



Hearing Examiner Staff Report and Recommendation

Report Date: April 3, 2025
Hearing Date: April 10, 2025

Application Submittal Date: July 5, 2024
Application Complete Date: Sept. 13, 2024

Project Name: Raisl Zoning Variance
Type of Application: Type III Zoning Variance (Hearing Examiner)
Permit Number: 24-03100

Project Location

8120 SW Lake Vista Way
Port Orchard, WA 98367
Commissioner District 2

Assessor's Account

112201-4-038-1006

Applicant/Owner of Record

Edward and Lynn Raisl
3221 N 29TH ST,
Tacoma, WA 98407

Recommendation Summary

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

VICINITY MAP



1. Background

The subject property is zoned Rural Residential (RR) which typically requires a 50' zoning setback from the front and 20' side from the side and rear. However, the subject property abuts the Rural Wooded (RW) zone on the western parcel line. Kitsap County Code 17.420.060.29 states: "one-hundred-foot setback required for single-family buildings abutting FRL or RW zones."

2. Project Request

The application seeks to reduce the 100' front setback required by Kitsap County Code 17.420.060.29 zone to 56' to allow for a 1,644 square foot single-family residence with associated septic drainfield, reserve, and new driveway.

The application was analyzed under Kitsap County Code 17.560.010 Conditions for granting a variance.

3. SEPA (State Environmental Policy Act)

The project is SEPA Exempt under KCC 18.04 State Environmental Policy Act.

4. Physical Characteristics

The subject property is a 1.6-acre shoreline property with an irregular rectangle shape.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	N/A	NA*
Maximum Density	1 dwelling unit per 5 acres	
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140'	NA
Minimum Lot Depth	140	NA
Maximum Height	35 feet	NA
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

**Staff Comment: The subject property is an existing lot, and the submitted variance does not seek to the size or shape of the parcel.*

Table 2 - Setback for Zoning District

	Standard	Proposed
Front: West and East. (Parcel has two fronts)	West 100' due to KCC 17.420.060.29 East (Shoreline): 85' buffer and 15' building setback. Shoreline Residential designation)	50'* standard being reduced by submitted variance application 65'* Standard reduced to 50' buffer and a 15' setback with the submitted No Net Loss Report
Side (North)	20'	110'
Side (South)	20'	N/A
Rear	A parcel with two fronts does not have a rear	N/A

Staff Comment: KCC 17.420.060 Footnote#29 One-hundred-foot setback required for single-family buildings abutting FRL or RW zones. Per KCC.150.030 Special Provisions, property within 500' designated "undeveloped forest resource lands" shall contain a notice that may include activities not compatible with residential development.

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 (RR)
East	Single-family residence	Rural Residential (RR)
West	Single-family residence	Rural Wooded (RW)

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District

5. Access

The property is accessed via SW Lake Vista Way, which connects to Carney Lake Road and serves as the primary route for properties located along the north side of the lake. An existing gravel driveway branches off Lake Vista Way and crosses an easement over lot 112201-4-039-1005, a neighboring parcel also owned by the applicant.

6. Site Design

Site design is analyzed under Section 10 of this report.

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, amended in 2018 and 2020.

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

Land Use Goal 13. Protect Kitsap County’s unique rural character.

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

Land Use Policy 53. *Outside of the Type III Limited Area of More Intensive Rural Development (LAMIRD), limit development only to that which serves rural residential or resource needs and does not draw population from Urban Growth Areas. This policy is implemented through Comprehensive Plan Land Use designation, zoning designation, and zoning code provisions.*

Land Use Policy 54. *In accordance with RCW 36.70A.070(5)(c):*

- *to preserve rural character of the County, emphasize controlling rural development; assuring visual compatibility of rural development with the surrounding rural area,*
- *reduce the inappropriate conversion of undeveloped land into sprawling, low density development in the rural area,*
- *protect critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources, and,*
- *protect against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. This policy is implemented through Comprehensive Plan Land Use designations, zoning designations, and zoning code provisions.*

Housing, Human Services Policy 11. *Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and sanitary housing suitable to their needs and financial resources, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class.*

Housing, Human Services Policy 12. *Identify and remove regulatory barriers and limits access to or the provision of a diverse affordable housing supply.*

Housing, Human Services Policy 14. *Disperse affordable housing opportunities throughout the County.*

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

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 20.04	Transportation Facilities Concurrency 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:

Exhibit #	Document	Dated	Date Received
1	STAFF REPORT	4/03/2025	
2	Authorization Form	7/15/2022	9/05/2024
3	Building Plans and Elevations	10/12/2022	9/05/2024
4	Draft Health District Building Site Application (BSA)	8/02/2021	9/05/2024
5	Email Boat House from County DCD	8/23/2024	9/05/2024
6	Permit Questionnaire Form	7/05/2024	9/05/2024
7	Pre-APP Notes	6/28/2021	9/05/2024
8	Project Variance Narrative	7/01/2024	9/05/2024
9	Raisl Geological Report	7/30/2021	9/05/2024
10	Site Plan	10/12/2022	9/05/2024
11	Revised Engineered Site Plan	10/12/2022	9/05/2024
12	Shoreline Mitigation Plan	8/23/2021	9/05/2024
13	Topographical Survey	12/27/2020	9/05/2024
14	Notice of Application	1/27/2025	
15	Notice of Public Hearing	3/26/2025	
16	Certification of Public Notice	3/28/2025	
17	Staff Presentation		
18	Hearing Sign In		

9. Public Outreach and Comments

The variance request for this project to reduce the front setback from 100ft to 56ft (approximately a 50% reduction), requires a Type III permit review process with a decision by the Kitsap County Hearing Examiner per Kitsap County Code 21.04.100. Kitsap County prepared a notice of application consistent with Kitsap County Code Kitsap County Code 21.04 published on January 27, 2024. Kitsap County received no public comment on this project.

10. Analysis

a. Planning/Zoning

Kitsap County Code 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.

Staff Comment: The subject property has special circumstances in the property size, the geologic hazards on site, and the required shoreline buffer.

Property Size

The subject property, measuring 1.6 acres, was established before the applicants acquired it. While the RR zoning district requires a minimum lot size of 5 acres, this property is only one-third of that size. Despite its smaller size, the site meets the minimum criteria for lot width and depth. However, because it is larger than 1 acre, it does not qualify for historic lot exceptions. In contrast, the five lots fronting Carney Lake Road to the west of the applicants' property have narrower lot widths, making them eligible for historic lot setback exemptions. A vicinity map illustrates these parcels.

Geologic Hazards

The property slopes downward from Carney Lake Road to the lakeshore, with an approximate 20 percent grade at the building site before leveling off closer to the shoreline. The total elevation change from the road to the lake is approximately 48 feet, measured from the road elevation to the Ordinary High-Water Mark. The proposed building design incorporates a walkout basement to adapt to the slope, while a new driveway at the upper portion of the site will provide access to the main level, meeting accessibility needs and optimizing views of the lake.

Shoreline

The lot configuration provides 165 feet of shoreline, but only the southeast corner directly fronts the lake. The Shoreline Master Program designation (200' from Ordinary High-Water Mark) is Rural Residential requiring an 80' from the OHWM per 22.400.120. The stand buffer can be reduced to down to 50' when utilizing mitigation to achieve a no net loss. The request a reduction down to 65'. The regulated 100' zoning setback will push the proposed home closer to the shoreline and may require a further reduction to the shoreline buffer to accommodate the enlarged zoning setback. Reducing the zoning setback to 56' rather than 100' (larger than if the subject property were not abutting the RW zone), will allow for a larger shoreline buffer.

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.

Staff Comment: Access to and views of Carney Lake are substantial rights enjoyed by all lakeside property owners in the area. Kitsap County's RR zoning for lakeside lots accommodates smaller parcels and development regulations to facilitate homes with lake views and access as an assumed right which most property owners on the lake enjoy.

Positioning the proposed residence entirely outside the 100-foot zoning setback required by the RW zoning would place the home directly on the access driveway, with its view dominated by the neighboring house. Due to the lot's configuration, mature trees on the neighboring property would obstruct views of the lake, and the applicants would have no authority to remove them. This would deprive the property of direct lake access and views that neighboring lots enjoy.

Even if the residence is relocated further from Carney Lake Road but not fully within the 100-foot setback, undesirable impacts would remain. Many mature trees would need to be removed for construction, and existing shoreline vegetation would obscure lake views. This would undermine the reasonable use of the property and further reduce vegetation along the lakefront.

The proposed building site is strategically chosen to balance access, privacy, and preservation of existing mature trees. It utilizes an opening created by the existing access path to maintain lake views while ensuring privacy for both the new residence and neighboring properties. Analysis determined that the residence can be set back a maximum of 56 feet from Carney Lake Road without sacrificing views, access, or mature trees.

As shown on the submitted site plan and vicinity map, the proposed structure is already set further from the shoreline than any existing homes in the area. This limits its degree of lake access and views compared to other properties, further supporting the suitability of the proposed location.

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

Staff Comment: The proposed residence will be situated farther from Carney Lake Road than any other building in the vicinity. Among the three other residences along Carney Lake Road located between the road and the lake, all are positioned closer than the 50-foot setback required by current RR zoning, a standard the subject property will adhere to. Additionally, these neighboring homes are significantly closer to the lakefront than the proposed residence, as indicated by the submitted mapped Ordinary High-Water Line on the subject property. The proposed residence will be roughly twice the distance from the shoreline compared to the existing nearby homes.

These neighboring properties, as well as potential new development on the two nearby vacant lots, are on parcels less than 140 feet wide. These lots are likely to benefit from historical lot exemptions provided in the land use code, potentially bypassing the additional setbacks required due to abutting RW zoning. While the additional setback poses a greater burden on the applicants' property, such exemptions may allow for administrative rulings on nearby lots without necessitating a variance.

Vicinity Analysis of zoning and shoreline setbacks:

PARCEL #	ADDRESS	RESIDENCE FOOTPRINT	APPROX DISTANCE FROM PROPERTY LINE	DISTANCE FROM SHORELINE
112201-4-038-1006	8120 SW Lake Vista Way	1,644 SQ. FT	56'	65 feet
112201-4-013-1005	15655 Carney Lake Road	1100 Sq. Ft	26'	25'
112201-4-014-1004	15649 Carney Lake Road	600 Sq. Ft	37'	12'
112201-4-015-1003	15643 Carney Lake Road	Vacant	NA	NA
112201-4-016-1002	15637 Carney Lake Road	672 Sq. Ft	21'	29'
112201-4-019-1009	15631 Carney Lake Road	Vacant	NA	NA

D. The variance is the minimum necessary to grant relief to the applicant.

Staff Comment: The proposed single-family residence is only 1,644 square feet of living space which is considered a modest home. The proposed single-family residence two stories and will only have a 966 square footprint on the lower level. The rest of the square footage will be upstairs. No other building such as detached garages or ADUs are proposed currently. Adjacent homes such as 8110 SW Lake Vista Way and 8012 SW Lake Vista Way have larger homes with additional outbuildings.

b. Lighting

Lighting was not evaluated for this proposal.

c. Off-Street Parking

Proposal meets required for off-street parking.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	3 per unit	3	3

Total		3	3
-------	--	---	---

d. Signage

There were no signs proposed within the permit application.

e. Landscaping

Landscaping was not analyzed for this proposal per Kitsap County Code 17.500.010: Single-family lots shall be exempt.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	NA	NA
Required Buffer(s) 17.500.025	NA	NA
North	NA	NA
South	NA	NA
East	NA	NA
West	NA	NA
Street Trees	NA	NA

f. Frontage Improvements

Frontage improvements were not required for this proposal.

g. Design Districts/Requirements

The subject property is not within a design district.

h. Development Engineering/Stormwater

Stormwater review was done under the building Permit # 22-03494 and Kitsap County engineering staff requested additional information. The building permit will be reviewed after the variance is adjudicated.

i. Environmental

The subject properties contain geologic hazards, flood zone, and is a considered a shoreline property as it is adjacent to Carney Lake.

Geologic Hazards

There was a Geologic Report submitted prepared by Envirotech Engineering dated July 30, 2021. The report comments on the following hazards:

Landslide Hazard: The site is not within or contributing to a landslide hazard area. There are no indications of past landslide activity or high slope instability near the site. While slopes inherently carry risks, engineering standards and proper maintenance can mitigate these.

Erosion: Surface soils are moderately erodible, but the site is not classified as highly erodible. Temporary and permanent erosion control measures, such as Best Management Practices (BMPs) like silt fencing and drainage protection, are recommended during and after construction.

Seismic Hazards: The site is in a moderate seismic zone with an estimated peak ground acceleration of 0.50g to 0.60g and a low risk of liquefaction. The nearest fault is the Tacoma Fault Zone, located 2.5 miles south.

Slope Stability: The site is deemed stable, and the proposed development is unlikely to induce landslides. Recommendations include avoiding fills exceeding 8 feet on slopes and implementing drainage controls to reduce slope impacts.

Drainage and Groundwater Control: Groundwater and surface drainage are not limiting factors. Positive drainage systems should be included in the design, and additional mitigation measures like swales or drainpipes may be required if drainage issues arise.

Overall, the report concludes that the planned development is feasible with appropriate erosion and drainage controls and adherence to recommended engineering practices. It did not recommend any buffers or setbacks. Project conditioned to follow the recommendations of the report.

Flood Zone

A FEMA Flood Zone A, which does not have a defined Base Flood Elevation (BFE), is in the southeastern portion of the subject property near Carney Lake. The proposed single-family residence is situated outside of this flood zone and, therefore, does not need to meet flood construction standards.

Shoreline

There was a Shoreline Mitigation Plan submitted prepared by Ecological Land Services dated August 23, 2021.

The property, designated as Shoreline Residential, requires an 85-foot shoreline buffer. The project plans to construct a single-family home, drainfield, and driveway and proposes reducing part of the buffer to 50 feet, as allowed under KCC 19.400.120(B)(2), provided no net loss of shoreline ecological functions is achieved.

Due to steep slopes, moving the home further from the shoreline is not feasible. Mitigation measures will be implemented to compensate for the buffer reduction.

The project will reduce a portion of the 85-foot shoreline buffer to 50 feet (plus a 15-foot setback) to accommodate a new single-family home, septic system, and driveway. To ensure no net loss of buffer and shoreline ecological functions, mitigation will address the 2,688 square feet of impacted buffer with 2,972 square feet of compensatory measures. The reduction of the shoreline buffer is Type I decision typically associated with a building permit.

Key mitigation actions include:

- Planting native trees, shrubs, and herbaceous species across 1,700 square feet to create a multi-layer vegetation community.
- Removing 1,272 square feet of invasive Himalayan and evergreen blackberry within the buffer, allowing native plants like rose and hardhack to reestablish naturally.
- Selecting plant species that thrive in shady shoreline conditions and align with adjacent native vegetation.

These measures meet the no-net-loss standard of the KCC Shoreline Master Program.

j. Access, Traffic and Roads

Kitsap County reviewed the access to the proposed single-family residence and approved.

k. Fire Safety

Fire review was not needed for a project of this size.

l. Solid Waste

Solid Waste review was not needed for this project.

m. Water/Sewer

Water will be through a well. The Kitsap Public Health District reviewed and approved the well proposal.

n. Kitsap Public Health District

Kitsap Public Health District reviewed and approved the proposal for on site septic.

11. Review Authority

The Hearing Examiner has review authority for this Zoning Variance application under KCC, Sections 17.550.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a zoning variance. 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 17.550.030.A, the Department of Community Development recommends that the Zoning Variance request for Project Name be **approved** subject to the following 5 conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. This Variance approval shall automatically become void if no building permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
3. The decision set forth herein is based upon representations made and exhibits contained in the project application (Permit #24-03100). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.

The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

b. Development Engineering

NA

c. Environmental

4. Project shall follow the recommendations of the Geologic Report submitted prepared by Envirotech Engineering dated July 30, 2021.

5. Due to site constraints, a Reduced Shoreline buffer has been approved. The Shoreline Mitigation Plan prepared by Ecological Land Services dated August 23, 2021, has determined that a 50 buffer and 15 building setback shall be applied and will result in no net loss of shoreline ecological functions and is the minimum necessary to accommodate the proposed development. Buffers shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Refuse shall not be placed in buffers.

d. Traffic and Roads

NA

e. Fire Safety

NA

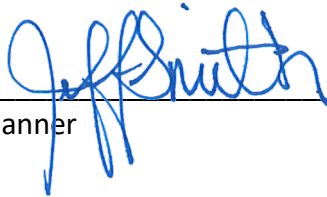
f. Solid Waste

NA

g. Kitsap Public Health District

NA


Report prepared by:



Jeff Smith, Senior Planner

3/19/2025
Date

Report approved by:



Darren Gurnee, Planning Supervisor

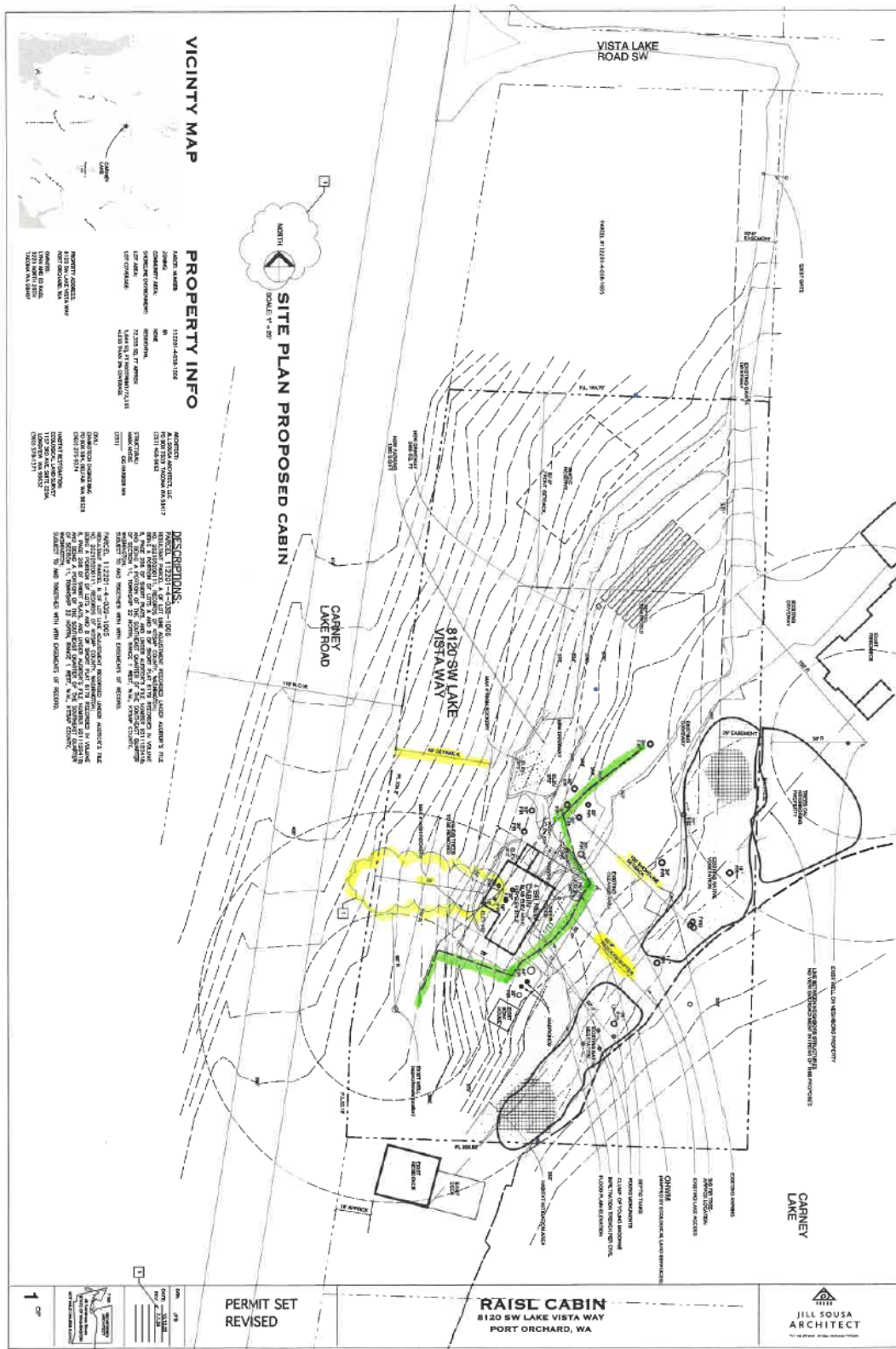
3/19/2025
Date

Attachments:

- Attachment A: Site Plan
- Attachment B: Critical Areas Map
- Attachment C: Shoreline Designation
- Attachment D: Zoning Designation
- Attachment E: Rural Wooded Setback

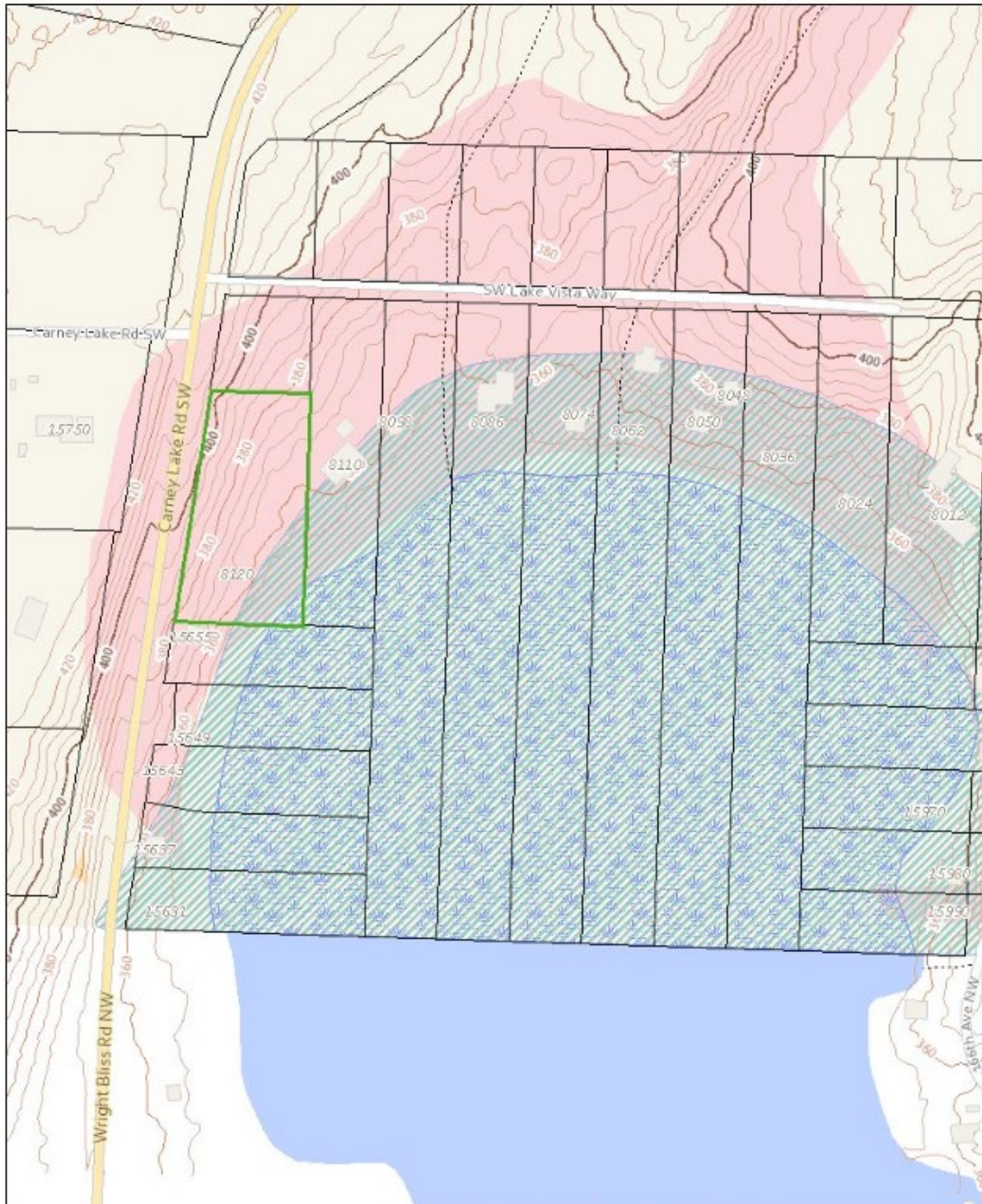
CC: Applicant/Owner: Lynn and Edward Raisl, Ed@raislco.com
Project Representative: Jill Sousa, jill@jillsousaarchitect.com
Biologist, Joanne Barlett, Joanne@eco-land.com
Surveyor: N.L. Olson & Associates Inc, twalton@nlolson.com
Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jeff Smith

Attachment A: Site Plan
Site Plan



Attachment B: Critical Areas Map

Critical Areas Map



Comments

** This map is not a substitute for field survey ** Map Scale: 1 inch = 200 feet
Parcel No: 112201-4-038-1006 TaxPayer: RAISL EDWARD & LYNN Site Address: 8120 SW LAKE VISTA WAY

Kitsap Co. Parcel Search Application

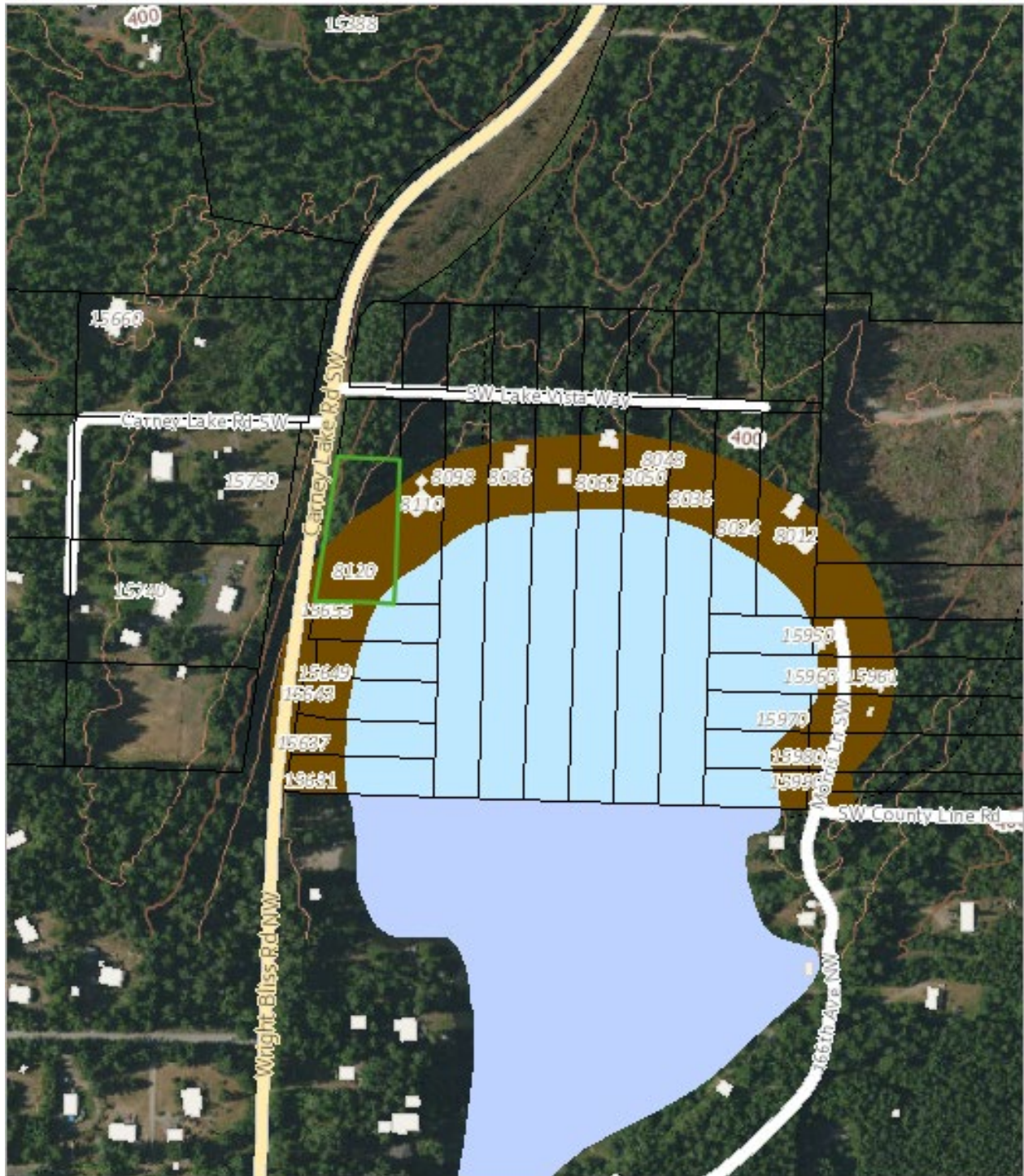


Printed February 28, 2025

Attachment C: Shoreline Designation
Shoreline Map

Map Scale: 1 : 4,800

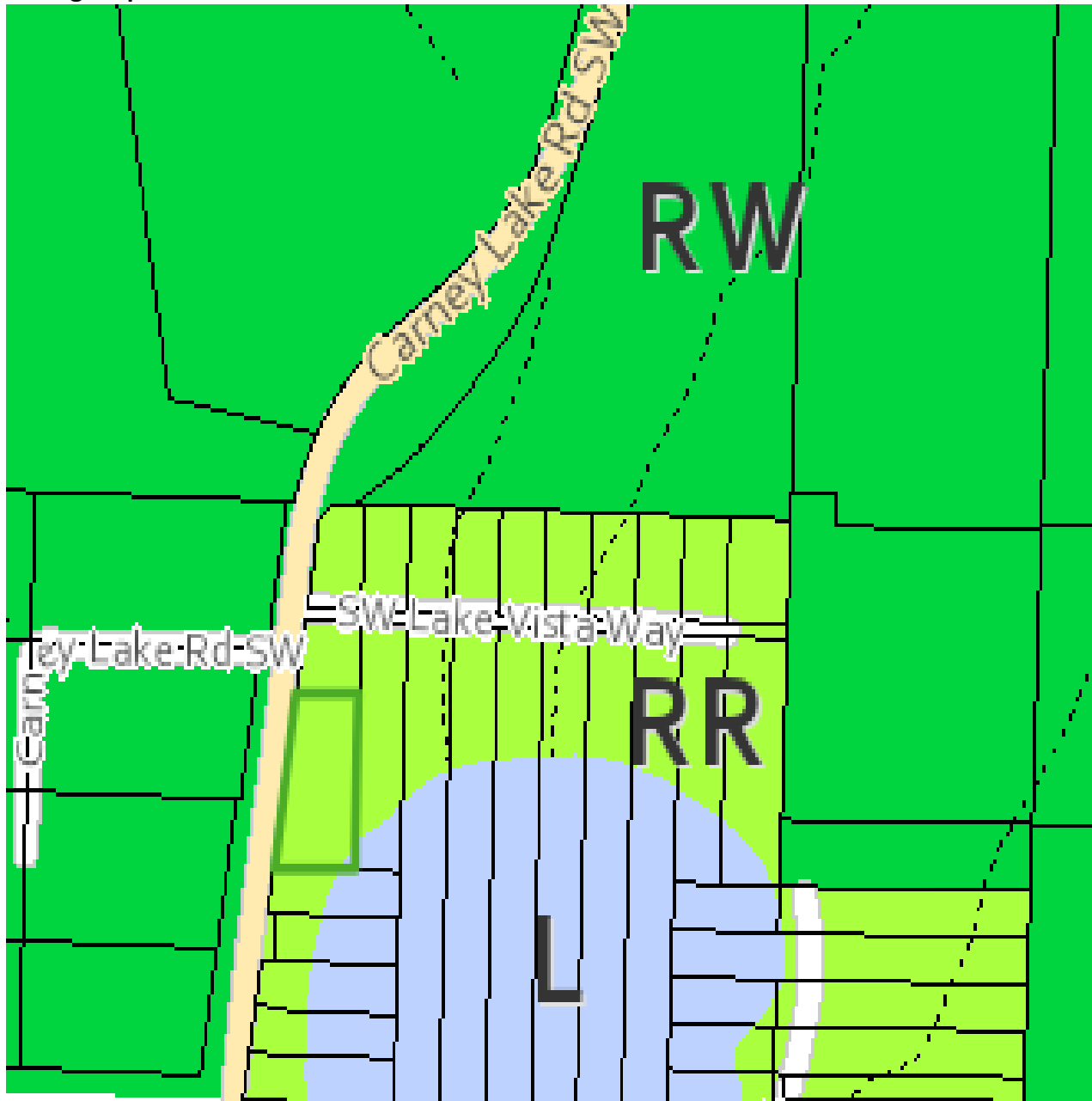
Printed: Friday, Feb 28, 2025



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

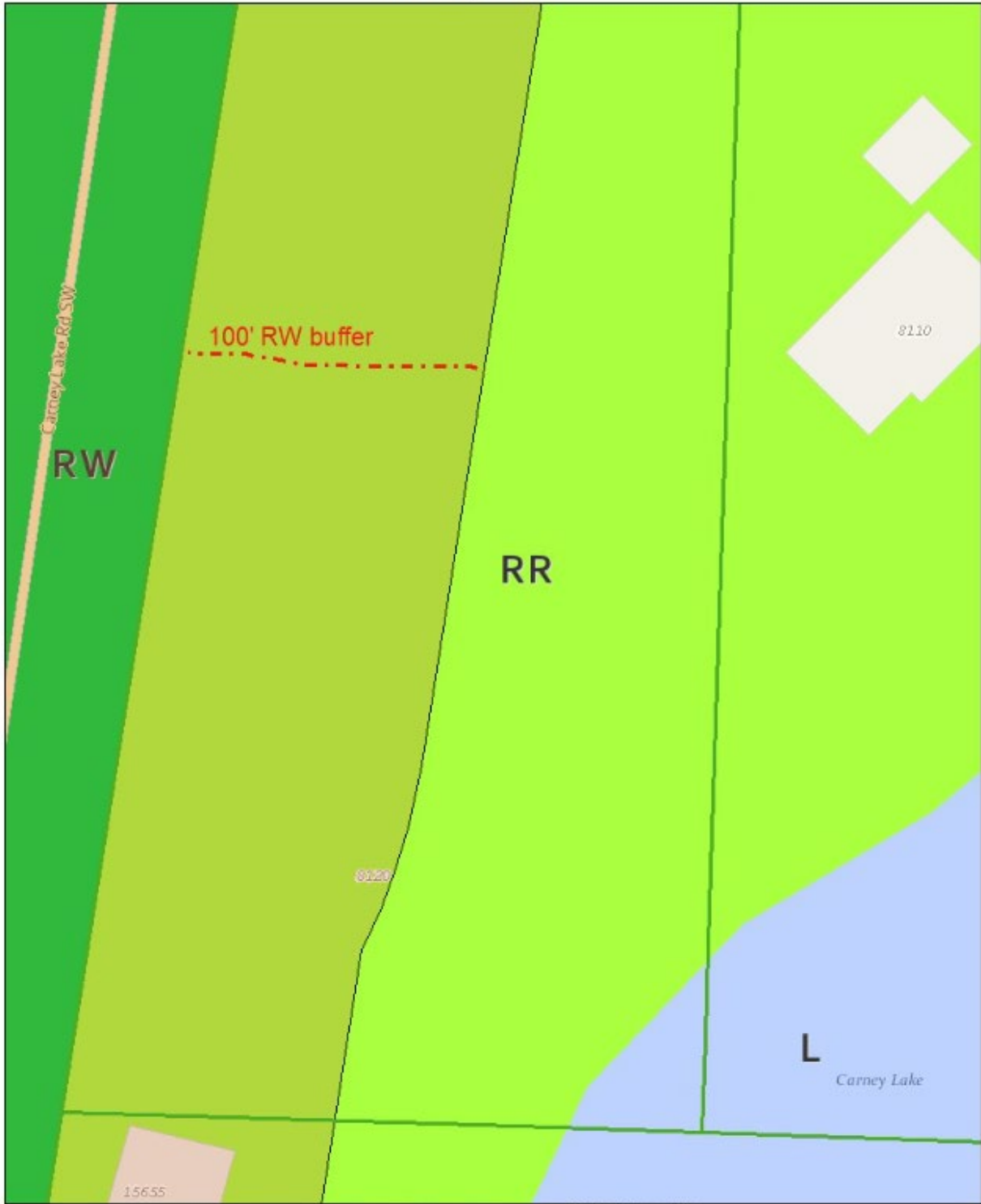
500 ft

Attachment D: Zoning Designation
Zoning Map



Attachment E: Rural Wooded Setback

RW Zoing Setback



Comments

** This map is not a substitute for field survey ** Map Scale: 1 inch = 40 feet
Parcel No: 112201-4-002-1008 TaxPayer: MARKS TIMOTHY S & SUSAN K Site Address: 15660 CARNEY LAKE RD SW

Kissop Co. Parcel Search Application



Printed: March 4, 2025