



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Larry Keeton, Director

STAFF REPORT

RECOMMENDATION TO THE HEARING EXAMINER SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Report Date: October 28, 2011
Hearing Date: November 10, 2011

Application Submittal Date: April 30, 2007
Application Complete Date: May 3, 2007

Project: Point No Point Boat Launch Facility

This staff report was prepared by Dennis Oost, Jeff Smith, Shawn Alire, and Steve Heacock, based on information available up until the time the report was prepared. New information relevant to review of this application may become available prior to the hearing or at the hearing. Staff may wish to change their analysis based upon that new information, and reserves the right to do so.

Project Description: The Washington Department of Fish and Wildlife (WDFW) have applied for a Kitsap County Shoreline Substantial Development Permit (SSDP) and Administrative Conditional Use Permit (ACUP) to construct a new boat launch facility on property historically used for a community and recreational boat launch, a single-family residence, a boat storage building, 19 recreational vehicle parking spaces with electrical, water and sewage hookups; and more recently hand launch for small craft recreational boats (small wooden dock and boat lift).

Improvements include a paved boat trailer staging area, an ADA accessible ramp; drive lanes and parking for 9 vehicles and 20 boat trailers. In addition, there will be overflow parking for 24 vehicles and 16 boat trailers to be constructed with pervious pavers, a vault toilet and beach restoration. (Exhibit 24).

Application Number: 09 86798 and 09 86799

Hearing Case Number: 111110-020

Type of Applications: Shoreline Substantial Development Permit and Administrative Conditional Use Permit

Project Request: Washington State Department of Fish and Wildlife is requesting approval of a Shoreline Substantial Development Permit and Administrative Conditional Use Permit to construct a new boat launch facility providing recreational small boat access to the Waters of Puget Sound.

Assessor's Account #: 262501-2-057-1006

Applicant, Owner of Record:

Washington Department of Fish and Wildlife
Kristen Kuykendall, Representative
600 Capital Way North
Olympia, WA 98501

Project Representative:

PND Engineers, Inc
Laura Gurley
811 First Avenue Suite 570
Seattle, WA 98104

SEPA Status: As the project proponent, the Washington State Department of Fish and Wildlife is the lead agency, allowed by SEPA pursuant to WAC 197-11-922 for the SEPA, and should be contacted directly for additional information. A **Mitigated Determination of Non-Significance (MDNS)** for this project was issued on April 19, 2010
The County is unaware of any SEPA appeals. (Exhibit 35)

Project Location: The property is located at 8708 Point No Point Road NE, in the community of Hansville, approximately 10 miles north of the intersection of Hansville Road/Miller Bay Road and SR-104, North Kitsap County.

Physical Characteristics:

The site is approximately 3.47 acres and is currently used for recreational vehicle RV parking, beach access and an access point for recreational small craft boating that only hand launch. The site includes seven small cabins that are no longer in use, one rental residence, a bathroom facility, and a large boat building. There is a steel-rail boat launch that historically was heavily used from the 1920s up through the 1990s but was closed 2002 due to functional age of the facility. There are 19 seasonal RV hookups, and septic drainage areas. The majority of the site has been cleared with gravel access road to RV sites, and concrete slab near the residence and the boat house.

Comprehensive Plan Designation and Existing Zoning:

The subject property has a Comprehensive Plan designation and zoning of Parks. Per KCC 17.377.010 the intent of this zone: *"...to create long-term consistency between the purpose for the purchase of parks and open space properties and the zoning regulations that apply to their development. Parks properties are intended for the development of parks, open space areas and recreational facilities for the benefit of the citizens of Kitsap County."* Uses for these properties should be limited to those serving this purpose.

Parks Zone Minimum Lot Requirements: The following are the minimum lot requirements for the Parks zone per KCC Section 17.377:

Minimum Lot Area = N/A
Minimum Lot Width = N/A
Minimum Lot Depth = N/A

Maximum Density = N/A
Minimum Density = N/A

Minimum Setbacks = 50-feet front yard
= 50-feet side yard
= 50-feet rear yard

See Footnote #48 in Title 17

Maximum Height = 35 feet

Shoreline Environment Designation: Semi-Rural

Surrounding Land Use and Zoning: A majority if of the abutting properties are zoned Rural Residential (1-dwelling per 5 acres) with small lots with single family homes, except for property south of NE Point No Point Road and property to the east also zoned Parks called Point No Point Park owned by Kitsap County.

Public Utilities and Services:

Water: Kitsap County Public Utility District
Power: Puget Sound Energy
Sewer: Onsite -vault system
Police: Kitsap County Sheriff
Fire: North Kitsap Fire and Rescue
Schools: North Kitsap School District #400

Comments Received:

Kitsap County received several comment letters in response to the Notice of Application for the project. The comments were focused on several areas. Letters of support were received from the Bremerton Sportsman Club, Kitsap Poggie Club, and Barbara Fox. (Exhibit #4)

In addition, letters in support but with areas of concern were received from Greater Hainsville Area Advisory Council, Marcia and John Proctor, Ken Griffin and County Commissioner Robert Gelder. (Exhibits 4, 44, 45, and 47)

Other letters have outlined concerns without support that respond to the original SEPA DNS that was issued and later withdrawn. They include the Port Gamble S'Klallam Tribe, Point No Point Treaty Council and the Suquamish Tribe. (Exhibits 28, and 29)

Remaining letters are requests to be an interested party, (Exhibit #4) and Carol Wood with questions concerning conflicting comment periods. (Exhibit #4).

ANALYSIS

Primary Documents Consulted in the Analysis:

Comp Plan Designation, Zoning, Critical Areas (Exhibit 52)
SEPA Checklists (Exhibit 19,34)
WDFW Determination of Non-Significance (Exhibit 35)
Project Scale and Scope (Exhibit 24)
Site Plan Details and Specifications (Exhibits 33)
Wetland Report (Exhibit 2)
Bald Eagle Habitat Management Plan (Exhibit 12)
Public Comments (Exhibit 4,44,45,47,28,29,)
JARPA Application (Exhibit 15)
Development Engineering Memo (Exhibit 56)
PND Preliminary Drainage Report (Exhibit 18)

PENTEC Biological Evaluation

(Exhibit 13)

Policies and Regulations Applicable to the Subject Proposal:

Applicable policies and regulations are cited below, followed by staff comments.

Kitsap County Code (KCC)

Road Standards, Title 11

Stormwater Drainage, Title 12

Zoning, Title 17, (February 15, 1999/ as amended)

- Chapter 110 Definitions
- Chapter 355 Zoning "Rural Commercial"
- Chapter 385 Landscaping
- Chapter 400 Land Use Review
- Chapter 421 Conditional Use Permit – Hearing Examiner
- Chapter 410 Site Plan Approval
- Chapter 470 Wireless Communication Facilities
- Chapter 520 Appeals
- Chapter 525 Revocation of Permits or Variance

Shoreline Management Master Program, Title 22

- Chapter 22.16 Shoreline Environments
- Chapter 22.28 Use Activities

KCC, State Environmental Policy Act, Section 18.04

Kitsap County Critical Areas Ordinance, Title 19,

Kitsap County Land Use and Development Procedures Title 21,

Hearing Examiner Review

The Kitsap County Board of Commissioners has determined that this application requires review and approval of the Kitsap County Hearing Examiner. The Hearing Examiner may approve, deny, or approve the application with conditions. 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 enumerated in KCC Chapter 2.10 Hearing Examiner.

Staff Communication:

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Development Engineering Memo	56	October 26, 2011
Mitigated Determination of Nonsignificance	35	April 19 2010
Fire Marshal Conditions	60	No Comment
Health District Memo	61	December 21, 2010

Project Analysis and Recommendation:

The following comments are based on project review of the revised site plan, dated June 2009 and listed as Exhibit 6.

Transportation Review:

The subject property receives access from NE Point No Point Road, which is local access road. A major approach to NE Point No Point Road is going to be constructed. Development Engineering has reviewed the project proposal and has issued conditions of preliminary

approval consistent with KCC Title 11, Road Standards, dated October 26, 2011.

Stormwater Facilities:

A bioswale is proposed in the southeast corner of the site to provide stormwater quality treatment. The new parking area will drain to a small grass-lined swale and be directed to the bioswale treatment system via two new catch basins. Stormwater will exit the bioswale at the east end via a pipe that ties into the existing culvert under NE Point No Point Road and discharge into the existing ditch on the south side of the road. The ditch continues east through an unnamed channel in a field to another pipe that outfalls into the Puget Sound. Development Engineering has reviewed the project proposal and has issued conditions of preliminary approval consistent with KCC Title 12, Road Standards, dated October 26, 2011.

Off-Street Parking:

The boat launch facility will operate 7 days a week only during daylight hours. There will be 9 drive lanes, and off street parking for vehicles, and 20 boat trailers. Overflow off street parking for 24 vehicles, and 16 boat trailers will be constructed with pervious pavers for 96 spaces. The County has a no parking zone for on-street parking along NE Point No Point Road. As proposed, the project should have adequate supply of off-street and over flow parking normal operation.

Administrative Conditional Use Permit Review

The parking for the boat launch facility must meet the following requirements of Section 17.382.030 Design Standards. Staff comments follow the criteria.

Building Height, Buffering and Screening Modification

The director may increase or decrease landscaping, screening and setbacks to minimize conflicts.

Staff Comments: Screening buffers are required around the perimeter to help mitigate potential impacts. The recreational facility shall not be materially detrimental to any adjacent existing or future residential development due to excessive noise or light. The applicant will be required to submit a final landscape plan with the Site Development Activity Permit that complies with screening buffer requirements in KCC Section 17.385.027(B).

Exterior Lighting

If artificial outdoor lighting is necessary, the lighting should be arranged so that light is fully shielded from the side view and directed downward and away from adjacent residential properties.

Staff Comments: The lighting should minimum necessary to provide security and fixtures should be recessed to prevent glare on surrounding residential properties.

Screening of equipment, storage, and refuse areas

1. The roof-mounted HVAC equipment shall not be visible from abutting lots or roadways.

Staff Comments: The project does involve equipment or refuse storage areas and is not applicable.

2. Locate service areas, outdoor storage areas and intrusive features away from neighboring properties.

Staff Comments: No outdoor storage areas proposed and only day use is permitted as proposed by the applicant.

3. The project will be required to comply with all county solid waste standards and provide concurrence from Waste Management as part of the Site Development Activity Permit process.

Staff Comments: The proposed project will be required to comply with all County solid waste standards and is proposing a recycle/waste collection enclosure is in the northwest corner. This proposal is consistent with the county's solid waste standards.

Access and Circulation

1. Safe pedestrian access and handicap access shall be required on-site from public rights-of-way to minimize pedestrian and vehicular conflicts.

Staff Comments: Sidewalks will be provide for internal pedestrian circulation and sidewalks are not required along the rural road frontage.

2. Development is limited to one ingress /egress per 300-lineal feet along a public arterial. Small parcels that provide less than 200 feet of road frontage shall be limited to one parking lane and exit.

Staff Comments: The project will utilize existing access.

Signs permitted according to KCC Section 17.445.

The applicant is required to apply for sign permits in accordance KCC Section 17.445 Signs.

Staff Comments: The applicant has not proposed a sign. If a sign is required, the sign should be designed to be compatible with the adjacent rural residential properties.

Off-street parking and loading per KCC Section 17.435.

See parking above.

Landscaping provided per KCC Section 17.385.

The KCC requires that a minimum of 15% of the total site area be landscaped to the standards in the titled section.

Staff Comments: The project includes planting landscaping around the perimeter and along the shoreline consistent to KCC Chapter 17.385 Landscaping for a total of 46 percent of the site.

Shoreline Substantial Development Permit Review KCC 22.16.080 Semi-Rural Shoreline Environmental Designation

Purpose. The purpose of the semi-rural environment is to promote the utilization of an area by multiple human uses on a scale between that of the rural and urban environments. In conjunction with these uses, however, it is intended that certain aspects of the natural environment be retained.

Staff comment: Boat launch ramps are a permitted use in the semi-rural shoreline environment. The boat launch proposed is intended to serve smaller boats.

Management Policies. The following management policies shall be applied to any permissible uses occurring in the semi-rural environment:

- (1) Modifications to the environment should harmonize, whenever possible, with pre-existing natural conditions.
- (2) Development patterns and specific uses and activities should retain significant existing natural features.
- (3) Active recreational facilities should be encouraged.
- (4) To the maximum extent possible, with respect to human utilization, development within shoreline areas should strive to maintain, preserve, or enhance natural shoreline characteristics.

Staff comment: Public recreation facilities are encouraged in the semi-rural shoreline environment, and the proposal would encourage recreational use and the proposed development meets the intent of these policies.

KCC 22.28.090 Boat Launching Ramps and Marine Railways.

1. Definition. A sloping ramp, traditionally made of concrete, which may extend into the tidelands, used for the purpose of placing a watercraft in or taking one out of the water.

2. Policies.

a. Community boat launching ramps and marine railways should be located at grade, when practicable.

Staff Comment: The proposed project would involve the installation of an elevated boat launch to minimize the disruption of sediment migration, as such the proposal meets this policy. The following description is from the Monitoring and Conservation Plan (Exhibit 13 Appendix B):

"The proposed launch will occupy approximately 2,700 square feet (sf) of beach face extending from 0 feet MLLW to +14 feet MLLW. The launch will consist of three parts: 1) a simple approach launch with a concrete "cast in place" center portion stabilized with rip rap and sheet pile extending from +11 feet to +14 feet MLLW, 2) a partially grated elevated section supported by twelve 12-inch steel piles extending from +1 feet to +11 feet MLLW, and 3) a solid concrete toe extending from 0 feet to +1 feet MLLW (Sheet 5 in biological evaluation). The elevated section will be approximately 2 to 3-feet above grade to reduce impacts to along shore sediment transport and 40 percent of the surface area will be composed of grating to promote light transmission to the intertidal zone. The grating will occupy three distinct strips on the elevated portion of the launch, the center line and either edge. Since the launch is oriented north/south, this maximizes the effectiveness of this design element for promoting benthic

productivity in the shallow intertidal. The launch is also designed to be only used when the tidal cycle is above +2 feet and above to force boaters to avoid eelgrass habitat during use of the launch."

b. Public, community and/or cooperative use of boat launching ramps and/or marine railways should be encouraged.

Staff Comment: The project proposes to provide public recreational access to the waters to Puget Sound from an historic access location now on WDFW property. The WDFW has entered into an Memorandum of Understanding (MOU) with Kitsap County to address concerns of the residents and recreational users in developing and maintaining public access to the Waters of Puget Sound, thus meets the intent of this policy. (MOU is Exhibit 41)

c. Community boat launching ramps and marine railways should be designed to minimize detrimental effects to natural shore processes.

Staff Comment: The new small boat ramp has been designed to elevate the boat ramp specifically to address impact avoidance and minimization measures to waters and shorelines of the state (Exhibit 15 and Exhibit 13 Appendix B). See also description provided in (a) above from the referenced exhibits.

KCC 22.28.090.3. Environments and Permit Requirements.

a. Boat launching ramps and marine railways are permitted subject to a Shoreline Substantial Development Permit (SSDP) in the urban, semi-rural, rural and conservancy-public lands environments.

Staff Comment: WDFW has applied for an SSDP; therefore, the proposal is consistent with this requirement.

KCC 22.28.090.4. General Regulations.

a. Community boat launching ramps and marine railways shall be designed and located to minimize detrimental effects to natural shore processes and critical habitat area.

Staff Comment: The proposed project would involve the installation of an elevated small boat launch to minimize the disruption of sediment migration. (Exhibit 15 JARPA). See also description provided in (a) above from the referenced exhibit. (Exhibit 13 Appendix B) As described the proposal would meet this criteria.

IMPACT AVOIDANCE AND MINIMIZATION MEASURES

The project includes a comprehensive monitoring and mitigation plan (see attached Biological Evaluation exhibit 13) to address potential displacement or disturbance of forage fish spawning habitat. Impacts will also be mitigated by incorporating light penetrating grating elements into the concrete deck of the boat ramp to allow for light penetration and encourage undercrossing by fish. Through previous and future efforts within the project area, a total of 7,228 sf of benthic shading will have been eliminated by the removal of derelict pier and deck elements (removed previously) and the proposed removal of the rail system, wood dock, and associated cross members (under this permit). The steel-rail launch currently extends over 300 feet into Puget

Sound with the northernmost end encroaching into an eelgrass bed. Its removal will open that area up to revegetate. The proposed project as designed will shade only 1,986 sf of the benthos with a resulting net benefit of 5,242 sf of shaded benthos reclaimed. The shading resulting from the proposed raised concrete deck ramp being located between +11 and +1 feet MLLW, will generally not impact any areas associated with juvenile salmonid movement. Removal of the existing nearshore concrete slabs will allow for plantings of dune grasses and native shrubs enhancing shoreside habitat. Several mature upland trees on the site will be retained as well.

b. Commercial or community boat launching ramps shall provide a wash-down drainage crypt which incorporates oil-water separators for the treatment and disposal of wastewater associated with the boat launching ramp.

Staff Comment: The new boat ramp is consistent with this regulation and has employed Best Management Practices as outlined in Exhibit 13 (appendix B). Descriptions below are from this document:

"On completion of the project, all Ecology-required BMPs and spill-control procedures will be followed during launch operations. A spill-response plan will be drafted and posted for implementation in the event of a spill during launch operations. Other applicable BMPs will be implemented as identified from the revised Stormwater Management Manual for Western Washington."

CONCLUSIONS:

1. The Hearing Examiner has review authority for this Shoreline Substantial Development Permit application under the *Kitsap County Code* (KCC), Sections 21.04.03 and Sections 22.08.070.
2. Based on above analysis, staff finds the proposal consistent with the applicable policies and regulations of the Kitsap County Shoreline Management Master Program (KCC Title 22)

STAFF RECOMMENDATION:

Based on the above analysis and conclusions, staff recommends **APPROVAL** of the Point No Point SSDP and associated ACUP subject to the following conditions:

STORMWATER

1. All minor developments creating greater than 2,000 square feet of new impervious surface and major developments creating less than 10,000 square feet of new impervious surface shall:
 - a) Implement either individual downspout infiltration or roof downspout dispersion per the Kitsap County Stormwater Design Manual to the maximum extent possible; or
 - b) Discharge to a regional water quantity control facility designed to receive the developed site runoff.
2. An engineered drainage plan is required for water quality mitigation. This review will take place at time of building permit submittal.
3. If any work is to be done below the ordinary high water mark, a Hydraulic Project Approval

(HPA) permit is required. This permit is required prior to issuance of the Site Development Activity Permit.

TRAFFIC AND ROADS

4. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form is how you reserve road capacity for your project.
5. Submit a Site Plan to scale showing the following:
 - All existing and proposed approaches.
 - Widths of adjoining right-of-way.
 - Location of all adjoining road surfaces and edge of maintenance line in relationship to the existing right-of-way.
 - All adjoining subdivisions.
6. Submit a Road Approach Permit Application and plans for construction of asphalt concrete accesses between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with Chapter 11.22, Kitsap County Road Standards, of the Kitsap County Code. Please denote the design vehicle on the plan set. Existing approaches may need to be improved to meet current standards.
7. Any work within the County right-of-way will require a permit to perform work on County right-of-way and possibly a maintenance or performance bond. This application must be submitted as part of the SDAP process (or building permit if no SDAP is required). The need for and scope of bonding will be determined at that time.

SOLID WASTE

8. Contact the solid waste service provider Waste Management @ (360) 674-3166 for information on implementing the solid waste requirements influenced by the service provider for the project.

FIRE MARSHELL

9. Provide a Knox lock or Knox override system if the gate is to be electronic for fire department access.

SHORELINE REVIEW

10. All shoreline construction and operational activities shall be implemented as outlined in the Monitoring and Conservation Plan produced by Pentac Environmental dated November 12, 2009.
11. WDFW shall adhere to all conditions and agreements of the MOU between Kitsap County and WDFW signed and dated September 6th, 2011.
12. A building permit for the vault toilet shall be required from Kitsap County DCD.

cc:

DCD File

DCD Staff Planners: Dennis Oost and Jeff Smith

Clerk of Hearing Examiner: Karen Ashcraft

DCD Code Enforcement

DCD Development Engineering

DCD Fire Marshall

Point No Point Treaty Council:

Washington Department of Fish and Wildlife:

Washington Department of Ecology:

Interested Parties

