



## Notice of Administrative Decision

**Date:** 10/08/2021

**To:** ZALL INVESTMENTS LLC, PO BOX 164 OLALLA, WA 98359  
Lisa Fryer, [lisaevance@hotmail.com](mailto:lisaevance@hotmail.com)  
Interested Parties and Parties of Record

**RE:** **Permit Number:** 21-03707  
**Project Name:** ZALL INVESTMENTS LLC - Administrative Zoning Setback Variance  
**Type of Application:** Administrative Zoning Variance

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit #: 21-03707 ZALL INVESTMENTS LLC - Administrative Zoning Setback Variance**, 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 found on DCD's website: <https://www.cognitofrms.com/KitsapCounty1/RequiredPermitQuestionnaireAppealObjectionOfAnAdministrativeDecision>.

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 at 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. Please note DCD is open Monday to Thursday from 8:00am to 4:00pm and on Friday from 9:00am to 1:00pm except holidays.

**CC:** Interested Parties: N/A  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Jeff Smith  
DCD File # 21-03707



## Administrative Staff Report

**Report Date:** October 4, 2021

**Application Submittal Date:** July 23, 2021

**Application Complete Date:** August 22, 2021

**Project Name:** ZALL INVESTMENTS LLC - Administrative Zoning Setback Variance

**Type of Application:** Type -II Variance

**Permit Number:** 21-03707

### Project Location

2760 Ridgecrest Drive W.  
Bremerton, WA  
Commissioner District #3

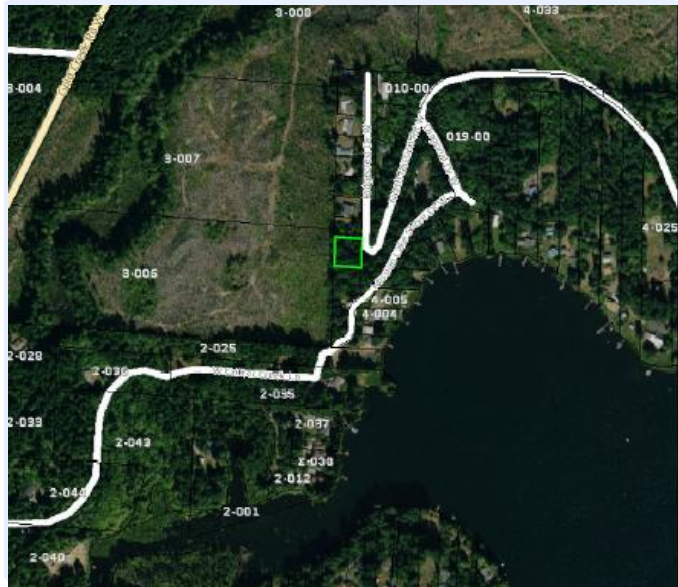
### Assessor's Account #

292401-4-001-1007

### Applicant/Owner of Record

ZALL INVESTMENTS LLC  
PO Box 164  
Olalla WA 98359

### VICINITY MAP



### Decision Summary

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

### 1. Background

The subject property is 0.42 acre, located along Ridgecrest Drive W, northwest of Mission Lake located west of Bremerton, Kitsap County, Washington. The lot is zoned Rural Residential (RR) and the lot to the west is zoned as Rural Wooded (RW) owned by Pope Resources. Per code 17.420.060 there is a special required setback of 100 feet between new single-family homes and properties zoned as RW. The Kitsap County Comprehensive Plan and Zoning Code includes regulations and comprehensive plan policies to ensure adjacent properties are compatible with properties used for timber production. Building permit #21-01172 is being reviewed concurrently with this zoning setback variance request.

**2. Project Request**

The applicant is requesting approval of an Administrative Variance to allow placement of a manufactured home to encroach 24 feet into the required RW forestry 100-foot setback. The dwelling will be served by an onsite 2-party well and on-site septic system.

**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 197-11-800 and KCC 18.04 State Environmental Policy Act (SEPA) the request is categorical exempt.

**4. Physical Characteristics**

The subject property is 0.42 acres, located along Ridgecrest Drive W, northwest of Mission Lake and located west of City of Bremerton, Kitsap County, Washington. The RW lot that abuts this parcel was recently logged within the last 5 years. A 35-foot clearing buffer is located along the property boundary on the RW lot. There is a high probability that OPG, the owner of the RW land will continue to be long-term forestry.

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

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	1
Maximum Density	1-dwelling unit per 5 acres	
Minimum Lot Size	NA	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	35 feet	3 stories, <35 feet
Maximum Impervious Surface Coverage	NA	~2,000 or 10%

Maximum Lot Coverage	NA	NA
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Applicable footnotes:

17.420.060.A.29 One hundred-foot setback required for single-family buildings abutting FRL and RW zones.

*Staff Comment: The applicant is requesting a variance to the setback to construct on the property.*

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (East)	20 feet	27 feet
Side (North)	5 feet	31.8 feet
Side (South)	5 feet	57 feet
Rear (East)	10 feet (100 feet when abutting FRL and RW)	76 feet or 24% reduction

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

Surrounding Property	Land Use	Zoning
North	undeveloped	Rural Residential (RR)
South	undeveloped	RR
East	Undeveloped	RR
West	Undeveloped	Rural Wooded (RW)

**Table 4 - Public Utilities and Services**

	Provider
Water	Private Well
Power	Mason County PUD
Sewer	Onsite Sewage Disposal
Police	Kitsap County Sheriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #402

**5. Access**

The property is accessed from Ridgcrest Drive W, which is a County maintained road with a federal functional classification as a local access road. The roadway is approximately 20 feet wide with shoulders on either side.

**6. Site Design**

Consistent with KCC Title 17 Zoning for permitted uses, the parcel would be developed with a single-family dwelling, reviewed for consistency with KCC 17.420.060 Rural, Resource and Urban Residential Zones Density and Dimensions Tables. There will be off-street parking next to the SFR consistent with KCC 17.490 Off-Street Parking and Loading.

## 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:

*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.*

*Land Use Goal 16. Develop a strategy for use and compatibility of properties used for timber production.*

*Land Use Policy 82. Allow the use of normal Best Management Practices within the designated Forest Resource Lands and Rural Wooded area, provided all applicable environmental laws and regulations are followed.*

*Land Use Policy 83. Allow industrial uses associated with forestry activities in the Mineral Resource overlay. Land Use Policy 84. Develop and promote incentives for continued rural and resource uses, and, as appropriate, preservation including but not limited to a Transfer of Development Rights (TDR) program.*

*Land Use Policy 85. Require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as forest resource lands contain a notice that the subject property is within or near designated forest resource lands on which a variety of commercial activities may*

*occur that are not compatible with residential development for certain periods of limited duration.*

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

**8. Documents Consulted in the Analysis**

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Administrative Variance Questionnaire	July 6, 2021
Vance Ridgecrest Engineered Stormwater Plant	September 7, 2021
Site Plan	July 6, 2021
Vance Geo Assessment Report	July 6, 2021
Kitsap Public Health District BSA	July 7, 2021

<u>Staff Communication</u>	<u>Dated</u>
None	

**9. Public Outreach and Comments**

Pursuant to KCC Title 21 Land Use and Development Procedures, the Department gave proper public notice for the administrative variance through the Notice of Application with the notification of property owners located up to 800 feet around the site. As of September 9, 2021, with the issuance of the Notice of Application, the Department did not receive written responses from neighbors opposed to the request.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
NA		

Issue Ref. No.	Issue	Staff Response
NA		

**10. Analysis**

**a. Planning/Zoning**

Conditions and Facts: Pursuant to Kitsap County Code Section 17.560.010 Variances, the applicant can request the Director to authorize an administrative variation of up to 25% of any numerical standard, except density, when unusual circumstances cause undue hardship in the strict application of the Code. The granting of such a variance shall be in the public interest. A variance shall be approved only when all 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.

Applicant: This lot is 130 feet wide. There is currently a setback of 100 feet on the rear of the property due to the lot adjoining RW land. There is a building setback on the front of the lot of a minimum of 20 feet. If both these setbacks were observed there would be only 10 feet of the property left for building structures. There is not enough space for a building envelope. According to the geological assessment performed by Resolve Environmental on June 30, 2021 the site is 'hill and dale' with some nearly-level plateaus. Slopes are relatively steep, about 40 to 55 percent to the southeast. Slopes to the valleys vary from 25 to 40 percent. Also, according to the geological assessment performed by Resolve Environmental: "The Single-Family Residences (SFRs) are likely to be in areas of stable conditions. It appears obvious that the usual 100-foot setback from the clear-cut forest area will not allow for any appropriate area in which to place SFRs or other development. It is suggested that 75 feet or less be allowed for reasonable development on the sites since Geologically speaking, there does not appear to be any reason to have a 100-foot setback from the forest/clear-cut area."

*Staff Comments: The combination of associated geological hazard issues and being an under sized legal lot of record prevents the property owner from complying with the 100-foot setback from the Rural Wooded zone. This finding has been met.*

- 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.

Applicant: There are other existing properties in the neighborhood that abut the same parcel of Rural Wooded land. None of these properties observe the 100-foot special setback. The largest setback that was observed is 35 feet from the RW zoned land. The following parcels are listed for reference. All measurements are approximate and were obtained using the mapping feature of the Kitsap County Assessor's website.

4593-000-003-0002: 30-foot setback from RW

4593-000-005-0000: 35-foot setback from RW

4593-000-007-0008: 30-foot setback from RW

4593-000-008-0007: 20-foot setback from RW

*Staff Comments: Staff concurs with applicant that half a dozen properties which are "legal lots of record" with housing constructed prior to the adoption of the comprehensive plan already enjoy a smaller setback from the Rural Wooded zone. This finding has been met.*

- 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

Applicant: Trees and vegetation between the RW property and building envelope on this site will be preserved for a windbreak. The only trees and brush that will be removed are those that are necessary to install the proposed manufactured home and septic system. The RW lot that abuts this parcel was recently logged within the last 5 years. A 35-foot clearing buffer was observed on the RW lot. This would be assumed to be continued in any future logging activities. Other properties in the neighborhood have not observed the same requirement of 100-foot setback. Other property owners in this area already enjoy a reduced setback.

*Staff Comment: Staff concurs that a minor reduction of the setback up to 25% to encroach 24 feet will not be materially detrimental to the public or adjacent property owners who already enjoy a smaller rear yard setback. Staff agrees that this finding has been met.*

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

Applicant: As shown by the contour lines presented on the Kitsap County Assessor's mapping website as well as the geological assessment performed by Resolve Environmental, there is no alternative building envelope for this site. This existing lot is too small to accommodate both the RW setback as well as the building setbacks needed to comply with current code. Due to the size constraints of the lot as well as the topography explained in the geological assessment the proposed site plan is utilizing the minimum necessary zoning requirements.

*Staff Comment: Staff concludes the proposed building is the minimum necessary because of the lot size, topography, and the location of the drainfield. Based on this evidence, the County concludes the applicant's request to allow the encroachment into the 100-foot setback is supportable. Staff agrees that this finding has been met.*

**b. Lighting**

NA



**c. Off-Street Parking**

The proposal is consistent with KCC 17.490.030 Required Off-street Parking Numbered Spaces Required and provides the required three spaces.

**Table 5 - Parking Table**

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

**d. Signage**

NA

**e. Landscaping**

NA

**Table 6 - Landscaping Table**

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

**f. Frontage Improvements**

NA

**g. Design Districts/Requirements**

NA

**h. Development Engineering/Stormwater**

NA

**i. Environmental**

The applicant submitted a geological assessment from Resolve Environmental and Geotechnical Inc. The report found that a combination of dense soils onsite and concluded the proposed manufactured home will have less of an impact on soil loading than a conventional stick-built dwelling.

**j. Access, Traffic and Roads**

NA

**k. Fire Safety**

NA

**l. Solid Waste**

NA

**m. Water/Sewer**

The property will be served by an existing private well and an on-site sewage disposal system.

**n. Kitsap Public Health District**

Kitsap Public Health District has approved the Building Site Application for the subject property on June 24, 2021.

**11. Review Authority**

The Director has review authority for this Administrative Conditional Use Permit application under KCC, Sections 17.540.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. The Director may approve, approve with conditions, or deny an Administrative Conditional Use Permit.

**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. Decision**

Based upon the analysis above and the decision criteria found in KCC 17.560.010, the Department of Community Development recommends that the Administrative Variance request for Zall Investments be **approved**, subject to the following 7 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 (insert #). 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.
4. 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**

5. Comply with all applicable Kitsap County storm drainage requirements noted in Kitsap County Code Title 12 and the Kitsap County Stormwater Design Manual.

#### **c. Environmental**

6. Development is subject to the conditions of the Geotechnical assessment by Re Resolve Environmental and Geotechnical Inc. dated June 30, 2021 submitted with this permit and on file at the Department of Community Development.

#### **d. Traffic and Roads**

NA

**e. Fire Safety**

NA

**f. Solid Waste**

NA

**g. Kitsap Public Health District**

7. Comply with all applicable Kitsap Public Health District regulations.

**Report prepared by:**



Jeff Smith, Staff Planner / Project Lead

10/04/2021

Date

**Report approved by:**



Angie Silva

Date

10/4/2021

**Attachments:**

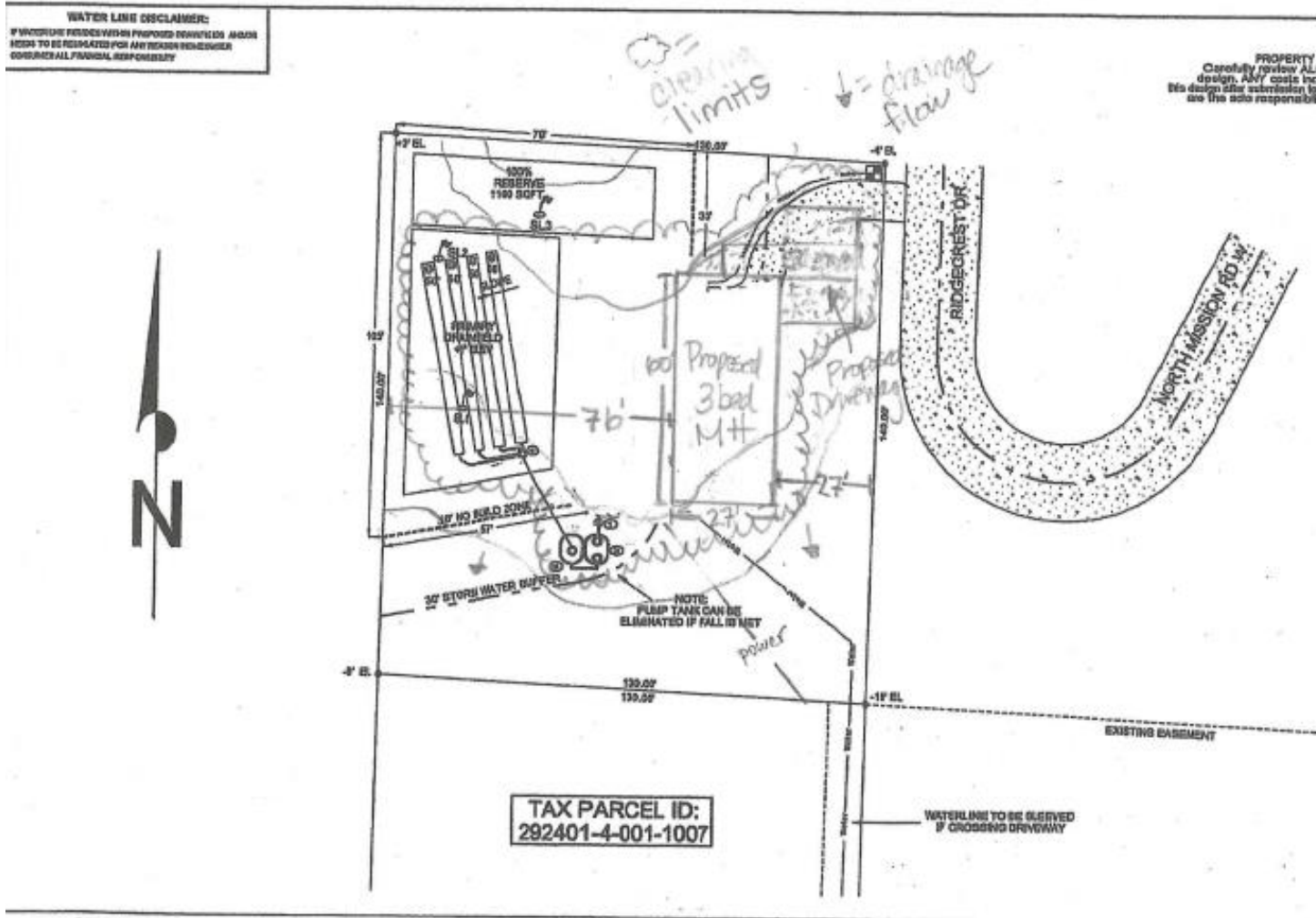
Attachment A – Site Plan

Attachment B – Civil Site Plan

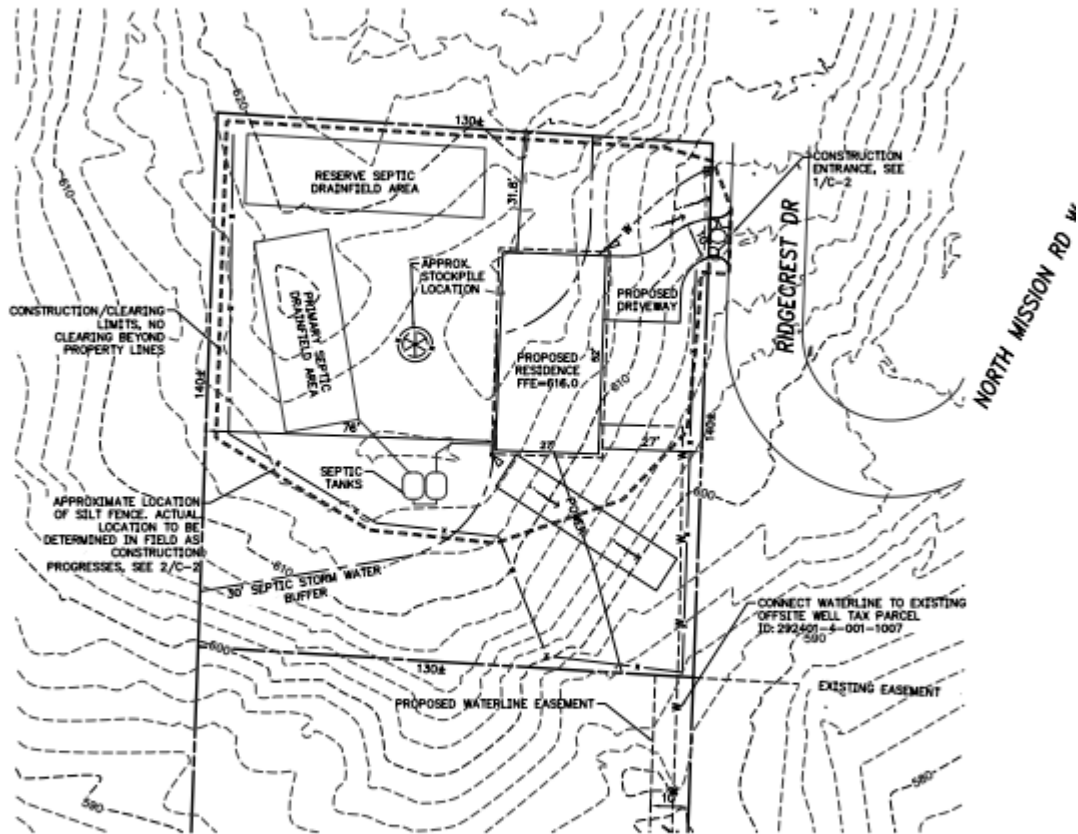
Attachment C – Zoning Map

CC: Zall Investments, lisaevance@hotmail.com  
Development Engineering, PLLC, 2306 A Street., Tacoma, WA 98402  
Resolve Environmental & Geo Technical, Inc  
Interested Parties: NA  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Jeff Smith

Site Plan



Civil Site Plan



**SITE STATISTICS**

SITE AREA	= 0.42acres
CLEARING LIMITS	= 0.32acres
IMPERVIOUS HOUSE	= 1,500sqft
IMPERVIOUS DRIVEWAY	= 500sqft
EARTHWORK QUANTITIES	CUT= 100yds
EARTHWORK QUANTITIES	FILL= 100yds

**Zoning Map**

