



## Hearing Examiner Staff Report and Recommendation

**Report Date:** 07/06/2023  
**Hearing Date:** 07/12/2023

**Application Submittal Date:** 03/15/2022  
**Application Complete Date:** 04/27/2022

**Project Name:** Abbott Shoreline Variance  
**Type of Application:** Shoreline Variance (Type III)  
**Permit Number:** 22-01456

### Project Location

13531 NW Coho Run  
Bremerton, WA 98312  
Commissioner District #3 (Central)

### Assessor's Account #

4535-000-167-0005

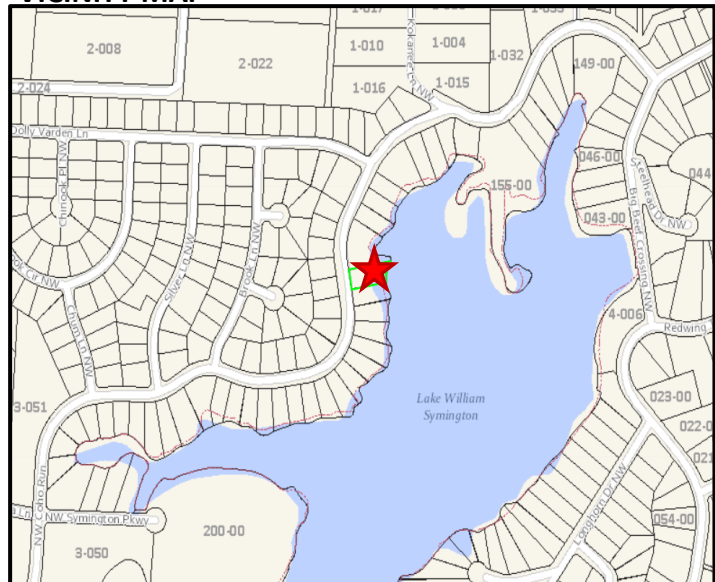
### Applicant/Owner of Record

Paul and Kathy Abbott  
13531 NW Coho Run  
Bremerton, WA 98312

### Recommendation Summary

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

### VICINITY MAP



### 1. Background

The project location is a 0.31-acre property located on the east side of NW Coho Run on Lake Symington area of Bremerton, Kitsap County. The property is vacant, but has been partially cleared for a driveway, power and temporary RV housing. The parcel is surrounded by other small properties which are developed with single-family homes. The parcel is within the Rural Conservancy Shoreline designation and entirely within the 130-foot standard shoreline buffer. Two wetlands are also present, including a Category III lake-fringe wetland and a Category IV depressional wetland that is seasonally flooded. The FEMA 100-year floodplain also extends onto the property. A building permit application (22-00585) was applied for and put under review on 2/8/2022, but was subsequently returned pending the approval of this Shoreline Variance.

### 2. Project Request

A Type III Shoreline Variance and Shoreline Exemption is requested to construct a single-

family residence with attached garage with a footprint of approximately 1,891 square feet and associated septic drain field, driveway and utilities. Due to the property size, it is infeasible to build outside of the designated 130-foot shoreline buffer and Category III and IV wetland buffers. A shoreline variance is needed to reduce the buffer to approximately 23-41 feet from the shoreline and wetland with a 15-foot setback while keeping the septic drain field as far from the shoreline as possible. The proposed home is located within the 100-year floodplain and is conditioned to meet flood hazard development standards. Buffer mitigation will include native plant installation within the buffer as well as installation of northern flicker nesting boxes, bat boxes and downed logs in the buffer to increase habitat function and compensate for 3,062 square feet of new buffer impacts. Pending approval of this Variance, this staff report also serves as the concurrent administrative Shoreline Exemption approval for construction of a single-family residence per KCC 22.500.100(C)(3)(g).

### **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.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated May 13, 2022 (Exhibit 12). A Determination of Nonsignificance (DNS) was issued on June 9, 2023 (Exhibit 28). SEPA noted the following information:

- The project will be conditioned to meet the requirements of Kitsap Code, Title 12- Stormwater; Title 15- Flood Hazard Areas; Title 17-Zoning; Title 19-Critical Areas Ordinance; and Title 22-Shoreline Master Program.
- The project scope has been minimized from the initial proposal and additional mitigation proposed to compensate for shoreline and wetland buffer impacts and habitat function.

The SEPA appeal period expired June 23, 2023. No appeals were filed; therefore, the SEPA determination is final.

**4. Physical Characteristics**

This property is forested and surrounded by other similarly-sized properties which are developed with single-family homes. The topography onsite slopes down moderately from west to east from NW Coho Run toward the edge of Lake Symington. Vegetation onsite consists of coniferous forest dominated by western redcedar, western hemlock, evergreen huckleberry and sword fern in the western two-thirds of the property. There is a distinct change in vegetation in the eastern third of the property; this area is dominated by red alder and hardhack. In this same area, the topography descends into a depression that is adjacent to the lake edge. On the south side of this Category IV depressional wetland (Wetland B) is a berm-like feature that runs parallel to the edge of the lake. This berm may have been built years ago to keep the area from flooding. Water frequently floods into the area waterward of the berm. Wetland B is unvegetated and seasonally flooded.

A Category III lake fringe wetland (Wetland A), was identified in the depression in the eastern portion of the property. Most of this wetland is onsite but does extend across portions of the properties to the north and south. Properties to the north and south are in a natural state with no shoreline armoring, but a home is constructed on the lot to the south.

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

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	1 dwelling unit
Maximum Density	1 dwelling units/ 5 acres	
Minimum Lot Size	5 acres	0.31
Maximum Lot Size	NA	NA
Minimum Lot Width	140-feet	77-feet
Minimum Lot Depth	140-feet	180-feet
Maximum Height	35 feet	Approx. 20 feet
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

*Staff Comment:* Lot is legally existing, but non-conforming at less than 5 acres. Legally existing, nonconforming lots may still be developed as zoning uses allow. Single family residences are permitted in the Rural Residential zone.

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (West)	50-feet	20-feet (Footnote 42b)
Side (North)	20-feet (5-feet using Footnote 42b)	5-feet (Footnote 42b)

Side (South)	20-feet (5-feet using Footnote 42b)	5-feet (Footnote 42b)
Rear (East)	20-feet (10-feet using Footnote 42b; Shoreline 130-foot buffer + 15-foot building setback)	23-41-feet

Staff Comment: KCC 17.420.060A.42.b is applied. *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.* The lot is legally existing and is less than one acre. The Urban Restricted zoning setbacks are applied. Shoreline buffer and setback is applied the Rear (east) setback per Title 22 KCC.

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

Surrounding Property	Land Use	Zoning
North	Currently undeveloped.	Rural Residential (RR)
South	Single-family residence	Rural Residential (RR)
East	Lake Symington	Lake (L)
West	Single-family residences	Rural Residential (RR)

**Table 4 - Public Utilities and Services**

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	On-site Septic (OSS)-Kitsap Public Health
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District #401

**5. Access**

Access is from the east side NW Coho Run, a County right-of-way.

**6. Site Design**

The proposal is for a single-family residence. The proposal will meet all zoning setbacks and parking requirements. An on-site septic system is placed up to the west property edge as far as topography allows and as far from the shoreline as possible. The home will be located as far landward as Kitsap Public Health setbacks allow from the drain

field. The home is designed to minimize and mitigate impacts to the shoreline wetland buffers while still allowing for the use.

**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:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction

Title 15	Flood Hazard Areas
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
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 #1-32.

Exhibit #	Document	Dated	Date Received
<b>1</b>	<b>STAFF REPORT</b>	<b>07/06/2023</b>	
2	Application Submission Form		04/25/2022
3	Shoreline Mitigation Plan and FEMA Habitat Assessment	08/26/2021	04/25/2022
4	Project Narrative		04/25/2022
5	SEPA Checklist		04/25/2022
6	JARPA		04/25/2022
7	Stormwater Worksheet		04/25/2022
8	Site Plan / Stormwater Plan		04/25/2022
9	Stormwater Engineering Waiver		04/25/2022
10	Site Photos		04/25/2022
11	Structural Engineering Plans	01/29/2022	04/25/2022
12	Notice of Application	05/13/2022	
13	Marfut Comment	05/18/2022	05/19/2022
14	Gallavan Comment	05/21/2022	05/23/2022
15	WDFW Comment Letter	06/01/2022	06/01/2022
16	Health Response Email	06/03/2022	06/03/2022
17	Ecology Comment Letter	06/13/2022	06/13/2022
18	Anonymous Comment	06/24/2022	06/24/2022
19	Topographic Survey	10/19/2022	10/25/2022
20	Septic Alternative Letter	08/17/2022	10/25/2022
21	Shoreline Mitigation Plan & FEMA Habitat Assessment (Revised)	01/01/2023	01/17/2023
22	Narrative Response		01/17/2023
23	Revised Architectural Site Plan	02/05/2022	01/17/2023
24	Final Revised Site Plan	05/10/2023	05/14/2023
25	Narrative Response		05/14/2023
26	Authorization to use Site Plan	05/09/2023	05/14/2023

27	RV Removal Routes		05/14/2023
28	SEPA Determination of Non-Significance	06/14/2023	
29	Preliminary Stormwater Conditions Memo	06/22/2023	
30	Notice of Public Hearing	06/28/2023	
31	Certification of Public Notice	06/30/2023	
32	Int. Party Comments – Combined	06/30/2023	

### 9. Public Outreach and Comments

A joint Notice of Application and SEPA Notice was published on May 13, 2022. Comments were received from neighbors, Washington Department of Ecology and Washington Department of Fish and Wildlife.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1	Applicant had cleared trees, installed driveway and installed water and power utilities without prior approval after moving RV onto property after purchase (also without permits). Applicant has also been keeping a number of boats (canoe, kayak, row-boat) at the shore, along with an unpermitted dock that had been moved away during staff site visit then placed back.	18 and 32
2	Ecology: Request site visit. The proposed plan does not appear to be the minimum necessary to afford relief. Removing the garage and deck, adjusting the footprint, reducing length of driveway and potentially location of the septic drainfield could reduce the intrusion into the buffers.  Need to consider additional mitigation actions.	17
3	Fish and Wildlife: Request site visit. WDFW does not agree that the proposed mitigation achieves no-net loss and does not adequately mitigate for the proposed impacts to the reduced buffer. Impacts could be further reduced through the installation of an above ground septic system that wouldn't rely on clearing area for a drain field which could open up more of the property for better placement of the house and driveway further away from the wetland and lake buffers thus reducing the impacts to the buffer.	15
4	Public Comments: Concern about impacts from having house and septic system this close to the lake; contamination concerns. Need to build smaller to not destroy shoreline.	13,14,18 and 32

Issue Ref. No.	Issue	Staff Response
1	Unpermitted Activities	Staff requested revisions to the Shoreline Mitigation Plan to address the prior, unpermitted clearing and grading activities. Staff indicated additional permits would be required for any temporary or permanent over water structures and storage buildings. Applicant has indicated that the overwater structures are removed and the shed will be removed. Conditions on this Variance approval will indicate for additional permits for accessory structures or buffer impacts.
2	Minimum Necessary	A site visit was conducted with county staff, WDFW and Department of Ecology on 6/14/22. The applicant was asked to address minimization and provided a revised plan with a reduced footprint, removed deck and placement as far landward as septic setbacks would allow. Septic location is as far from lake and wetlands as possible and alternative septic designs would utilize no less area than the current design.
3	Mitigation	Revisions were provided to the Shoreline Mitigation Plan. In addition to the logs and bat/bird boxes previously proposed, the revised Plan now includes planting 6 conifer trees and 95 other shrubs and ferns within the buffer. The current RV location will be the site of the proposed SFR. The temporary location of the RV during construction (Temporary Living Quarters) will be replanted as part of the mitigation plan.
4	Health Impacts	Kitsap County DCD staff did reach out the Kitsap Public Health regarding the temporary RV to investigate that sanitation was being appropriately addressed in the interim. They verified that wastewater is being properly disposed of on a regular basis at an approved facility (Exhibit 16). An approved septic design is required for building permit approval. Septic designs are required to meet minimum water setbacks, with deviations typically requiring additional monitoring and maintenance. The approval of the on-site septic system is under the authority of Kitsap Public Health. With compliance with local and



		state health regulations, as well as demonstration of ‘no net loss’ and mitigation, the project is compliant with the requirements of the Kitsap County Shoreline Master Program.
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**10. Analysis**

**a. Planning/Zoning**

The legally existing lot was platted in 1970 (Lot 167, Plat 4535 Fort WM. Symington No.5) and is 0.31 acres in size. Located in the Rural Residential Zone, the lot is less than an acre and under the minimum 140’ lot width and therefore meets the requirements under Chapter 17.420.060.A.42b. Using the residential zoning classification that most closely corresponds, for the purposes of setbacks this lot is using the Urban Restricted Standards.

The proposal will be meeting the front setback of 20-feet, and 5-foot setbacks from the sides (rear setback is shoreline/wetland). A Zoning Variance is preferred before consideration of Shoreline Variances. However, in this case the septic drain field is closest to the front property line as possible and the home as close to the drain field as is feasible. A zoning setback reduction would not be possible given site constraints.

**b. Lighting**

Proposal is for single-family development. Exterior lighting design standards in Chapter 17.420.030 are not applicable.

**c. Off-Street Parking**

Pursuant to Chapter 17.490, new single-family homes on historical lots require 3 parking spaces, or 570 square feet of parking, not including garage space. The driveway for this proposal is approximately 918 square feet, meeting this requirement.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single Family	3 per unit on historical lots	1 unit x 3 spaces= 3 spaces (570 square feet)	3 spaces (918 square feet)
Total	----	3 spaces	3 spaces

**d. Signage**

Proposal is for a single-family residence. Not applicable.

**e. Landscaping**

Proposal is for a single-family residence. Landscaping requirements of Chapter 17.500 are not applicable.

**f. Frontage Improvements**

Single family development. Not applicable.

**g. Design Districts/Requirements**

Not applicable.

**h. Development Engineering/Stormwater**

Development Engineering DCD has reviewed this proposal and finds the concept supportable in its approach to civil site development. These comments are based on a review of the preliminary site plan, Shoreline Mitigation Plan and FEMA Floodplain Assessment accepted for review April 25, 2022, and as revised by additional materials submitted to Kitsap County Development Engineering and accepted for review on October 25, 2022, January 17, 2023, and May 14, 2023.

Development Engineering accepts the concepts contained in this preliminary submittal and requires, with conditions. (Exhibit 29).

**i. Environmental**

Background: The entire parcel and proposal are located in the Shoreline Master Program (SMP) jurisdiction and Shoreline Environment Designation of Rural Conservancy. This Designation requires a 130-foot buffer and 15-foot building setback from the buffer edge. Since the wetland is within the shoreline jurisdiction, the 130-foot shoreline buffer extends from the wetland edge, resulting in the entire parcel being within the standard shoreline buffer. While KCC 22.400.120(B) does allow for the administrative reduction of the buffer to 100-feet. However, this property has an average depth of about 132 feet from the wetland edge to the western property line, leaving only about 26 feet of the property outside the reduced buffer. Per *KCC 22.400.120(C)*, constrained lots are “*legally platted lots with a depth that would not allow for compliance with the reduced standard buffer*” and additional buffer reductions beyond the reduced standard buffer are allowed. Because this project reduces the reduced standard buffer beyond 25 percent, a Type III variance is required, and mitigation is required to ensure no net loss of shoreline and wetland ecological functions. This staff report also serves as the concurrent administrative Shoreline Exemption approval for construction of a single-family residence per KCC 22.500.100(C)(3)(g).

The project proposes to reduce the 130-foot standard shoreline buffer to between 27 and 41 feet with a 15-foot building setback, which requires a Type III variance. A

Shoreline Mitigation Plan and FEMA Habitat Assessment are provided for in the Shoreline Mitigation Plan and No Net Loss Report (Exhibit 21). The mitigation area includes a portion of the buffer that will house the RV temporary living quarters (TLQ) during construction. The RV will be required to be removed or unoccupied within 30-days of certificate of occupancy or permit expiration.

Variance Criteria: The proposal has met the Variance Criteria in KCC 22.500.100(E), as described below.

- 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;

*It is infeasible to build within a 26-foot area provided by an administrative buffer reduction (100-feet) considering the additional 15-foot buffer setback, road, and side yard setbacks. To place a home and attached garage of about 1,891 square feet (1,284 square feet house + 607 square feet garage) and a septic system drainfield on the property, the buffer will need to be reduced to a varied 27-41 feet from the edge of Wetland A with a 15-foot setback.*

- 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;

*The lot size and shape are the result of a legal plat from 1970, prior to the Shoreline Master Program adoption. The shoreline and associated natural wetland buffer, as well as FEMA floodplain create a hardship of unique conditions for this parcel that restrict the ability to develop under the standard requirements of Title 19 and 22 KCC. The hardship is not from deed restrictions or actions of the applicant or previous owner.*

- 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;

*The design of the project is compatible with the other single-family residential uses within the Lake Symington development. The lot and neighborhood are zoned Rural Residential and consist of mostly legally existing, non-conforming lots of the same size (0.30 acres+/-). The use will not conflict with any existing*

*water-dependent uses and the mitigation proposed (Exhibit 21) will ensure the proposal meet the 'no net loss' requirement. Further, most lots around Lake Symington are already developed with single-family residences. Requests for similar variances in the area would be limited to the few vacant lots remaining around the lake, which cumulatively would not increase 'substantial adverse impacts to the shoreline environment'.*

- d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

*The shoreline of Lake Symington is heavily developed with single-family properties. Many properties on this lake have development including low retaining walls, at the OHWM and homes built as close as approximately 20 feet from the OHWM of the lake. The proposal will not be granting a special privilege not enjoyed by other properties in the area.*

- e. That the variance requested is the minimum necessary to afford relief; and

*Impacts to the shoreline have been minimized by proposing the septic system drainfield as close to the road as possible and by proposing a modestly sized house with attached garage of approximately 1,891 square feet. The scope of the proposal has also been reduced from the initial application to reduce the footprint, including waterward decking. Vegetation will be retained within the buffer and any vegetation disturbed outside the construction area will be restored. The location of the house and driveway are restricted due to the location of the septic drainfield, building setbacks, and property depth. The project will also minimize impacts by utilizing best management practices (BMP's), including features such as silt fences to prevent sediments from washing into the shoreline during construction.*

- f. That the public interest will suffer no substantial detrimental effect.

*The proposal will not cause a detrimental effect on public interest. The proposal is similar in use and size of other development in the neighborhood. A mitigation plan is proposed to enhance the shoreline/wetland buffer to result in no net loss of shoreline or wetland ecological functions by adding vegetation and habitat features in a highly developed area of the county.*

22.600.170 Residential Development.

The proposal for a single-family residence is exempt from a Shoreline Substantial Development under KCC 22.500.100(C)(3)(g). An exemption from a Shoreline Substantial Development Permit, however, is not an exemption from Variance approval when required.

The proposal has met the requirements under KCC 22.600.170:

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.

*A shoreline mitigation plan has been prepared and 'no net loss' analysis completed to demonstrate the above criteria is met (Exhibit 21).*

2. All sewage disposal and water systems shall 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.

*The proposal has a preliminary on-site septic design and this Variance is conditioned for approval of that design with associated building permit application. Water will be provided by Kitsap PUD #1.*

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.

*The structure is to be constructed as far from the shoreline as possible while maintaining required setbacks from the on-site septic system. In addition, the proposal will require the building meet flood hazard area development standards of KCC 15.12.090.*

4. New over-water residences, including floating homes, are prohibited. Where such homes were permitted or legally established prior to January 1, 2011, they shall be reasonably accommodated to allow improvements associated with life safety matters, property rights and considered a conforming use.

*Not applicable.*

5. Stormwater quality and quantity measures for residential development must comply with current codes.

*The proposal has been reviewed and conditioned to meet the required stormwater quality and quantity measures (Exhibit 29).*

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) and shall be designed to prevent net loss of shoreline ecological functions.

*See above. The project is conditioned to meet the development standards in Title 15 Flood Hazard Areas.*

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.

*Not applicable.*

7. In cases where on-site access is infeasible, alternate methods of providing public access shall be considered, such as off-site improvements.

*Not applicable.*

8. Lot area shall be calculated using only those lands landward of the OHWM.

*Lot is legally existing, non-conforming and no subdivision is occurring. Lot area calculation not applicable.*

9. 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.

*See previous. The proposal in mitigate for ecological impacts, resulting in 'no net loss of shoreline ecological functions' (Exhibit 21).*

#### 22.400.110 Mitigation Sequencing

The proposal has met the mitigation sequencing requirements of KCC 22.400.110. These are addressed on pages 6-7 of the *Shoreline Mitigation and No Net Loss Report* (Exhibit 21).

22.400.135 View Blockage.

The proposal has been reviewed and revised to meet the view blockage standards in KCC 22.400.135.

**j. Access, Traffic and Roads**

The proposed single-family residence is to be accessed directly from the east side of the existing Kitsap County public Right-of-way, NW Coho Run.

**k. Fire Safety**

Building and fire safety will be reviewed with the associated building permit. There are no comments or conditions specific to this Shoreline Variance request.

**l. Solid Waste**

Not applicable for single-family development.

**m. Water/Sewer**

The proposal is conditioned to provide an approved Building Site Application from Kitsap Public Health for the on-site septic system, as well as a letter from Kitsap PUD #1 for water availability prior to building permit application approval.

**n. Kitsap Public Health District**

The proposal is conditioned to provide an approved Building Site Application from Kitsap Public Health for the on-site septic system, as well as a letter from Kitsap PUD #1 for water availability prior to building permit application approval.

**11. Review Authority**

The Hearing Examiner has review authority for this Shoreline Variance application under KCC, Sections 22.500.100.E and 21.04.100. 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.

**12. Findings**

1. The proposal is consistent with the Comprehensive Plan.

2. The proposal complies with Shoreline Variance Criteria of KCC 22.500.100(E).
3. The proposal complies or will comply with all other requirements of KCC Title 22 and with all of the other applicable provisions of Kitsap County Code.

### **13. Recommendation**

Based upon the analysis above and the decision criteria found in KCC 22.500.100(E), the Department of Community Development recommends that the Type III Shoreline Variance request for the Abbott Residence be **approved**, subject to the following 17 conditions:

#### **a. Planning/Zoning**

1. The project shall meet the required zoning setbacks of 20-feet from the front (west) and 5-feet from the sides (north and south). The rear setback is the shoreline/wetland buffer and setback. These zoning setbacks apply to both the single-family residence and the temporary location of the RV as a Temporary Living Quarters.
2. A Temporary Living Quarters permit shall be required for the Recreational Vehicle.
3. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
4. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.
5. The decision set forth herein is based upon representations made and exhibits contained in the project application Permit #22-01456. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner and Washington Department of Ecology.

#### **b. Development Engineering**

6. Building permits submitted for this development shall include construction plans and profiles for all roads, driveways, storm drainage facilities and appurtenances. No construction shall be started prior to said plan acceptance.
7. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, and is located within a mapped critical area; as such the building permit application materials shall include a drainage



design demonstrating compliance with Minimum Requirements #1-5, as outlined in the Kitsap County Stormwater Design Manual. All work shall be in accordance with the Accepted Plans under Building Permit #22-00585, once approved.

8. A qualified habitat biologist shall make specific mitigation recommendations per Kitsap County Stormwater Design Manual, Vol II., Section 8.3. Where required, a professional engineer shall incorporate the recommendations into the stormwater management designs.
9. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Services and Engineering will require additional review and potentially new conditions.

**c. Environmental**

10. Construction techniques shall implement best management practices to ensure protection of the shoreline, its associated buffer, and local water quality. Such best management practices shall include protective silt fencing, protective orange construction fencing along defined work areas, working during periods of limited rainfall or potential for adverse erosion, and seeding of exposed soils as needed to prevent adverse erosion.
11. The project is required to follow the mitigation and monitoring plan as provided in the *Shoreline Mitigation Plan and No Net Loss Report* (Ecological Land Services, Revised 1/2023). The habitat biologist shall flag the buffer location prior to start of construction. An as-built report of the mitigation from the biologist is required prior to final inspection of building permit.
12. The owner is responsible for maintenance of the planting area for 5 years, including removal of invasive plant species, reinstalling failed plantings, and irrigation. Monitoring shall occur for 5-years, with reports submitted to KCDCCD by December 31 of each monitored year.
13. A 27 to 41 foot vegetated buffer and additional 15-foot building setback, as well as additional habitat features as depicted in the approved *Shoreline Mitigation Plan and No Net Loss Report* shall to maintained. No additional clearing, structures, storage, or debris is permitted within the buffer or below Ordinary High Water without additional review and permitting by Kitsap County Department of Community Development, and state permits as necessary.
14. The shoreline view line, as depicted on the approved site plan shall be maintained.
15. 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.
16. The RV will be required to be moved from the temporary location in the buffer and the buffer restored prior to final inspection on the building permit. The RV will be removed from the parcel or unoccupied within 30-days of certificate of occupancy

or permit expiration. Temporary (90-day) occupancy may be granted through a separate permit. Any areas disturbed during removal must be replanted. If the removal requires access over a neighboring parcel, authorization will be required to be verified prior to SFR final inspection.

**d. Traffic and Roads**

None at this time.

**e. Fire Safety**

None at this time. Fire safety will be reviewed with the building permit application.

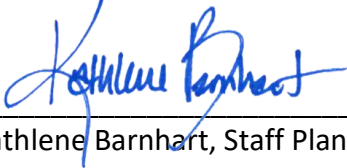
**f. Solid Waste**

None at this time.

**g. Kitsap Public Health District**

17. An approved Building Site Application (BSA) from Kitsap Public Health shall be provided with the DCD building permit application.

**Report prepared by:**



Kathlene Barnhart, Staff Planner / Project Lead

7/3/23

Date

**Report approved by:**



Katharine Shaffer, Department Supervisor

7/3/23

Date

**Attachments:**

Attachment A – Zoning

Attachment B – Critical Areas

Attachment C – Shoreline Designation

Attachment D- Mitigation Site Plan

CC: Paul and Kathy Abbott

Ecological Land Services c/o Joanne Bartlett

Interested Parties:

Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

Staff Report: 22-01456 Abbott Shoreline Variance  
07/06/2023

DCD Staff Planners:

Cecilia Olsen

Robert Hankins

WDFW, Habitat Biologist

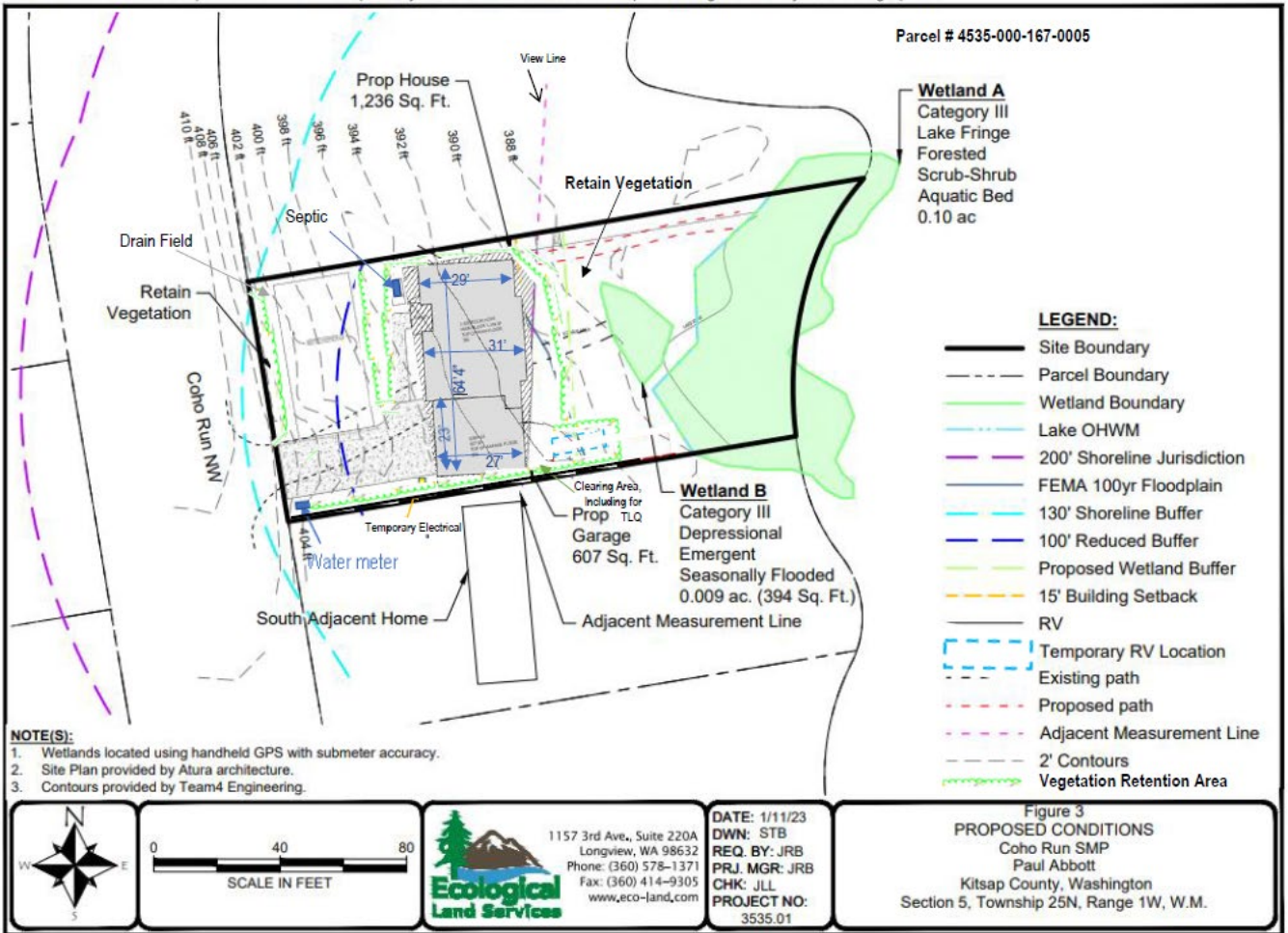
WA Department of Ecology, Wetlands

WA Department of Ecology, Shoreline

Interested Parties

Site Plan

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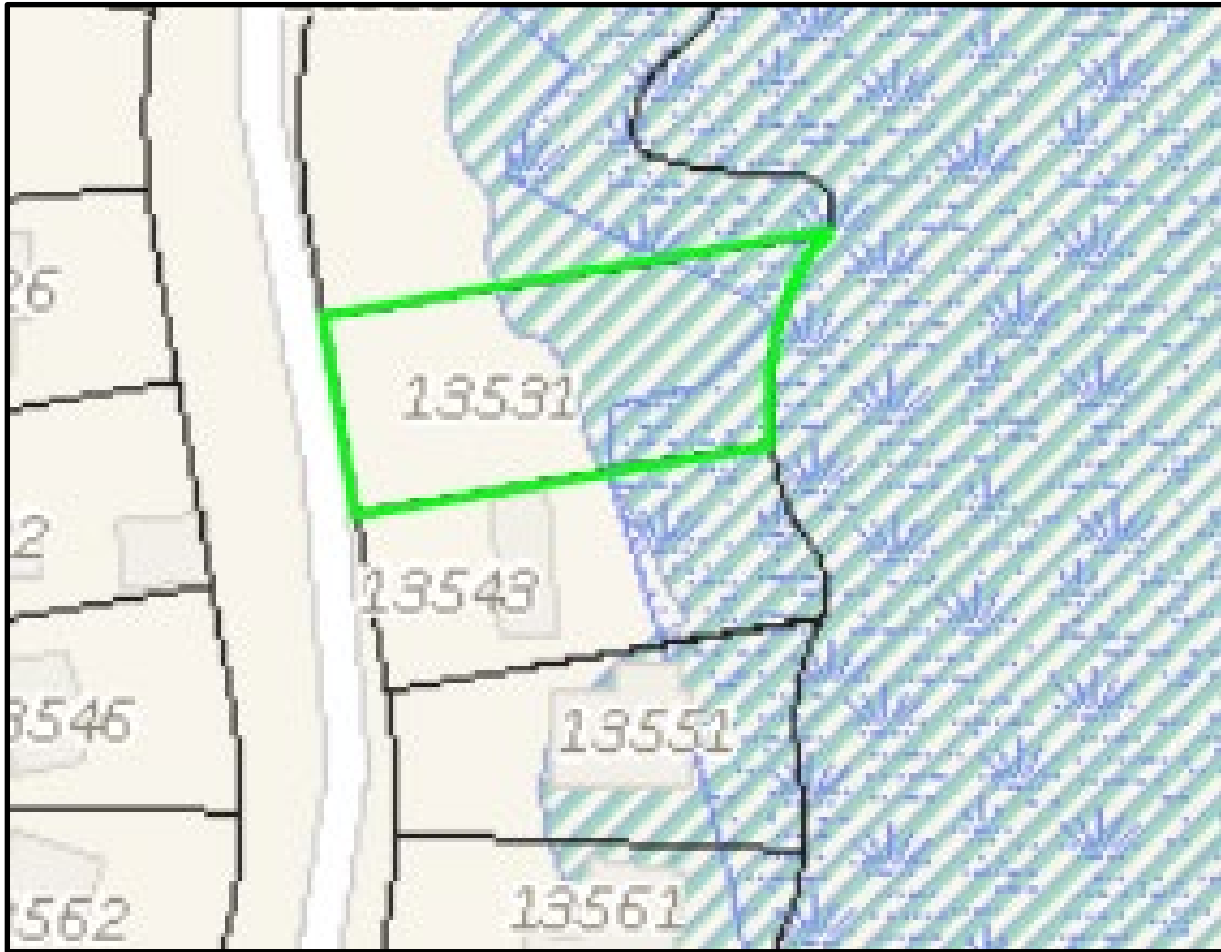


**ATTACHMENT A: Zoning**




RR - Rural Residential (1 DU/5 Ac)


**ATTACHMENT B: Critical Areas**



FEMA Flood Hazard Areas



 100 Year Floodplain

Wetlands

 DNR NWI Surveyed Wetlands

**ATTACHMENT C: Shoreline Designation**



-  Rural Conservancy
-  Shoreline Residential

**ATTACHMENT D: Mitigation Site Plan**

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