



Hearing Examiner Staff Report and Recommendation

Report Date: October 3, 2018
Hearing Date: October 10, 2018

Application Submittal Date: 5/31/18
Application Complete Date: 6/27/18

Project Name: Foster Shoreline Residence
Type of Application: Shoreline Variance (III)
Permit Number: 18-02700

Project Location

37665 NE Teel Lane
Hansville, WA 98340
Commissioner District 1 (North)

Assessor's Account

4261-000-015-0009

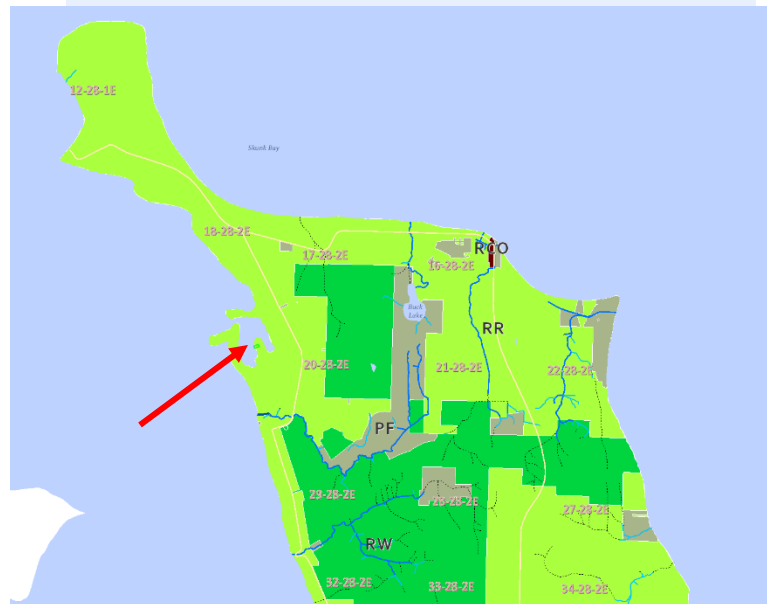
Applicant/Owner of Record

Jeremy Foster
PO Box 521
Hansville, WA 98340

Recommendation Summary

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

VICINITY MAP



1. Background

The applicant is proposing to construct a single-family residence on the shoreline of Coon Bay, Hood Canal. The proposed building site is an infill proposal, located outside of the view line of the existing and adjacent single-family residences. A Shoreline Variance is required to build a single-family residence, as the required 85-foot shoreline buffer would preclude construction of any structure on the property. The footprint will be located below the Reduced Standard Shoreline Buffer for the shoreline residential Shoreline Environment Designation of 50-feet from Ordinary High Water.

2. Project Request

Jeremy Foster is requesting an approval for a Shoreline Variance to allow the construction of a new 3-bedroom, 1-story single-family residence with associated driveway, small garage parking area for 3 cars (as required), and deck and walkway to the existing pier ramp and float on the shoreline of Coon Bay. The proposed structure will be located approximately 25 feet from Ordinary High Water, which is more than a 25% reduction of the Reduced Standard

Buffer of 50 feet. The proposed residence will be located landward of the adjacent neighboring properties view line. The project entails approximately 2,700 square feet (SF) of new impervious footprint. This includes a 1,660 SF residence, a small 576 SF garage, and 455 SF driveway and parking area. A deck is proposed on the north portion of the new residence. A Shoreline Mitigation Plan and No Net Loss Report are provided. The request entails a proposed 20-foot restored shoreline buffer with a modified 5 foot building 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 Non-significance (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.

The project is considered SEPA Exempt under Kitsap County Code 80.04 State Environmental Policy Act, and WAC 197-11-800(6)(a).

4. Physical Characteristics

The 0.21-acre parcel is located along the shoreline of Coon Bay, situated west to east. Topography is immediately steep from the Ordinary high-water line. The property is generally flat in the proposed building area. There is little to no vegetation on the parcel, except for shoreline vegetation from the adjacent dock, constructed under a shoreline conditional use permit in 2016. The nearshore is a benched area with mixed native grasses, forbs and shrubs, required from the associated mitigation for the dock project. The shoreline is natural with pickleweed in the tidelands and dune grass landward of Ordinary High-Water Mark. A bulkhead was constructed adjacent to the dock, due to slope movements in the bay.

Table 1 - Comprehensive Plan Designation and Zoning

| Comprehensive Plan: Rural Residential Zone: Rural Residential | Standard | Proposed |
|---|----------|------------|
| Minimum Density | NA | NA |
| Maximum Density | NA | |
| Minimum Lot Size | 5 acres | 0.21 acres |
| Maximum Lot Size | NA | NA |

| | | |
|-------------------------------------|----------|-----------------------------------|
| Minimum Lot Width | 140 feet | 75 feet |
| Minimum Lot Depth | 140 feet | 190 feet (inclusive of tidelands) |
| Maximum Height | 35 feet | <35 feet |
| Maximum Impervious Surface Coverage | NA | NA |
| Maximum Lot Coverage | NA | NA |

Table 2 - Setback for Zoning District

| | Standard | Proposed |
|--------------|-----------------------------|----------|
| Front (West) | 50 feet (20'; see footnote) | 20 feet |
| Side (North) | 20 feet (5'; see footnote) | 5 feet |
| Side (South) | 20 feet (5'; see footnote) | 5 feet |
| Rear (East) | 20 feet | 25 feet |

Applicable footnotes:

17.120.060.A.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.

Staff Comment: The Urban Restricted Zoning setbacks may be applied as the lot is less than the minimum 140 feet in width and is less than one acre. However, due to the physical site constraints, the proponent is unable to utilize the reduced front setback provision. Reduced side setbacks are utilized for this proposal.

17.120.160.A.48 Shoreline properties are subject to Title 22 and may have additional buffers and setbacks requirements not listed in the density and dimension tables. Properties constrained by critical areas are subject to Title 19 and may have additional buffers and setbacks requirements not listed in the density and dimension tables. Cornices, canopies, eaves, belt courses, sills, bay windows, fireplaces or other similar cantilevered features may extend up to twenty-four inches into any required yard area. In no case shall a habitable area be considered for encroachment into a required yard through any land use process. Additionally, fire escapes, open/uncovered porches, balconies, landing places or outside stairways may extend up to twenty-four inches into any required side or rear yards. Open/uncovered porches, balconies, landing places, or outside stairways shall not extend more than six feet into any required front yard and shall be a minimum of five feet from the front property line.

Staff Comment: The Rear (east) setback abuts a shoreline of the state under Title 22, and therefore defers to the Shoreline buffers and setbacks. This parcel has a Shoreline

Environment Designation of Shoreline Residential, which has a Standard buffer of 85 feet and additional 15- foot building setback. 22.400.120(B)(2) allows for a Reduced Standard Buffer of 50 feet and additional 15- foot building setback, provided no net loss of shoreline ecological functions can be demonstrated and the additional standards of 22.400.120(B)(3) are met. Due to the physical constraints of the property, neither the Standard or Reduced Standard Buffers and Setbacks can be met, thus the request for this Type III Variance.

Table 3 - Surrounding Land Use and Zoning

| Surrounding Property | Land Use | Zoning |
|----------------------|---------------------------|--|
| North | Single-family residence | Rural Residential (RR) / Rural Shoreline Residential Shoreline Designation |
| South | Single-family residence | Rural Residential (RR) /Rural Shoreline Residential Shoreline Designation |
| East | Single-family residential | NA; State Owned Aquatic Lands |
| West | Coon Bay | Aquatic designation |

Table 4 - Public Utilities and Services

| | Provider |
|--------|------------------------------|
| Water | PUD 1 |
| Power | Puget Sound Energy |
| Sewer | On Site Septic |
| Police | Kitsap County Sheriff |
| Fire | North Kitsap Fire & Rescue |
| School | North Kitsap School District |

5. Access

Access to the site is off NE Teel Lane, a county-maintained right of way.

6. Site Design

Landscaping and lighting requirements of KCC 17.500 are not applicable. Three parking spaces are provided, per KCC 17.490 and as revised.

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:

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

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 construction of a single-family residence, while still protecting ecological functions.*

Policy SH-2. Recognize that nearly all shorelines, even substantially developed or degraded areas, retain important ecological functions. *Staff Comment: Ecological functions, with proposed mitigation, will still be retained.*

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 not impact the associated critical areas on site. A mitigation plan and associated monitoring and maintenance plan will assure compliance with these requirements.

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

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

Staff Comment: Implementation of the mitigation plan along with the required monitoring and maintenance of the project area will assure 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 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 assure no net loss of ecological functions and processes, including site design and vegetation management.

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 No Net Loss Report and Mitigation Plan (Exhibit 9) along with the required monitoring and maintenance of the project area will assure 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.

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 No Net Loss and Mitigation Report (Exhibit 9).

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: This proposal will site the structure primarily adjacent to the dock pathway, as far from the shoreline slope as is practicable. New impacts have been minimized and moved landward, away from the shoreline and designed to meet the safety recommendations of the geotechnical engineer for the shoreline slopes. However, the proposed development will still be located below the reduced standard buffer with the footprint of the residence. As such, the proposed new residence requires this Shoreline Variance, the criteria for which will be analyzed below.

Shoreline Environment Designation-

22.200.120 Shoreline Residential Shoreline Designation

A. Purpose. To protect ecological functions, conserve existing natural resources and valuable historic and cultural areas to provide for sustained resource use, achieve natural floodplain processes, and provide recreational opportunities.

B. Designation Criteria.

1. Currently support lesser-intensity resource-based uses, such as agriculture, aquaculture, forestry, or recreational uses, or are designated agricultural or forest lands;
2. Currently accommodate residential uses but are subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains, or other flood-prone areas;
3. Have high recreational value or have unique historic or cultural resources, or
4. Have low-intensity water-dependent uses.

C. Management Policies.

1. Uses should be limited to those which sustain the shoreline area's physical and biological resources, and those of a non-permanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area. Developments or uses that would substantially degrade or permanently deplete the physical and biological resources of the area should not be allowed.
2. New development should be designed and located to preclude the need for shoreline stabilization. New shoreline stabilization or flood control measures should only be allowed where there is documented need to protect an existing structure or ecological functions and mitigation is applied.
3. Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the "Rural Conservancy" environment.
4. Low-intensity, water-oriented commercial uses may be permitted in the limited instances where those uses have been located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the development.
5. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, hunting, wildlife viewing trails and swimming beaches, are preferred uses, provided significant adverse impacts to the shoreline area are mitigated.
6. Agriculture, commercial forestry and aquaculture, when consistent with the Program, may be allowed.

The proposed single-family residential development is located outside of the flood zone and shoreline slopes. The proposal is a historic lot of record and is a Rural Residential zoned property. The associated No-Net-Loss and Mitigation Report indicates that there will be no net loss of habitat and that mitigation will offset impacts associated with the shoreline buffer impacts for development of the property. The proposed building site is the only suitable location due to the slopes and need to site the drainfield at its proposed location further landward due to health district setback regulation from surface water bodies. The above-referenced items will meet or exceed the requirements of the code.

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

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1-16.

| Exhibit # | Document | Date or date stamped |
|-----------|---|----------------------|
| 1 | Project Application | 06/20/18 |
| 2 | Project Narrative | 06/20/18 |
| 3 | Site Plans | 06/20/18 |
| 4 | Site Photos | 06/20/18 |
| 5 | Engineered Drainage Plans | 06/20/18 |
| 6 | Engineered Drainage Report | 06/20/18 |
| 7 | Geotechnical Report | 06/20/18 |
| 8 | Flood Evaluation Determination | 06/20/18 |
| 9 | No Net Loss Report | 06/20/18 |
| 10 | JARPA Report | 06/28/18 |
| 11 | Notice of Application | 09/07/18 |
| 12 | Comment Letter – Dept of Ecology, Blair | 09/14/18 |
| 13 | Comment Letter – S'Klallam Tribe | 09/14/18 |
| 14 | Notice of Public Hearing | 10/03/18 |
| 15 | Certification of Public Notice | 10/04/18 |
| 16 | Staff Report | 10/04/18 |
| 17 | Revised Site Plans | |
| 18 | Staff Presentation | |
| | | |
| | | |

9. Public Outreach and Comments

The Notice of Application was published on August 31, 2018. Comments were received by DOE shorelines, and the Port Gamble S'Klallam tribe.

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 the minimum 140 feet in width and is less than one acre. Reduced front and side setbacks are used for this proposal.

The rear (west) setback abuts a shoreline of the state under Title 22, and therefore, defers to the Shoreline buffers and setbacks. This parcel has a Shoreline Environment Designation of Shoreline Residential, which has a standard buffer of 85 feet and additional 15- foot building setback.

22.400.120(B)(2) allows for a Reduced Standard Buffer of 50 feet and additional 15- foot building setback, provided no net loss of shoreline ecological functions can be demonstrated and the additional standards of 22.400.120(B)(2) are met. Due to the physical constraints of the property, neither the Standard or Reduced Standard Buffers and Setbacks can be met, thus the request for this Type III Variance. See the below analysis of Variance Criteria (22.500.100(E)).

b. Lighting

Not applicable to this proposal.

c. Off-Street Parking

See parking table below; per KCC 17.490.030, this proposal requires 3 off-street parking spaces. This proposal will meet this requirement with 3 off-street parking spaces, adjacent to the entrance driveway to the garage.

Table 5 - Parking Table

| Use Identified in 17.490.030 | Standard | Required Spaces | Proposed Spaces/Existing Spaces |
|--------------------------------------|--|-----------------|---------------------------------|
| Single-Family (attached or detached) | For historical lots with no standing requirement, 3 per unit | 3 | 3 |
| Total | | 3 | 3 |

d. Signage

Not applicable to this proposal

e. Landscaping

Not applicable to this proposal

Table 6 - Landscaping Table

| | Required | Proposed |
|--|----------|----------|
| | | |

| | | |
|---|----|----|
| Required Landscaping (Sq. Ft) 15% of Site | NA | NA |
| Required Buffer(s) 17.500.025 | NA | NA |
| North | NA | NA |
| South | NA | NA |
| East | NA | NA |
| West | NA | NA |
| Street Trees | NA | NA |

f. Frontage Improvements

Not applicable to this proposal

g. Design Districts/Requirements

Not applicable to this proposal

h. Development Engineering/Stormwater

The proposed concept was found to be supportable in its approach to civil site development. The recommended conditions are based on review of the Preliminary Drainage Plans (Exhibit 5) and Preliminary Engineering Report (Exhibit 6). The driveway and road approach will be paved.

i. Environmental

Policies: See the previous Policies section for general policy analysis.

Regulations:

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 to not require additional shoreline or bluff stabilization. Due to the physical lot constraints, the project has been sited in the most appropriate location and the size minimized to fit the building site and within the median size of neighboring homes.

22.400.110 Mitigation

The planned new residence proposes mitigation through incorporation and implementation of the No-Net-Loss and Mitigation report (Exhibit 9) and meets all qualifications for mitigation sequencing and options. Per 22.400.100 B (3) the proposed variance was analyzed under the shoreline variance criteria under 22.500.100 (E), see above.

22.400.115 Critical Areas

The site is located within a 'Moderate Geological Hazard Area', as defined in Kitsap County Code 19.400. This classification required the submittal of a Geotechnical Report, which was provided (Exhibit 7). The report has concluded that the development as proposed is feasible, with conditions for foundation placement.

22.400.120 Vegetation Conservation Buffers

The associated vegetation conservation buffer standards for this proposal are analyzed under the Shoreline Residential buffer criteria in 22.400.120 (B)(1)(b) requiring an 85-foot buffer. As the proposed development requires review under the variance criteria of 22.500.100 (E), review of this code falls under that analysis.

22.400.125 Water Quality and Quantity

Per the recommendations of the Geotechnical Report (Exhibit 9), all stormwater is to be piped into the existing stormwater system in the street (Teel Lane). The project as proposed has been reviewed under Kitsap County

Code Title 12 and conditions for further review and approval under the Building Permit have been reviewed and preliminarily approved.

22.400.130 Historic, Archaeological, Cultural, Scientific and Ed. Resources

There were no comments provided by the Tribes related to cultural resources. Kitsap County recommends conditioning this approval and subsequent building permit(s) for notification of Kitsap County DCD, the Washington State Office of Archaeology and Historic Preservation, and the affected tribes if archaeological resources are uncovered during excavation.

22.400.135 View Blockage

There are no view blockage concerns for this project. The proposed residence will be constructed behind the view line of the adjacent residences.

22.400.140 Bulk and Dimension Standards

The proposed residence meets the criteria under this code.

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.

The standard buffer width of 85 feet encompasses most of the property. Due to the depth, width, and requirements of Kitsap County Health for the drainfield, relief to the standard and reduced buffer are necessary for development.

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.

The variance request is due to the existing non-conforming setting of the property. The most restrictive element being the required location of the drainfield, which is landward of the existing and proposed footprints. Due to the depth of the lot and the slopes, compliance with the Shoreline Residential standard and reduced buffer cannot be achieved.

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.

Zoning is Rural Residential and the parcel acreage is similar within the zoning and neighboring block. The residential development will cover approximately

1,662 square feet of the standard buffer and no work is proposed waterward of Ordinary High Water.

4.d The variance will not constitute a grant of special privilege not enjoyed by other properties in the area.

The neighboring parcels have existing residential development. Structures were constructed in the mid-1980's. Neighboring houses have a median footprint of approximately 1,700 square feet. Lot sizes are also 0.21 acres in average, and include tidal ownership. The proposed structure has a footprint of 1,662 square feet, which aligns below the median footprint within the common developed shoreline properties. A small garage outbuilding is proposed, outside of the reduced standard buffer.

4.e The variance requested is the minimum necessary to afford relief. *Site plan design reflects compliance to other titles, specifically zoning setbacks and Kitsap Public Health District standards. Once these requirements were applied to the site and the geotechnical engineer recommendations considered, the existing footprint area was the most practical. The residence has been set landward to the greatest extent feasible.*

4.f The public interest will suffer no substantial detrimental effect. *The proposed development retains the residential designation to the shoreline environment, with shoreline buffer restoration to meet the policy for no net loss of shoreline ecological function.*

22.600.170 Residential Development

A. Environment Designations Permit Requirements

3. Shoreline residential and High intensity

- a. Primary single-family residences are exempt pursuant to criteria in Section 22.500.100(C);
- b. SDP if exemption criteria not met.
- c. SDP for multi-family units, accessory dwelling units and subdivisions.

The proposal is for approval of one new primary residence and is addressed through the shoreline variance.

4. Aquatic: prohibited.

Not applicable

B. Development Standards.

1. All new residential development, including subdivision of land, shall be designed, configured and developed in a manner that ensures no net loss of shoreline ecological function.

2. All sewage disposal and water systems shall be comply with state and local health regulations including but not limited to Kitsap County board of health Ordinance 2008A-01 for on-site sewage requirements.
3. New and remodeled residential development and new subdivisions shall be designed, located and constructed so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses.
4. New over-water residences, including floating homes, are prohibited. Where such homes exist as of the adoption date of this program, they shall be reasonably accommodated to allow improvements associated with life safety matters and property rights.
Not applicable.
5. Stormwater quality and quantity measures for residential development must comply with current codes.
The proposal meets the stormwater control guidelines for Kitsap County under Title 12.
6. Flood hazard reduction measures for residential development shall comply with Chapter 19.500, as incorporated here by Section 22.400.115 (Critical areas), and Section 22.400.150 (Flood hazard reduction measures) of this program and shall be designed to prevent net loss of shoreline ecological functions.
The project will comply with the flood zone requirements at time of building permit submittal.
7. New multi-unit residential development, including the subdivision of land for five or more parcels, shall provide for joint or community and/or public access, except where demonstrated to be infeasible due to any of the following:
 - a. Incompatible uses;
 - b. Safety;
 - c. Security;
 - d. Impact to the shoreline environment;
 - e. Constitutional or other legal limitations that may be applicable.
8. In cases where on-site access is infeasible, alternate methods of providing public access shall be considered, such as off-site improvements.
9. Lot area shall be calculated using only those lands landward of the OHWM.
10. Single-family residential uses are a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.
This is not a subdivision proposal, so these sections are not applicable.

j. **Access, Traffic and Roads**

The proposed concept was found to be supportable in its approach to civil site development. Conditions have been recommended.

k. **Fire Safety**

Not applicable to this proposal.

l. **Solid Waste**

Not applicable to this proposal.

m. **Water/Sewer**

Site is currently served by the Kitsap PUD #1 Water System. The site is outside the service area for Kitsap County Sewer Utility Division and will be served by a 3-bedroom on-site septic system.

n. **Kitsap Public Health District**

The Kitsap Health District has approved the On-Site Septic, drainfield and reserve area for the proposal.

11. Review Authority

The Hearing Examiner has review authority for this Variance Permit application under KCC Sections 17.560.020 and 21.04.080. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a Shoreline Variance Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the 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 the Washington Department of Ecology pursuant to WAC 173-27-020, for final approval, approval with conditions, or denial. No approval shall be considered final until it has been acted upon by Ecology (22.500.100(E)).

12. Findings

1) The proposal is consistent with the Comprehensive Plan.

2) The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all 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. The proposal is consistent with the code and provisions of the Kitsap County Shoreline Master Program.

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.

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A and the Variance Criteria in KCC 22.500. 100(E), the Department of Community Development recommends that the Type III Shoreline Variance request for the Foster Shoreline Residence be approved, subject to the following 16 conditions:

a. **Planning/Zoning**

None

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. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, and meets the criterion to require a Simplified Drainage Review-Engineered level of drainage review. Engineered drainage plans are required to be submitted with the building permit.
3. 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, March 6, 2018. 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.
4. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval if any associated project work is required on the shoreline.
5. If the project proposal is modified from that shown on the submitted site plan, Development Services and Engineering will require additional review and potentially new conditions.

c. **Environmental**

6. This project shall follow the recommendations of the Subsurface Exploration and Geotechnical Engineering Evaluation report (Resolve Environmental, 5/22/18).
7. This project will comply with the No Net Loss and Mitigation Plan (BGE Environmental, LLC; 5/22/18). 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.

8. If archaeological resources are uncovered during excavation, the contractor and property owners must immediately stop work and notify Kitsap County Department of Community Development, the Washington State Office of Archaeology and Historic Preservation and affected tribes.

d. Traffic and Roads

9. 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.

10. With the building permit application, submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.

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

12. If this project includes the construction of rock walls or other retaining facilities that either exceed four feet in height or sustain a surcharge, a separate building permit with an engineered design is required for such walls. This note shall be placed on the face of the final construction drawings.

13. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9.4.4 of the Kitsap County Stormwater Design Manual.

e. Fire Safety

None.

f. Solid Waste

None.

g. Kitsap Public Health District

None.

Report prepared by:



Steve Heacock, Staff Planner / Project Lead

Date: 10/4/18

Report approved by:



Shawn Alire, Development Services and Engineering Supervisor

Date: 10/4/18

Attachments:

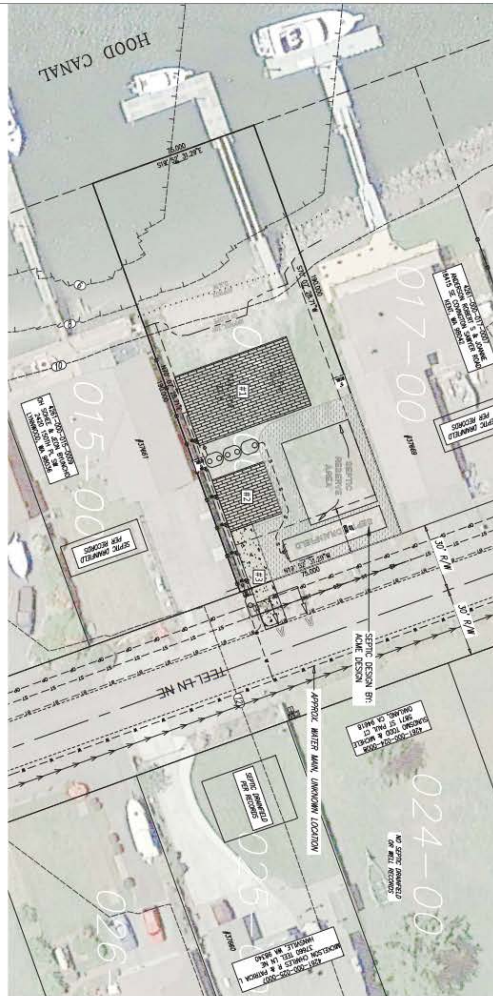
Attachment A – Zoning Map

Attachment B- Shoreline Designation Map

CC: Applicant: Jeremy Foster, Jeremy.foster@live.com
Owner: Jeremy Foster
Engineer: Mike Wnek; mike@wnekeng.com
Project Representative: Robbyn Myers, BGE Environmental
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Candace Vickery, Stormwater/Traffic
DCD Staff Planner: Steve Heacock
Misty Blair, Department of Ecology; misty.blair@ecy.wa.gov
Christine Raczka, Port Gamble S'Klallam tribe; craczka@pgst.nsn.us

Site Plan

| PROJECT INFORMATION | |
|------------------------|--|
| Project Name/Location: | FOSTER SHORELINE VARIANCE |
| Project Number: | 18-02700 |
| Project Address: | 37665 FOSTER SHORELINE VARIANCE |
| Project Owner: | JERRY & SUZANNE FOSTER |
| Project Manager: | JERRY FOSTER |
| Project Date: | 10/04/18 |
| Project Status: | PRELIMINARY |
| Project Location: | SECTION 19, T28N, R2E, W1M, KITSPAC COUNTY, WASHINGTON |
| Project Size: | 2.01 ACRES |
| Developer: | JERRY & SUZANNE FOSTER |
| Architect: | WNEK ENGINEERING CONSULTING CIVIL ENGINEERS |
| Engineer: | JERRY FOSTER |
| Contractor: | |
| Subcontractor: | |
| Other: | |
| Notes: | |

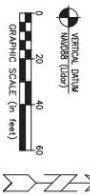


SITE PLAN SCALE: 1" = 20'

| AREA # | DESCRIPTION | AREA (SQ FT) | AREA (ACRES) |
|--------------------|----------------------------|--------------|--------------|
| 1 | CLEANING & GROUNDING AREAS | 6,129 SF | 0.14 ACRES |
| TOTAL IMPROVEMENTS | | 6,129 SF | 0.14 ACRES |

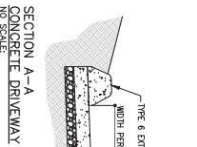
| AREA # | DESCRIPTION | AREA (SQ FT) | AREA (ACRES) |
|--------------------|-------------|--------------|--------------|
| 81 | HOUSE | 1,669 SF | 0.038 ACRES |
| 82 | DRIVEWAY | 576 SF | 0.013 ACRES |
| 83 | PAVEMENT | 453 SF | 0.010 ACRES |
| TOTAL IMPROVEMENTS | | 2,698 SF | 0.062 ACRES |

PROJECT PERMITS:
 RC1 ENVIRONMENTAL
 RC2 UTILITIES
 RC3 ZONING
 RC4 WATER RIGHTS
 RC5 TRAIL RIGHTS
 RC6 HISTORIC
 RC7 PUBLIC UTILITIES
 RC8 TRAIL RIGHTS
 RC9 OTHER



DATE: 10/04/18
 DRAWN BY: JCF
 CHECKED BY: JCF
 SCALE: 1" = 20'

GENERAL NOTES:
 1. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
 2. ALL EXISTING IMPROVEMENTS SHALL BE MAINTAINED AND PROTECTED.
 3. ALL EXISTING TREES SHALL BE MAINTAINED AND PROTECTED.
 4. ALL EXISTING FENCES SHALL BE MAINTAINED AND PROTECTED.
 5. ALL EXISTING DRIVEWAYS SHALL BE MAINTAINED AND PROTECTED.
 6. ALL EXISTING PAVEMENT SHALL BE MAINTAINED AND PROTECTED.
 7. ALL EXISTING SIDEWALKS SHALL BE MAINTAINED AND PROTECTED.
 8. ALL EXISTING STAIRS SHALL BE MAINTAINED AND PROTECTED.
 9. ALL EXISTING RAMPWAYS SHALL BE MAINTAINED AND PROTECTED.
 10. ALL EXISTING ELEVATORS SHALL BE MAINTAINED AND PROTECTED.
 11. ALL EXISTING ESCALATORS SHALL BE MAINTAINED AND PROTECTED.
 12. ALL EXISTING MECHANICAL EQUIPMENT SHALL BE MAINTAINED AND PROTECTED.
 13. ALL EXISTING ELECTRICAL EQUIPMENT SHALL BE MAINTAINED AND PROTECTED.
 14. ALL EXISTING PLUMBING EQUIPMENT SHALL BE MAINTAINED AND PROTECTED.
 15. ALL EXISTING HEATING EQUIPMENT SHALL BE MAINTAINED AND PROTECTED.
 16. ALL EXISTING COOLING EQUIPMENT SHALL BE MAINTAINED AND PROTECTED.
 17. ALL EXISTING VENTILATION EQUIPMENT SHALL BE MAINTAINED AND PROTECTED.
 18. ALL EXISTING INSULATION SHALL BE MAINTAINED AND PROTECTED.
 19. ALL EXISTING GLAZING SHALL BE MAINTAINED AND PROTECTED.
 20. ALL EXISTING DOORS SHALL BE MAINTAINED AND PROTECTED.
 21. ALL EXISTING WINDOWS SHALL BE MAINTAINED AND PROTECTED.
 22. ALL EXISTING ROOFS SHALL BE MAINTAINED AND PROTECTED.
 23. ALL EXISTING FOUNDATIONS SHALL BE MAINTAINED AND PROTECTED.
 24. ALL EXISTING STRUCTURES SHALL BE MAINTAINED AND PROTECTED.
 25. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.



| | | | | |
|---|---|--|--|---|
| <p>SITE PLAN</p> <p>FOSTER SHR 37665 TEEL LN NE KITSPAC COUNTY</p> | <p>Prepared By: WNEK ENGINEERING CONSULTING CIVIL ENGINEERS P.O. BOX 776 POULSBORO, WA 98370 (360) 692-3602 mike@wnek.com</p> | <p>SCALE: 1" = 20' (24X36) DATE: 05-16-18 CHECKED BY: JTA DESIGNED BY: JCF DRAWN BY: JCF NEW PDS# # 8746</p> | <p>Revision: _____ _____ _____</p> | <p>Prepared for: Jeremy & Suzanne Foster 22202 INDIANLA RD NE POULSBORO, WA 98370 (206)-250-7837 jeremy.foster@tba.com</p> |
| | | | | |

Attachment A: Zoning Map



Subject and Surrounding: Rural Residential

Attachment B: Shoreline Designation Map



Subject and Surrounding: Shoreline residential