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3. SEPA (State Environmental Policy Act)

This project for the expansion of an existing single-family residence is categorically exempt from SEPA under WAC 197-11-800 (1), Minor New Construction and (3) Repair, remodeling and maintenance activities.

Comment was received after the Notice of Application was published. This comment has been addressed by the applicant and is discussed below.

4. Physical Characteristics

The 1.33-acre lot is in a north-south orientation, approximately 100-feet in width. The north end of the parcel abuts the Hood Canal, approximately a half-mile northeast of the Hood Canal Bridge. There is an access easement road off NE Wheeler Street that extend through the middle of the property to serve the subject parcel and neighbors. The parcel is developed with an existing single-family residence, lawn and appurtenances in the upland extending approximately 180-feet from the shoreline. The remaining upland of the parcel is treed (fir, cedar, maple, other) and includes the access road. The lot is gently sloped toward the shoreline, with the developed area being flat and the existing home located within the FEMA Floodplain. There is a bald eagle nest within 330-feet of the property. Soils are mostly sand with good, natural drainage.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	1 (Existing)
Maximum Density	1 dwelling unit per 5 acres	
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140 feet	NA
Minimum Lot Depth	140 feet	NA
Maximum Height	35 feet	<35 feet
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Staff Comment: Expansion of existing structure; use allowed in the zone.

Table 2 - Setback for Zoning District

	Standard	Proposed

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Front (South)	50-feet (20-feet; see footnote 42b of KCC Title 17.420)*	450+ feet
Side (East)	20-feet (5-feet; see footnote 42b of KCC Title 17.420)	5-feet
Side (West)	20-feet (5-feet; see footnote 42b of KCC 17.420)	40-feet
Rear (North)	10-feet (rear abuts the Hood Canal Shoreline; Title 22 buffers apply: 130-foot standard buffer from OHWM, reduced 100-foot, less than 100-foot buffer requires Shoreline Variance)	Shoreline deck is approx. 40-feet from OHWM; House is approx. 60-feet from OHWM

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Hood Canal	NA
South	State ROW (Wheeler Street and SR 104)	NA
East	Single Family Residence	Rural Residential (RR)
West	Single Family Residence	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	Well (Walker Beach)
Power	Puget Sound Energy
Sewer	On-Site Septic
Police	Kitsap County Sherriff
Fire	Kitsap County Fire District 18
School	North Kitsap School District #400

5. Access

Access to the property is off NE Wheeler Street, a Kitsap County road in the Washington Department of Transportation right-of-way for SR 104. A private access easement extends north off NE Wheeler Street, providing access to the Baker residence and others.

6. Site Design

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Not required, however a shoreline mitigation planting plan has been prepared in support of the proposal.

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 residential addition, 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

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6. Monitor the impact and the mitigation projects and take appropriate corrective measures.
Staff Comment: With mitigation, the proposed addition will not impact the associated shoreline buffers on site. A mitigation plan and associated monitoring and maintenance plan will assure compliance with these requirements. In addition to the mitigation planting, the applicant has agreed to restoration planting in the same general location.

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: While the existing house and proposed addition are located in the floodplain, a Floodplain Habitat Assessment was provided with the Habitat Survey and Shoreline Mitigation Plan. The cost of the addition is less than 50% of the current assessed value of the home. Therefore, the home does not need to be brought up to flood code standards of Title 15, Frequently Flooded Areas. A bald eagle nest is located within 330-feet of the property and will meet the US Fish and Wildlife Service guidance for avoidance. Shoreline is mapped for high coastal erosion hazard, but property has an existing shoreline bulkhead in place.

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. Vegetation removed in support of this proposal are lawn and ornamental landscaping.

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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 Habitat Survey and Shoreline Mitigation Plan (Exhibit x) 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). The information provided demonstrates this proposal falls below thresholds of new/replaced hard surface and ground disturbance that would require engineered drainage design. See conditions and Preliminary Conditions Memo (Exhibit #13).

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 addition to single-family residential use that will be consistent with preservation of shoreline functions and processes through the implementation of the Habitat Survey and Shoreline Mitigation Plan (Exhibit #4).

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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 additions to the existing structure over existing impervious surfaces and landscaped areas only. No native vegetation will need to be removed to accommodate the addition, which is also located in line with the existing home and no further waterward. The existing deck will continue to be the most waterward feature, aside from the existing concrete bulkhead.

Shorelines of Statewide Significance-

22.300.145

To ensure that the statewide interest is recognized and protected over the local interest in shorelines of statewide significance, the County shall review all development proposals within shorelines of statewide significance for consistency with RCW 90.58.020 and the following policies (in order of preference):

(B) County-wide policies

1. Policy SH-47 Recognize and protect the statewide interest over local interest.
2. Policy SH-48 Preserve the natural character of the shoreline.
3. Policy SH-49 Result in the long term over short term benefit.
4. Policy SH-50 Protect the resources and ecology of the shoreline.
5. Policy SH-51 Increase public access to publicly owned areas of the shoreline.
6. Policy SH-52 Increase recreational opportunities for the public in the shoreline.

(C) Hood Canal policies

These policies recognize Hood Canal as "a unique and significant marine resource", while mirroring the above policies and long-range planning functions.

Staff Comment: Resource agencies and tribes were included with the Notice of Application and provided comments as determined necessary. The parcel is already developed, with the area proposed for the addition over existing lawn, landscaping, and impervious surfaces in order to avoid impacts to the more natural areas remaining in the shoreline jurisdiction. Mitigation is proposed to off-set permanent buffer impacts. The project meets the Kitsap County Stormwater code (Title 12), which is based on the statewide Ecology Stormwater manual, and will follow all appropriate best management practices for water quality and quantity. The proposal is on private property and public access is not required.

Shoreline Environment Designation-

22.200.125 Rural Conservancy Designation

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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.

Staff Comment: The addition to an existing single-family residence is consistent with the Rural Conservancy Designation with the implementation of the proposed shoreline mitigation.

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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 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 (SMP)

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 22 Exhibits.

Exhibit #	Document	Dated	Date Received
1	Permit Application and Checklist		07/30/18
2	Property Assessment Information		07/30/18
3	Health District Documentation		07/30/18
4	Habitat Survey & Mitigation Plan		07/31/18
5	Fish & Wildlife RE: Eagles		07/31/18
6	JARPA		08/01/18
7	Narrative with Variance Criteria		12/05/18
8	Revised Site Plan		12/06/18
9	Revised Stormwater Worksheet		12/06/18
10	Revised SWPPP Narrative		12/06/18
11	EMAIL from DCD (Gao) re: Intake & Site Visit	12/13/18	
12	Notice of Application	03/04/19	
13	DSE Preliminary Conditions Memo – Vickery	03/20/19	
14	Port Gamble S'Klallam Tribe Comment Letter		03/22/19
15	DCD Information Request	04/15/19	
16	Port Gamble S'Klallam Tribe Response Letter		05/09/19
17	Amended Shoreline Mitigation Planting Plan		05/30/19
18	Amended Site Plan Restoration		05/30/19
19	Notice of Public Hearing	06/12/19	
20	Certification of Public Notice	06/12/19	
21	Staff Report	06/18/19	

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22	Staff Presentation	06/27/19	
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9. Public Outreach and Comments

One written comment was received from the Port Gamble S'Klallam Tribe on March 22, 2019 in response to the Notice of Application, distributed on March 8, 2019.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1	Tribe requesting a site visit to ensure sufficient mitigation is provided or the project be denied. A site visit was coordinated between the homeowner and Sam Phillips, representative of the Port Gamble S'Klallam Tribe, taking place on May 8, 2019. A follow-up letter from Mr. Phillips was provided to the County on May 9, 2019. The request was for mitigation above the 'no net loss' requirement of Kitsap County Code, to include a 20% increase (from 540 square feet to 648 square feet) of native vegetation planting. A minimum of 60% of the area immediately above the bulkhead was requested to be planted. No request for a revised mitigation plan was made, but addendum to the application acknowledging the additional planting.	#14, #16

Issue Ref. No.	Issue	Staff Response
1	Mitigation	After consultation with Ms. Baker (homeowner), the request for additional planting was accepted. A site plan was provided indicating the planting would extend to 648 square feet, as requested. The mitigation planting plan as provided in the Habitat Assessment and Shoreline Mitigation Plan will still be required to be completed, with as-builts provided to the County as conditioned. Completing this mitigation will result in no-net loss and meeting all County code requirements. The as-built should, however, indicate any additional plants installed.

10. Analysis

a. Planning/Zoning

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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. Reduced side setbacks are utilized for this proposal, at 5-foot minimum rather than the standard 20-foot minimum. The rear (north) 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 and habitat constraints of the property and existing structure, 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

Not applicable to this proposal. Addition to existing single-family residence with existing parking.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single Family Residence	Existing	Existing	Existing
Total	NA	NA	NA

d. Signage

Not applicable to this proposal.

e. Landscaping

Not applicable to this proposal.

Table 6 - Landscaping Table

	Required	Proposed

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

f. Frontage Improvements

Not applicable to this proposal.

g. Design Districts/Requirements

Not applicable to this proposal.

h. Development Engineering/Stormwater

See Exhibit #13, Development Services and Engineering Preliminary Conditions Memo. Development Services and Engineering has reviewed this land use proposal and materials, received July 30, 2018, and as revised by submittal received December 5, 2018, and finds the concept supportable in its approach to civil site development.

i. Environmental

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

Regulations:

22.400.110 Mitigation

The planned new residence proposes mitigation through incorporation and implementation of the Habitat Survey and Shoreline Mitigation Plan (Exhibit #4) 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) (Exhibit #7).

22.400.115 Critical Areas

The site is mapped in Kitsap County GIS being located within the 100-year floodplain. Kitsap County Code 15.08.220 defines "substantial improvement" for the purposes of flood development standards as improvements equal to or exceeding 50% of the

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value of the structure within a ten-year time frame. Those improvements which do not exceed this threshold are not required to meet the developments standards in KCC 15.12.040. The improvements will not exceed this value, nor have there been any other improvements within that timeframe that would exceed this 50% threshold. No further action is required.

The parcel is also mapped as a "high erosion hazard area" in Kitsap County GIS. The existing home is already protected by a low-elevation concrete bulkhead and there are no slopes over 15% within 40-feet of the proposal. No further geological report was required per KCC 19.4000.

The parcel lies within the 330-foot radius of a bald eagle nest tree. The project will be constructed in a manner consistent with the US Fish and Wildlife Service guidance, including limiting construction to outside of the breeding season.

22.400.120 Vegetation Conservation Buffers

The associated vegetation conservation buffer standards for this proposal are analyzed under the Rural Conservancy criteria in 22.400.120 (B), requiring a 130-foot buffer or 100-foot reduced buffer. While the addition is no further waterward than the existing home, it is technically extending laterally into and below this reduced buffer area. 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

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 #13).

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. Additions are no further waterward than the existing home and landward of the view lines for each adjacent shoreline primary structure.

22.400.140 Bulk and Dimension Standards

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The proposed residence meets the criteria under this code.

22.500.100(E) Shoreline Variance Criteria

Please see Exhibit #7, Narrative, with extensive detail on how this proposal is meeting the shoreline variance criteria. A summary is provided below.

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 entire home currently exists within the Rural Conservancy buffer of 130-feet and reduced buffer of 100-feet. The landward side of the home includes the parking for the residence and the access road which runs north-south down the property. A well radius also encompasses a portion of the upland. The upland side is also heavily vegetated, including habitat for a nesting bald eagle pair within 330-feet of the property. The proposed addition is the furthest possible from the eagle nest without going waterward of the existing home or removing trees.

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 lot is 100-feet in width, with existing trees, bald eagle nest, longitudinally running access easement, and wellhead protection radius. Compliance with the Rural Conservancy standard and reduced buffer cannot be achieved due to these circumstances.

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. Residential development is allowed in this zone and implementation of the shoreline mitigation plan and stormwater requirements will assure no net loss to shoreline ecological functions and not interfere with existing water dependent uses.

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

The waterfront subdivision includes twelve single-family residences, ranging in size from 966 square feet to 3,604 square feet with an average of 2,088 square feet. Most are three-bedroom homes, one has two bedrooms, and one- the Baker residence- has only one bedroom. The subject home is listed by the Kitsap County Assessor as being 1,446

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square feet over 1.5 stories, below average and well below the largest residence in the area. This variance would place the home at roughly 2,100 square feet, average for the neighborhood and not granting any special privilege.

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

Adding anywhere onto the existing home would require building within the shoreline buffer. Building to the south (landward) of the existing home would require removal of trees, moving the access road, and generally creating greater habitat impacts for bald eagles and other species due to the larger construction footprint. The lot is 100-feet wide, minimizing the size of the addition. Placing the entire addition to the west side of the home was restricted by the location of the existing septic and drainfield. A 369 square foot portion of the 654 square foot addition will be placed over existing deck and impervious surface. This small addition will provide a two bedroom 1 3/4 bath home, still below average for the neighborhood, but is the minimum necessary to accommodate the family.

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

The proposed development retains the residential use in 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.

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Not applicable.

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 existing home is already protected by a concrete bulkhead. The additions will not be sited any further waterward than the existing structure.

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. See Critical Areas analysis above.

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.

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j. Access, Traffic and Roads

Not applicable to this proposal. Existing access to remain; no concerns.

k. Fire Safety

Not applicable to this proposal.

l. Solid Waste

Not applicable. Addition to existing single-family residence; no concerns.

m. Water/Sewer

Not applicable. Existing single-family residence on well and on-site septic outside of sewer service area.

n. Kitsap Public Health District

Approved Health Site Plan and building clearance provided.

11. Review Authority

The Hearing Examiner has review authority for this Type III Shoreline Variance Permit application under KCC 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 Conditional Use 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 22 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.

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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 Shoreline Variance request for Baker Addition be **approved**, subject to the following 8 conditions:

a. Planning/Zoning

None

b. Development Engineering

1. The information provided demonstrates this proposal falls below thresholds of new/replaced hard surface and ground disturbance that would require engineered drainage design. The building permit application materials for the addition shall depict how roof runoff from the addition is to be managed.
2. 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, December 13, 2018. Erosion and sedimentation control measures shall remain in place throughout the construction period.
3. If the project proposal is modified from that shown on the submitted site plan received December 5, 2018, Development Services and Engineering will require additional review and potentially new conditions.

c. Environmental

4. This project shall follow the Habitat Survey and Shoreline Mitigation Plan (Ecological Land Services, Inc.; dated 11/27/17). As-built to be provided to DCD for review prior to scheduling final inspection. 5-year monitoring and maintenance required. As-built should include areas of restoration planting, as agreed to by landowner, demonstrated in Exhibits x and y.
5. This project shall follow the National Bald Eagle Management Guidelines as demonstrated in the USFWS certification dated 1/2/18. This includes, but may

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not be limited to, no development activity during the nesting season (Jan.1 to August 31) and roosting season (Oct. 15 to March 15).

6. This addition to the single-family residence is located within the mapped 100-year FEMA floodplain, but is currently under the 50% market value threshold for requiring the structure to be flood-proofed per Kitsap County Code Title 15. The value of these improvements are estimated at \$73,673.10, under 50% of the \$250, 240 current assessed building value. Any additional improvements over the next ten (10) years may not cumulatively exceed the 50% value threshold at that time without requiring compliance with Kitsap County Code Title 15.
7. Permit approval subject to conditions in the Hearing's Examiner Decision.
8. Should archaeological resources be uncovered during excavation, the responsible contractor or homeowner shall immediately stop work and notify Kitsap County, the Washington State Office of Archaeology and Historic Preservation and the Port Gamble S'Klallam Tribe.

d. Traffic and Roads

None

e. Fire Safety

None

f. Solid Waste

None

g. Kitsap Public Health District

None

06/18/2019

Report prepared by:



Kathlene Barnhart, Staff Planner / Project Lead

06/18/19_____

Date

Report approved by:



Shawn Alire, Department Manager / Supervisor

06/18/19_____

Date

Attachments:

Attachment A – Shoreline Designation Map

Attachment B – Critical Areas Map

Attachment C – Zoning Map

Attachment D- Mitigation Site Plan

CC:

Applicant/Owner: jeb_cathy@comcast.net; c_bronder@yahoo.com

Engineer or Project Representative: EJS Engineering

ATTN: James Wege; james.wege@gmail.com

Architect: Precision Designs

ATTN: Diane Avery; averyd25@gmail.com

Habitat Biologist: Ecological Land Services, Inc.

ATTN: Joanne Bartlett; joanne@eco-land.com

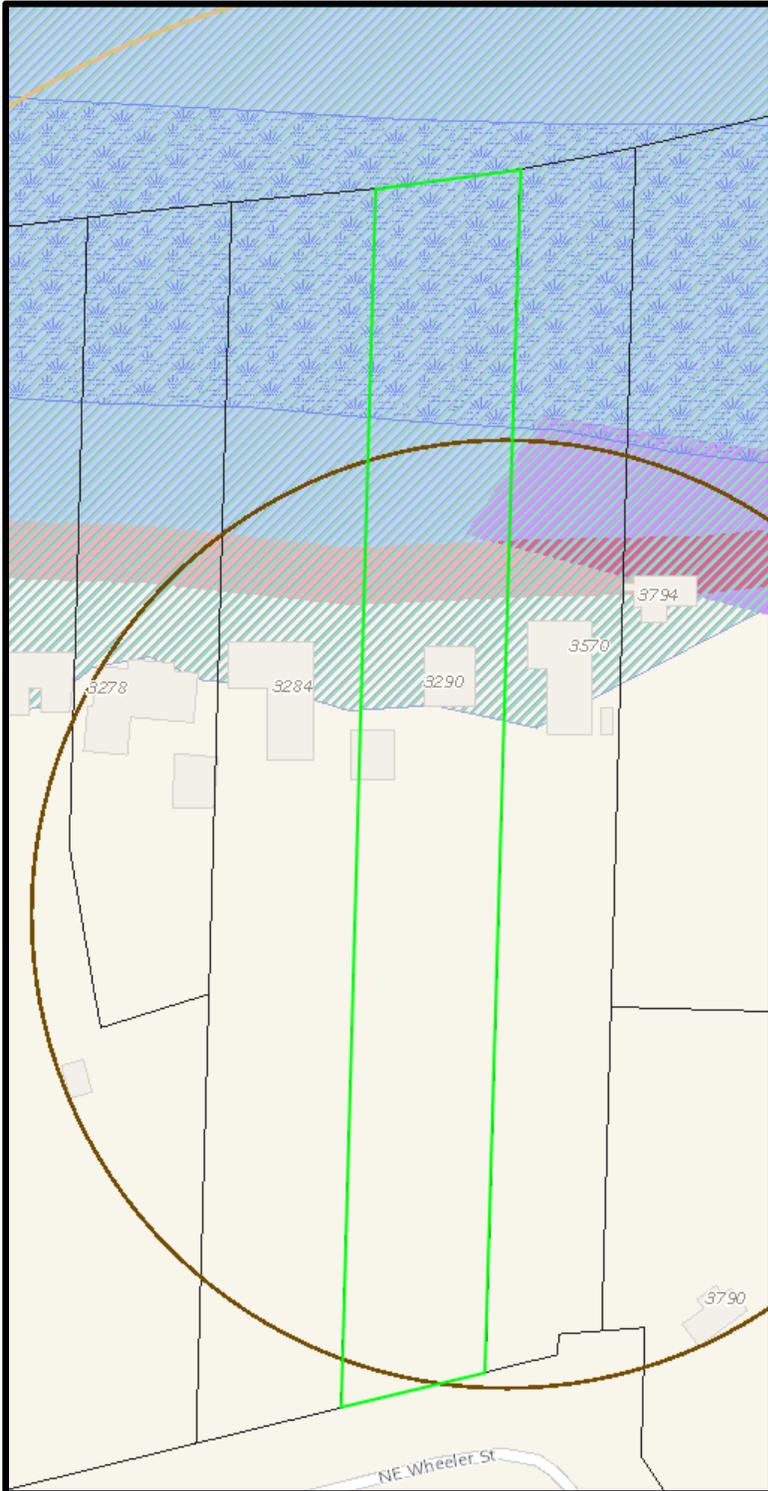
Interested Parties:

Kitsap County Health District, MS-30

DCD Staff Planner: Candace Vickery

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ATTACHMENT B: Critical Areas Map



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ATTACHMENT C: Zoning Map



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ATTACHMENT D: Mitigation Site Plan

