



Kitsap County Department of Community Development

Hearing Examiner Staff Report and Recommendation

Report Date: 3/19/2026

Application Submittal Date:

10/06/2023 SVAR

01/31/2021 R-SFR/ADD

01/31/2021 R-Garage/Accessory Building

Hearing Date: 3/26/2026

Application Complete Date:

11/07/2023 SVAR

Project Name:
F&L PROPERTIES

Vicinity Map:

Type of Application: Shoreline
Variance (SVAR)

Permit Numbers:
23-04888

Project Location:
3022 Beach DR E
Port Orchard, WA 98366
Commissioner District #2

Assessor's Account #:
192402-1-013-2008

Applicant/Owner of Record:
F & L PROPERTIES LLC
PO BOX 476
MANCHESTER, WA 98353



Recommendation Summary:

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

1. Background

The existing shoreline single-family residence (SFR) was built in 1970 on a 0.44-acre rectangular parcel within Rural Residential zoning and the Shoreline Residential designation. A bulkhead was installed over 50 years ago and surrounds the NW, NE, and SW sides of the property, creating a peninsula into Sinclair Inlet. The primary driveway is from Beach Drive E and provides direct access to the SFR.

Kitsap County Geographic Information Systems (GIS) indicate moderate seismic and high erosion geologic hazards on the property, accompanied by moderate landslide hazards within 200 ft. The property exists within the FEMA 100 Year Floodplain and is surrounded by DNR NWI Surveyed Wetlands waterward of the property. The applicant prepared a mitigation plan to maintain shoreline functions since the project sites are located within the shoreline buffer.

2. Project Request:

The applicant proposes a 1,080 square foot single-story garage (R-Garage / Accessory Building), 553 square foot driveway, a 403 square foot southern addition to the SFR and an 863 square foot eastern two-story addition (R-SFR/ADD) to the SFR. The applicant is requesting approval for a shoreline variance to allow for the proposed garage since it is new development within the 85-foot standard shoreline buffer and 50-foot reduced standard buffer. The garage will require a 28% reduction for the northwest buffer and an 18% reduction for the southwest buffer. No buffer reduction is requested for the eastern addition because it will be replacing existing development. The proposed mitigation plantings are sited in the north-west corner of the property along the bulkhead.

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 concurrently with the Notice of Application dated December 13, 2023.

The SEPA appeal period expired January 12, 2024. No appeals were filed; therefore, the SEPA determination is final. Ultimately, the project was determined to be SEPA exempt since it is a minor new construction.

4. Physical Characteristics:

The 0.44-acre rectangular shaped parcel is surrounded by a bulkhead on the NE, NW, and SW sides of the property, creating a peninsula into Sinclair Inlet. The three waterward sides of the property, where the bulkhead was installed, align with the ordinary high-water mark. The backfilled bulkhead land is approximately 16,955 sf in area. The property is oriented southeast (front) and northwest (rear) with existing parking pad and street access at the southeast corner. Additional parking is demonstrated along the southeastern property line parallel to Beach Dr E. The site is nearly level with a slight slope down to the north towards the shoreline. The overall topographic change across the site is less than 3 feet. Approximately 50% of the parcel is covered by impervious surfaces including an existing two-story home, driveway, parking spaces, storage building, concrete slabs, canopy, deck, concrete patio, and shipping container. The remainder of the property is comprised of short grass or bare dirt.

Table 1 – Adjacent Land Use and Zoning Designations

| Surrounding Property | Current Land Use | Zoning Designation |
|----------------------|----------------------------------|------------------------|
| North | Single-family residence | Rural Residential (RR) |
| South | Single-family residence | Rural Residential (RR) |
| East | Single-family residence | Rural Residential (RR) |
| West | Port Orchard Bay/ Sinclair Inlet | NA |

Table 2 – Density, Dimensions, and Design (KCC 17.420)

| Standard Dwelling Unit (du) Acre (ac) | RR | Proposed |
|--|--------------------------|-----------------|
| Min. density (du/ac) (acres = net developable area) | NA | NA |
| Max. density (du/ac) (acres = gross site acreage) | 1 du / 5 acres | |
| Min. lot size (square feet) | 5 acres | NA |
| Max. lot size (square feet) | NA | NA |
| Min. lot width (feet) | 140 ft | NA |
| Min. lot depth (feet) | 140 ft | NA |
| Max. height (feet) | 35 ft | Less than 35 ft |
| Max. impervious surface coverage | NA | NA |
| Max. lot coverage | NA | NA |
| Setbacks | | |
| Min. front (feet) (42) | 50 ft 20 ft per FN 42 | 19 ft |

| | | |
|-------------------|--|--|
| Max. front (feet) | NA | NA |
| Side (feet) (42) | 20 ft; 5 ft for accessory structures (29) 5 ft per FN 42 | 9.8 ft for addition, 56 ft for garage |
| Rear (feet) (42) | 20 ft; 5 ft for accessory structures (29) 10 ft per FN 42 | 39 ft for addition, 51.1 ft for garage |

42. The following exceptions apply to historic lots:

- a. Building setback lines that do not meet the requirements of this title but were legally established prior to the adoption of this title shall be considered the building line for alterations, remodels, and accessory structures on the lot or parcel; providing, that no structure or portion of such addition may further project beyond the established building line.
- 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: KCC 17.420.060 A.42.b establishes setbacks consistent with the zoning classification most closely corresponding to the parcel. The proposed project accommodates a one foot reduction to the front setback as a zoning setback variance less than 10%.

Table 3 – Public Utilities and Services

| Utility/Service | Provider |
|-----------------|--------------------------------------|
| Water | Public Utility District No. 1 |
| Power | Puget Sound Energy |
| Sewer | Kitsap County Sewer |
| Police | Kitsap County Sheriff |
| Fire | South Kitsap Fire & Rescue |
| School | South Kitsap School District No. 402 |

5. Access:

Beach Dr E, a county-maintained road, provides direct access to the project site.

6. Site Design:

The proposal adds a single-story garage with a new driveway apron, and two additions to the SFR (southern and eastern). Short grass and bare dirt exist where expansion of impervious surfaces will occur. On the eastern portion of the parcel, the eastern addition to the SFR is proposed within the footprint of existing development where impervious surfaces (concrete slabs and a canopy) are currently situated. The proposed mitigation plantings are sited in the

north-west corner of the property along the bulkhead. Existing driveway surfaces on the western portion of the site

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 with annual updates through April 2020. The project was submitted prior to the 2024 Comprehensive Plan updates.

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

Environment Goal 1. Ecosystems and habitat

Protect and enhance the health, resilience, functions, and processes of natural environments and ecosystems, including forest lands, shorelines, freshwater systems, and critical areas to ensure functioning ecosystem services and fish and wildlife habitat are sustained into the future.

Environment Policy 1.1. Manage development to protect habitats and ecological processes.

Environment Policy 1.2. Consider the functions and processes of the natural environment in project planning and review.

Environment Policy 1.3. Protect and restore marine shorelines, riparian areas, wetlands, floodplains, and estuaries.

Environment Policy 1.4. Preserve and restore the functions of natural habitat to support ESA-listed species, state listed animal and plant species, and species of local importance.

Environment Goal 2. Critical Areas

Designate and protect critical areas. Critical areas include wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.

Environment Goal 4. Collaboration and partnerships

Coordinate natural environment management and recovery with internal and external partners.

Environment Policy 4.1. Collaborate across County programs and external agencies and organizations that supply data, analysis, and support for managing and restoring natural environments and resources.

Environment Goal 5. Use Best Practices

Utilize best practices to protect people, property, and the natural environment.

Environment Policy 5.2. Employ Best Management Practices to protect the long-term integrity of the natural environment, adjacent land uses, and the productivity of resource lands.

Environment Policy 5.3. Maintain and enhance long term quality and quantity of water resources.

Land Use Goal 7. Historic, archeological, and cultural resources

Preserve and celebrate historic, archeological, and cultural resources.

Land Use Policy 7.2. Engage with affected Tribes and the Department of Archeology and Historic Preservation on development proposals that may have impacts to cultural and historic resources.

Furthermore, the codified goals and policies in KCC Section 22.300 apply to this project as well. These goals and policies encourage public and private access to the shoreline, support residential development and associated uses, and support development that achieves no net loss of ecological function.

The County’s development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Table 4 – Code References

| 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 |

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:

Table 5 – Exhibits

| Exhibit # | Document | Dated | Date Received / Accepted |
|-----------|---|------------|--------------------------|
| 1 | Staff Report | 3/19/2026 | |
| 2 | JARPA | 10/5/2023 | 10/17/2023 |
| 3 | Project Narrative | | 10/17/2023 |
| 4 | SEPA Checklist | 10/5/2023 | 10/17/2023 |
| 5 | Site Photos | 10/5/2023 | 10/17/2023 |
| 6 | Stormwater Worksheet | | 10/17/2023 |
| 7 | Notice of Application | 12/15/2023 | |
| 8 | Public Comment: Suquamish Tribe | 12/19/2023 | |
| 9 | Applicant Response to 1 st Cycle Information Request | 12/4/2024 | 12/11/2024 |
| 10 | Geotechnical Report | 1/21/2026 | 1/28/2026 |
| 11 | Habitat Report | 1/9/2026 | 1/28/2026 |
| 12 | Impervious Surfaces | 1/2/2026 | 1/28/2026 |
| 13 | Site Plan | 1/2/2026 | 1/28/2026 |
| 14 | Notice of Public Hearing | 3/11/2026 | |
| 15 | Public Comment: Stevens | 3/17/2026 | |
| 16 | Certification of Public Notice | 3/19/2026 | |
| 17 | Staff Presentation | | |
| 18 | Hearing Sign In | | |

9. Public Outreach and Comments:

The Department received one inquiry on January 19th, 2024, inquiring about potential view line blockage for a neighboring home.

10. Analysis:**a. Planning/Zoning**

Kitsap County Code (KCC) 17.410.042 allows the development of a proposed garage and single-family residence addition in the Rural Residential zoning designation. The proposal includes a slight front setback reduction via a Type I zoning variance.

17.560.010 Conditions for granting a variance.

A variance may be granted to any numerical standard of this title, excluding housing density, only when unusual circumstances relating to the property cause undue hardship in the application of this title. The granting of such a variance shall be in the public interest. A variance shall be made only when all of the following conditions and facts exist:

A. There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, that were not created by the applicant and do not apply generally to other property in the same vicinity or zone;

- B. Such variance is necessary for the preservation and enjoyment of a substantial property right or use of the applicant possessed by the owners of other properties in the same vicinity or zone;
- C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zone in which property is located; and
- D. The variance is the minimum necessary to grant relief to the applicant.

Staff Comment:

A single family residence requires 2 parking spaces regardless of the structure size. A garage, being an appurtenance to a residence, provides enclosed parking that would otherwise be required. The driveway apron is needed for safe vehicle movement.

The shoreline with the associated buffers and building setbacks require construction up to the front setback. The front setback reduction still allows a driveway apron for parking and turning movements. This allows vehicles to enter Beach Drive safely instead of backing movements into the right of way. This is the minimum relief necessary, is not materially detrimental to other property owners, is necessary to preserve property rights for residential development, and was not a situation created by the owner.

b. Lighting

Not analyzed for this permit.

c. Off-Street Parking

The primary residence is required to have two off-street parking spaces.

Table 6 – Parking Table

| Use Identified in 17.490.030 | Standard | Required Spaces | Proposed Spaces/Existing Spaces |
|------------------------------|-------------------------|-----------------|---------------------------------|
| Single-Family | 2 per primary residence | 2 | 2 |
| Total | 2 | 2 | 2 |

d. Signage

Signage is not analyzed for this permit.

e. Landscaping

Landscaping is not analyzed for this permit.

| | 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 |

f. Frontage Improvements

Frontage improvements are not analyzed for this permit.

g. Design Districts/Requirements

This parcel is not within a design district.

h. Development Engineering / Stormwater

Development Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to site development. These comments are based on a review of the Sire plan dated April 28, 2020 revised on May 4, 2025.

i. Environmental

This parcel exists within the Shoreline Residential shoreline designation. KCC Section 22.400.120 requires a standard buffer of 85 ft with a 15-foot building setback and a 50-foot reduced standard buffer referenced in KCC 22.400.120(B)2. The proposal minimizes additional impervious surfaces by removing an existing concrete patio, driveway area.

Kitsap County Geographic Information Systems (GIS) Aerial imagery, the Department of Ecology Shoreline Viewer, and the Department of Ecology Overview Map, indicate recent development that may have occurred without permits. This variance only approves the proposed changes indicated in the site plan. Vehicles and structures on the western portions of the site, fences constructed on the northern edge of the bulkhead, and the new concrete on the entire bulkhead are not approved in this permit. Conditions of approval prevent vehicles from parking on the lawn, require removal of illegal structures, and require applying for a shoreline exemption or shoreline administrative conditional use permit for the shoreline armoring repair/new construction that occurred between 2022 and 2023.

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 garage, driveway, and home additions will not need future shoreline stabilization and has been located to minimize the need for additional shoreline stabilization. A condition of approval explicitly denies the ability of using this development to justify future shoreline stabilization projects.

22.400.110 Mitigation.

A. Mitigation Sequencing.

1. Permitted uses and developments shall 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:

- a. Avoid the impact altogether by not taking a certain action or parts of an action;

Applicant Response: Shoreline buffers converge from three sides to the location of the proposed garage. Recognizing a garage as an appurtenance to a Single Family Residence, the placement cannot avoid impacts to the buffer.

- b. 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;

Applicant Response: The proposal includes the construction of a new garage and expansion of a single family residence to an area already covered by impervious surfaces. Location of this construction minimizes impacts and mitigates said impacts.

- c. Rectify the impact by repairing, rehabilitating or restoring the affected environment;

Applicant Response: The proposal converts an area of existing lawn to native vegetated buffer. This increases upland habitat cover and food production for fish and wildlife, reduces polluted runoff by enclosing vehicles in garage (less surface pollution), and routes roof runoff to support vegetation.

- d. Reduce or eliminate the impact over time by preservation and maintenance operations;

Applicant Response: Achieving no net loss through mitigation plantings, and the maintenance and monitoring of said mitigation, preserves the existing ecological function.

- e. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu fee process where appropriate; and

Applicant Response: The proposal converts an area of existing lawn to native vegetated buffer. This increases upland habitat cover and food production for fish and wildlife, reduces polluted runoff by enclosing vehicles in garage (less surface pollution), and routes roof runoff to support vegetation. Mitigation area located landward of the bulkhead, parallel and adjacent to shoreline.

- f. Monitor the impact and the mitigation projects, and take appropriate corrective measures.

Applicant Response: Planting success is guaranteed per mitigation plan notes. Monitoring includes ensuring plant survival and establishment, and replacement of failed plantings as needed. Soil suitability evaluation prior to installation to increase likelihood of success. Mitigation designed to ensure long-term compliance with “no net loss” requirements.

Conditions of approval require a maintenance and monitoring permit, which requires annual reports submitted to the Department for a period of five years. These reports must be prepared by a professional biologist per KCC 19.700.715.

2. Application of the mitigation sequence shall achieve no net loss of ecological functions for each new development and shall not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other functions fostered by the policy of the Act or this program.

Staff Comment: The proposed garage, driveway, and home additions will require mitigation plantings to achieve no net loss of ecological functions on the shoreline.

Applicant Response: Designed to meet Kitsap County Shoreline Master Program “no net loss” standard (KCC 22.150.450). The mitigation primarily addresses impacts from construction of the new detached garage. Project expected to result in net ecological benefit due to mitigation.

22.400.115 Critical Areas.

Geologic Hazards: Kitsap County GIS indicates the presence of moderate seismic and high erosion geologic hazards indicated to be on the property, accompanied by moderate landslide hazards within 200 ft of the property. The applicant provided a Geological

Hazard Assessment prepared by DE-Civil, PLLC dated September 20, 2023 and revised on January 21, 2026, that discussed site conditions, geologically hazardous areas identified by Kitsap County, and conclusions regarding potential site impact from proposed construction. This report concludes there are no moderate or high geological hazard areas within 300 ft affecting the property, therefore no geological hazard buffer required. The site is considered to be suitable for the proposed residential development. The assessment also described the potential for soil liquefaction significantly impacting proposed development to be low.

Staff Comment: The project must use stormwater best management practices which addresses erosion hazard areas relative to the parcel. A bulkhead with backfill, from the 1950's, may pose a risk of liquefaction since this is backfill over tidelands. The geological assessment states that liquefaction is not a concern. Construction shall require structural fill if necessary to ensure construction is protected from the potential of liquefaction.

Critical Areas: Kitsap County GIS designates DNR NWI Surveyed Wetlands and the 100 Year Floodplain FEMA Flood Area Hazard to be on the parcel (AE 13). The Habitat Plan and Proposed Project Mitigation report prepared by Lawrence D. Fisher dated January 9, 2026 states that there are no federally listed species or their critical habitats noted in the data or that would be affected by the project. Priority Habitat and Species (PHS) would not be harmed by the project, and the proposed mitigation is expected to provide a net benefit to PHS. No construction waterward of the bulkhead is proposed as part of this project, and there would be no negative effects on PHS in the area other than from temporary construction visibility and noise. The proposed mitigation is expected to provide a net, long-term benefit to PHS and ensure compliance with no net loss requirements. The mitigation area will be located landward of the bulkhead, parallel and adjacent to shoreline. This will allow for the conversion of existing lawn area to native vegetated buffer resulting in an increase in upland habitat cover and food production for fish and wildlife. The mitigation primarily addresses impacts from construction of the new detached garage. Project expected to result in net ecological benefit due to mitigation.

22.400.115.B. Frequently Flooded Areas.

Before new development activities are permitted within the floodplain, compliance with Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) protection standards for critical habitats for listed species shall be demonstrated through submittal of a habitat management plan prepared by a qualified wildlife biologist.

Staff comment: Kitsap County GIS shows the 100 Year Floodplain FEMA Flood Area Hazard to be on the parcel. Discussion of a FEMA habitat evaluation was included within the submitted Habitat Plan and Proposed Project Mitigation report. The report indicates that the FEMA map does not reflect the functioning bulkhead existing on the property. Report states that the upland area should not be treated as a frequently flooded area.

During building permit review the applicant must identify that the cost of redeveloping the site with the SFR additions is less than 50% of the original structure value. Exceeding 50% valuation will require newly constructed habitable space to meet requirement in KCC Title 15 for ensuring finished habitable space is constructed above the base flood elevation as required by code.

22.400.120 C.2.c. Expansion of Development Below the Reduced Standard Buffer.

Expansion of existing development below the reduced standard buffer may only occur if approved through a shoreline variance pursuant to Section 22.500.100(E). To reduce the procedural burden on applicants, in some cases the variance may be approved administratively as a Type II decision according to the criteria below and the variance criteria in Section 22.500.100(E):

- i. Expansion of development shall not occur further waterward of the existing structure, unless no other feasible option exists due to physical constraints of the property.
- ii. Any expansion below the reduced standard buffer shall require a shoreline mitigation plan (see Section 22.700.140).
- iii. Expansion within the outer twenty-five percent of the reduced standard buffer or within any portion of the buffer in the shoreline residential designation shall require a Type II administrative variance, according to the conditions of subsection (C)(2)(c)(iv) of this section. Expansion within the waterward seventy-five percent of the reduced standard buffer shall require a Type III variance.
- iv. Expansion of a single-family residence below the reduced standard buffer may be allowed through Type II administrative variance for limited expansions of no more than twenty-five percent of the existing gross floor area or six hundred twenty-five sf, whichever is less, if expanding into an existing legally cleared area and located no further waterward than the existing structure.

Staff Comment: The proposed garage (1,080 sf), concrete driveway (553 sf), eastern addition to the SFR (863 sf), and southern addition to the SFR (403 sf) are proposed developments on the site. The applicant is requesting approval for a shoreline variance to allow for the proposed garage since it is new development within the 85-foot standard shoreline buffer and 50-foot reduced standard buffer. The proposed garage expands the existing 902 sf house, the garage will require a 28% reduction for the northwest buffer and an 18% reduction for the southwest buffer. No buffer reduction is requested for the eastern addition because it will be replacing existing development. The Habitat Management Plan and Proposed Project Mitigation report provides a mitigation plan to offset the development and achieve no net loss of ecological function.

22.400.125 Water Quality and Quantity.

The Department reviewed the project against Kitsap County Code Title 12 Stormwater Drainage and confirmed compliance with these regulations.

22.400.130 Historic, Archaeological, Cultural, Scientific and Educational Resources.

The Department conditioned approval of this permit to notify 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.

In order to protect water views, all principal buildings, and all additions to a principal building, shall be located to maintain the minimum shoreline structure setback line. All such buildings must also be designed not to significantly impact views from principal buildings on adjoining and neighboring property or properties including reconstruction of existing principal buildings allowed per Section 22.400.100(B).

Staff comment: The Habitat Management Plan and Proposed Project Mitigation report evaluated impacts to three homes across Beach Drive E. Conclusions from this report state that there will be minimal view impacts and does not meet the significant impact criteria under KCC 22.400.135.

22.400.140 Bulk and Dimension Standards.

The proposed residence meets the criteria under this code.

22.500.100(E) Shoreline Variance Criteria.

4. Variance permits for development that will be located landward of the OHWM, except within those areas designated as marshes, bogs, or swamps pursuant to Chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

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 comment: Strict application of shoreline bulk and dimensional standards under KCC 22.400 and 22.600 interfere with reasonable residential use of the property due to site-specific physical constraints, as documented on the submitted site plan.

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 comment: The hardship necessitating the variance is the result of unique physical and environmental conditions inherent to the parcel, not the result of actions by the applicant or any predecessor in title. Construction of the bulkhead in the 1950's, and subsequent development with an SFR, re-established the Ordinary High Water Mark (OHWM). This becomes existing development, which is allowed in KCC.

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 comment: The design of the proposed project is compatible with other authorized residential uses within the area and with uses planned under the Comprehensive Plan and Shoreline Master Program. The proposal consists of a garage (1,080 sf), concrete driveway (553 sf), eastern addition (863 sf), and southern addition (403 sf) to an existing single-family residence, which is consistent with surrounding shoreline development patterns.

Multiple parcels on Beach Drive were developed in a manner similar to this proposal.

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

Staff comment: Approval of the requested variance would not constitute a grant of special privilege not enjoyed by other properties in the area. As mentioned previously, multiple parcels on Beach Drive were development in a manner similar to this proposal. The need for the variance arises from unique physical constraints specific to this parcel, including shoreline buffers, existing structural features, and the nature of the peninsula-like shape of the property.

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

Staff comment: The variance requested represents the minimum necessary relief to afford reasonable use of the property. The proposal is the least intrusive and smallest feasible solution that allows reasonable expansion of the legally existing residential use.

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

Staff comment: Approval of the variance will not result in a substantial detrimental effect to the public interest. Granting the variance supports the public interest by balancing shoreline protection with reasonable residential use of a constrained shoreline parcel, consistent with the policies of RCW 90.58.020.

j. Access, Traffic and Roads

No impacts to traffic or roads anticipated.

k. Fire Safety

Fire safety is not analyzed for this permit.

I. Solid Waste

Solid waste is not analyzed for this permit.

m. Water/Sewer

Water/sewer is not analyzed for this permit.

n. Kitsap Public Health District

No comment at this time.

11. Review Authority:

Kitsap County Code (KCC) identifies the Hearing Examiner as a recommending review authority for a Shoreline Variance (SVAR), and the Washington State Department of Ecology as the review authority for decision. Each review authority may approve, approve with conditions, or deny the 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.

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 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.
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 , the Department of Community Development recommends approval of 23-04888 F&L Properties Shoreline Variance for Addition to SFR, subject to the following conditions:

Planning/Zoning

1. Building permits submitted for this development shall include construction plans and profiles for all roads, driveways, storm drainage facilities and appurtenances. No construction shall be started prior to said plan acceptance.

Development Engineering

2. Stormwater quantity control, quality treatment, and erosion and sedimentation control, as required for the development, shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Building Permit is deemed fully

- complete. If development meets the thresholds for engineered drainage design, 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.
3. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP (or for the Building Permit if an SDAP is not required) for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.
 4. 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.
 5. At building permit application, submit Kitsap County Public Works Form 1601 for issuance of a concurrency certificate, as required by Kitsap County Code 20.04.030, Transportation Concurrency.
 6. The property owners shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the accepted construction plans. In addition, Development Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.

Environmental

7. This project is located within a flood hazard area (AE 13) as determined by Kitsap County Code (KCC) Section 15.04.040. All construction shall be in accordance with the flood resistant requirements of KCC Title 15. Upon completion of the project, the owner shall provide to the Department of Community Development (DCD) a flood elevation certificate completed by a Washington State licensed land surveyor, identifying the elevation of the lowest floor in relation to the base flood elevation as determined by the Flood Insurance Rate Map (FIRM) for the subject parcel.

In accordance with KCC Title 15, During building permit review the applicant must identify that the cost of redeveloping the site with the SFR additions is less than 50% of the original structure value. The newly constructed habitable space has the lowest floor, including basements, a minimum of one foot above the base flood elevation.

Development that exceeds the 50% threshold shall require that all structure have their lowest floor, including basements, a minimum of one foot above the base flood elevation.

DCD highly recommends that a Washington State licensed land surveyor establish the elevation of concrete foundation wall forms prior to the placement of concrete to ensure that the height of the proposed lowest floor will be at least 1 foot above the base flood elevation. This effort made early in the construction process could avert the unfortunate expense of raising a constructed structure to a compliant elevation should it later be found to be below the required minimum height above the base flood elevation. The flood elevation certificate shall be submitted to DCD prior to requesting a final inspection. A certificate of occupancy will not be issued until the flood elevation certificate is received and approved by DCD.

8. Vegetation planting shall occur as specified in the approved mitigation or enhancement plan produced in support of this permit. Planting of native vegetation shall occur within the first dormant season once the permitted project has been constructed and approved. When planting is complete, the applicant shall submit an as-built plan to DCD for approval prior to requesting the final inspection. Any assignment of savings, financial surety or other like security for performance of the buffer mitigation plan shall be released if planting requirements are satisfied upon completion of the site inspection and as-built approval.
9. The Department shall create a monitoring and maintenance, fees to be paid by the applicant. This Monitoring and Maintenance permit requires annual reports, which must be prepared by a professional biologist, for five years, and extended if necessary, after DCD staff approves planting. Monitoring includes live and dead vegetation counts and records of all maintenance activities. Maintenance activities can be defined as, but are not limited to, removal practices on invasive or nuisance vegetation and watering schedules. Monitoring information shall be summarized in a letter with photographs depicting conditions of the vegetation and overall site. Monitoring reports are due to Kitsap County Department of Community Development Services and Engineering Division annually. If more than 20 percent of the plantings do not survive within any of the monitoring years, the problem areas shall be replanted, and provided with better maintenance practices to ensure higher plant survival. The construction of the permitted project is subject to inspections by the Kitsap County Department of Community Development. Extensions of the monitoring period may be required if original conditions are not met. All maintenance and construction must be done in full compliance with Kitsap County Code, including the Kitsap County Critical Area Ordinance (Title 19 KCC) and Shoreline Master Program (Title 22 KCC). Any corrections, changes or alterations required by a Kitsap County Development Engineer Inspector shall be made prior to additional inspections. Any assignment of savings, financial surety or other like security for maintenance of the buffer mitigation plan shall only be released if monitoring requirements are satisfied in the final year of the monitoring term.

10. Mitigation Planting Bond. A performance bond, assignment of savings, or other like security has been required by the department in an amount necessary to provide for future site monitoring and possible corrective action required for compensatory mitigation projects (one and one-half times the estimated cost of mitigation). Once the project is completed and a maintenance bond is established, the performance bond will be released. The maintenance bond, as determined by the wetland specialist/habitat biologist, will be released upon success of the project, as determined by the metrics in the mitigation plan, and no earlier than five years after completion of the mitigation project or as otherwise established. If the approved mitigation is not completed or fails to meet its success standards, the property owner must agree to a property access release form, with forfeiture of funds after the specified monitoring period.
11. Due to site constraints and after demonstration of the shoreline variance criteria in KCC 22.500.100(E), the 36 foot buffer and 15 foot building setback to the north, and 41 foot buffer and 15 foot building setback to the west, shall be applied per the Habitat Plan and Proposed Project Mitigation report prepared by Lawrence D. Fisher dated January 9, 2026.
12. Authorization is valid for 5 years from the date of approval by the Department of Ecology. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit or shoreline exemption. A single extension for a period not to exceed one year may be authorized based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the Department of Ecology.
13. The proposed structure shall not cross the boundary line to the northeast. The applicant shall acquire a temporary construction easement from neighboring parcels for construction that occurs within 5 feet of the parcel line.
14. Subject to the conditions of the Habitat Plan and Proposed Project Mitigation report prepared by Lawrence D. Fisher dated January 9, 2026, associated with this permit and on file at the Department of Community Development.
15. Subject to the conditions of the Geological Hazard Assessment prepared by DE-Civil, PLLC dated January 21, 2026, associated with this permit and on file at the Department of Community Development. Structural fill may be necessary to ensure new structures are protected from the potential of liquefaction.
16. This development shall be designed to not require additional shoreline stabilization in the future and shall not be used to justify future shoreline stabilization.
17. Shoreline stabilization constructed between 2022-2023 requires a shoreline ACUP, unless the height did not increase then it would require a shoreline exemption.
18. Vehicles or trailers shall not park on the lawn.
19. Illegal structures and illegal impervious surfaces shall be removed and planted with native vegetation. This includes the concrete patio constructed between the house and northern bulkhead, and the shed structures on the western portion. The

applicant can demonstrate that each of these elements were constructed legally to satisfy this condition of approval.

Traffic and Roads

20. 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 SDAP process, or Building Permit process, if a SDAP is not required. The need for and scope of bonding will be determined at that time.

Fire Safety

Not analyzed for this permit.

Solid Waste

Not analyzed for this permit.

Kitsap Public Health District

Not analyzed for this permit.

Report prepared and approved by:



Darren Gurnee, Planning Supervisor and Project Lead

3/6/2026

Date

CC:

Applicant/Owner: F&L Properties LLC, john@jagconstructionllc.net

Authorized Agent: William Palmer, wpconslts@telebyte.net

Health District

Public Works

Interested Parties: Robert Stevens, rshassas@yahoo.com; Taylor Harriman – Suquamish Tribe, tharriman@suquamish.nsn.us

Staff Planner: Darren Gurnee

Attachments:

Attachment A: Project Site Plan

Attachment B: Zoning Map

Attachment C: Critical Areas Map

Attachment D: 2012 Aerial Imagery

Attachment E: 2018 Aerial Imagery

Attachment F: 2023 Aerial Imagery

Attachment G: 2006 Imagery from Department of Ecology Shoreline Viewer

Attachment H: 2017 Imagery from Department of Ecology Shoreline Viewer

Attachment I: 2024 Imagery from Department of Ecology Overview Map

Attachment J: 2024 Imagery from Department of Ecology Overview Map



Kitsap County Department of Community Development

Attachment A: Project Site Plan



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| DATE: | Apl. 28, 2020 |
| REVISIONS: | |
| CHANGE# | 1 |
| S. Plan, Rd. | |
| locn & blkhd. | |
| | 10/8/24 |
| Patio rmvd. | |
| | 5/4/25 |
| | 1/2/26 |

PROJECT:
GRICE - BEACH HOUSE ADDITION
 3022 BEACH DR. E. PT. ORCHARD

CLIENT:
 John & Jeri
 Grice
 3022 Beach
 Drive E.
 Port Orchard,
 Wa. 98366

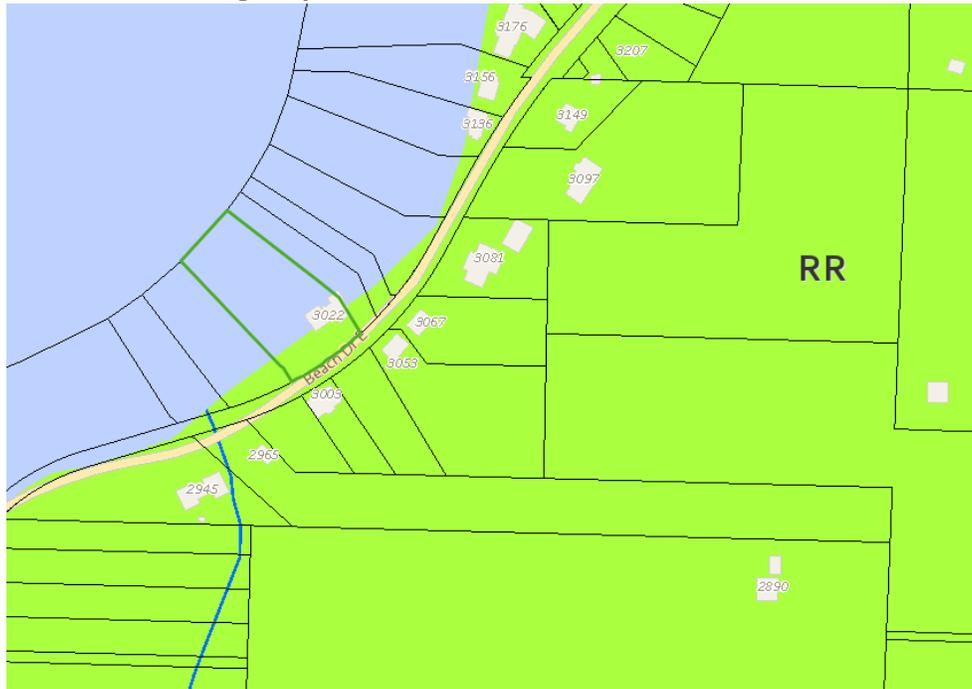


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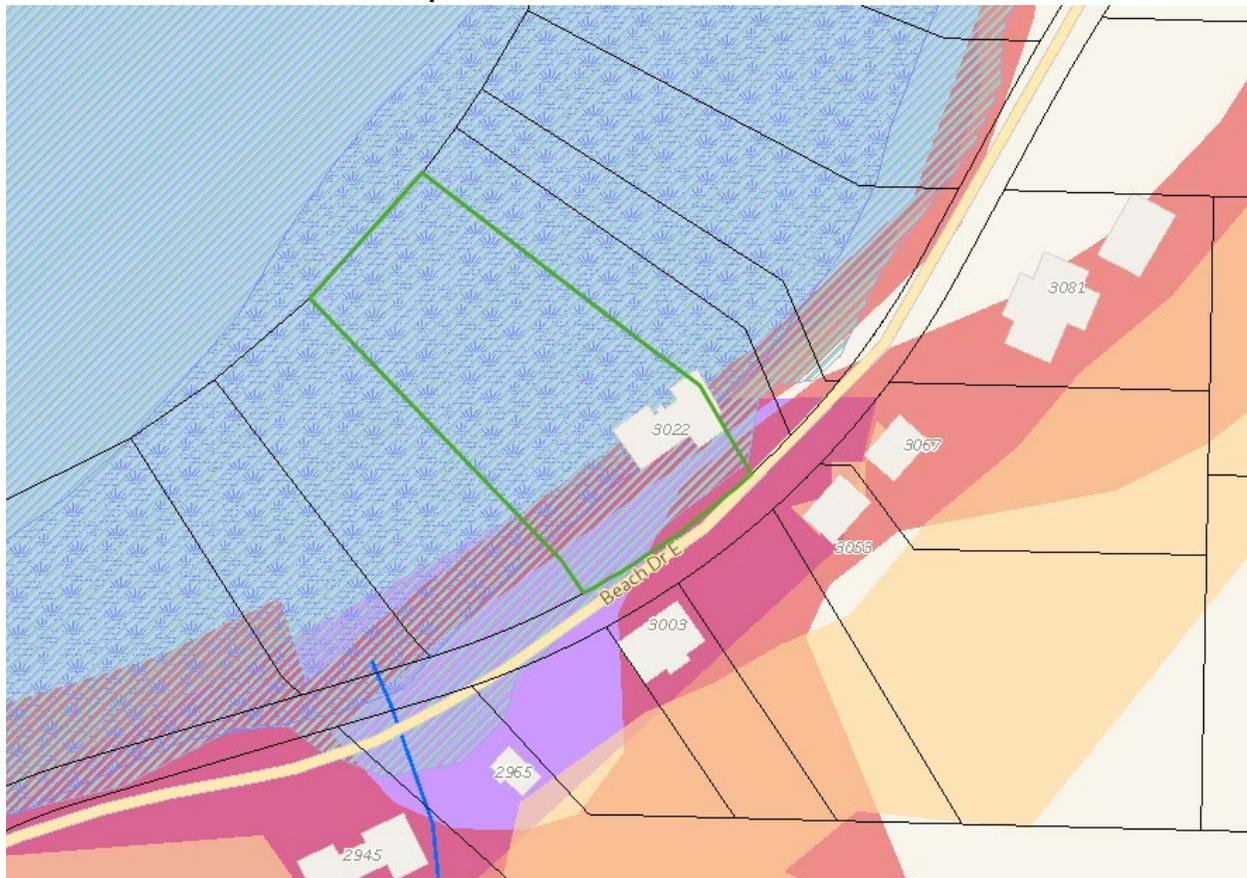


Kitsap County Department of Community Development

Attachment B: Zoning Map



Attachment C: Critical Areas Map



Attachment D: 2012 Aerial Imagery



** This map is not a substitute for field survey **

50 ft

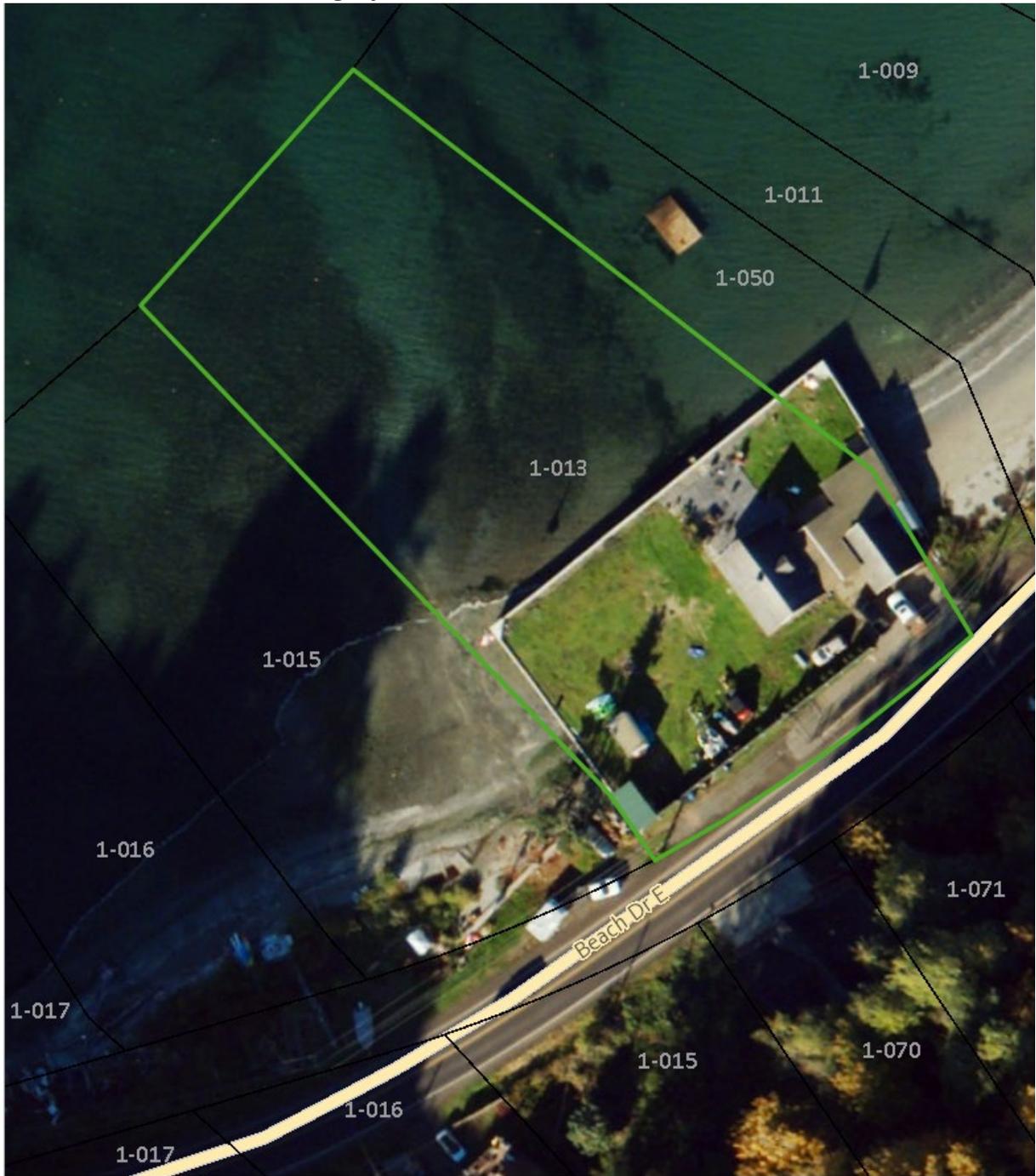
Attachment E: 2018 Aerial Imagery



** This map is not a substitute for field survey **

50 ft

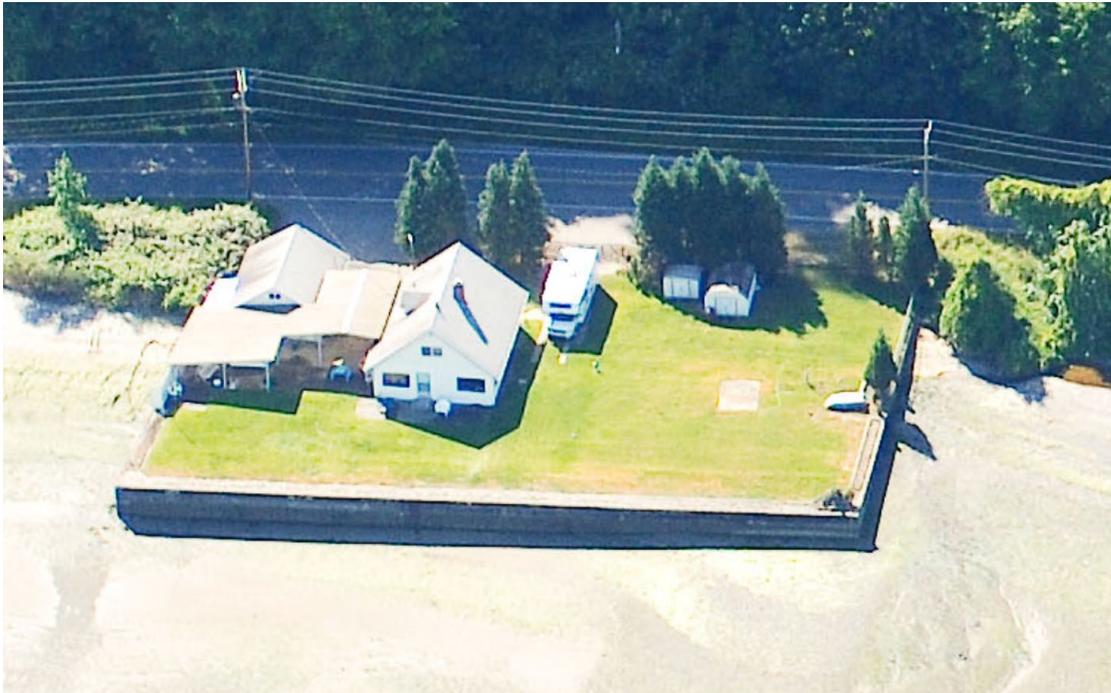
Attachment F: 2023 Aerial Imagery



** This map is not a substitute for field survey **

50 ft

Attachment G: 2006 Imagery from Department of Ecology Shoreline Photo Viewer



Attachment H: 2017 Imagery from Department of Ecology Shoreline Photo View



Attachment I: 2024 Imagery from Department of Ecology Puget Sound Overview Map



Attachment J: 2024 Imagery from Department of Ecology Puget Sound Overview Map

