



Hearing Examiner Staff Report and Recommendation

Report Date: August 1, 2018
Hearing Date: August 9, 2018

Application Submittal Date: 3/07/18
Application Complete Date: 3/26/18

Project Name: Olsen Shoreline Residence
Type of Application: Shoreline Variance (III)
Permit Number: 18-01043

Project Location

14447 Crescent Valley Rd SE
Olalla, WA 98359
Commissioner District 2 (South)

Assessor's Account

102202-2-011-2009

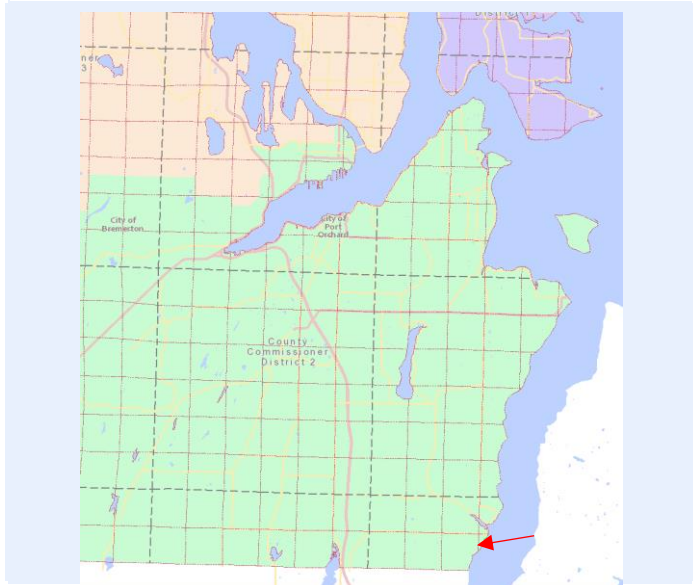
Applicant/Owner of Record

Greg and Claudia Olsen
PO Box 7
Olalla, WA 98359

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 Colvos Passage, Puget Sound. The proposed building site is located in the approximate location of a previously existing single-family residence, which was destroyed by fire in 2014/15. A foundation still exists, but will need to be rebuilt in a slightly different location. A Shoreline Variance is required to rebuild, as the timeframe to apply for a building permit within the pre-existing footprint has expired. The footprint will be located below the Reduced Standard Shoreline Buffer for the Rural Conservancy Shoreline Environment Designation of 100-feet from Ordinary High Water.

2. Project Request

Greg and Claudia Olsen are requesting an approval for a Shoreline Variance to allow the construction of a new 2-bedroom, 2-story single-family residence with associated driveway, parking area, and walkway on the shoreline of Colvos Passage, Puget Sound. The proposed structure will be located approximately 60 feet from Ordinary High Water, which is more than

a 25% reduction of the Reduced Standard Buffer of 100 feet. The proposed residence will be located slightly landward of the existing footprint by 8 feet. The project will remove 150 square feet of existing impervious footprint and adding 600 square feet of new impervious footprint, resulting in 450 square feet of new impervious surface impacts located below the 100-foot reduced buffer. A Shoreline Mitigation Plan and No Net Loss Report are provided, addressing both this proposal and a future proposal for lot immediately adjacent to the north under the same ownership.

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 April 16, 2018 (Exhibit 13). The project is SEPA Exempt under Kitsap County Code 80.04 State Environmental Policy Act, and WAC 197-11-800(6)(a).

4. Physical Characteristics

The 0.26-acre parcel is located along the shoreline of Colvos Passage, situated west to east. Topography is immediately steep off the access from Crescent Valley Rd SE. The character is defined as mixed mature forest with an open understory. English ivy carpets the ground and leads up multiple tree trunks. A defined trail allows switch back access down the slope. Midway down the slope exists an old structural foundation. From there, a wooden terraced walkway provides safe access to the shoreline along the slope. A boat house is sited in the southeast corner of the property boundary and the shoreline. The nearshore is a benched area with mixed grasses and forbs. A common use area exists as a fire pit and sitting benches. The shoreline is natural with a five-foot wide cover of sparse dune grass landward of Ordinary High-Water Mark. Large woody debris is also present.

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	0.26 acres
Maximum Lot Size	NA	NA
Minimum Lot Width	140 feet	60 feet
Minimum Lot Depth	140 feet	220 feet (not 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)	86 feet
Side (North)	20 feet (5'; see footnote)	5 feet
Side (South)	20 feet (5'; see footnote)	5 feet
Rear (East)	20 feet	60 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 Rural Conservancy, which has a Standard buffer of 130 feet and additional 15- foot building setback. 22.400.120(B)(2) allows for a Reduced Standard Buffer of 100 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 are able to be met, thus the request for this Type III Variance.

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Currently undeveloped (same owner)	Rural Residential (RR) / Rural Conservancy Shoreline Designation
South	Single-family residence	Rural Residential (RR) /Rural Conservancy Shoreline Designation
East	Puget Sound	NA; State Owned Aquatic Lands
West	Currently undeveloped	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	Olalla Public Water System
Power	Puget Sound Energy
Sewer	On Site Septic (proposed)
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District

5. Access

Access to the site is off Crescent Valley Rd. SE, 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.

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 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 No Net Loss Report and Mitigation Plan (Exhibit 8) 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 8).

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 new structure primarily over the previously impacted footprint of the prior residence. 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 steep slopes. However, the proposed development will still be located below the reduced standard buffer with some new footprint. As such, the

proposed new residence requires this Shoreline Variance, the criteria for which will be analyzed below.

Shoreline Environment Designation-

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 existing boat house structure is located within a flood zone, but the proposed single-family residential development is located outside of the flood zone and physically constrained by steep slopes. The proposal is a historic lot of record and is a previously

developed 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 both properties. 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. 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	3/20/18
2	Supplemental Application: Shoreline Buffer Variance	3/20/18
3	Project Narrative	3/20/18
4	Site Plan	3/20/18
5	Site Photos	3/20/18
6	Floodplain Habitat Assessment (Not applicable)	3/20/18
7	Mitigation Plan (Excerpt from Exhibit 9)	3/20/18
8	No Net Loss and Mitigation Report (BGE Environmental, LLC; 8/18/17)	3/20/18
9	Subsurface Exploration and Geotechnical Engineering Evaluation (Coastal Solutions, LLC; 1/10/17)	3/20/18
10	Stormwater Worksheet	3/20/18
11	Engineered Drainage Plans (Brown-Wheeler Engineers, Inc.; 12/11/17)	3/20/18
12	Engineered Drainage Report (Brown-Wheeler Engineers, Inc.; 12/11/17)	3/20/18
13	Notice of Application	4/20/18
14	Development Services Preliminary Conditions Memorandum	5/09/18
15	Site Plan (Revised)	5/21/18
16	Notice of Public Hearing	7/25/18

17	Certification of Public Notice	8/09/18
18	Staff Report	8/09/18
19	Staff Presentation	8/09/18
20	JARPA	8/01/18

9. Public Outreach and Comments

The Notice of Application was published on April 16, 2018. No comments have been received to-date.

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. 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. 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 Rural Conservancy, which has a standard buffer of 130 feet and additional 15- foot building setback. 22.400.120(B)(2) allows for a Reduced Standard Buffer of 100 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 are able to 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, immediately off the front lot line and within the 20-foot front setback.

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
See Exhibit 14, Development Services and Engineering memo. 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 11) and Preliminary Engineering Report (Exhibit 12). The existing driveway and road approach will be re-graveled.

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 8) 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 mapped in Kitsap County GIS as a 'High Geological Hazard Area', as defined in Kitsap County Code 19.400. This classification required the submittal of a Geotechnical Report, which was provided (Exhibit 9). The

report has concluded that the development as proposed is feasible, with conditions for foundation placement. The foundation along the eastern side of the home are to be embedded a minimum of three feet below grade and deck foundation a minimum of six feet below grade. The west end and portions of the north foundation walls are to be designed as retaining walls, including wall footings embedded a minimum of 18-inches below the adjacent grade and 10 horizontal feet of soil.

22.400.120 Vegetation Conservation Buffers

The associated vegetation conservation buffer standards for this proposal are analyzed under the Rural Conservancy buffer criteria in 22.400.120 (B)(1)(d) requiring a 130-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 down the slope to the shoreline with a T-diffuser end. A Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife will be required for this element of the proposal. The project as proposed has been reviewed under Kitsap County Code Title 12 and conditions for further review and approval under the Building Permit are provided in the DSE Preliminary Conditions Memorandum (Exhibit 14).

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 adjacent parcel to the north is currently vacant and the existing single-family residence to the adjacent south parcel is waterward of the proposed home and deck.

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 130 feet encompasses the existing footprint. Due to the depth, width, and requirements of Kitsap County Health for the drainfield, relief to the standard and reduced buffer are necessary for legal redevelopment.

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 Rural Conservancy 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 an additional 900 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 are either built out or undeveloped. Structure ages range from the 1940's to the early 2000's. Living space is variable within single to two-story buildings. Detached outbuildings are infrequent to the parcels acreage. Neighboring houses have a median footprint of approximately 1,500 square feet. Lot sizes range from 0.26 acres up to nearly 2 acres, with tidal ownership. The proposed structure has a footprint of 1,212 square feet with upper level living space of 830 square feet, which 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.

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 taken into account, the existing footprint area was the most practical. The proposed buffer reductions are minimized as

redevelopment over a previously existing use, set landward to the greatest extend 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

2. Rural Conservancy and Urban Conservancy

- a. Primary single-family residences are exempt pursuant to criteria in Section 22.500.100(C);
- b. SDP if exemption criteria not met.
- c. CUP 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 in compliance 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. The only element of the project that would possibly be within the flood zone is the stormwater pipe with T-diffuser.

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

See Exhibit 14, Development Services and Engineering memo. The proposal 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 Olalla Public Water System. The site is outside the service area for Kitsap County Sewer Utility Division and will be served by a 2-bedroom on-site septic system.

n. Kitsap Public Health District

Not applicable to this Shoreline Variance. Existing 2-bedroom On-Site Septic, drainfield and reserve will serve 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 Olsen 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 criteria 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 or the work required at the proposed outfall.

5. Prior to building permit issuance, a recorded easement document shall be submitted for the stormwater facilities located off-site on the northerly adjoining parcel.

6. If the project proposal is modified from that shown on the submitted site plan dated March 19, 2018, Development Services and Engineering will require additional review and potentially new conditions.

c. Environmental

7. This project shall follow the recommendations of the Subsurface Exploration and Geotechnical Engineering Evaluation report (Coastal Solutions, LLC, 1/10/17).

8. This project will comply with the No Net Loss and Mitigation Plan (BGE Environmental, LLC; 8/18/17). 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.

9. The proposed mitigation planting for this proposal includes off-site mitigation. In total, the mitigation planting area is intended to also mitigate for standard shoreline buffer impacts for future development to the off-site parcel, for a total mitigation area of 1,470 square feet. 900 square feet is intended to mitigate for this proposal only. The additional planting area, for purposes of this proposal, is considered restoration only. Should the current or future owner of the off-site parcel wish to utilize this restoration as mitigation for the purposes of their proposal, they may do so only within five-years from the date of inspection of the planting (Title 22, Appendix B.5).

10. Prior building permit issuance, a Notice to Title shall be recorded with the Kitsap County Auditor's Office for the adjacent property that is the subject of the off-site

mitigation (parcel number 102202-2-010-2000). This Notice to Title shall indicate that the Shoreline Buffer Mitigation, as provided in the No Net Loss and Mitigation Plan (BGE Environmental, LLC; 8/18/17) be retained in perpetuity.

11. 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

12. 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.

13. 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.

14. 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.

15. 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.

16. 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:



Kathlene Barnhart, Staff Planner / Project Lead

8/1/18_____
Date

Report approved by:



Shawn Alire, Development Services and Engineering Supervisor

_8/1/18_____
Date

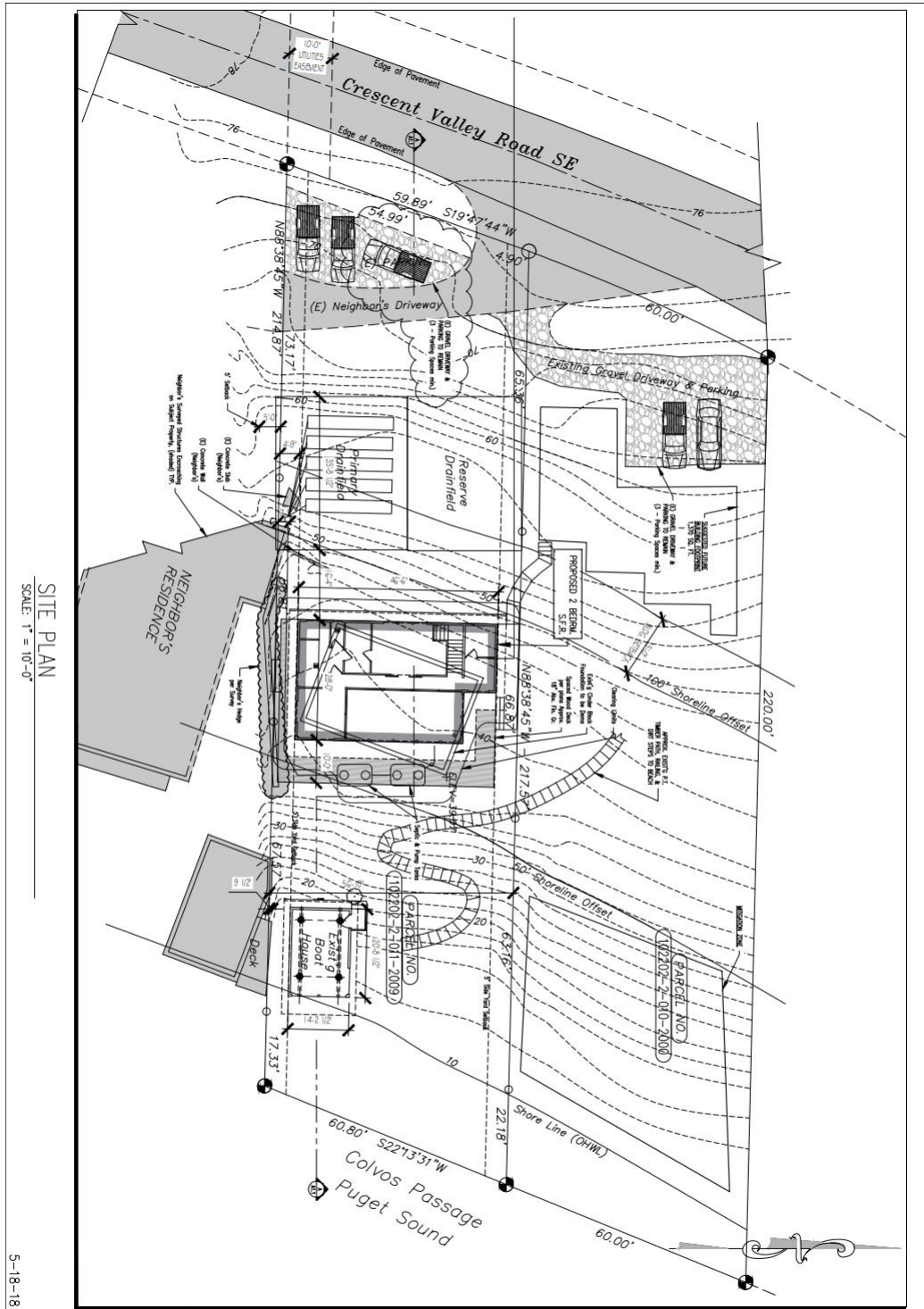
Attachments:

Attachment A – Zoning Map

Attachment B- Shoreline Designation Map

CC: Applicant/Rep.: Design Workshop, Charles Ritter; designworkshop@rocketmail.com
Owner: Greg Olsen, Greggolsen@msn.com
Engineer or Project Representative: Hodge Engineering, lissa@hodgeengineering.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Candace Vickery, Stormwater/Traffic
DCD Staff Planner: Holly Roberts, Planning/Zoning

Site Plan



SITE PLAN
SCALE: 1" = 10'-0"

5-18-18

GREGG + CLAUDIA OLSEN
NEW S.F. RESIDENCE
14447 CRESCENT VALLEY ROAD SE
OLALLA, WA 98359

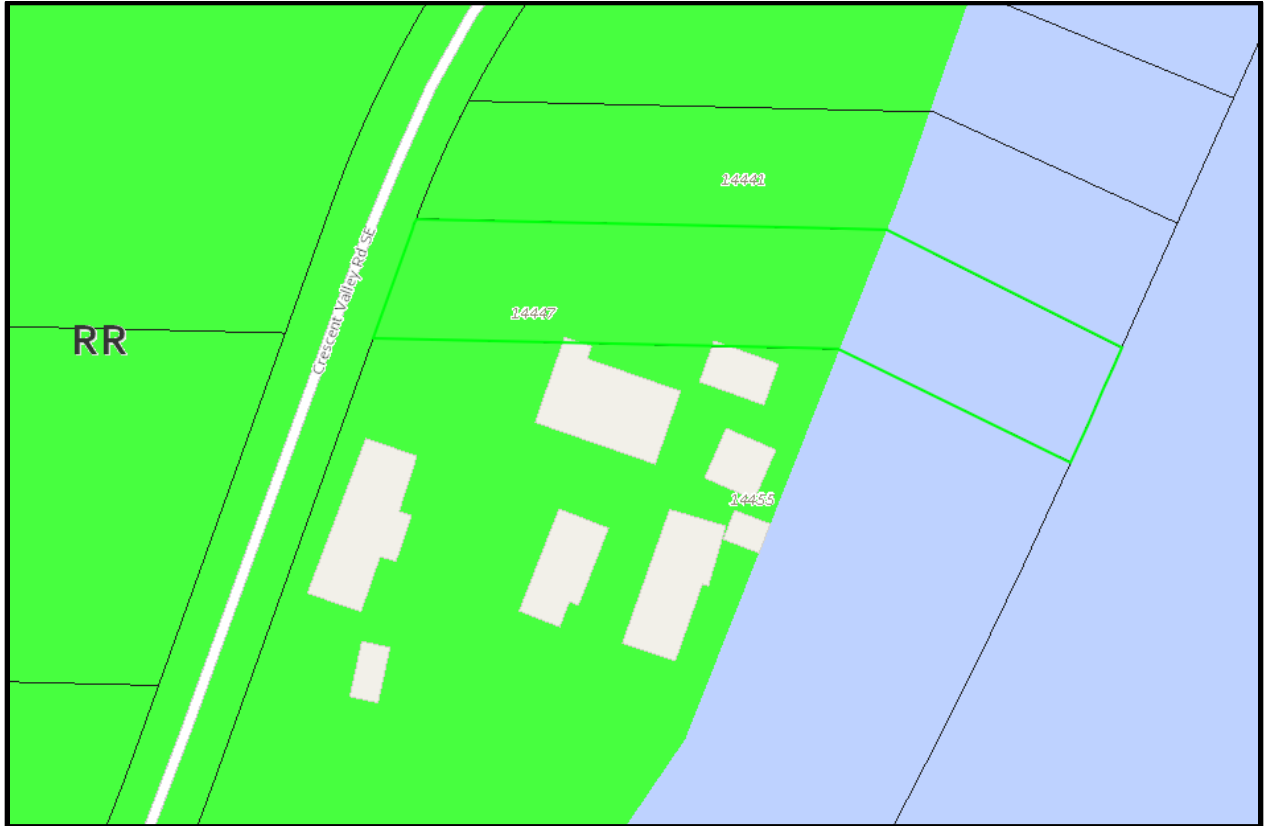
SHEET NO.
A1

DATE	DESCRIPTION	REVISIONS/NOTES	APPROVED
2-20-18	PRELIMINARY PLANS		
3-15-18	NOVAD Shoreline Variance OK		
1-18-17	STRUCTURAL FLOOR		
10-19-17	PERMIT SUBMITAL		

PLANS BY
CHARLES RITTER
DESIGNWORKSHOP
13364 Lone Maple Lane NW, Poulsbo, WA 98370
(phone) 360-271-5540

Charles E. Ritter
THE CLIENT SHALL NOT USE THE DRAWINGS FOR THIS PROJECT TO SERVICE ANY OTHER PROJECT WITHOUT PRIOR APPROVAL OF DESIGNWORKSHOP AND ARCHITECTURAL CONSTRUCTION INC.

Attachment A: Zoning Map



Subject and Surrounding: Rural Residential

Attachment B: Shoreline Designation Map



Subject and Surrounding: Rural Conservancy