



Notice of Administrative Decision

Date: 7/2/2021

To: Riley Start, riley.start@outlook.com

RE: Permit Number: 21-01368

Project Name: START - Variance to locate home 75' from DNR forest land to the South

Type of Application: Zoning Variance – Administrative (TYPE II)

The Kitsap County Department of Community Development has **APPROVED** the land use application for 21-01368: **START - Variance to locate home 75' from DNR forest land to the South – Zoning Variance – Administrative (TYPE II)**, 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.cognitofirms.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 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:

None

Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

DCD Staff Planner: COLIN POFF

DCD File 21-01368



Administrative Staff Report

Report Date: June 23, 2021

Application Submittal Date: March 8, 2021

Application Complete Date: March 22, 2021

Project Name: Start Setback Variance

Type of Application: Zoning Variance - Type II

Permit Number: 21-01368

Project Location

7459 Turko Lane NW
Seabeck, WA
Central Kitsap (district 3)

Assessor's Account

212501-3-043-1006

Applicant/Owner of Record

Riley Start and Melissa Tome
4912 NW Francis Dr
Silverdale, WA 98383

Decision Summary

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

1. Background

The applicant is proposing to develop the subject site with a single-family residence and attached garage, driveway, and septic drain field. A building permit (#20-00355) is currently in review pending approval of this variance. Per KCC 17.420.060, footnote 29, a one-hundred-foot setback is required for single-family buildings abutting RW zones. The proposed home abuts a property zoned as RW to the south.

2. Project Request

The applicant is requesting a variance to reduce the required setback to the southern property line from 100 feet to 75 feet (25% reduction). The property is in the Rural Residential Zone (RR). A 100-foot setback is required when a single-family home is adjacent to a property zoned as Rural Wooded (RW).

VICINITY MAP



3. SEPA (State Environmental Policy Act)

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

4. Physical Characteristics

The subject site is an undeveloped 4.95-acre property. The site is vegetated and relatively flat according to the site topography, however slopes exist due to an old logging road covering the center of the property. There are no mapped critical areas on site.

Table 1 - Comprehensive Plan Designation and Zoning

| Comprehensive Plan: Rural Reserve Zone: Rural Reserve (RR) | Standard | Proposed |
|--|---------------|-----------------------------------|
| Minimum Density | NA | NA |
| Maximum Density | 1 DU/ 5 acres | |
| Minimum Lot Size | 5 acres | 4.95 acres (existing) |
| Maximum Lot Size | NA | NA |
| Minimum Lot Width | 140 feet | Approx. 330 feet (existing) |
| Minimum Lot Depth | 140 feet | Approx. 650 feet (existing) |
| Maximum Height | 35 feet | NA; Reviewed with building permit |
| Maximum Impervious Surface Coverage | NA | NA |
| Maximum Lot Coverage | NA | NA |

Table 2 - Setback for Zoning District

| | Standard | Proposed |
|----------------------------|----------|--|
| Front (north) | 50 feet | 500+ feet |
| Side (east - second front) | 50 feet | 80 feet (including 30-foot easement from Turko Ln) |
| Side (west) | 20 feet | 200+ feet |
| Rear (south) | 100 feet | 75 feet (25% reduction proposed by variance) |

Applicable footnotes:

17.120.060.29 - One-hundred-foot setback required for single-family buildings abutting FRL or RW zones.

Staff Comment: The need for a variance is based on the above footnote requiring a 100-foot setback to the RW zoned property to the South.

Table 3 - Surrounding Land Use and Zoning

| Surrounding Property | Land Use | Zoning |
|----------------------|-------------------------|------------------------|
| North | Single-Family Residence | Rural Residential (RR) |
| South | State of WA DNR Land | Rural Wooded (RW) |
| East | Single-Family Residence | Rural Residential (RR) |
| West | Single-Family Residence | Rural Residential (RR) |



Zoning Map

Table 4 - Public Utilities and Services

| | Provider |
|--------|-------------------------------------|
| Water | Seabeck Water - Public |
| Power | Puget Sound Energy |
| Sewer | Private System |
| Police | Kitsap County Sheriff |
| Fire | Central Kitsap Fire and Rescue |
| School | Central Kitsap School District #400 |

5. Access

Access will be from a new private driveway connecting Turko Lane NW to the east. The driveway approach only serves this residence.

6. Site Design

The proposed site plan includes a 5-bedroom single-family residence, attached garage,

parking area, driveway, and a septic system with primary and reserve drain fields.

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 Goal 13: Protect Kitsap County's unique rural character.

Land Use Policy 50: Limit the designated rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.

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

Land Use Policy 55: Encourage development practices and design standards for the rural area, such as minimizing changes in grade from pre-development site conditions in order to maximize native vegetation retention.

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 |
| Title 19 | Critical Areas Ordinance |
| 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> |
|---|------------------------------|
| Zoning Variance Permit Questionnaire | March 9, 2021 |
| KPHD BSA | March 9, 2021 |
| Site Plan Rev B | June 17, 2021 |
| Plan Set - Engineered | March 9, 2021 |
| Response to Information Request Checklist | June 17, 2021 |
| Notice of Application | May 6, 2021 |
| | |
| <u>Staff Communication</u> | <u>Dated</u> |
| None | N/A |

9. Public Outreach and Comments

The department sent a Notice of Application on May 6, 2021 and the public comment period remained open for 14 days, as required in the land use permit procedures outlined in Title 21 of the Kitsap County Code. No comments were received.

10. Analysis

a. Planning/Zoning

The proposal meets all Title 17 density, dimension, and design standards except for the required minimum front setback from the easement to the east (See Tables 1 and 2). The requested 25-foot (25%) setback variance can be approved through the Type II variance process if the criteria outlined in KCC 17.560.010 are met. The applicant has demonstrated that the proposal meets all criteria, as follows:

1. 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 Response: As discussed during the staff consultation meeting on 4/6/2021, the property in question features the remains of an old logging road which reshaped the center of the lot. About 1/3 of the lot, centered (but winding) and running generally N to S, slopes downward about 8 to 10 feet into this old logging road. This topographic feature was in place before the property was acquired by its current owners and does not appear to exist in any adjacent lots. The slope of this road combined with the setback requirements leaves very little room to actually construct a home.

Staff Analysis: This lot has two street frontages. The applicant will gain access from Turko Lane to the east, which requires a 50-foot setback. The applicant can meet this 50-foot setback, but requests the variance to the 100-foot rear setback in order to avoid slopes and

retain vegetation.

2. 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 Response: Some of the oldest native growth on the property is contained within the sloped area. The lot, with few exceptions, was allowed to be clearcut and most of the flat areas had since been taken over by Scotch broom. Placing the house to meet the standard setback requirements would have meant building within the sloped area, filling in and trampling much of the remaining native species in the area. The owners wish to return most of the lot to a fully native vegetation and see it as their responsibility to preserve what native species are already in place.

Staff Analysis: Properties in the vicinity are of similar size and shape. Some of these lots abut RW zoning and are non-conforming to the 100-foot setback, while others meet the setback. The subject property appears to be the only in the area to have an old logging road in the center of the lot creating difficulties with meeting the 100-foot setback requirement.

3. 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.

Applicant Response: The request for setback variance is only for the South property line adjacent to the State-owned Department of Natural Resources forest land. Allowing the house to move closer to the trees will not be detrimental to the public welfare and will not be injurious or affect adjacent properties in any way. In fact, a similar variance appears to have been obtained by the neighbor to the West. By all appearances their home seems to be within 50 feet of the Southern property line.

Staff Analysis: As stated by the applicant, the property to the west and other properties in the vicinity are non-conforming to the 100-foot setback. The proposed home will be located toward the center of the lot and reducing the setback from 100 feet to 75 feet will have no detrimental effects.

The proposed SFR, if it were to comply with the entire zoning front yard setback of 50 feet, would require the residence and drain field to be moved closer to the top of slope. The proposed 40-foot setback is preferred over moving the residence toward critical areas.

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

Applicant Response: After several visits to the build site to determine the most favorable position of the home, the owners determined that the 25% variance was the minimum necessary to avoid significant issues during construction and significant native plant

eliminations. The 75-foot setback will still require the home to be built with 4 to 5 feet of extra stem wall due to the increasing grade near the edge of the 'true' slope, but was enough to avoid the worst of the effects.

Staff Analysis: A reduction of 25 feet is the minimum necessary to achieve the objective of avoiding slopes and vegetation.

b. Lighting

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

c. Off-Street Parking

Single-Family developments require three (3) off-street parking spaces (KCC 17.490.030), measuring at least 9 feet by 20 feet. The submitted site plan shows that the proposal meets this requirement.

Table 5 - Parking Table

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

d. Signage

No signage is proposed.

e. Landscaping

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

Table 6 - Landscaping Table

Not Applicable

f. Frontage Improvements

No frontage improvements are proposed or required.

g. Design Districts/Requirements

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

h. Development Engineering/Stormwater

Development Engineering and Stormwater Review will be conducted with the associated building permit. No comments at this time.

i. Environmental

There are no mapped critical areas on site or the immediate vicinity.

j. Access, Traffic and Roads

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

k. Fire Safety

Review was completed and approved with the associated building permit (20-00355). There are no additional comments at this time.

l. Solid Waste

No comments at this time.

m. Water/Sewer

The property will be serviced by KPUD for water. Septic will require a private drainfield. The applicant submitted a Building Site Application dated November 16, 2020. Water and sewer will be reviewed by Kitsap Public Health District.

n. Kitsap Public Health District

The applicant submitted a Building Site Application dated November 16, 2020. Water and septic will be reviewed by Kitsap Public Health District. Any changes to the approved site plan must be approved by Kitsap Public Health District and may require a modification to the approved Administrative Variance (See Section 13, Condition a.3 of this report).

11. Review Authority

The Director has review authority for this Administrative Variance application under KCC 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 this application.

12. Findings

The Department of Community Development has determined that this application meets all four zoning variance criteria as outlined at KCC 17.560.010 Conditions for granting a variance. The criteria are detailed above in section 10 Analysis.

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 Start Variance (21-01368) be approved, subject to the following 6 conditions:

a. Planning/Zoning

1. This variance decision does not approve any site development activities including clearing or tree removal.
2. The site shall be accessed from the existing private access easement along the east of the site. No additional access shall be allowed without prior approval.
3. The decision set forth herein is based upon representations made and exhibits contained in the project application #21-01368 Start Setback Variance. 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.
5. This Administrative Zoning Variance approval shall automatically become void if no development 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.
6. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Zoning Variance.

b. Development Engineering and Environmental

No comments at this time

Report prepared by:



Name, Staff Planner / Project Lead

6-23-21

Date

Report approved by:



Name, Department Manager / Supervisor

6-23-21

Date

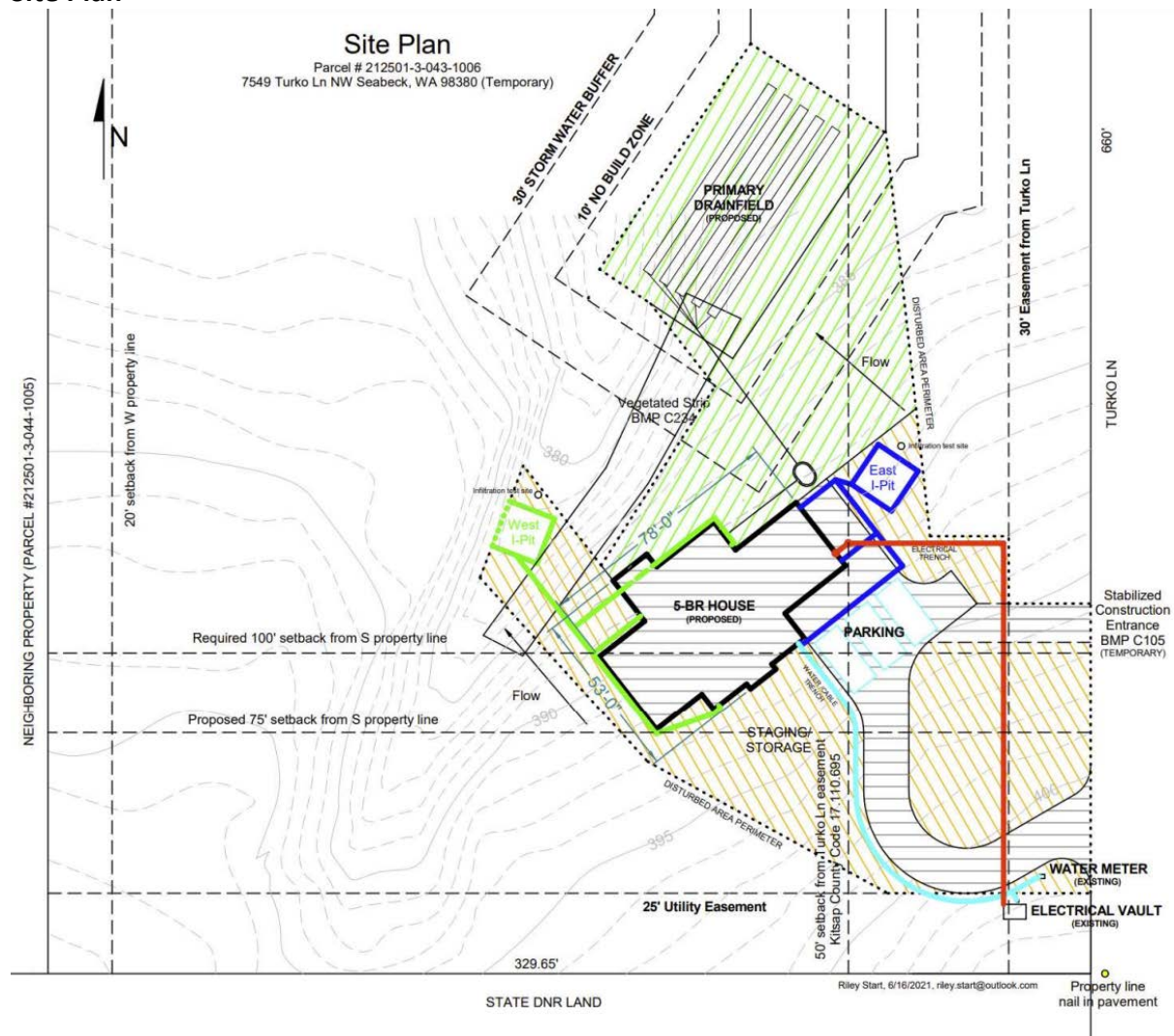
Attachments:

Attachment A – Zoning Map

Attachment B - Critical Areas Map

CC: Applicant: riley.start@outlook.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Colin Poff

Site Plan

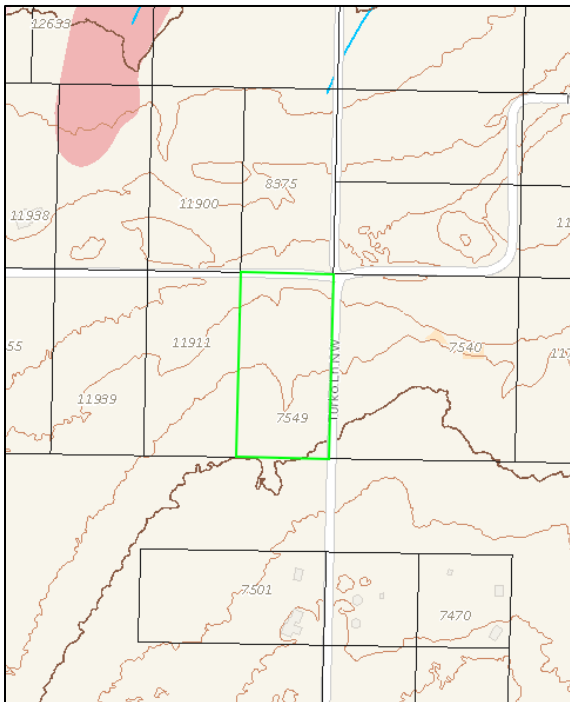


Attachment A - Zoning Map



Surrounding: Rural Residential (RR) and Rural Wooded (RW)

Attachment B - Critical Areas Map



Mapped Critical Areas: None