Kitsap County Department of Community Development

Administrative
Staff Report

Report Date: March 11, 2021 **Application Submittal Date:** August 7, 2020 **Application Complete Date:** September 17, 2020

Project Name: Oien Shoreline Variance
Type of Application: Shoreline Variance - Administrative (Type II)
Permit Number: 20-03551

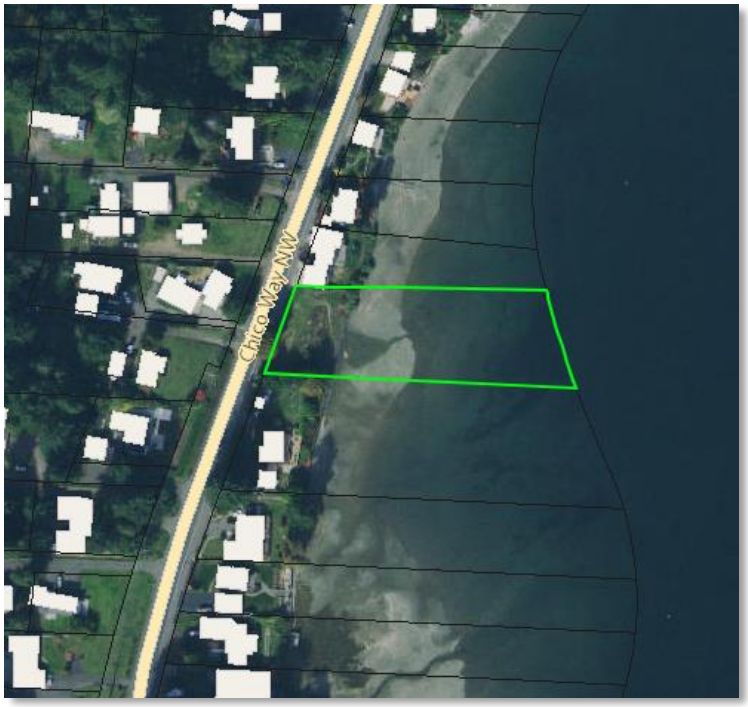
Project Location
7074 Chico Way NW
Bremerton, WA
Central Kitsap

Assessor's Account #
292501-3-040-2009

Applicant/Owner of Record
Dale and Marilyn Oien
PO Box 249
Seabeck WA, 98380

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

VICINITY MAP



1. **Background**
   The applicant is proposing to build a single-family residence on the shoreline of Dyes Inlet. The site is currently undeveloped. Because of the small size of this lot, the applicant cannot meet the required shoreline buffers and a shoreline variance is required to build. The applicant has an associated building permit (20-00159) in review that is pending this variance approval.

2. **Project Request**
   The applicant is requesting a reduction of the reduced Vegetation Conservation Buffer from 50 feet to 11 feet at its lowest point. The applicant is also requesting a reduction of the standard building setback from this buffer to be reduced from 15 feet to 7.5 feet. The applicant is seeking relief from these buffers to allow enough buildable area for a single-family home on this constrained 0.22-acre lot.

3. SEPA (State Environmental Policy Act)

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

4. Physical Characteristics

The property is a 0.22-acre rectangular property. The lot is undeveloped, except for a rip rap bulkhead along the OHWM. With the exception of one Big Leaf Maple, trees are absent in the proposed project area as the site is cleared and leveled. East of the flat area, the site slopes at roughly 33% toward Dyes Inlet. The slope is populated with invasive shrubs and there is an existing pathway to the beach. Properties to the north and south are developed with single-family homes.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Reserve Zone: Rural Reserve (RR)	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	1 DU/ 5 acres	
Minimum Lot Size	5 acres	0.22 acres
Maximum Lot Size	NA	NA
Minimum Lot Width	140-feet	145-feet
Minimum Lot Depth	140-feet	Approx. 85-feet, landward of OHWM
Maximum Height	35-feet	Approx. 25.5-feet (one story with daylight basement).
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (West)	50-feet standard (20-feet using Urban Restricted (UR) setbacks per footnote 17.120.060.42.b)	21-feet
Side (North)	20-feet (5-feet using UR setbacks per footnote 17.120.060.42.b)	9-feet
Side (South)	20-feet	Approx. 55-feet

	(5-feet using UR setbacks per footnote 17.120.060.42.b)	
Rear (West)	Regulated by Shoreline Master: 50-foot reduced vegetation buffer plus 15-foot building setback.	11-foot vegetation buffer and 7.5-foot building setback, per variance request.

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

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-Family Residence	Rural Residential (RR)
South	Single-Family Residence	Rural Residential (RR)
East	Shoreline/Dyes Inlet	N/A
West	Single-Family Residence	Rural Residential (RR)

Table 4 - Public Utilities and Services

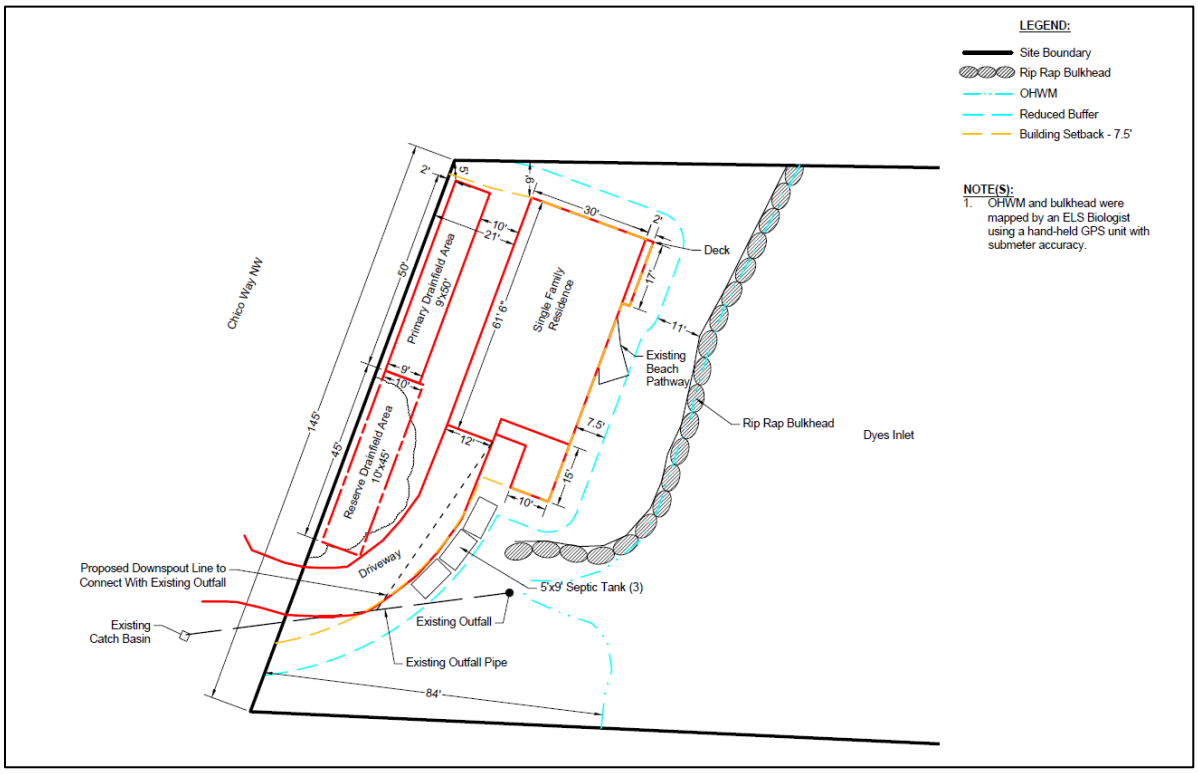
	Provider
Water	Kitsap Public Utilities District
Power	Puget Sound Energy
Sewer	Private system
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire and Rescue
School	Central Kitsap School District

5. Access

Access will be from a private 12-foot driveway off of Chico Way NW.

6. Site Design

The proposed site plan includes a 1,800 square-foot single-family residence with attached garage, and a septic system with primary and reserve drain fields. The home will include a deck to the south, which was moved from the east of the building by the County's recommendation. New native vegetation is proposed in the northeast of the lot. The site will utilize an existing rip rap bulkhead. Landscaping and lighting requirements of KCC 17.500 are not applicable. See the site plan below:



7. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016 and amended April 27, 2020.

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

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

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

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

development.
Staff Comment: The proposed development is the minimum necessary to afford construction of a single-family residence, while still protecting ecological functions. The building area was previously cleared, and the project proposes enhancement of the shoreline area to improve ecological functions.

Policy SH-2. Recognize that nearly all shorelines, even substantially developed or degraded areas, retain important ecological functions.
Staff Comment: 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 in order to maintain slope stability and prevent excess surface erosion and stormwater runoff;
3. Designing and placing structures and associated development in areas that avoid disturbance of established native plants, especially trees and shrubs; and
4. Removal of noxious weeds in accordance with WAC 16-750-020.

Staff Comment: Implementation of the mitigation plan along with the required monitoring and maintenance of the project area will 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 Shoreline Mitigation Plan and No-Net-Loss Assessment, 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 Shoreline Mitigation Plan and No-Net-Loss Assessment.

Policy SH-23. Through appropriate site planning and use of the most current, accurate and complete scientific and technical information available, shoreline use and development should be located and designed to avoid the need for shoreline stabilization or actions that would result in a net loss of shoreline ecological functions.
Staff Comment: The proposed home will be located in a previously cleared area that is the furthest possible building location from the shoreline. New impacts will be addressed through shoreline mitigation. The site includes a previously-existing rip-rap bulkhead and no additional shoreline stabilization is required.

Shoreline Environment Designation-
KCC 22.200.125 Rural Conservancy Designation
A. Purpose. To protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order 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 County's development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 17	Zoning
Title 19	Critical Areas Ordinance
Chapter 21.04	Land Use and Development Procedures
Title 22	Shoreline Master Program

8. Documents Consulted in the Analysis

Applicant Submittals	Dated or date stamped
Authorization Form	August 27, 2020
JARPA	August 27, 2020
Variance Narrative	August 24, 2020
Site Plan	August 24, 2020
Geological Report	September 28, 2020
Required Permit Questionnaire	August 24, 2020
Shoreline Mitigation Plan	August 24, 2020
Stormwater Worksheet	August 7, 2020
View Line Drawing	January 19, 2021
Response Letter (view line narrative)	March 2, 2021

Signed View Letter	March 2, 2021

Staff Communication	Dated
N/A	N/A

9. Public Outreach and Comments

The department sent a Notice of Application on October 1st, 2020 and the public comment period remained open for 14 days, as required in the land use permit procedures outlined in Title 21 of the Kitsap County Code. One comment was received, summarized below.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1	A neighbor asked about details of work to be done on the beach, and how the bulkhead would affect the beach and shoreline.	N/A

Issue Ref. No.	Issue	Staff Response
1	Impacts to beach/shoreline	An email response was sent to the neighbor on 10/7 explaining that no development was proposed on the beach, and that the bulkhead shown on the site plan as already existing will not be modified.

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 one acre.
This parcel has a Shoreline Environment Designation of Shoreline Residential, which has a standard buffer of 85 feet and additional 15-foot building setback. KCC 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. Due to the physical constraints of the property, neither the Standard or Reduced Standard Buffers and Setbacks are able to be met, thus the request for this Variance. The variance can be processed as a Type II Administrative Variance per KCC 22.400.120.C.b.ii. See the below analysis of Variance Criteria (KCC 22.500.100(E)).

KCC 22.500.100(E) Shoreline Variance Criteria

4.a The strict application of the bulk, dimensional, or performance standards set forth in Chapters 22.400 and 22.600 of this program preclude, or significantly interfere with, reasonable use of the property.

Staff Response: The standard buffer width of 85-feet extends past the western property line and the 50-foot reduced buffer takes up approximately three quarters of the upland portion of the lot. Given required setbacks, it is not feasible to build a modestly-sized single family residence with septic drainfield without impacting the standard and reduced buffer, therefore strict application of bulk, dimensional and performance standards do not allow for reasonable use of this property.

4.b The hardship described in subsection (E)(1) is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this Program, and for example, not from deed restrictions or from the actions of the applicant or a predecessor in title.

Staff Response: The variance request is due to the existing non-conforming setting of the property. Many lots in this area were established before adoption of the Shoreline Management Program and are not large enough to accommodate the current buffers that were adopted after the lot was created. Due to the depth of the lot, and the required septic drainfield, 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.

Staff Response: The zoning of this property and properties nearby are Rural Residential, and the parcel acreage is similar to adjacent properties. The zoning designation and Comprehensive Plan encourage low-density residential development in this zone, but the site is constrained by shoreline regulations. The development is consistent with the zoning designation and impacts to the shoreline will be mitigated to ensure no net loss to shoreline ecological functions. The proposal will not conflict with any water dependent uses.

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

Staff Response: Neighboring parcels are zoned residential and are mostly developed with single-family residences. The proposed 1,800 square foot home is no larger than the majority of those on the shoreline in the immediate vicinity. The average square footage

of 5 adjacent primary structures on the shoreline is 1,892 square-feet. The proposed structure has a footprint of 1,800 square-feet, inclusive of an attached garage, and aligns below the median footprint within the common developed shoreline properties. No associated outbuildings are proposed.

4.e The variance requested is the minimum necessary to afford relief.

Staff Response: Site plan design reflects compliance to other titles, specifically zoning setbacks and Kitsap Public Health District standards. Taking into consideration these requirements, as well as considerations of slopes on the site, the proposed building footprint is the most practical. Due to the required front setback and septic drainfield, it is not possible to locate the home further landward.

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

Staff Response: The surrounding lots are almost fully developed with single-family homes similar in character to the proposed home. The proposed development retains the residential designation to the shoreline environment. The building area is already cleared, with other parts of the shoreline buffer covered with invasive vegetation providing little benefit to the shoreline. The proposal includes shoreline buffer restoration to meet the policy for no net loss of shoreline ecological function.

b. Lighting

Single-family developments are exempt from lighting design standards (KCC 17.420.030.A).

c. Off-Street Parking

Single-Family developments require three (3) off-street parking spaces (KCC 17.490.030), measuring at least 9 feet by 20 feet. The proposed home includes an attached garage and adequate driveway space for 3 vehicles

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family	3 per unit	3	3
Total	3	3	3

d. Signage

No signage is proposed.

e. Landscaping

Single-family developments are exempt from landscaping design standards (KCC 17.420.030.A).

Table 6 - Landscaping Table

Not Applicable

f. Frontage Improvements

No frontage improvements are proposed or required.

g. Design Districts/Requirements

Single-Family developments are exempt from general design standards (17.420.030.A). The site is not located within any district or sub-area that requires further design review.

h. Development Engineering/Stormwater

A Limited Geotechnical Engineering Investigation prepared by Krazan and Associates, Inc., dated December 30, 2019, has been submitted. The report makes various findings and recommendations which will be verified at the time of building permit review and a condition has been placed on the approval to address this.

i. Environmental

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

Regulations:

KCC 22.400.105 Proposed Development

A. Location.

1. New development shall be located and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
2. New development shall be located and designed to avoid the need for future shoreline stabilization for the life of the structure. Likewise, any new development which would require shoreline stabilization which causes significant impacts to adjacent or down-current properties shall not be allowed.
3. New development on lots constrained by depth, topography or critical areas shall be located to minimize, to the extent feasible, the need for shoreline stabilization.
4. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
5. Subdivision shall be planned to avoid the need for shoreline stabilization for newly created lots, utilizing geotechnical analysis where applicable.
6. Non-water-oriented facilities and accessory structures, except for preferred shoreline uses, such as single-family residences and single-family residential appurtenances when consistent with buffer provisions in this chapter, must be located

landward of buffers and adjacent water-oriented uses, or outside shoreline jurisdiction, unless no other location is feasible.

Staff Comment: The proposed development will be entirely above Ordinary High Water and is designed per the recommendations of the geotechnical engineer. There is an existing rip rap bulkhead and the proposal does not create the need for further shoreline stabilization. Due to the physical lot constraints, the project has been sited in the most appropriate location, using the minimum front setback to the west, and developed near the slope to the east per the geotechnical recommendation.

KCC 22.400.110 Mitigation

The planned new residence proposes mitigation through incorporation and implementation of the Shoreline Mitigation Plan and No Net Loss Assessment. The Shoreline Mitigation report appropriately addresses mitigation sequencing, mitigation options and mitigation compliance. In the report, it is proposed to remove invasive species and replant with 1,557 of native species and retain 2,247 square feet of existing vegetation.

KCC 22.400.115 Critical Areas

The site is mapped in Kitsap County GIS as a 'Moderate Seismic Hazard Area', requiring that the project be designed in accordance with Chapter 14.04, Kitsap County Building and Fire Code.

Parts of the site are mapped as 'Moderate Landslide Hazard Area' and 'Moderate Erosion Hazard Area', with a small portion in the northeast rated as 'High Erosion Hazard Area,' as defined in Kitsap County Code 19.400. This classification required the submittal of a Geotechnical Report.

The report has concluded that the development as proposed is feasible, when the recommendations of the report are implemented during construction. The report also found that the proposed setback from the top of slope is adequate when down slope footing lines are used. Other recommendations of the report are required to be incorporated in construction as a conditional of approval of this variance.

Part of the site is also mapped as within a FEMA flood hazard area. Per requirements of KCC Title 15 (Flood Hazard Area) and KCC 22.400.115.B, a FEMA Floodplain Habitat Analysis was submitted within the Shoreline Mitigation report.

KCC 22.400.120 Vegetation Conservation Buffers

The associated vegetation conservation buffer standards for this proposal are analyzed under the Shoreline Residential buffer criteria in 22.400.120.B.1.b requiring an 85-foot standard buffer and 22.400.120.B.2.b requiring a 50-foot reduced buffer.

Per 22.400.120.C.b.ii. the applicant may seek an administrative variance for any amount of buffer reduction within the shoreline residential designation. As the proposed development requires review under the variance criteria of 22.500.100 (E), review of this code falls under that analysis. See section 10.a above.

KCC 22.400.125 Water Quality and Quantity
The project as proposed has been reviewed under KCC Title 12 and will require further review and approval under the associated Building Permit. If stormwater is discharged to the shoreline, a Hydraulic Project Approval (HPA) will be required from the Washington State Department of Fish and Wildlife.

KCC 22.400.130 Historic, Archaeological, Cultural, Scientific and Ed. Resources
There were no comments provided by the Tribes related to cultural resources. A condition of approval has been added that Kitsap County DCD, the Washington State Office of Archaeology and Historic Preservation, and the affected tribes must be notified if archaeological resources are uncovered during excavation.

KCC 22.400.135 View Blockage
Both the properties to the north and south are developed with single-family homes and subject to the view blockage per the requirements of KCC 22.400.135.A.3. By request the applicant submitted a drawing with the view line, which showed a small portion of the home within the view line.

Per KCC 22.400.135.A.5, the view blockage requirements may be administratively waived after consideration of existing mitigating circumstances. The applicant submitted a narrative describing mitigating circumstances as well as a letter from the neighbor to the north attesting they have no issues with the proposal concerning view obstruction. Staff analyzed this information along with the proposal and site photographs, and agreed that the view blockage requirement could be waived due to following mitigating circumstances:

- The existing home to the south is separated by thick vegetation, and the new home would not affect the view from this home.

Picture taken from property looking north.

• The proposal is a one-story home with a daylight basement. The home utilizes existing topography with the daylight basement located on the slope which reduces the height of the home within the view blockage area.

• The home on the adjacent property to the north does not have any windows or viewpoints directly facing the proposed home. The northern neighbor has a deck that extends to the east beyond the proposed structure line.

• The original plans for the proposed home showed a deck on the east of the home within the view blockage area, which was relocated on the south side of the house by County request.

KCC 22.400.140 Bulk and Dimension Standards
The proposed residence meets the criteria under this code.

j. Access, Traffic and Roads
No adverse impacts to traffic or roads are likely. Access to the parcel is by way of a private driveway off of Chico Way NW, an existing roadway.

k. Fire Safety
Not applicable to this review. Fire review will be completed with associated building permit.

l. Solid Waste
No comments

m. Water/Sewer
The property will be serviced by public water. The site is outside of the service area for Kitsap County Public Works Sewer Utility Division. Approval of the onsite sewage will be required from Kitsap County Public Health.

n. Kitsap Public Health District
The proposed septic design has received preliminary approval by Kitsap Public Health which will be reviewed again with the associated building permit. Any changes to the approved site plan must be approved by Kitsap Public Health District and may require a modification to the approved Administrative Variance.

11. Review Authority
The Director has first review authority for this Administrative Variance application under KCC 21.04.100. The Director may approve, approve with conditions, or deny this application. Once the Decision in made, the proposal is forwarded to the Washington Department of Ecology pursuant to WAC 173-27-200, for final approval, approval with conditions, or denial. No approval shall be considered final until it has been acted upon by Ecology (KCC 22.500.100(E)).

12. Findings

The Department of Community Development has determined that this application, as conditioned, meets requirements of KCC Title 17 Zoning and Title 22 Shoreline Master Program, and will comply with all other applicable provisions of Kitsap County Code and all other applicable regulations. The application also meets the Shoreline Variance Criteria of 22.500.100(E), as described in section 10.a of this report.

13. Decision

Based upon the analysis above and the Variance Criteria in KCC 22.500.100(E), the Department of Community Development grants conditional approval of the Type II Shoreline Variance request for the Oien Shoreline Variance (20-03551), subject to the following 3 conditions. Per WAC 173-27-200, no approval shall be considered final until it has been acted upon by Ecology (KCC 22.500.100(E)).

a. Planning/Zoning

None at this time.

b. Development Engineering

None at this time.

c. Environmental

1. This project shall follow the recommendations of the Limited Geotechnical Engineering Investigation, dated December 30, 2019.
2. This project shall comply with the Shoreline Mitigation Plan and No-Net-Loss Assessment prepared by Ecological Land Services, dated August 7, 2020. The project proposes 1,557 square feet of new planting and 2,247 square feet of retained vegetation. 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.
3. If archaeological resources are uncovered during excavation, the contractor and property owners must immediately stop work and notify Kitsap County Department of Community Development, the Washington State Office of Archaeology and Historic Preservation and affected tribes.

d. Traffic and Roads

None at this time.

e. Fire Safety

None at this time.

f. Solid Waste

None at this time.

g. Kitsap Public Health District

None at this time.

Report prepared by:

_____ 3-10-21

Name, Staff Planner / Project Lead Date

Report approved by:

3-10-21

_____

Scott Diener, DSE Manager Date

Attachments:

Attachment A - Zoning Map

Attachment B - Shoreline Environment Designation Map

CC:

Applicant/Owner: Dale Oien: oiencon@msn.com

Authorized Agent: Keelin Lacey: keelin@eco-land.com

Interested Parties

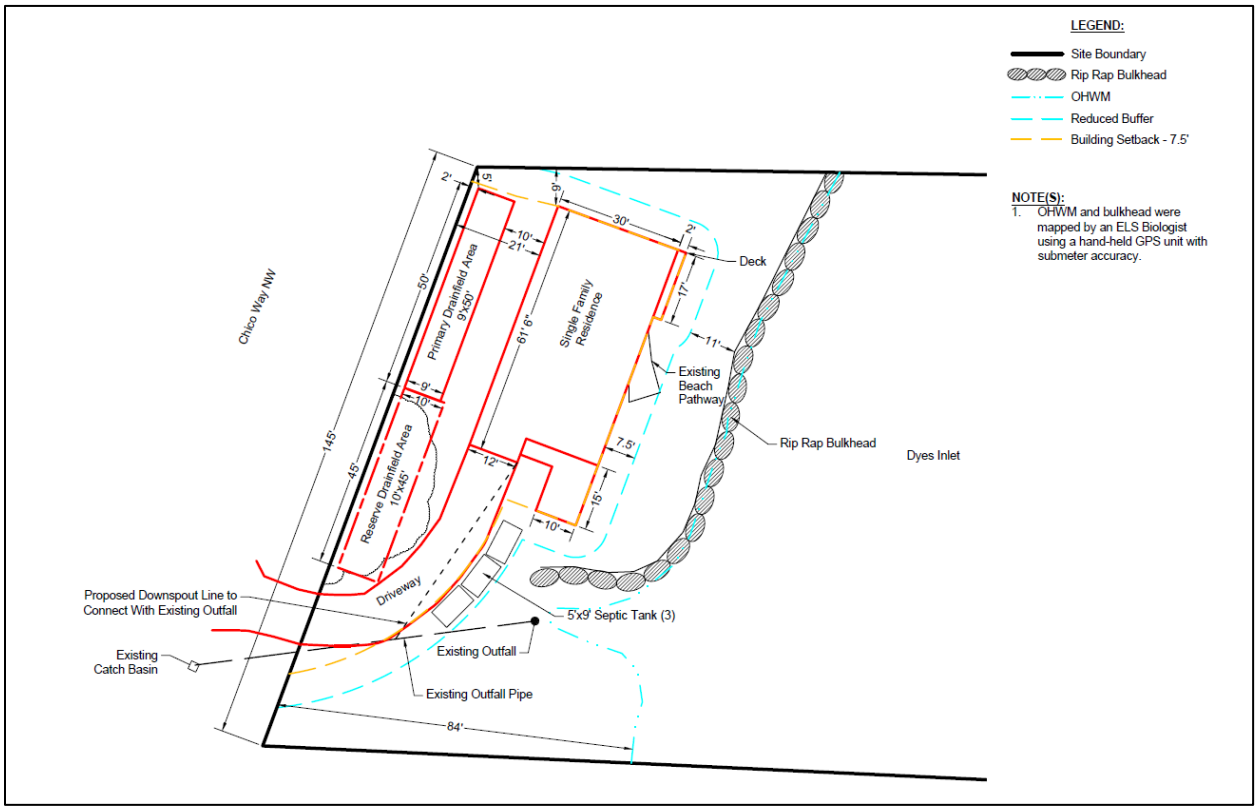
Kitsap Public Utilities District

Kitsap County Health District

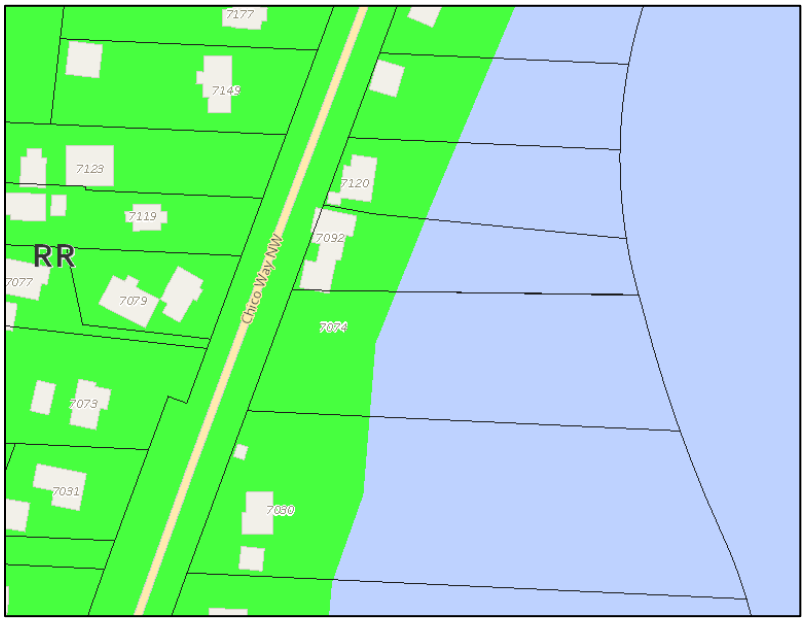
Kitsap County Public Works Dept.

DCD Staff Planner: Colin Poff

Site Plan


LEGEND:
Site Boundary
Rip Rap Bulkhead
OHWM
Reduced Buffer
Building Setback - 7.5'
NOTE(S):
1. OHWM and bulkhead were mapped by an ELS Biologist using a hand-held GPS unit with submeter accuracy.
Chico Way NW
Primary Drainfield Area 9'x30'
Reserve Drainfield Area 10'x45'
Single Family Residence
Deck
Existing Beach Pathway
Rip Rap Bulkhead
Dyes Inlet
Driveway
Proposed Downspout Line to Connect With Existing Outfall
Existing Catch Basin
Existing Outfall
Existing Outfall Pipe
5'x9' Septic Tank (3)
145'
84'
45'
50'
30'
61'6"
21'
17'
11'
12'
15'
7.5'
10'
9'

Attachment A - Zoning Map



Attachment B - Shoreline Environment Designation Map