel number is 032401-2-031- 1005. It is an undeveloped 2.09-acre (91,0040 sf) lot zoned Rural Residential (1 DU/5 Ac) with a Rural Conservancy Shoreline Designation. The proposed project site is adjacent to Big Beef Creek in a residential neighborhood that supports existing single-family residences. The subject lot is irregular in shape, with most properties in the immediate vicinity of the same size and use. The subject lot is currently undeveloped with the following existing appurtenances: wellhead, and access road through the property that is approximately 207 feet in length (total area 2,071 sf/0.05 acres). 19.1% of the parcel, within critical areas buffers was previously cleared (0.4 acres/17,493 sf). The entire parcel is currently encumbered by the Big Beef Creek and its standard 200' Channel Migration Zone buffer, as well as portions of the buffers of Wetland A and a Type-F Stream located off-site to the north.

## 2. Project Request

The proposed project is for the construction of an SFR with driveway and associated septic system. The proposed 2 bedroom SFR is 1,950 sf in size and is to be located in the northwestern area of the property which has been previously cleared. A 983-sf driveway is being proposed, also in the cleared area and over the top of the existing access road. The new development will occupy a small portion of the parcel's northwest corner. The approximately 0.4 acre (17,492 sf) existing cleared area has been identified for development and currently contains the existing access road, the proposed site of the SFR, driveway, and septic system with reserve drainfield. No additional clearing of vegetated areas is being proposed. No new roads will need to be constructed as a result of this project.

The entire 2.09-acre parcel is encumbered by Big Beef Creek, its standard 200-ft Channel Migration Zone (CMZ) buffer, the buffers of Wetland A (110 ft) and the Type-F Stream (150 ft) from the north, and applicable property line and buffer setbacks. All proposed development is located within the existing cleared area mentioned above. In order to allow for reasonable use of the property similar to surrounding areas and other such properties of like size, buffer modifications and mitigation are being proposed.

The proposed development envelope is 17,354 sf. The proposal includes the reduction of the Big Beef Creek CMZ Buffer of 0.398 acres (17,354 sf) with a maximum buffer width reduction of 83.5%. The Wetland A Buffer Reduction proposed is 0.053 acres (2,329 sf) for a maximum buffer width reduction of 24.6%. The Type-F Stream buffer reduction is 0.031 ac (1,329 sf), for a maximum buffer width reduction of 17.0%. The proposed enhancement area is 1.24 acres (54,182 sf). The proposed Buffer Plantings of 0.4 acres (17,496 sf). The Mitigation Ratio is 1 to 1. As the adjacent properties to the north of the project area are zoned Rural Wooded, a Type 3 zoning variance is also requested as part of the shoreline

variance application. The required zoning setback reduction is 80%, yielding a 20-foot buffer side yard setback.

**3. SEPA (State Environmental Policy Act)**

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of “major” environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

**COMMENTS:**

The zoning variance and shoreline variance are considered minor land use actions and as such are SEPA exempt, per 197-11-800 (6) (e).

**4. Physical Characteristics**

The topography of the project area is on relatively flat, with stable sediments and substrate. A steep slope is located to the west on the adjacent property. Big Beef Creek flows approximately 5.3 miles to Lake William Symington, through the subject property, to the terminus on Hood Canal into an approximately 0.05 square mile estuary. Within the project area Big Beef Creek flows in a southeastern direction. The stream encompasses approximately 10,386 sf of the property, entering on the southwest corner and exiting on the northeast corner. Its northern bank, nearest to the project site is approximately 518 feet long. An approximately 7,331-sf upland island divides the stream into two temporary forks (main channel and smaller seasonal side channel) within and just south of the property; both forks rejoin within the property before exiting to the southeast. A Category 2 wetland and associated F-type creek are located on the DNR land to the north. As described, the DNR property to the north is zoned Rural Wooded and requires a 100-ft building setback.

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Rural Development Zone: Rural Residential	Standard	Proposed
Minimum Density	5 DU/acre	This is a historic lot of record, ~2 acres in size
Maximum Density	5 DU/acre	
Minimum Lot Size	217,800 sf	NA

Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	35 ft	NA
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: related to 17.420.060 (footnote 29)

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front	50 ft	50 ft
Side	100 ft	20 ft
Side	Rural conservancy	NA
Rear	Rural conservancy	NA

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	RW, development is adjacent to this zone and requires a 100-ft setback for adjacent residential development 17.420.060, Footnote 29.	RW
South	Rural conservancy SMP. Developed with a SFR, prior to GMA and Zoning designations.	RR
East	Rural conservancy SMP, development of surrounding area prior to GMA and Zoning designations.	RR
West	RR, development of surrounding area prior to GMA and Zoning designations.	RR

**Table 4 - Public Utilities and Services**

	Provider
Water	Private well (installed)

Power	Puget Sound Energy
Sewer	NA
Police	Kitsap County Sherriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District

## 5. Access

Access to the project is existing and is off of Kid Haven road NW.

## 6. Site Design

The site design is as described in the project description. A revised site plan is provided in the revised Shoreline Analysis report (Exhibit 21).

## 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

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

### *Shorelines*

#### *Policy SH-1*

*Encourage and support shoreline diversity through planned and coordinated development, which gives preference to water-dependent uses, traditional and historic use patterns, resource values, and environmental protection.*

#### *Policy SH-3*

*Uses and activities along shorelines and in the waters of Kitsap County should not have a significant adverse effect on water quality.*

#### *Policy SH-8*

*Land use activities shall be sited and designed to minimize conflicts with and impacts on the shoreline environment.*

*Land Use*

*Policy LU- 55. Encourage development practices and design standards for the rural area, such as minimizing changes in grade from pre-development site conditions in order to maximize native vegetation retention.*

The County’s development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

- Kitsap County Code (KCC) Title 17 Zoning*
- KCC Title 18, Chapter 18.04 State Environmental Policy Act (SEPA)*
- KCC Title 19 Critical Areas Ordinance*
- KCC Title 21, Chapter 21.04 Land Use and Development Procedures*
- KCC Title 22, Chapter 22.300.130, 22.500.100 B and E, 22.400, 22.600.105, 22.600.160 (C-6), 22.600.165 (C).*

*Please note additional goals and policies are shown below in Section 10.i Analysis.*

**Shoreline Environment Designation:** Rural Conservancy.

**Flood zone Designation:** the proposed residence is located outside the mapped FEMA flood zone.

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 13	Water and Sewers
Title 14	Buildings and Construction
Title 15	Flood Zone
Title 17	Zoning
Title 19	Critical Areas
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 21.04	Land Use and Development Procedures
Title 22	Shoreline Master Program

**8. Documents Consulted in the Analysis**

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1-25.

Exhibit #	Document	Dated	Date Received / Accepted
1	<b>STAFF REPORT</b>	8/18/2022	
2	Authorization Form	08/05/2020	09/21/2020
3	Habitat Management Plan – No Net Loss	07/13/2020	
4	JARPA (Joint Aquatic Resource Permit Application)	08/26/2020	
5	Project Description		09/21/2020
6	Required Permit Questionnaire		09/21/2020
7	SEPA Checklist	08/25/2020	09/21/2020
8	Site Plan Review & Health District Submittal Receipt	02/19/2020	09/21/2020
9	Stormwater Worksheet		09/21/2020
10	Notice of Application	11/27/2020	
11	Tribal Comment – Skokomish	11/28/2020	11/28/2020
12	Tribal Comment – Suquamish	12/01/2020	12/01/2020
13	Agency Comment – WDFW (Gordon)	12/02/2020	12/02/2020
14	Agency Comment – DOE (Sandercock)	12/07/2020	12/07/2020
15	REVISED Notice of Application	02/25/2021	
16	Channel Migration Zone Determination Report	06/14/2011	12/10/2021
17	Final Shoreline Report	10/10/2021	12/10/2021
18	Information Request Response	12/08/2021	12/10/2021
19	Geological Report	12/27/2020	01/11/2022
20	Agency Comment – DOE (Molstad)	04/22/2021	04/22/2021
21	Stormwater Conditions Memo	02/15/2022	
22	Notice of Public Hearing	08/10/2022	
23	Certification of Public Notice	08/17/2022	
24	Staff Presentation		
25	Hearing Sign In		

### 9. Public Outreach and Comments

We received 4 agency comments from four agencies related to the permit submittal on this proposal. After the initial comments were received, a site visit was conducted by the project proponent and consultants, County DCD staff, Washington State Department of Fish and Wildlife, Suquamish Tribal Biologist, and DOE shoreline and wetland staff. During the site visit, the group determined that an additional off site regulatory feature (an unmapped wetland and a F-type stream) was located on the State DNR property to the north. The summary of comments and resultant staff comments are provided in the comment matrix, as follows.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
Comments	We received four comments during the initial NOA comment period from regulatory staff. There were no neighbor comments on the proposal. Comments and revisions to the project also occurred after the site visit, and are contained in the following summary.	Exhibits 11-14

Issue Ref. No.	Issue	Staff Response
Exhibit 12	Comment summary response, in italics.	<p><u>Suquamish Tribe comment, Alison O’Sullivan</u>: I did not see any mitigation sequencing to reduce impacts to the degree possible such as reduced footprint. Being that it is within the channel migration zone any minimization of impervious surfaces will help increase the safety of this building site over time and minimize the potential of an accelerated bank erosion rate. The landowner will need to realize that erosion of the slope will likely happen and is part of natural steam processes. I will review the materials and provide additional comments.</p> <p><i>The proposal was revised after these comments. After the site visit was arranged, additional reports and materials were submitted, including a revised site plan, thus reducing the footprint further in the area of the planned infiltration dispersion trench.</i></p>
Exhibit 14		<p><u>DOE comment, Maria Sandercock</u>: To ensure consistency with the Shoreline Management Act (SMA), the Kitsap County Shoreline Master Program (SMP) and the Shoreline Variance criteria [WAC 173-27-170], we recommend the County request the applicant augment the Habitat Management Plan and No Net Loss Report to better support Kitsap County's decision on the Shoreline Variance in the following ways: 1. Provide a more detailed description of the existing conditions in the location of the proposed development including existing vegetation in this area. The Report indicates that this area has already been cleared. When was this area cleared? Was clearing of this vegetation within the shoreline buffer authorized? Will any additional vegetation need to be removed to construct the proposal? Will any trees need to be removed? 2. The</p>

<p>Exhibit 13</p>	<p>response to shoreline variance criterion "e" (That the variance requested is the minimum necessary to afford relief) should be augmented. It appears the house could be located farther from the stream, even considering the need to be set back from the septic system. If the location of the house was chosen to minimize disturbance of vegetation, we recommend including this information. Finally, even with the current design, part of the buffer could be reduced by less than is proposed (see highlighted area below). 3. The response to shoreline variance criterion "6" (Cumulative impacts) should be augmented. Cumulative impacts under the SMA are different from cumulative impacts under the Endangered Species Act. Cumulative impacts under the SMA would originate from the following conditions: a. A likelihood that other parcels could request similar variances due to similar circumstances (such as similar parcel shape, size, similar shoreline designation, and similar SMP regulations); and b. The summation of those similar variance requests would cumulatively cause significant adverse effects to the shoreline environment OR would not be consistent with SMA policies in RCW 90.58.020. How many other vacant parcels are there in this shoreline designation along this part of the stream? Of those, how many are similarly encumbered by the required buffer?</p> <p><i>The proposal was revised after these comments. After the site visit was arranged, additional reports and materials were submitted, based on the findings of further critical areas to the north. Revised materials included a revised Shoreline analysis, HMP and cumulative effects analysis report, and CMZ analysis, and also included a revision and further minimization on site plan, thus reducing the footprint further in the area of the planned infiltration dispersion trench.</i></p> <p><u>WDFW Comment, Brittany Gordon:</u> Based on topographic contours, it looks like the entire lot is truly within the channel migration zone (CMZ as indicated on the CMZ maps in the Shoreline Master Program). As we all know, Big Beef Creek is extremely powerful and dynamic. It transports a lot of material and has high potential for scour and channel migration. Based on mapping, an avulsion of the creek could be a major threat to any structures built on this property. I understand there are residences on adjacent lots also within the CMZ, but that does not justify further development in this high risk location.</p>
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<p>Exhibit 20</p>	<p>The Habitat Management Plan makes zero mention of channel migration or the CMZ. Building on this lot increases the chances of new bank armoring being installed in the future (although bank armoring is not guaranteed to prevent channel avulsion). As you know, bank armoring degrades stream and riparian habitat by reducing wood and sediment recruitment, floodplain connectivity, and channel complexity. Additionally, isn't a CMZ considered a geohazard/landslide hazard? Shouldn't there be a geotechnical requirement to support this variance? If there is a site visit, I would like to see this site. But I would prefer to attend with a County official since I'm not very knowledgeable about the County CMZ requirements. There are not too many true CMZs in Kitsap, but Big Beef Creek is one of the few creeks powerful and intact enough to have a CMZ.</p> <p><i>WDFW attended the site visit where we discovered additional critical area concerns on the parcel to the north. In addition to that CAO review, the project geotechnical consultant attended and we discussed the need for further analysis and discovery to identify the specific CMZ boundary, which is critical in determining the 200 foot buffer measurement from the CMZ boundary. The revised geotechnical report was re-submitted in January of 2022 (the specific reports were submitted to the review portal on varying dates. The complete information request response was provided January 5<sup>th</sup> and accepted on January 11<sup>th</sup>. After staff reviewed the information, we transmitted the revised documents to DOE, the Tribes and WDFW for comment.</i></p> <p><u>DOE response comments, Neil Molstad, for Maria Sandercock:</u> I have had the opportunity to review the December 2021 <i>Shoreline No-Net-Loss Wetland Delineation and Buffer Mitigation Report</i> (Report) for the Pedigo parcel, provided by Crater Land Use Consulting.</p> <p>It is my understanding that a shoreline variance permit will likely be necessary for this project, but that Kitsap County has not yet provided a decision for Ecology to review.</p> <p>In a letter to Kitsap County Planner Kathlene Barnhart dated December 7, 2020, Ecology Shoreline Planner Maria Sandercock provided some comments regarding the proposed shoreline variance. Her letter is attached to this email.</p>
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<p>Exhibit 11</p>		<p>Based on my review of the Report, it appears that the proposed project has remained mostly unchanged from previously submitted reports, but that the buffers from a Category III wetland and Type F Stream identified on the parcel to the north now extend onto portions of the Pedigo parcel. As such, all of the questions and comments in the December 7, 2020 letter remain valid, and if any have not yet been addressed by the applicant I recommend that they do so.</p> <p>The only additional suggestion I have at this point is to add a line to all of the relevant figures in the Report that shows the extent of shoreline jurisdiction on the Pedigo parcel, which is 200 feet landward of the north bank of Big Beef Creek. It is important to note that aside from the portions of the parcel within shoreline jurisdiction, all of the other buffers that encumber the parcel are regulated by Kitsap County and not Ecology. <i>Staff response: the site plan has been altered, as part of the exhibit in the Final Shoreline Report, and as well in the CMZ report and analysis.</i></p> <p>Skokomish tribe comment, Dana Sarff: The proposed project is located on a 2.09 acre parcel. The 1,950 sf single family residential building and 983 sf driveway are to be built completely within an “existing” cleared area of the SMP prescribed 200 foot habitat buffer of Big Beef Creek. This habitat buffer is designated as Rural Conservation in the Kitsap County’s Shoreline Management Program. This applicant seeks to reduce this buffer to 110 feet. Additionally, the applicant proposes to mitigate this habitat loss by the planting of a 1,467 sf area with understory plant species at locations along the Creek. The Tribe highlights and notes that, according to this application, approximately 0.4 acres of this area is described as an “existing clearing”. A review of Google Earth Pro shows that this clearing has existed for some time and it is not known whether the current landowner performed this clearing activity. Likewise, the applicant describes the source of water for the residence as coming from an “existing well” in the SEPA checklist, which is also located within the prescribed buffer, about 100 feet from Big Beef Creek. The SEPA lists the existing well as described in:</p> <p>Well Report ID: 1868297, Well Dia. Six (6) inches, Depth. 221 feet. Residential Use Wellhead only.</p>
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	<p>The Tribe could not find a record of this well on the ECY Website, and makes the assumption that this is a permit-exempt well under RCW 90.44.050:</p> <p><i>“Wells withdrawing groundwater under the permit exemption often provides water where a community supply is not available, serving single or small developments of homes, irrigation of small lawns and gardens, industry that needs minimal water, and stock watering.”</i> (Quoted from: <a href="https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Groundwater-permit-exemption">https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Groundwater-permit-exemption</a>)</p> <p>However, even if it is a permit-exempt well, this activity would still require a variance in order to be installed (KCC Title 22.500.100 (E) – Variances) within the SMP Shoreline Designated Rural Conservation zone. Was a variance required and permitted for this activity? Unless the well is an old well and was grandfathered in prior the KC Shoreline Management Program, then a fine should have been or should be assessed. The Tribe also notes that water law still applies to permit exempt wells and that restrictions still apply to permit exemptions as follows:</p> <p><i>“Water use of any sort is subject to the prior appropriation doctrine, also referred to as "first in time, first in right," except as specified under the <a href="https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Streamflow-Restoration-Act">Streamflow Restoration Act</a>. This means that a senior water right cannot be impaired by a junior water right. Seniority is established by priority date — the original date a water right application was filed, or the date that water was first put to beneficial use in the case of claims and the groundwater permit exemption.”</i> (Quoted from..... <a href="https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Groundwater-permit-exemption">https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Groundwater-permit-exemption</a>)</p> <p>Under an established body of case law, recognized Indian tribes, by treaty, hold the senior water right to Big Beef Creek.</p> <p><b>WRIA 15 Streamflow Restoration</b></p> <p>Critical habitat for ESA listed fish species includes both <u>water quantity</u> and water quality.</p> <p><i>“Instream flows are under assault and need protection from excessive withdrawals. The tribes have pursued a number of approaches to define and establish the instream flows necessary to</i></p>
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	<p><i>protect and restore salmon resources. Unfortunately, each of these efforts has been undermined by flawed state (and local) policies that failed to institute a comprehensive effort to establish instream flows. Therefore, federal intervention is needed to adjudicate instream flows that are protective of fish habitat, and consistent with treaty-reserved rights. (Quoted from...Treaty Rights at Risk: Ongoing Habitat Loss, the Decline of the Salmon Resource, and Recommendations for Change; July 14, 2011)</i></p> <p>Under this variance application, the owner proposes to use an existing well that is located within the habitat buffer merely 100 feet away from Big Beef Creek and is approximately 221 feet deep, most likely drawing on groundwater that feeds Big Beef Creek. This proposal includes approximately 2,933 sf of impervious surfaces, including roofs and a driveway. As part of the Habitat Management Plan, and in addition to the required habitat restoration planting, the Tribe is requesting that this applicant be required to design, engineer, and install a stormwater runoff infiltration system as part of the no net loss/mitigation strategy (see Washington State’s Department of Ecology 2019 Stormwater Management Manual for Western Washington). The Habitat Management Plan Appendix E also points this out as being the homeowner’s responsibility as follows:</p> <ul style="list-style-type: none"> <li>• <i>“Runoff from the building and other impervious surfaces should be directed to sub-surface trenching that diverts runoff away from the ground surface and back into the ground, or according to the stormwater management plan that has been approved for the site. The erosion of soil or the forming of channels should be prevented. These efforts will prevent increased erosion and impacts to water quality”.</i></li> <li>• <i>“Use porous pavement or gravel instead of asphalt or concrete for the driveway to reduce stormwater runoff; use biofiltration swales or infiltration trenches to promote removal of pollutants and promote groundwater recharge”.</i></li> </ul> <p>The Skokomish Tribe expects that Kitsap County will implement policies to advance a net gain in critical habitat and the recovery of ESA listed species in Hood Canal through water quantity and water quality improvements pursuant to its authorities, thereby helping to restore treaty rights that have been diminished over recent decades because of streamflow and habitat loss. Thank you for the</p>
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		<p>opportunity to comment. <i>Staff response: The well is a private individual well and was permitted by the Kitsap County Health District. Kitsap County DCD has no review authority for well installations nor the ability to fine applicants who legally obtained a well permit and installed the well system. Although we can't speak to the specific review by the Health District, Kitsap Health typically requires a 100-ft setback from an surface water body. As to the stormwater management system, the applicant engineer has designed a stormwater infiltration system. In addition, mitigation is proposed to offset the shoreline and critical area buffer impacts.</i></p>
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**10. Analysis**

**a. Planning/Zoning**

The proposed residential development is subject to a front setback of 50 ft and rear and side yard setback requirements of 20 ft.

***The proposal conforms to the required 50-ft front setback and the 20-ft rear and side yard setback. As the proposal is adjacent to a Rural Wooded Zoned property to the north, considerations for footnote 29, within the Title 17.420.060 require analysis under a Type III Zoning Variance in order to reduce the requirement to the stated Rural Residential standard. The zoning variance analysis is provided, here.***

**Setback Variance Criteria**

Pursuant to Kitsap County Code Section 17.560.010, conditions for granting a variance, the applicant can request a zoning variance to authorize a variation of any numerical standard, except density, when unusual circumstances cause undue hardship in the strict application of the Code. As the variance is greater than a 25% variation to the associated 100-ft Rural Wooded setback in 17.420.060 (footnote 29), the variance is applied through and administered by the hearing examiner under a Type III zoning variance. A variance shall be approved only when all the following conditions and facts exist:

1. There are special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that were not created by the applicant and do not apply generally to other property in the same vicinity or zone.

*Response: The need for reasonable relief from the prescriptive 100-ft setback standard in KCC 17.420.060 (29) is due to the lots shape, size, topography, and on-site critical areas. Specifically, the conditions that have been listed here as reasons for this request are not due to actions of the landowner. Additional information in support of this application is also provided in the Habitat Management Plan / No Net Loss Report.*

Staff Comment: *Staff concurs with that the parcel features are informing on the need for the variance.*

2. Such variance is necessary for the preservation and enjoyment of a substantial property right or use of the applicant possessed by the owners of other properties in the same vicinity or zone.

*Response: The variance is necessary to provide reasonable relief from the prescriptive standards to allow for the construction of a SFR in a similar manner enjoyed by other properties in the area. Adjoining properties have been identified in the JARPA (Attachment C) submitted for the Shoreline Variance Application that will be reviewed concurrently with this application.*

Staff Comment: *The property is in a rural residential area where most lots are developed with single family homes. Many of the lots are smaller, legal nonconforming in size. The variance will allow the property owner the ability to reasonably develop the home with a single-family residence of similar nature to adjacent properties.*

3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zone in which property is located; and

*Response: Failure to obtain the requested variance will deprive the applicant of the ability to construct a SFR on the property as the remaining portion of the lot is encumbered by an on-site critical area (Big Beef Creek) and its associated buffer. Placement of the SFR has been done in a manner to avoid impacts to critical areas to the greatest extent possible. Reduction of the prescriptive standard found in KCC 17.420.060 (29) is necessary to avoid further encroachment into the critical area buffer associated with Big Beef Creek. Avoiding further encroachment into critical area buffers on site is paramount to any protective measures intended by KCC 17.420.060 (29).*

Staff Comment: *The 80-ft setback variance is not expected to have any adverse impacts on the property or vicinity.*

4. The variance is the minimum necessary to grant relief to the applicant.

*Response: A Habitat Management Plan/No Net Loss Report has been provided with this application that provides supporting evidence of why reasonable relief is both necessary and unavoidable.*

*Staff Comment: Many of the lots in this area are smaller in size, thereby accommodating a rear setback that is less than the 100 ft required of this property by virtue of being adjacent to Rural Wooded zoning. The setback request of a 80-ft reduction will still result in a 20-ft side setback, and will allow for a minimized building envelope. The variance request is the minimum necessary.*

**11. Review Authority**

Pursuant to KCC 21.04, a setback variance of greater than 25% is a Type III Hearing Examiner Decision.

**a. Lighting**

Not applicable to this proposal.

**b. Off-Street Parking**

Not applicable to this proposal.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
SFR development	3 car spaces	3 cars	3 cars
Total	3 spaces	3 cars	3 cars

*Based on the proposal and scale of use, the proposed parking is adequate.*

**c. Signage**

No Land Use signs are required. CAO buffer signs will be required for the development, located at the outer portion of the buffer line, 50-ft apart. A total of 5 signs are required.

**d. Landscaping**

Not applicable to this proposal. There is planned fencing to obscure headlight glare for the north and south residences, and we have suggested that plantings be incorporated into the fence landscape.

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	NA	NA

Required Buffer(s)		
North	NA	NA
South	NA	NA
East	NA	NA
West	NA	NA
Street Trees	NA	NA

**e. Frontage Improvements**

Not applicable to this proposal. A Kitsap County Road Approach permit may required.

**f. Design Districts/Requirements**

Not applicable to this proposal.

**g. Development Engineering/Stormwater**

See the associated Stormwater Memo, Exhibit 21. It was determined that the proposal had minimal stormwater impacts and a Site Development Activity Permit was not required for the proposal. Analysis under the Small Site review criteria is required, which is an engineered analysis within the building permit.

**h. Environmental**

Policies: See the previous Policies Section 7 for general policy analysis. Specific goals, policies and regulations are noted below.

**KCC 22.300.125 Shoreline use and site planning**

Goal: Preserve and develop shorelines in a manner that allows for an orderly balance of uses by considering the public and private use, along with the development of shorelines and adjacent land areas with respect to the general distribution, location and extent of such uses and development.

A. Policy SH-20. For shoreline use and development activities, including plats and subdivisions at full build-out, employ innovative development features to achieve no net loss of ecological functions, such as sustainable and low impact development practices where appropriate.

*Staff analysis and comments: the proposed residential design is a small footprint, minimizing ground disturbance. Mitigation plantings meet the no net loss criteria. Stormwater designs provide conveyance of stormwater and treated septic water to the groundwater and combined, meets the criteria.*

B. 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 analysis and comments: the proposed single-family residence is reasonable, including associated parking and stormwater control, for supporting residential use. The project meets the criteria.*

C. Policy SH-22. Designate and maintain appropriate areas for protecting and restoring shoreline ecological functions and processes to control pollution and prevent damage to the shoreline environment and/or public health.

*Staff analysis and comments: the proposed project will enhance buffers, while still providing residential development. The water quality treatment facility will recharge into the ground and will reduce erosive impacts. Minimization of the parking areas and driveway are provided. Native plantings will be installed adjacent to the shoreline per the mitigation design from the applicant. The facility meets the criteria.*

D. 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 analysis and comments: the proposed residential use does not require armoring and meets the criteria.*

### **KCC 22.300.130 Public Access and Recreation**

Goal: Provide physical and visual public access opportunities and space for diverse forms of water-oriented recreation in such a way that private property rights, public safety, and shoreline ecological functions and processes are protected in accordance with existing laws and statutes.

A. Policy SH-32. Protect the public's opportunity to enjoy the physical and visual qualities of the shoreline by balancing shoreline use and development in such a way that minimizes interference with the public's use or enjoyment of the water. This may be achieved through regulatory provisions, incentives, or other cooperative agreements.

*Staff analysis and comments: the proposed residence will afford access for the property owner for private enjoyment of the shoreline and will not affect neighboring shoreline uses. The project meets the criteria.*

### **KCC 22.300.145 Shorelines of Statewide Significance**

The Shoreline Management Act (Act) of 1971 designated certain shoreline areas as shorelines of statewide significance. Shorelines, thus designated, are important to the entire state. The project work area is located outside of the designation and therefore requires no further analysis under this classification.

### **KCC 22.400 General Regulations**

The summary below provides description of project consistency with the general regulations provided in KCC 22.400. The applicable general regulations include mitigation; vegetation conservation buffers; water quality and quantity; historic, archaeological, cultural, scientific, and educational resources; view blockage; bulk and dimension standards; public access, and flood hazard reduction measures.

Discussion of mitigation and vegetation conservation buffers are presented as part of the revised Final Shoreline Report, which contains a Habitat Assessment, Cumulative Effects Analysis and Mitigation Plan (Exhibit 17), the report also contains the Shoreline variance criteria.

*Staff has reviewed the summary analysis and find the proposal is consistent with the required provisions in KCC 22.400.125 Water Quality and Quantity; KCC 22.400.130 Historic, Archeological, Cultural, Scientific and Educational Resources; KCC 22.400.135 View Blockage; KCC 400.140 Bulk Dimension Standards; KCC 22.400.145 Public Access; KCC 22.400.150 Flood Hazard Reductions; KCC 22.400.(110,115, and 120) No Effect Analysis, which includes Mitigation Sequencing, Avoidance, Minimization, Restoration, Compensatory Mitigation and Assessment of No Net Loss. The following analysis is provided by the consultant to address the critical area buffer requirements in 22.400.*

The proposed development is located within jurisdiction of a regulated Fish and Wildlife Habitat Conservation Area and its associated buffer. It is also located within the prescriptive buffer of a Class II wetland located offsite to the north. The waterbody is listed as being "Big Beef Creek" and is located within jurisdiction of the Kitsap County Shoreline Master Program and has an environmental designation of "Rural Conservancy." Freshwater streams and rivers have a prescriptive buffer of 200 feet according to KCC 22.400.120 (B)(1)(f). Big Beef Creek has an identified CMZ, therefore the prescriptive 200-foot stream buffer has been measured from the CZM boundary per the SMP. The Class II wetland has a prescriptive buffer of 110-feet according to KCC 19.200.220 – Table 220(C). The Type-F stream has a prescriptive buffer of 150-feet according to KCC 19.300 Table 315. All critical areas are located within the jurisdiction of the SMP as measured from the CMZ. The proposed project is unable to meet the above critical area buffers prompting the project to seek relief from the buffer standards under a "Reasonable Use" scenario. Big Beef Creek Buffer reduction of 0.398 ac/17,354 sf – maximum buffer width reduction of 83.5% (33 ft wide at its narrowest point) Wetland A Buffer reduction of 0.053 ac / 2,329 sf – maximum buffer width reduction of 24.6% (83 ft wide at its narrowest point) Type F Stream Buffer reduction of 0.031 ac/1,329 sf – maximum buffer width reduction of 17% (125 ft wide at its narrowest point)

The wetland buffer reduction necessary to provide relief is less than a 25% reduction of the buffer width. It appears that the code allows for buffer averaging, but there is no area available on-site to add to the wetland buffer that isn't already located within another prescriptive buffer. The majority of the wetland buffer is located off-site on land not owned by the applicant. This report has been written in a manner to reduce the wetland buffer in the location of the proposed development and this reduction is being mitigated for with a robust buffer enhancement plan. This report assumes that the buffer reduction can be covered under the Shoreline Variance request and mitigated for on-site per the proposed buffer mitigation plan. Mitigation Sequencing (KCC 22.400.110.A) for permitted uses and developments shall 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:

- a. Avoid the impact altogether by not taking certain action or parts of an action: *Consultant Comment: The landowner seeks to build a single family residence for personal occupation, which was the landowner's intent when the property was purchased. When considering all regulations subject to the construction of a home on the property, it was found to be impossible to meet applicable prescriptive critical area buffer standards. Avoiding the impact altogether would deprive the landowner of reasonable use, which is why a buffer alteration is being requested through the Shoreline Variance process.*
- b. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking steps to avoid or reduce impacts: *Consultant Comment: The landowner has designed a reasonably sized single family residence similar to other homes in the area to build on the property. Its placement has also been located as far away from Big Beef Creek and out of its associated buffer as possible. The residence could be moved further away, but its proposed location is necessary to accommodate an on-site septic system as no municipal sewer service is available to hook into nearby. During the construction of the home, appropriate steps such as required permit conditions for stormwater control measures and those described within this report will be taken to ensure impacts are reduced to the greatest extent possible.*
- c. Rectify the impact by repairing, rehabilitating, or restoring the affected environment: *Consultant Comment: The proposed project will provide buffer enhancement features in the form of the planting of native vegetation. Native vegetation will be planted in accordance with applicable mitigation standards found in the Kitsap County Shoreline Master Program, specifically Chapter 22.800 – Appendix B.*
- d. Reduce or eliminate the impact over time by preservation and maintenance operations: *Consultant Comment: Impacts for the project and its use over time can be reduced if the actions listed in Chapters 7 and 8 of this report are followed.*

- e. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu fee process where appropriate:  
*Consultant Comment: As a result of the proposed buffer impacts of 0.398 acres, the project will provide on-site buffer mitigation in the form of native vegetation plantings to achieve No Net Loss of ecological functions.*
- f. Monitoring the impact and the mitigation projects, and take appropriate corrective measures: *Consultant Comment: Monitoring of the proposed enhancement features area found in Appendix C of this report. Best management practices described in Chapter 8 of this report are also recommended to ensure appropriate actions area taken to avoid potential impacts.*

Staff comment: *We have reviewed the applicable reports, analysis, designs, and proposed mitigation and find that the application conforms to the above requirements.*

**22.500.100 B. Permit Provisions, Review and Enforcement; Substantial Development Permit.**

1. The Act provides that no substantial development shall be undertaken on the shorelines of the state without first obtaining a substantial development permit (SDP).  
*Staff Comment: The proposal is analyzed under a shoreline variance. Shoreline residential uses in the Rural Conservancy zone are exempt from the substantial development criteria, per 22.500.100(C)(3)(g).*
2. An SDP shall be classified under Chapter [21.04](#).
3. An SDP shall be granted only when the applicant can demonstrate that the proposed development is consistent with the policies and procedures of the Act and this program, as well as criteria in WAC [173-27-150](#). *Staff Comment: The proposed application conforms.*
4. The Act provides a limited number of exceptions to the definition of substantial development. Those exceptions are contained in RCW [90.58.030](#) and are summarized below in subsection (C)(3) of this section, and do not require an SDP. Whether or not a development constitutes a substantial development, all development must comply with the requirements contained in the Act and this program and may require other permits or approvals under this master program. Permits may be issued with limitations or conditions to assure consistency with the Act and this program. *Staff Comment: The proposed application is exempt per 22.500.100(C)(3)(g). A shoreline variance is a component of the application.*
5. All applications for shoreline substantial development permits or permit revisions shall be submitted to the Department of Ecology upon a final decision by local

government pursuant to WAC [173-27-130](#). “Final decision by local government” shall mean the order of ruling, whether it be an approval or denial, that is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed. *Staff Comment: The proposed application will conform.*

### **22.500.100 E. Variances and Administrative Variances.**

The applicant is applying for a variance in accordance with KCC 22.500.100 E, and KCC 19.200.220(B)(3) to construct within a wetland buffer, and under 19.300.315 (3) (b), to construct within a stream buffer, as the proposed development cannot meet the buffer reduction or averaging criteria outlined in the code. This document is to provide justification that the proposed project meets the requirements for a variance per KCC Title 22.500.100 E. Variances and Administrative Variances.

1. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional, or performance standards (not uses) set forth in this program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW [90.58.020](#). *Applicant response: 1. The variance as proposed for the residential development would be limited to granting relief from the 110-foot wetland buffer requirements; 200 foot freshwater stream shoreline buffer; and the 150 foot stream buffer. The buffer enhancement ratio is affected by the limited size of the subject property. Granting this variance would allow minimized development for the intended zone and the project has been designed to minimize effects to the natural environment to the extent practicable.*

*Staff Comment: The proposed application conforms.*

2. Variances shall be classified as a Type III permit under Chapter [21.04](#). Administrative variances shall be a Type II permit and may be granted where allowed under the use and modifications matrix or applicable permit requirements. *Applicant response: 2. The variance is classified as a Type III permit under Chapter 21.04 of the Kitsap County Code.*

*Staff Comment: The proposed application is for a Type III permit.*

3. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW [90.58.020](#). In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect. *Applicant response: 3. Denial of the variance permit would result in the project not being constructed. The property is a legal lot of record and with mitigation, should be afforded residential development, outside of flood zone and landslide hazards.*

*Staff Comment: The proposed application is for residential development that has been minimized to the extent practicable. A No-Net Loss report, Habitat Management Plan and Cumulative Effects Analysis is provided and is analyzed in the variance criteria, following.*

4. Variance permits for development that will be located landward of the OHWM, except within those areas designated as marshes, bogs, or swamps pursuant to Chapter [173-22 WAC](#), may be authorized provided the applicant can demonstrate all of the following. *Applicant response: The proposed variance is located landward of the OHWM and meets the requirements below in a-f.*

Section 22.500.100 of the Kitsap County Shoreline Master Program allows for reasonable relief from dimensional standards. The below review addresses the Shoreline Variance criteria contained in section 22.500.100(E). Relief is being requested to allow for reasonable use and to avoid a regulatory takings when such standards may deprive the landowner of use of their property. The purpose for the variance permit request is to seek relief from the prescriptive shoreline buffer standard contained in KCC 22.400.120(B)(f), which calls for a 200-ft buffer from a shoreline jurisdictional freshwater stream. Kitsap County Shoreline Master Program – Section 22.500.100(E)(4)

Variations for development located landward of the Ordinary High Water Mark (OHWM)

4. Variance permits for development that will be located landward of the OHWM, except within those areas designated as marshes, bogs, or swamps pursuant to Chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

a. That the strict application of the bulk, dimensional or performance standards set forth in Chapters 22.400 and 22.600 precludes, or significantly interferes with, reasonable use of the property; *Consultant Comment: Due to the shape and size of the existing lot, the strict application of the prescriptive 200 foot stream buffer under KCC 22.400.120(B)(f) on the proposed development would leave no room on the lot outside of the regulatory buffer and setbacks to allow for the placement of an SFR.*

*Staff comment: Staff concurs with the analysis.*

b. That the hardship described in subsection (E)(1) of this section 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; *Consultant Comment: The hardship is specifically related to the property and is the result of the existing shape, size, natural features, and regulatory restrictions placed on the property after it was legally created. The hardship is not related to any conditions or actions the landowner has taken to include the design of the proposed development.*

Staff comment: *Staff concurs with the hardship analysis.*

c. That 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; *Consultant Comment: The proposed project is compatible with the existing residential uses in the area and with uses planned for the area under the comprehensive plan and the Kitsap County Shoreline Master Program. Specifically, the comprehensive plan, zoning, and Kitsap County Shoreline Master Program both plan for and allow residential development within the area and on-site. The proposed development has been located as far away from the critical area as possible and is located in an existing cleared area. Any potential loss to current ecological functions will be addressed with proposed buffer enhancement features (native vegetation plantings) in areas of the existing buffer. No net loss is anticipated as a result of this project.*

Staff comment: *Staff concurs with the analysis.*

d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area; *Consultant Comment: The approval of the requested variance does not grant a special privilege that is not afforded to other citizens who may face similar site conditions and regulatory buffer restrictions.*

Staff comment: *There are several properties in the immediate vicinity that are constructed with residences, many are closer to the creek, and several are larger than this proposed development. The criteria are met.*

e. That the variance requested is the minimum necessary to afford relief; *Consultant Comment: The landowner is requesting the minimum relief necessary to allow for the construction of a reasonably sized SFR and associated onsite utilities.*

Staff comment: *The proposal meets the definition of minimization.*

f. That the public interest will suffer no substantial detrimental effect. *Consultant Comment: The public interest will suffer no substantial detrimental impact as a result of the variance request being approved. Buffer mitigation measures are being proposed to improve the existing buffer, which will both improve onsite habitat and ensure a healthy and dense vegetated buffer is maintained into the future.*

Staff comment: *Staff concurs that the project mitigation will enhance the surrounding area.*

Section 22.500.100(E)(6) Kitsap County Shoreline Master Program. In the granting of the variance, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall remain consistent

with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment. The applicant shall demonstrate such consideration through submittal of a cumulative impacts report, where required (Section 22.700.130). *Consultant Comment: Buffer mitigation (enhancement) is being proposed as part of this project and minimal buffer reduction request consistent with the intent of the regulations contained with the Kitsap County Shoreline Master Program. Cumulative impacts have been addressed in Chapter 6 of this report and appropriate mitigation is being proposed to ensure that no net loss of ecological functions will result from the approval of the project Building Permit Application.*

Staff comment: *Staff concurs that the review of the cumulative effects report and find the application conforming to the title.*

7. Variances may not be granted to authorize uses different from the shoreline use and modifications matrix in Section [22.600.105](#).

Staff comment: *The property is classified as a Rural Conservancy Shoreline; the proposed project is for residential use and the application conforms.*

8. All applications for shoreline variances approved by the county, including administrative variances, shall be forwarded to 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. *Applicant response, 8. This variance permit application will not be considered final until approved by the WA Department of Ecology.*

Staff comment: *the application will be filed with the DOE Shoreline Division and will conform.*

**i. Access, Traffic and Roads**

There is an existing gravel road to the site. Traffic is not expected to increase in the vicinity.

**j. Fire Safety**

Fire and emergency vehicles will have limited access to the property as a bridge may limit fire apparatus.

**k. Solid Waste**

Residential solid waste may be available but is not required for a residential proposal.

**l. Water/Sewer**

An existing single use well is located on site. A septic design has been developed and conceptually approved by Kitsap Public Health District.

**m. Kitsap Public Health District**

Health approval is required for the associated septic drainfield design.

## 12. Review Authority

The Hearing Examiner has review authority for this Zoning Variance and Shoreline Variance application under KCC Sections 17.550.020 and 21.04.100. The Hearing Examiner may approve, approve with conditions, remand, or deny a Zoning Variance permit and Shoreline Variance Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make a proper decision. The powers of the Hearing Examiner are at KCC Chapter 2.10. Once the Hearing Examiner Decision is made, the proposal is forwarded to and filed with the Washington Department of Ecology pursuant to WAC 173-27-020. As there is a Shoreline Variance component to the project, final approval is required by Washington State Department of Ecology, Shoreline Division.

## 13. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and KCC Title 22 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

## 14. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.560, KCC 22.300, 22.400, 22.500.100 B and E, 22.600.105 and KCC 21.04, the Department of Community Development recommends that the Type III Zoning Variance and Shoreline Variance Permit application request for the Pedigo/Bonstein Residential Project be **approved**, subject to the following 11 conditions:

### a. Planning/Zoning

1. The proposal must meet the 50-foot front and 20-foot side yard zoning setback.

### b. Development Engineering

### GENERAL

2. 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.

### STORMWATER

3. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, is located entirely within critical areas and their standard buffers, and is subject to Minimum Requirements #1-5. As such required building permits will require a storm drainage design prepared by a civil engineer licensed in the State of Washington.
  4. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Shoreline Variance application was deemed complete, September 22, 2020. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of building permit application.
  5. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.
  6. If the project proposal is modified from that shown on the site plan accepted for review September 21, 2020, Development Services and Engineering will require additional review and potentially new conditions.
- c. Environmental**
7. A Hydraulic Project Approval permit is not required from the Washington Department of Fish and Wildlife.
  8. All recommendations of the revised Habitat Assessment and Mitigation Plan shall be followed (Exhibit 17).
  9. Upon final permit issuance, all construction for the project must commence within two years and be complete within five years. A one-time one-year

extension is available but only if requested on or before ninety days of original permit expiration. No exceptions are allowed unless provided for by law.

**d. Traffic and Roads**

10. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.

11. 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. The need for and scope of bonding will be determined at that time.

**e. Fire Safety**

Fire access will be reviewed with the building permit application.

**f. Solid Waste**

No requirements.

**g. Kitsap Public Health District**

The Health District shall approve the final septic design.

**Report prepared by:**



Steve Heacock, Staff Planner / Project Lead

08/18/2022

Date

**Report approved by:**



Scott Diener, Manager

08/18/2022

Date

**Attachments: A. Revised Site Plan**

CC: Applicant: Ron Pedigo  
Owner: Phil Bonstein  
Applicant Representative: Paul Wandling  
Authorized Agent/Project biologist: Ryan Crater

Washington Department of Ecology, Shorelines: Maria Sandercock,  
[maria.sandercock@ecy.wa.gov](mailto:maria.sandercock@ecy.wa.gov)

Washington Department of Ecology, Wetlands: Neil Molstad, [neil.molstad@ecy.wa.gov](mailto:neil.molstad@ecy.wa.gov)

Washington Department of Fish and Wildlife: Adam Brown, [adam.brown@dfw.wa.gov](mailto:adam.brown@dfw.wa.gov),

Suquamish Tribe, Alison O'Sullivan, [aosullivan@suquamish.nsn.us](mailto:aosullivan@suquamish.nsn.us);

DSE

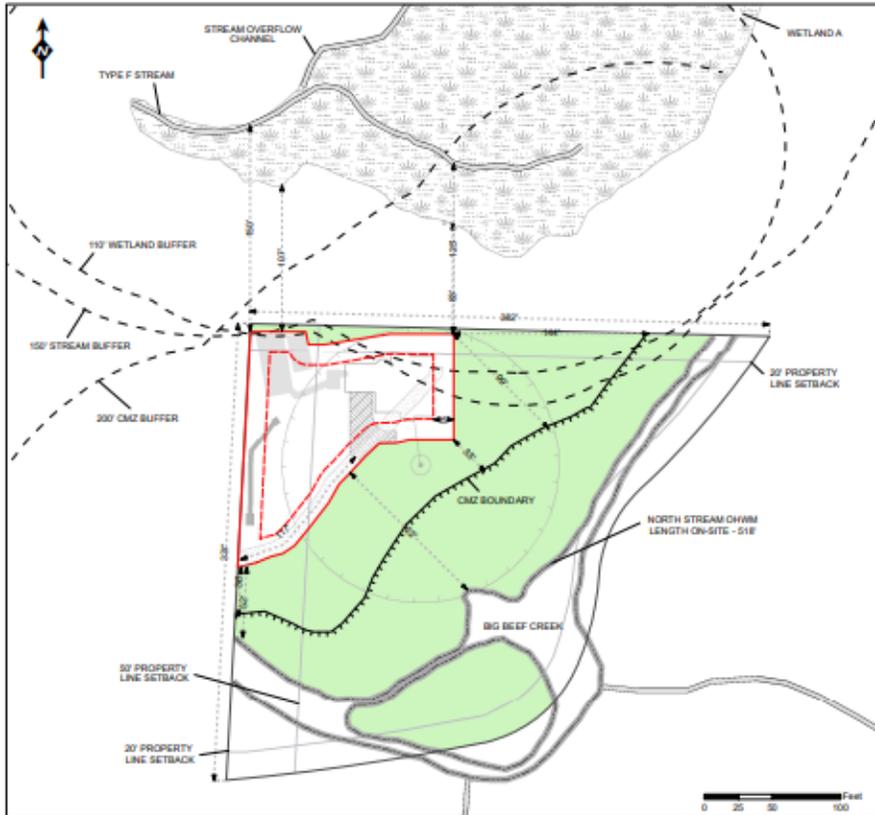
Fire Marshal

Kitsap County Health District

Interested Parties:

Attachment A, Revised site plan

**PROPOSED PROJECT**



SUBJECT PARCEL	PROPOSED SEPTIC	<b>PROPOSED DEVELOPMENT ENVELOPE</b> 0.308 ac / 17,354 sf <b>PROPOSED ENHANCEMENT AREA</b> 1.24 ac / 54,182 sf <b>PROPOSED BUFFER MITIGATION</b> 0.40 ac / 17,496 sf
PROPOSED DEVELOPMENT ENVELOPE	EXISTING ACCESS ROAD	
PROPOSED 15' BUFFER SETBACK	EXISTING POWER	
PROPOSED ENHANCEMENT AREA	EXISTING WELL	<b>BUFFER AREA REDUCTION</b> CMZ 0.308 ac / 17,354 sf WETLAND A 0.053 ac / 2,329 sf TYPE F STREAM 0.031 ac / 1,329 sf
PROPOSED 1,950 sf SFR	100' WELL BUFFER	
PROPOSED 983 sf DRIVEWAY		
<b>THIS IS NOT A SURVEY. LOCATIONS AND MEASUREMENTS ARE APPROXIMATE.</b>		<b>MAX. BUFFER WIDTH REDUCTION</b> CMZ 83.5% WETLAND A 24.6% TYPE F STREAM 17.0%

 **CRATER LAND USE CONSULTING**  
 477 PARPALA ROAD, NASELLE, WA 98638  
 509-942-9309 RYAN@CRATERLUC.COM

DATE - 4 OCTOBER 2021  
 CLIENT - PEDIGO  
 COUNTY - KITSAP  
 PARCEL - 032401-2-031-1005  
 SITUS - 4607 KID HAVEN LN NW