



## Notice of Administrative Decision

**Date:** 10/24/2024

**To:** Jeffrey Moore, [distinctskills@hotmail.com](mailto:distinctskills@hotmail.com)  
JOANNE BARTLETT w/ECO-LAND \*, [joanne@eco-land.com](mailto:joanne@eco-land.com)  
Interested Parties and Parties of Record

**RE:** Permit Number: 22-05899  
Project Name: Moore - Shoreline Variance II  
Type of Application: SVAR

The Kitsap County Department of Community Development has **APPROVED** the land use application for **22-05899: Moore - Shoreline Variance II – SVAR, subject to the conditions outlined in this Notice and included Staff Report.**

**THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS TIMELY APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.**

The written appeal shall be made on, or attached to, an appeal form titled: *'Appeal/Objection of an Administrative Decision'* found on DCD's website, through the Online Permit Application Portal: <https://app.oncamino.com/kitsapcounty/login>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact [help@kitsap1.com](mailto:help@kitsap1.com) or (360) 337-5777.

CC:

Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Steve Heacock, [SHeacock@kitsap.gov](mailto:SHeacock@kitsap.gov)  
Interested Party: Alex Papiez w/Skokomish Tribe, [apapiez@skokomish.org](mailto:apapiez@skokomish.org)  
Parks  
Navy  
DSE  
Kitsap Transit  
Central Kitsap Fire District  
Central Kitsap School District  
Puget Sound Energy

22-05899, Moore - Shoreline Variance II  
10/24/2024

Water Purveyor: PUBLIC UTILITY DIST NO 1  
Sewer Purveyor: PUBLIC UTILITY DIST NO 1  
Point No Point Treaty Council  
Suquamish Tribe  
Port Gamble S'Klallam Tribe  
Squaxin Island Tribe  
Puyallup Tribe  
Skokomish Tribe  
WA Dept of Fish & Wildlife  
WA State Dept of Ecology-SEPA  
WA State Dept of Ecology-Wetland Review  
WA State Dept of Ecology- Shoreline  
WA State Dept of Transportation  
Dept of Archaeological Historic Preservation  
WA Dept of Natural Resources



## Administrative Staff Report

**Report Date:** October 18, 2024

**Application Submittal Date:** December 6, 2022

**Application Complete Date:** January 12, 2023

**Project Name:** Moore Shoreline Variance

**Type of Application:** Shoreline Variance - Administrative (Type II)

**Permit Number:** 22-05899

### Project Location

3497 Longhorn Dr. NW  
Bremerton, WA 98312  
Central Kitsap

### Assessor's Account #

4533-000-001-0007

### Applicant/Owner of Record

Jeffrey Moore  
7806 Diane Ct. NE  
Bremerton, WA 98311

### Decision Summary

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

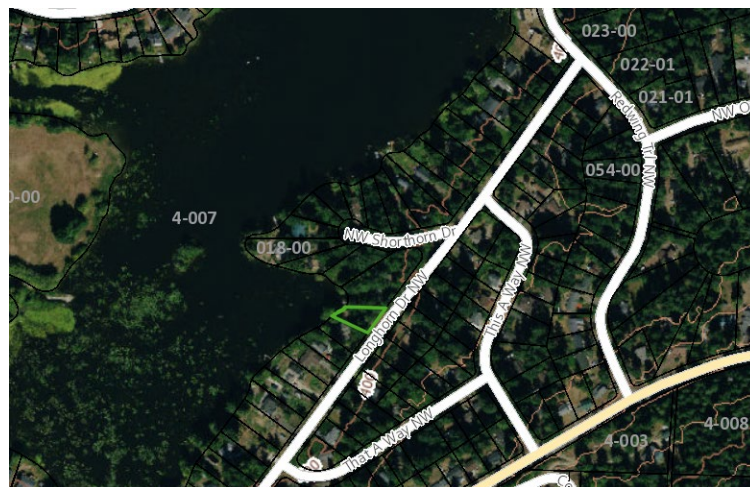
### 1. Background

The applicant is proposing to construct a new single-family residence on this shoreline parcel on Lake Symington. The site is currently developed with a septic drainfield, driveway and short bulkhead wall. Clearing and site work for a residence occurred in the early 1990's but was not completed. The property was purchased by Mr. Moore in 2019. The lot was overgrown, so in order to assess construction feasibility, invasive blackberry plants and smaller trees were removed. A bulkhead had been constructed at the shoreline edge in the past. Due to the narrow configuration of this lot and the requirement for septic drainfield to be located in the upland area, the applicant cannot meet the required shoreline buffers, and a shoreline variance is required to build. The applicant has an associated building permit (21-06049) in a returned status review, pending this variance outcome.

### 2. Project Request

The applicant is requesting a reduction of the reduced standard Vegetation Conservation Buffer from 50-feet down to 32 feet at the shortest point to the north, with planting and mitigation of the previously cleared shoreline buffer with native tree and understory plants

VICINITY MAP



and shrubs. The applicant is also requesting a reduction of the standard building setback from this buffer to be reduced from 15 feet to 5 feet at the narrowest point (see shoreline site plan, attachment A in the appendix). The applicant is seeking relief from these buffers to allow enough buildable area for a single-family home and small attached garage on this constrained 0.22-acre lot. As the property has a shoreline residential designation, a Type 2 administrative shoreline buffer reduction is allowed to be processed per 22.400.120 (C) (1) (b) (ii) through the constrained lot provisions.

**3. SEPA (State Environmental Policy Act)**

This project is SEPA Exempt under KCC 18.04 State Environmental Policy Act per WAC 197-11-800 6 (E).

**4. Physical Characteristics**

The property is a 0.22-acre generally rectangular property developed with a short bulkhead, septic drainfield, excavated building area and 1,100 square foot driveway. The parcel is located on the east side of Lake Symington at 3497 Longhorn Drive NW. The planned residence is set generally square to the parcel and the OHWL is diagonal to the frontage. As it sits, the existing residence closest point to the Ordinary High Water Line (OHWL) is 38 feet, at the northwest corner (33 feet plus 5 feet). The north and south corners are measured at 43 ft and 42 ft from OHWL, respectively. The attached garage is on the northeastern portion of the site, where only a small driveway extension is required to be constructed. The house along the eastern property boundary. The structural frontage hosts the existing drainfield, comprised of mixed bare ground, grasses, and moss. A single access path to the beach is planned. See Attached Mitigation Site Plan, Section 6 of this report. Adjacent parcels are developed with single-family residences and garages to the south and north.

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

Comprehensive Plan: Rural Reserve Zone: Rural Reserve (RR)	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	1 DU/ 5 acres	
Minimum Lot Size	5 acres	0.22 acres
Maximum Lot Size	NA	NA
Minimum Lot Width	140-feet	50-feet
Minimum Lot Depth	140-feet	Approx. 137 feet, landward of OHWL
Maximum Height	35-feet	Approx. 30 feet (two story construction).
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (East)	50 feet standard (20 feet using Urban Restricted (UR) setbacks per footnote 17.420.060.42.b)	20 feet +/-
Side (south)	20 feet (5-foot using UR setbacks per footnote 17.420.060.42.b)	9 feet
Side (North)	20 feet (5 feet using UR setbacks per footnote 17.420.060.42.b)	Approx. 5 feet
Rear (West)	Regulated by Shoreline Master Program: 50-foot reduced vegetation buffer plus 15-foot building setback for shoreline residential designation.	32-foot vegetation buffer and 5-foot building setback, per variance request (at the narrowest point).

Applicable footnotes:

17.420.060.42.b Any single-family residential lot of record as defined in Chapter 17.110 that has a smaller width or lot depth than that required by this title, or is less than one acre, may use that residential zoning classification that most closely corresponds to the dimension or dimensions of a lot of record, for the purpose of establishing setbacks from the property lines (footnote 17.420.060.48 allows 24-inch overhangs in front and side yard setbacks).

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

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

**Table 4 - Public Utilities and Services**

	Provider
Water	PUD #1
Power	Puget Sound Energy
Sewer	Private septic system

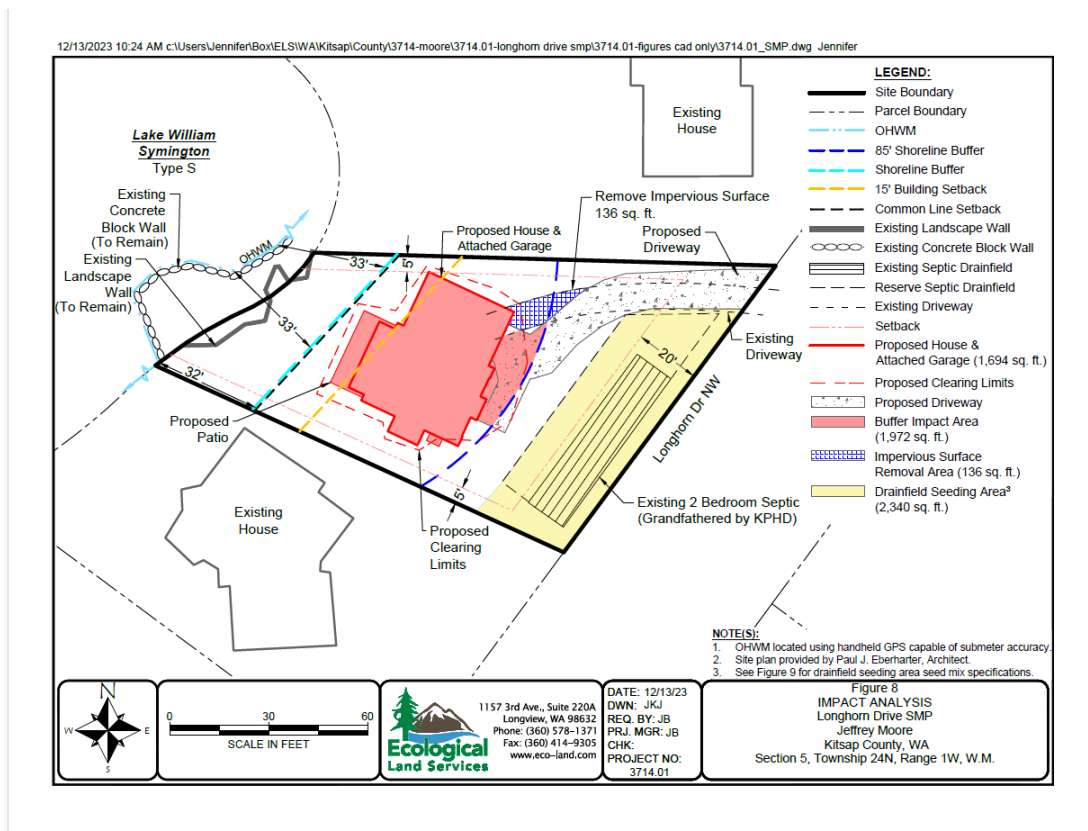
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire and Rescue
School	Central Kitsap School District

**5. Access**

Access will be from a private 10-foot driveway off of Longhorn Drive NW.

**6. Site Design**

The proposed site plan includes a 1,694 square-foot development comprised of a 1,226 sq ft residence and 468 sq ft attached garage. The existing septic system with primary and reserve drain fields is approximately 2,300 sq feet and had installed in the early 1990's near the roadway. The home will include a small, attached patio deck on the water side for shoreline enjoyment. New native vegetation is proposed in the northwest of the lot. Landscaping and lighting requirements of KCC 17.500 are not applicable. See the site plan below:



**7. Policies and Regulations Applicable to the Subject Proposal**

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as

required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

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

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

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

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

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

*Staff Comment: The proposed development is the minimum necessary to afford construction of a single-family residence, while still protecting ecological functions. The building area was previously approved and is comprised of an existing drainfield and driveway. The planned residence is as far from the shoreline as possible. The project proposes enhancement of the shoreline area to improve ecological functions.*

Policy SH-2. Recognize that nearly all shorelines, even substantially developed or degraded areas, retain important ecological functions.

*Staff Comment: Ecological functions, with proposed mitigation, will still be retained.*

Policy SH-4. Permitted uses and developments should be designed and conducted in a manner that protects the current ecological condition and prevents or mitigates adverse impacts. Mitigation measures shall be applied in the following sequence of steps listed in order of priority:

1. Avoid the impact altogether by not taking a certain action or parts of an action;
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. Rectify the impact by repairing, rehabilitating or restoring the affected environment;
4. Reduce or eliminate the impact over time by preservation and maintenance operations;
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu fee process where appropriate; and
6. Monitor the impact and the mitigation projects and take appropriate corrective

measures.

*Staff Comment: With mitigation, the proposed residence will not impact the associated critical areas on site. A mitigation plan and associated monitoring and maintenance plan will assure compliance with these requirements.*

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

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

*Staff Comment: Implementation of the mitigation plan along with the required monitoring and maintenance of the project area will assure no net loss of ecological functions and processes.*

Policy SH-8. Critical areas in the shoreline jurisdiction shall be protected in a manner that results in no net loss to shoreline ecological functions. Pursuant to RCW 36.70A.030(5), critical areas include:

1. Wetlands.
2. Frequently flooded areas.
3. Fish and wildlife habitat conservation areas.
4. Geologically hazardous areas.
5. Critical aquifer recharge areas.

*Staff Comment: There are no wetlands or streams on site. A No Net Loss report has been provided to address the shoreline impacts along with the mitigation plan (KCC 22.400 and 19.300). No flood zone impacts are proposed as the provided elevation certificate will assure the residence complies with KCC Title 15. 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. Significant trees on site within the shoreline buffer will be retained.*

Policy SH-10. Shoreline landowners are encouraged to preserve and enhance native woody vegetation and native groundcovers to stabilize soils and provide habitat. When shoreline uses or modifications require a planting plan, maintaining native plant communities, replacing noxious weeds and avoiding installation of ornamental plants are preferred. Nonnative vegetation requiring use of fertilizers, herbicides/pesticides, or summer watering is discouraged.

*Staff Comment: Implementation of the Shoreline Mitigation Plan and No-Net-Loss Assessment, along with the required monitoring and maintenance of the project area will assure no net loss of ecological functions and processes, including site design and vegetation management.*

Policy SH-13. Ensure mutual consistency with other regulations that address water quality and stormwater quantity, including standards as provided for in Title 12 (Storm Water Drainage) and Chapter 173-201A WAC (Water Quality Standards).

*Staff Comment: This project has been reviewed under the current standards in Title 12 (Stormwater Drainage). Engineered Drainage Plans are required to be submitted with the building permit. An engineered simplified drainage design will be required with the building permit. The stormwater concept has been reviewed and accepted by the stormwater review team.*

Policy SH-16. Accommodate and promote, in priority order, water-dependent, water-related and water-enjoyment economic development. Such development should occur in those areas already partially developed with similar uses consistent with this program, areas already zoned for such uses consistent with the Kitsap County Comprehensive Plan, or areas appropriate for water-oriented recreation.

*Staff Comment: Single-Family residences are a priority use of the shoreline when developed in a manner consistent with control of pollution and prevention of damage to the natural environment (22.600.170(B)(10)).*

Policy SH-21. Give preference to water-dependent uses and single-family residential uses that are consistent with preservation of shoreline ecological functions and processes. Secondary preference should be given to water-related, and water-enjoyment uses. Non-water-oriented

uses should be limited to those locations where the above-described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Act. For use preference within shorelines of statewide significance, see Section 22.300.145(B).

*Staff Comment: This is a proposed single-family residential use that will be consistent with preservation of shoreline functions and processes through the implementation of the Shoreline Mitigation Plan and No-Net-Loss Assessment.*

Policy SH-23. Through appropriate site planning and use of the most current, accurate and complete scientific and technical information available, shoreline use, and development should be located and designed to avoid the need for shoreline stabilization or actions that would result in a net loss of shoreline ecological functions.

*Staff Comment: The proposed home will be located landward from the previously developed area. The planned construction is placed to reduce further shoreline tree disturbance and is sited in an area that is located just waterward of the existing drainfield area. New impacts will be addressed through shoreline mitigation. No additional shoreline stabilization is required.*

**Shoreline Environment Designation-**  
**KCC 22.200.115 Shoreline Residential Designation**

- A. Purpose. To accommodate residential development and appurtenant structures that are consistent with this program, and to provide appropriate public access and recreational uses.
- B. Designation Criteria.
  - 1. Shoreline areas that are predominately single-family or multifamily residential development or are planned or platted for residential development;
  - 2. Does not include shorelines supporting existing residential development that may not support higher densities of development due to potential cumulative impacts to sensitive environments or safety, such as steep slopes or floodplains. Such shorelines shall be designated rural or urban conservancy, whichever applies.
- C. Management Policies.
  - 1. Standards for buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be set to assure no net loss of shoreline ecological functions.
  - 2. Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities. If public access is not feasible on site, off-site options such as an in-lieu fee may be recommended.
  - 3. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
  - 4. Commercial development should be limited to water-oriented uses. Water-oriented includes water-dependent, water-related and water-enjoyment uses.

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**

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Authorization Form	December 06, 2022
JARPA	December 06, 2022
Variance Narrative and criteria (revised)	January 11, 2024
Site Plan (revised)	January 11, 2024
FEMA Elevation Cert.	December 06, 2022
Drainage plans (revised)	January 11, 2024
Shoreline No Net Loss and SMP (Revised)	January 11, 2024
Stormwater Worksheet	January 05, 2023
Adjacent house analyses (size comps)	January 11, 2024
Letter from the Skokomish tribe	February 24, 2023
Response letter from Eco-Land to DCD	July 19, 2023

**9. Public Outreach and Comments**

The department sent a Notice of Application on February 14, 2023 and the public comment period remained open for 30 days, as required in the land use permit procedures outlined in Title 21 of the Kitsap County Code. One comment was received, summarized below.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1	The Skokomish tribe inquired about project design details for stormwater control and any details of work to be done on the beach. The tribe is not in support of any variance application which may affect fisheries in Hood canal. They suggested that additional plantings would be necessary, while still not supporting the variance; yet the tribal biologist included a list of native plantings to provide both upper, middle and lower story planting structures within the reduced buffer which seemed to indicate a revised planting plan would provide a better outcome, without supporting the activity and this type of variance.	Suquamish Tribe comment letter

Issue Ref. No.	Issue	Staff Response
1	Impacts to beach/shoreline	DCD staff provided the project designs, drainage report, mitigation plan and No Net Loss report to the tribe. There is no outfall proposed. The consultant responded to the tribe and DCD staff on July 19, 2023 and forwarded proposed planting plan revisions to the tribe with modified designs to include additional native plantings in a similar upper, middle and lower story mitigation planting plan, which has been incorporated in the revised application and site plan. No further comment was received.

**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 an acre in size and is less than 140 feet in width.

This parcel has a Shoreline Environment Designation of Shoreline Residential, which has a standard buffer of 85-feet and additional 15-foot building setback. KCC 22.400.120(B)(2) allows for a Reduced Standard Buffer of 50 feet and additional 15-foot building setback, provided no net loss of shoreline ecological functions can be demonstrated. Due to the physical constraints of the property, neither the Standard or Reduced Standard Buffers and Setbacks are able to be met, thus the request for this Type 2 Shoreline Variance. The variance can be processed as a Type II Administrative Variance per KCC 22.400.120. C. b. ii as the lot is constrained due to size, topography and shape. See the below analysis of Variance Criteria (KCC 22.500.100(E)), which allows for a further reduction from the reduced standard buffer.

**KCC 22.500.100(E) Shoreline Variance Criteria**

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

*Staff Response: The standard buffer width of 85-feet extends within the entire property and past the eastern property line. The 50-foot reduced buffer takes up approximately three quarters of the upland portion of the lot outside of the previous cleared area. Given required setbacks, it is not feasible to construct a similarly-sized single family residence with small garage to the neighborhood with a septic drainfield without impacting the standard and*

*reduced buffer; the fact that the drainfield must be located as far from the shoreline as possible, to the east leaves no other alternative. Therefore, the strict application of bulk, dimensional and performance standards do not allow for reasonable use of this property.*

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

*Staff Response: The variance request is due to the existing non-conforming setting of the property. Many lots in this area as well as the subject parcel were established before adoption of the Shoreline Management Program and are not large enough to accommodate the current buffers that were adopted after the lot was created. Due to the depth of the lot, and the required setback from the lake for the septic drainfield, compliance with the Shoreline Residential standard and reduced standard buffer cannot be achieved. Development of the residence is located landward of the previously planned footprint and conforms to the Type 2 variance criteria, limited to reduction of the 50-foot reduced standard buffer down to 32 feet with a modified building setback of 5 feet.*

4.c The design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this Program, will not cause net loss to shoreline ecological functions and does not conflict with existing water dependent uses.

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

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

*Staff Response: Neighboring parcels are zoned residential and are mostly developed with single-family residences. The proposed development of the residence with a 1,694 square foot home including the attached garage is no larger than the majority of those on the shoreline in the immediate vicinity. The average square footage of 5 adjacent primary structures on the shoreline with garages is 1,746 square-feet. The proposed structure has a footprint of 1,226 square-feet, and the 468 square-foot attached garage is built adjacent to the existing driveway within portions of the previously developed area.*

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

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

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

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

**b. Lighting**

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

**c. Off-Street Parking**

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

**Table 5 - Parking Table**

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

**d. Signage**

No signage is proposed.

**e. Landscaping**

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

**Table 6 - Landscaping Table**

Not Applicable

**f. Frontage Improvements**

No frontage improvements are proposed or required.

**g. Design Districts/Requirements**

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

**h. Development Engineering/Stormwater**

In review of the submitted drainage review checklist, stormwater review requires simplified drainage review, engineered, which requires stormwater drainage design and analysis by a licensed Professional Engineer (PE). A condition has been placed on the approval to address this.

**i. Environmental**

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

**Regulations:**

**KCC 22.400.105 Proposed Development**

**A. Location.**

1. New development shall be located and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
2. New development shall be located and designed to avoid the need for future shoreline stabilization for the life of the structure. Likewise, any new development which would require shoreline stabilization which causes significant impacts to adjacent or down-current properties shall not be allowed.
3. New development on lots constrained by depth, topography or critical areas shall be located to minimize, to the extent feasible, the need for shoreline stabilization.
4. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
5. Subdivision shall be planned to avoid the need for shoreline stabilization for newly created lots, utilizing geotechnical analysis where applicable.
6. Non-water-oriented facilities and accessory structures, except for preferred shoreline uses, such as single-family residences and single-family residential appurtenances when consistent with buffer provisions in this chapter, must be located landward of buffers and adjacent water-oriented uses, or outside shoreline jurisdiction, unless no other location is feasible.

*Staff Comment: The proposed development will be entirely above Ordinary High Water and will be designed per the recommendations of the surveyor per the associated elevation certificate. The lakefront slopes are stable, and the proposal does not create the need for further shoreline stabilization. Due to the physical lot constraints, the project has been planned in the most appropriate location, using the existing developed front setback to the east, as far from the shoreline as is possible, while still providing mitigation in the form of a*

*multi-story canopy with multiple species.*

**KCC 22.400.110 Mitigation**

The planned new residence proposes mitigation through incorporation and implementation of the Shoreline Mitigation Plan and No Net Loss Assessment (revised 12/13/2023). The Shoreline Mitigation report appropriately addresses mitigation sequencing, mitigation options and mitigation compliance. In the report, it is proposed to remove 136 square feet of gravel driveway and then replant and enhance 2,340 square feet with 86 native plants of variable height species to enhance the existing tree canopy on the lake front area.

**KCC 22.400.115 Critical Areas**

Portions of the site are mapped as a FEMA flood hazard area, and the site is mapped in Kitsap County GIS as a flood hazard area requiring that the project be designed in accordance with KCC Chapter 15.04 of the Flood Hazard Areas, and KCC 14.04, Buildings and Construction. Per requirements of KCC Title 15 (Flood Hazard Area) and KCC 22.400.115.B, a FEMA Floodplain Habitat Analysis was provided, along with a surveyed elevation certificate. As such, the residence will be constructed to meet or exceed flood protection standards and will be in compliance.

**KCC 22.400.120 Vegetation Conservation Buffers**

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

Per 22.400.120.C.1.b.ii, the applicant may seek an administrative variance for any buffer reduction within the Shoreline Residential designation. As the proposed development requires review under the variance criteria of 22.500.100 (E), review of this code falls under that analysis. See section 10.a, above.

**KCC 22.400.125 Water Quality and Quantity**

The project as proposed has been reviewed under KCC Title 12 and will require further review and approval under the associated Building Permit. Stormwater is proposed to be controlled through dispersion methods. The proposal is considered a small site, which will require an engineered design. The design concepts have been reviewed and approved. A Hydraulic Project Approval (HPA) will not be required from the Washington State Department of Fish and Wildlife and there is no proposed outfall, nor direct impacts.

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

There were no comments provided by the Tribes related to cultural resources. A condition of approval has been added that Kitsap County DCD, the Washington State



Office of Archaeology and Historic Preservation, and the affected tribes must be notified if archaeological resources are uncovered during excavation.

**KCC 22.400.135 View Blockage**

The properties to the north and south are developed with single-family homes and subject to the view blockage requirements of KCC 22.400.135.A.3. The planned development is located landward of the neighboring view line to the south, and site obscuring trees and vegetation block the neighboring view line to the north. As a result, there are no view impacts from the development related to the view line.

**KCC 22.400.140 Bulk and Dimension Standards**

The proposed residence meets the criteria under this code.

**j. Access, Traffic and Roads**

No adverse impacts to traffic or roads are likely. Access to the parcel is by way of a private driveway off of Longhorn Drive NW.

**k. Fire Safety**

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

**l. Solid Waste**

No comments

**m. Water/Sewer**

The property water supply will be provided by PUD #1. The site is outside of the service area for Kitsap County Public Works Sewer Utility Division. Approval of the onsite sewage system has been completed by the Kitsap County Public Health.

**n. Kitsap Public Health District**

The septic design had received approval by Kitsap Public Health in the 1990's and the drainfield has been installed and approved for a 2 bedroom system. A reserve drainfield has been identified. Any changes to the approved site plan must be approved by Kitsap Public Health District and may require a modification to the approved Type 2 Variance.

**11. Review Authority**

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

## 12. Findings

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

## 13. Decision

Based upon the analysis above and the Variance Criteria in KCC 22.500.100(E), the Department of Community Development grants conditional approval of the Type II Shoreline Variance request for the Moore Shoreline Variance (22-05899), subject to the following 10 (ten) conditions. Per WAC 173-27-200, no approval shall be considered final until it has been acted upon by Ecology (KCC 22.500.100(E)).

### a. Planning/Zoning

None at this time.

### b. Development Engineering

Development Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. These comments are based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans accepted for review January 5, 2023, and as revised by additional materials accepted for review August 8, 2023 to Kitsap County Development Engineering.

Development Engineering accepts the concepts contained in this preliminary submittal and requires the following conditions as an element of the land use approval:

#### GENERAL

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.

#### STORMWATER

2. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, is located entirely within critical areas and their standard buffers and is subject to Minimum Requirements #1-5. As such required building permits will require a storm drainage design prepared by a civil engineer licensed in the State of Washington.
3. Stormwater quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time of Building Permit application. 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. At the time of submittal of a building permit, soil amendment is required for all disturbed areas not covered by hard surface. Previously cleared areas shall be incorporated into total disturbed area and subject to soil amendment.
5. Construction of the stormwater facilities shall comply with the conditions of Building Permit #21-06049, once approved.
6. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.

**TRAFFIC AND ROADS**

7. The Building Permit shall include 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 to county rights of way 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.

**c. Environmental**

8. This project shall follow the recommendations of the elevation survey for flood proof construction and the associated elevation certificate by Michael Dunphy, PLS.
9. This project shall comply with the revised Shoreline Mitigation Plan and No-Net-Loss Assessment prepared by Eco-Land Services, dated December 13, 2023. The project proposes 2240 square feet of new planting to augment the existing conifer forested perimeter. The site construction area has previously been cleared, so further tree removal is not necessary. 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 from the project biologist to Kitsap County DCD demonstrating compliance with the mitigation planting plan in this report.
10. If archaeological resources are uncovered during excavation, the contractor and property owners must immediately stop work and notify Kitsap County Department of Community Development, the Washington State Office of Archaeology and Historic Preservation and affected tribes.

**d. Traffic and Roads**

None at this time.

**e. Fire Safety**

None at this time.

**f. Solid Waste**

None at this time.

**g. Kitsap Public Health District**


None at this time.

**Report prepared by:**

  
Steve Heacock, Staff Planner / Project Lead

10-17-24  
Date

**Report approved by:**

  
Darren Gurnee, Supervisor, DCD Planning Division

10-17-24  
Date

**Attachments:**

Attachment A - Zoning Map

Attachment B - Shoreline Environment Designation Map

**CC:**

Applicant/Owner: Jeffrey Moore, distinctskills@hotmail.com

Authorized Agent: Joanne Bartlett, Eco-land Services; joanne@eco-land.com

Biologist: Joanne Bartlett, Eco-Land Services; joanne@eco-land.com

Interested Parties: Skokomish tribe - Alex Papiez, apapiez@skokomish.org

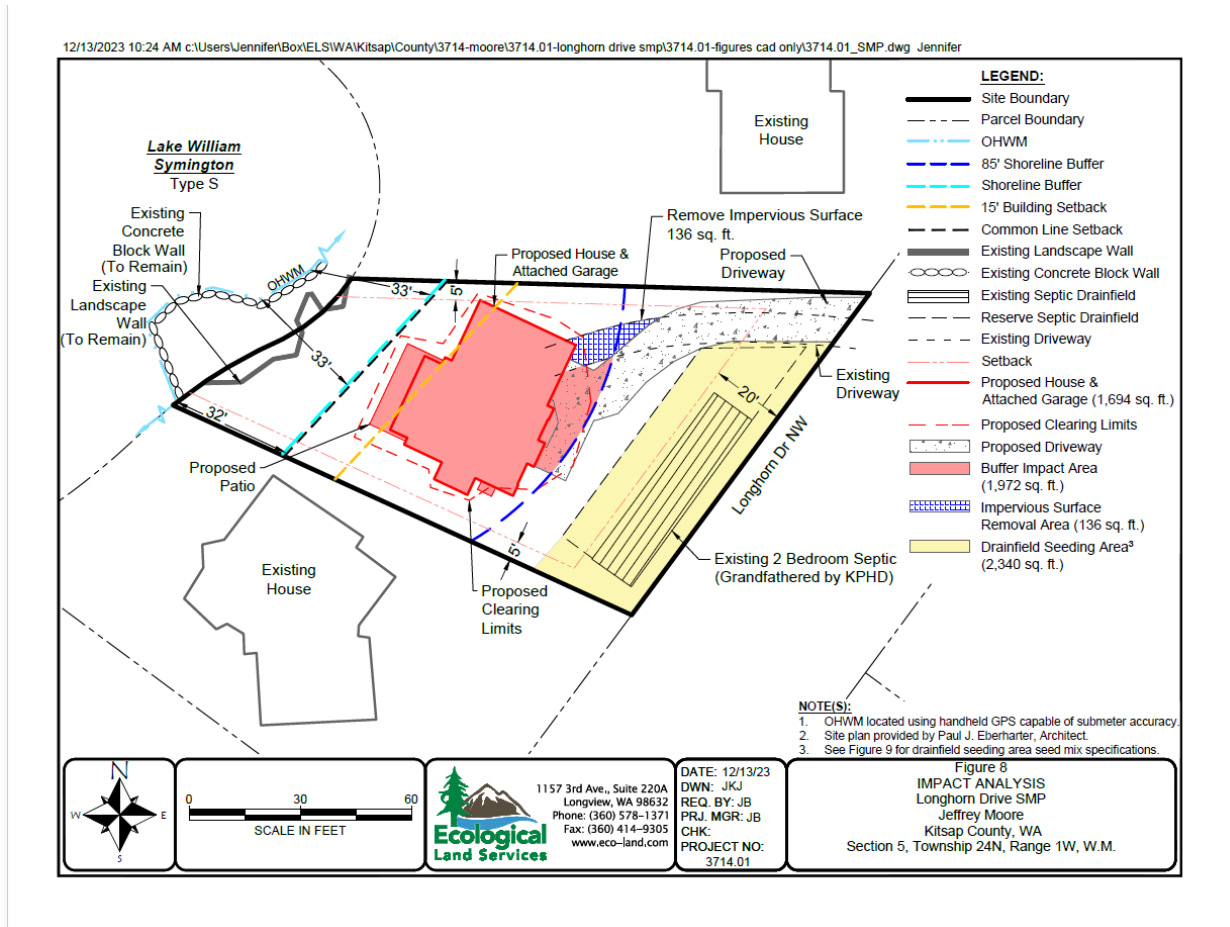
Kitsap Public Utilities District

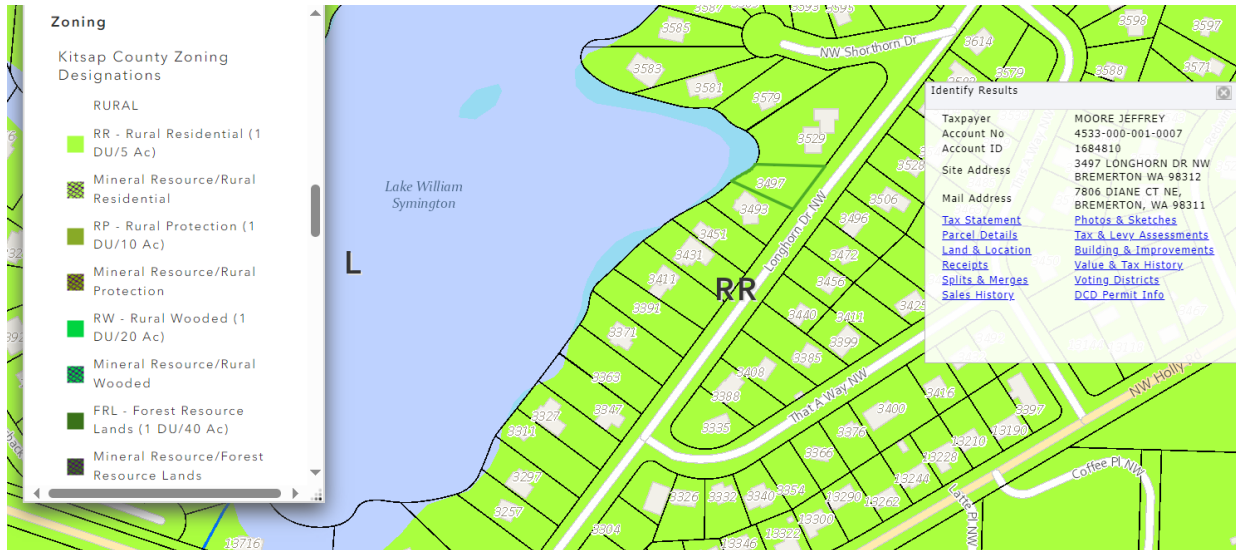
Kitsap County Health District

Kitsap County Public Works Dept.

DCD Staff Planner: Steve Heacock

Site Plan





### Attachment B - Shoreline Environment Designation Map

