



## Notice of Administrative Decision

**Date:** 08/02/2022

**To:** PORT OF ILLAHEE

Lauren Swanson with Soundwest Engineering Associates, lswanson@soundwesteng.com  
John Piccone with Soundwest Engineering Associates, jpiccone@soundwesteng.com

**RE: Permit Number:** 21-04129

**Project Name:** Port of Illahee - Public Pier And Dock Rehabilitation - Replace Recreational Floats

**Type of Application:** Shoreline Substantial Development (SSDP) - Administrative (Type II)

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit # 21-04129: Port of Illahee - Public Pier And Dock Rehabilitation - Replace Recreational Floats – Shoreline Substantial Development (SSDP) - 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 by contacting 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 Friday from 8:00am to 12:00pm except holidays.

**CC: Interested Parties:**  
Bryant, Steve  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
Parks

21-04129, Port of Illahee - Public Pier And Dock Rehabilitation - Replace Recreational  
Floats  
08/02/2022

Navy  
DSE  
Kitsap Transit  
Central Kitsap Fire and Rescue  
Puget Sound Energy  
City of Bremerton Planning Director  
Point No Point Treaty Council  
Suquamish Tribe  
Port Gamble S'Klallam Tribe  
Squaxin Island Tribe  
Puyallup Tribe  
WA Dept of Fish & Wildlife  
WA State Dept of Ecology-SEPA  
DCD Staff Planner: COLIN POFF  
DCD File # 21-04129



## ADMINISTRATIVE STAFF REPORT

**Report Date:** July 27, 2022

**Application Submittal Date:** July 27, 2021  
**Application Complete Date:** September 17, 2021

**Project Name:** Port of Illahee Public Pier and Dock Rehabilitation

**Type of Application:** Shoreline Substantial Development (SSDP) - Administrative (Type II)

**Permit Number:** 21-04129

### Project Location

5500 Illahee Rd NE  
Bremerton, WA

### Assessor's Account #

4429-001-011-0000

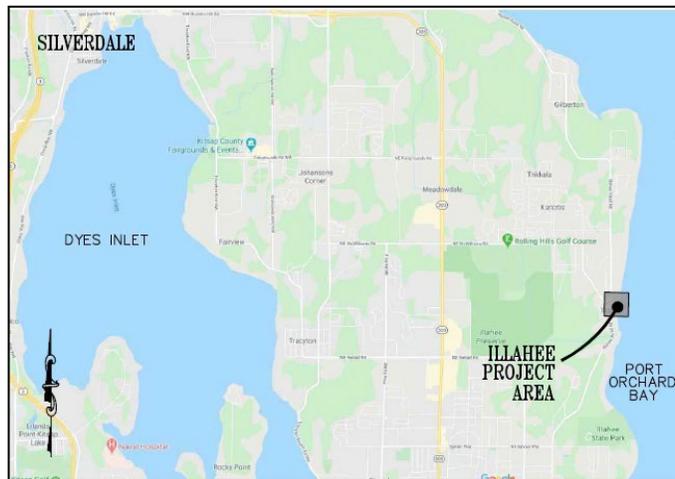
### Applicant/Owner of Record

Port of Illahee  
PO BOX 2357  
Bremerton, WA 98310

### Recommendation Summary

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

### VICINITY MAP



### 1. Background

Port of Illahee (hereafter, “the Applicant”) proposes improvements to the existing Port of Illahee pier as well as associated parking and access.

### 2. Project Request

The proposal will maintain existing water access facilities by replacing the existing floats and gangways. Existing solid-decked timber floats and gangways will be removed and replaced. New floats will include 60% open grated decking. A total of 24 creosote timber piles will be removed and 15 galvanized steel piles will be installed. Additional debris will be removed from the site.

Additionally, project uplands will be improved to meet current safety and design standards for public access, including provisions expected with an urban level of service. Within the 100-foot shoreline buffer, work includes removal of existing residential house, removal of

paving, adding 7 new parking stalls including a lower parking area with one ADA stall, right-of-way road improvements, repair of broken concrete on an existing concrete boat launch (above the OHWM), new concrete sidewalk and stairway, a new vault restroom, a new storm drainage and water quality system, and buffer revegetation. The required shoreline buffer is 100 feet and improvements landward of the buffer include the 14-stall upper parking area and right-of-way improvements. Proposed redevelopment below the 100-foot buffer will result in a net reduction in impervious surfaces, and 5,132 square feet of native plantings will be installed within the buffer.

**3. SEPA (State Environmental Policy Act)**

A SEPA Determination of Non-Significance was issued on April 21, 2022 under KCC 18.04 State Environmental Policy Act. The County used the optional DNS process in WAC 197-11-355. Opportunities for public comment were combined with the Notice of Application issued on December 14, 2021. Four comments were received which are summarized in Section 9 below.

**4. Physical Characteristics**

The site is currently developed and includes two parcels. Facilities at the Port include existing Port-owned uplands; roadway access and parking within Kitsap County right-of-way; and the “Illahee Dock” which consists of a timber pier and two recreational floats and gangways that are operated within County tidelands and a Department of Natural Resources (DNR) aquatic lease. The Port-owned upland property was previously a single-home residential property and includes a residential house, garage, and small concrete boat ramp which will be redeveloped by the Port to provide improved public access to existing Port facilities.

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

Comprehensive Plan: Rural Residential Zone: Urban Restricted (UR)	Standard	Proposed
Minimum Density	1 dwelling unit/ acre	N/A - Subject property is an existing lot.
Maximum Density	5 dwelling units/ acre	
Minimum Lot Size	5,800 square feet	N/A
Maximum Lot Size	NA	N/A
Minimum Lot Width	60 feet	N/A
Minimum Lot Depth	60 feet	N/A
Maximum Height	35 feet	N/A
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	50%	69%*

Applicable footnotes: None

*Staff Comment:* \*The site is already developed at 61% impervious surface which does not

conform to the zoning standard. The proposal removes and adds impervious surfaces and results in an overall coverage of 69%, however, the amount of existing impervious surface that is within the buffer has been reduced and native plantings will be installed. See analysis in section 10.

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (West)	20 feet	N/A
Side (North and South)	5 feet	N/A
Rear (East)	10 feet. Shoreline Buffer: 100 feet (standard); 85 feet (reduced)	The proposal includes impervious surface and a vault toilet within the shoreline buffer. See Section 10 for analysis.

Staff Comment: N/A

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

Surrounding Property	Land Use	Zoning
North	Single-family residences	Urban Restricted (UR)
South	Single-family residences	Greenbelt (GB)
East	Puget Sound	N/A
West	Convenience Store; Single-family residences	Neighborhood Commercial (NC); Greenbelt (GB)

**Table 4 - Public Utilities and Services**

	Provider
Water	Onsite system
Power	Puget Sound Energy
Sewer	Vault Restroom
Police	Kitsap County Sherriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District #401

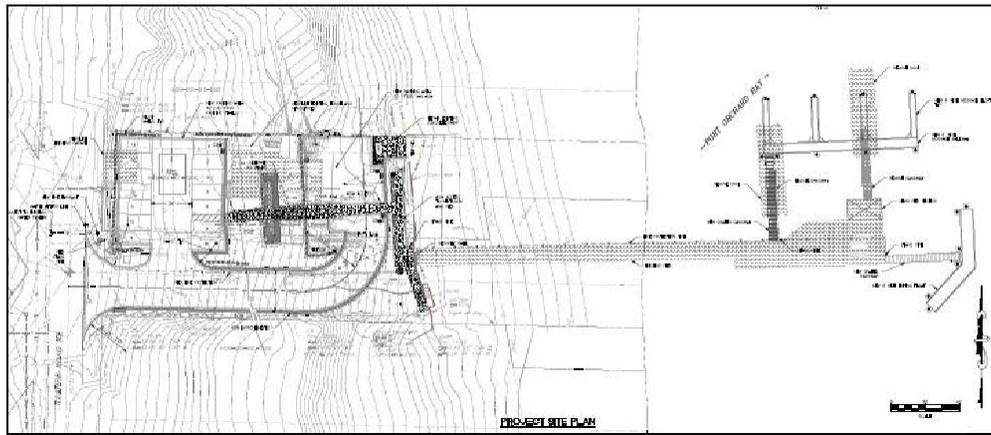
**5. Access**

The site has existing access from the West via Illahee Rd NE.



## 6. Site Design

The site has an existing pier and dock which will be rehabilitated. The submitted site plan shows this as well as upland improvements to parking, landscaping, access and a vault toilet. On the site is an existing home which will be demolished.



## 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:

Chapter 3- Environment, incorporates by reference the goals and policies of the Kitsap County Shoreline Master Program.

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

Policy SH-1. Protect and conserve shoreline areas that are ecologically intact and minimally developed or degraded. Develop incentives and regulations for privately owned shorelines that will protect and conserve these areas while allowing reasonable and appropriate development.

Policy SH-2. Recognize that nearly all shorelines, even substantially developed or degraded areas, retain important ecological functions.

Policy SH-4. Permitted uses and developments should be designed and conducted in a manner that protects the current ecological condition, and prevents or mitigates adverse impacts. Mitigation measures shall be applied in the following sequence of steps listed in order of priority:

1. Avoid the impact altogether by not taking a certain action or parts of an action;
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. Rectify the impact by repairing, rehabilitating or restoring the affected environment;
4. Reduce or eliminate the impact over time by preservation and maintenance operations;
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu fee process where appropriate; and
6. Monitor the impact and the mitigation projects and take appropriate corrective measures.

Policy SH-7. In assessing the potential for new uses and developments to impact ecological functions and processes, the following should be considered:

1. On-site and off-site impacts;
2. Immediate and long-term impacts;
3. Cumulative impacts, from both current and reasonably foreseeable future actions, resulting from the project; and
4. Any mitigation measures or beneficial effects of established regulatory programs to offset impacts.

Policy SH-8. Critical areas in the shoreline jurisdiction shall be protected in a manner that

results in no net loss to shoreline ecological functions. Pursuant to RCW 36.70A.030(5), critical areas include:

1. Wetlands.
2. Frequently flooded areas.
3. Fish and wildlife habitat conservation areas.
4. Geologically hazardous areas.
5. Critical aquifer recharge areas.

Policy SH-9. Preserve native plant communities on marine, river, lake and wetland shorelines to maintain shoreline ecological functions and processes, development along the shoreline should result in minimal direct, indirect, or cumulative impacts. This includes:

1. Keeping overhanging vegetation intact along the shoreline edge to provide shading and other ecological functions;
2. Preserving established areas of native plants and minimizing clearing and grading near bluff edges and other erosion or landslide-prone areas in order to maintain slope stability and prevent excess surface erosion and stormwater runoff;
3. Designing and placing structures and associated development in areas that avoid disturbance of established native plants, especially trees and shrubs; and
4. Removal of noxious weeds in accordance with WAC 16-750-020.

Policy SH-10. Shoreline landowners are encouraged to preserve and enhance native woody vegetation and native groundcovers to stabilize soils and provide habitat. When shoreline uses or modifications require a planting plan, maintaining native plant communities, replacing noxious weeds and avoiding installation of ornamental plants are preferred. Nonnative vegetation requiring use of fertilizers, herbicides/pesticides, or summer watering is discouraged.

Policy SH-13. Ensure mutual consistency with other regulations that address water quality and stormwater quantity, including standards as provided for in Title 12 (Storm Water Drainage) and Chapter 173-201A WAC (Water Quality Standards).

Policy SH-16. Accommodate and promote, in priority order, water-dependent, water-related and water-enjoyment economic development. Such development should occur in those areas already partially developed with similar uses consistent with this program, areas already zoned for such uses consistent with the Kitsap County Comprehensive Plan, or areas appropriate for water-oriented recreation.

Policy SH-21. Give preference to water-dependent uses and single-family residential uses that are consistent with preservation of shoreline ecological functions and processes. Secondary preference should be given to water-related and water-enjoyment uses. Non-water-oriented uses should be limited to those locations where the above-described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Act. For

use preference within shorelines of statewide significance, see Section 22.300.145(B).

Policy SH-23. Through appropriate site planning and use of the most current, accurate and complete scientific and technical information available, shoreline use and development should be located and designed to avoid the need for shoreline stabilization or actions that would result in a net loss of shoreline ecological functions.

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
Title 22	Shoreline Master Program
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

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits listed below.

Exhibit #	Document	Dated
1	Project Narrative	July 6, 2021
2	Site Photos	N/A
3	Permit Questionnaire	N/A
4	SEPA Checklist	June 16, 2021
5	Habitat Management Plan	June 30, 2021
6	Landscaping Plan	April 15, 2022
7	JARPA	June 17, 2021
8	JARPA Drawings	April 15, 2022
9	Engineered Plans 60%	April 15, 2022
10	Engineered Drainage Report	August 23, 2021
11	Geotechnical Report	August 23, 2021
12	Response to Information Request Memo	April 18, 2022
13	Request for Technical Deviation	June 14, 2022
14	Public Comments Received	Varies

#### 9. Public Outreach and Comments

A Notice of Application was distributed pursuant to Title 21 Land Use and Development Procedures, which provided recipients with project information and an opportunity for public comment. The comments received by the department are included in the exhibits listed above and also are summarized below.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)
1.	1/3/22 - Department of Ecology: A letter informs the County that the Illahee Foods Site is located 300 feet to the west and is a contaminated site caused by a leaking underground storage tank.
2.	1/7/22 – Department of Ecology: A letter describes various concerns including <ul style="list-style-type: none"> <li>• New parking within the shoreline buffer (not a permitted use)</li> <li>• Seeking clarity of use of boat launch in NE of site</li> <li>• The project does not appear to adequately address mitigation sequencing requirements of KCC 22.400.110.</li> </ul>
3	1/2/2022 - A neighbor submitted comments concerned with the request. Concerns include speeding vehicles, safety, illegal fishing and various activities at the dock that negatively impacts neighbors and will increase as a result the proposal. The tearing down of a house to replace with parking will also increase traffic and use of the pier.
4	1/7/2022 - The Suquamish Tribe provided an Inadvertent Discovery Plan (IDP) and requested the Tribe is notified prior to construction.

Issue Ref. No.	Staff Response
1.	No further action is required at this time.
2.	<ul style="list-style-type: none"> <li>• Parking can be allowed in the buffer in some cases, as this is an accessory use to the primary use, which is a water-dependent use. The applicant reduced the amount of parking within the buffer and only two ADA accessible sites are now proposed.</li> <li>• The boat launch will be used primary by hand-launched vessels but may also be able to support launching small boats. The ramp itself does not need to be enlarged.</li> <li>• The applicant submitted a response to mitigation sequencing criteria (exhibit 12), which is also analyzed in Section 10.i of this report.</li> <li>• The applicant moved the vault toilet to the west of the accessroad, away from the shoreline, after Ecology request.</li> </ul>
3.	The County acknowledges these concerns but does not have a direct response.

4.	A condition of approval is added to require an Inadvertent Discovery Plan (IDP) as well as notification of the Tribe.
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## 10. Analysis

### a. Planning/Zoning

The proposal is within Urban Restricted Zoning (UR) as well as Urban Conservancy Shoreline designation. Public piers are a permitted use in the Urban Conservancy designation per KCC 22.600.105. As described in Table 1 and 2 of this report, the proposal meets zoning dimensional standards of the UR zoning designation.

### b. Lighting

Lighting was not analyzed as part of this proposal.

### c. Off-Street Parking

Currently 9 parking stalls exist on the site. The proposal aims to improve existing parking and will include an ADA stall in the lower parking area and 14 standard stalls in the upper parking area. There is no set parking standard as the shoreline access and dock are not a classified use in KCC 17.490. The proposed parking arrangement is sufficient.

### d. Signage

No signage is proposed or required. Future signage will need to be consistent with application requirements of Title 17 Zoning.

### e. Landscaping

As the project abuts residential areas, some landscape buffering is required. The northern property line includes a 6-foot solid wood fence. The southern property line has an existing arborvitae hedge. Additional plantings will be included along the southern lot line to achieve functional screening.

Per KCC 17.500.060 additional façade plantings are required along the vault restroom and the landscaping plan was revised to include native plantings that will mature at a height of 12-feet.

As mitigation for shoreline impacts, the proposal will include installation of native landscaping. This is shown in the landscape plan below and additional analysis included in Section 10.i of this report.



**f. Frontage Improvements**

The site is located in the Central Kitsap Urban Growth Area and requires improvements to Illahee Road, which include 12-foot travel lanes, 5-foot bike lane and 6-foot sidewalk. Due to topography constraints, the applicant states that these improvements are not feasible and there is not sufficient right-of-way.

The County met with the applicant onsite on June 2, 2022. Following the meeting, the applicant submitted a technical deviation request. The request stated that due to topographical constraints, utility constraints, and lack of available right-of-way, the frontage improvements are not feasible. The technical deviation was approved.

**g. Design Districts/Requirements**

The subject property is not within a design district.

**h. Development Engineering/Stormwater**

Development Services and Engineering has reviewed the land use proposal and finds the concept supportable in its approach to civil site development. Further review will occur with associated site development or building permits.

**i. Environmental**

**Regulations:**

**KCC 22.400.105 Proposed Development**

**A. Location.**

1. New development shall be located and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
2. New development shall be located and designed to avoid the need for future shoreline stabilization for the life of the structure. Likewise, any new development

which would require shoreline stabilization which causes significant impacts to adjacent or down-current properties shall not be allowed.

3. New development on lots constrained by depth, topography or critical areas shall be located to minimize, to the extent feasible, the need for shoreline stabilization.
4. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
5. Subdivision shall be planned to avoid the need for shoreline stabilization for newly created lots, utilizing geotechnical analysis where applicable.
6. Non-water-oriented facilities and accessory structures, except for preferred shoreline uses, such as single-family residences and single-family residential appurtenances when consistent with buffer provisions in this chapter, must be located landward of buffers and adjacent water-oriented uses, or outside shoreline jurisdiction, unless no other location is feasible.

*Staff Comment: The proposal is found to be consistent with the above regulations.*

#### **KCC 22.400.115 Critical Areas**

The site is located with the Urban Conservancy shoreline environment and partially within the FEMA Floodplain. A Habitat Management Plan (HMP) was submitted in accordance with requirements of the Shoreline Master Program 22.400.115.B and KCC 15.13. For impacts with the Urban Conservancy Shoreline Buffer, mitigation sequencing is addressed and analyzed in this report in the sub-section below.

The site slopes moderately from west to east toward the water, and parts of the site are mapped as 'Moderate Erosion Hazard Area' as defined in Kitsap County Code 19.400. This classification required the submittal of a Geotechnical Report.

The report has concluded that the development as proposed is feasible when the recommendations of the report are implemented during construction. Other recommendations of the report are required to be incorporated in construction as a conditional of approval.

#### **KCC 22.400.110 Mitigation**

Kitsap SMP section 22.400.110 requires that proposed uses and development implement mitigation sequencing and ensure the proposal will achieve no net loss of shoreline ecological functions. The applicant provided the following responses.

##### Avoidance.

*Applicant comment: Upland structures are accessory to the use of the principal water-oriented structures and provide required ADA public access for the Port pier, docks, and boat launch. Site topography precludes relocation of proposed*

*access roadway, launch staging area, and ADA parking stalls. The restroom can feasible be moved outside the buffer to the upper parking area however, this would effectively prevent direct ADA restroom access (i.e., a handicap person would need to drive to the upper restroom) and defeat the purpose of providing a convenient restroom that shoreline users will actually use (as opposed to under the pier, bushes, etc.). Appendix B of KCC 22.800 was used to determine mitigation requirements to result in no net loss of habitat (see Habitat Management Plan for further detail).*

#### Minimization.

*Applicant comment: The majority of all site parking is proposed outside the shoreline buffer. Only ADA accessible stalls and the minimum area necessary for launch staging and turn-a-round maneuvering are proposed within the buffer.*

*Numerous alternatives for the access roadway alignment were considered including "a straight drive" directly from Illahee road. The proposed alignment is the only feasible alignment which does not result in an increased profile grade (relative to existing conditions). From an engineering perspective, any alignment which increases the profile grade beyond existing is strongly discouraged and would result in unsafe conditions. Regarding "a straight drive", it is unlikely the County would consider such a significant variance to standard roadway geometry and equally unlikely any engineer would be willing to certify such a design. Moving the access roadway further upland from the OHWM is not feasible.*

*Native plantings have been maximized between the access road and existing concrete bulkhead at the OHWM in combination with the proposed sidewalk design. The proposed sidewalk between the access road and existing bulkhead can feasibly be further reduced in footprint, but only at the expense of providing a suitable public access facility.*

*Proposed redevelopment in the buffer will result in an 892 ft<sup>2</sup> reduction of impervious surfaces at the site and a sitewide increase of 6,328 ft<sup>2</sup> in native plantings (see Habitat Management Plan for further detail) and tables 1-3 above. Redeveloped conditions are anticipated to not only result in no net loss to ecological functions but also provide a net benefit to the shoreline environment.*

#### Mitigation

*Applicant comment: As described in the project Habitat Management Plan, proposed conditions will reduce impervious surface within the buffer. As previously described, the Port made further efforts to reduce impervious surfaces*

*where feasible by eliminating a parking stall in the lower parking lot and moving the vault toilet further from the shoreline; see revised drawings.*

*Approximately 5,132 ft<sup>2</sup> of native vegetation (groundcover, shrubs, and trees) will be planted within the buffer area resulting in a significant increase of native vegetation within the 100-ft shoreline buffer. Appendix B of KCC 22.800 was used to determine mitigation requirements for proposed vegetation clearing. Approximately 2,107 ft<sup>2</sup> of native vegetation was required to mitigate for the proposed upland work. Proposed native plantings significantly exceed this requirement. Native vegetation required to compensate for upland work is proposed immediately along or in close proximity to the shoreline to the greatest extent feasible given the limitations of site topography previously described.*

#### **KCC 22.400.120 Vegetation Conservation Buffers**

The site is currently developed as a public pier with associated parking within the buffer. Associated vegetation conservation buffer standards for this proposal are analyzed under the Shoreline Residential buffer criteria in 22.400.120.B.1.cb requiring an 100-foot standard buffer and 22.400.120.B.2.b requiring a 85-foot reduced buffer (or 50 feet where net ecological gain is achieved).

The existing use of the shoreline within the buffer will remain. As analysis earlier in this section, impervious surface within the buffer will be reduced and native plantings installed.

#### **KCC 22.600.160 Mooring Structures and Activities**

The proposal will maintain existing water access facilities by replacing the existing floats and gangways. Existing solid-decked timber floats and gangways will be removed and replaced. Public Piers are an allowed use in the Urban Conservancy Zone per KCC 22.600.105. The rehabilitation of the existing pier will meet development standards in KCC 22.600.160. New floats will include 60% open grated decking. A total of 24 creosote timber piles will be removed and 15 galvanized steel piles will be installed. Additional debris will be removed from the site.



#### **KCC 22.400.125 Water Quality and Quantity**

A preliminary drainage plan was submitted. The project as proposed has been reviewed under KCC Title 12 and will require further review and approval under the associated Building Permit. If stormwater is discharged to the shoreline, a Hydraulic Project Approval (HPA) will be required from the Washington State Department of Fish and Wildlife.

**KCC 22.400.130 Historic, Archaeological, Cultural, Scientific and Ed. Resources**

The Suquamish Tribe submitted a comment related cultural resources and the preparation of an Inadvertent Discovery Plan. A condition of approval has been added that Kitsap County DCD, the Washington State Office of Archaeology and Historic Preservation, and the affected tribes must be notified if archaeological resources are uncovered during excavation. The project proponent and contractor shall notify Suquamish Tribe archaeologists of the planned start date of construction at least two weeks prior to the start of ground disturbing activities.

**KCC 22.400.135 View Blockage**

Properties to the north and south are developed with single-family homes and subject to the view blockage per the requirements of KCC 22.400.135.A.3. It is not expected that the proposal will result in any view blockage concerns.

**KCC 22.400.140 Bulk and Dimension Standards**

The proposed residence meets the criteria under this code.

**j. Access, Traffic and Roads**

No comments at this time.

**k. Fire Safety**

No comments at this time.

**l. Solid Waste**

No comments at this time

**m. Water/Sewer**

No comments at this time.

**n. Kitsap Public Health District**

No comments at this time.

**11. Review Authority**

The Director has review authority for this Shoreline Substantial Development Permit application under KCC 21.04.100. The Director may approve, approve with conditions, or deny this application.

## 12. Findings

1. The proposal is consistent with the Comprehensive Plan and the zoning standards for the Urban Restricted (UR) zone in Title 17.
2. The proposal is consistent with policies, standards, and development regulations of the Shoreline Master Program, Title 22.

## 13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 19.100.135, the Department of Community Development recommends that the Shoreline Substantial Development Permit be **approved**, subject to the following conditions:

### a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. 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.
3. The decision set forth herein is based upon representations made and exhibits contained in the project application Permit #21-04129. 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.

### b. Development Engineering

#### General

4. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.

#### Stormwater

5. The information provided demonstrates this proposal is a *Major Development*

as defined in Kitsap County Code Title 12, and as such will require a Site Development Activity Permit (SDAP) from Development Services and Engineering.

6. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Shoreline Substantial Development Permit application was deemed complete on September 17, 2021. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.
7. Any project that includes off site improvements that create additional hard surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12 effective at the time this permit application was deemed fully complete.
8. All publicly maintained drainage systems outside public dedicated right of way shall be located either in a tract dedicated to Kitsap County or in an easement, granted to Kitsap County, for ingress, egress, operations and maintenance of the stormwater facilities contained therein.
9. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.
10. If the project proposal is modified from that shown on the submitted and approved site plan, Development Services and Engineering will require additional review and potentially new conditions.

#### **Traffic and Roads**

11. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process (or building permit if no SDAP is required). The need for and scope of bonding will be determined at that time.
12. A technical deviation was requested for (1) the required frontage improvements and (2) minimum 35' turning radius. The technical deviation

request was approved by the County Engineer on June 15, 2022.

**Other**

13. This project includes the construction of rock walls or other retaining facilities that either exceed four feet in height or sustain a surcharge. A separate building permit with an engineered design is required for such walls. This note shall be placed on the face of the final construction drawings.

**c. Environmental**

14. A Hydraulic Project Approval (HPA) permit is required for work below the ordinary high water mark or associated with the outfall. Prior to SDAP or Building Permit approval, the applicant shall submit an approved HPA from the Washington Department of Fish and Wildlife (WDFW), or documentation from WDFW specifying that a HPA is not required. Information regarding HPA's can be found at <http://www.wdfw.wa.gov/hab/hpapage.htm> or by calling the Office of Regulatory Assistance at (360) 407-7037.
15. Construction techniques shall implement best management practices to ensure protection of the shoreline, its associated buffer, and local water quality. Such best management practices shall include protective silt fencing, protective orange construction fencing along defined work areas, working during periods of limited rainfall or potential for adverse erosion, and seeding of exposed soils as needed to prevent adverse erosion.
16. Approval and subsequent development is subject to the conditions and recommendations of the Geotechnical Report associated with this permit and on file at the Department of Community Development.
17. As shown on the approved site plan, 5,132 square feet of native plantings shall be installed within the shoreline buffer.
18. The project shall adhere to the mitigation measures and recommendations within the approved Habitat Management Plan (HMP) prepared by Marina Survey and Assessments dated June 2021. Per the report areas within the buffer shall be revegetated.
19. Vegetation planting shall occur as specified in the approved planting plan produced in support of this permit. Planting of native vegetation shall occur within the first dormant season once the permitted project has been constructed and approved. When planting is complete, the applicant must contact Development Service and Engineering Staff at (360)337-5777 for a site inspection and as-built approval. Monitoring and maintenance of the planted area shall be conducted for three years after DCD staff approves planting. Monitoring includes live and dead vegetation counts and records of all maintenance activities. Maintenance activities can be defined as, but are not limited to, removal practices on invasive or nuisance vegetation and watering schedules. Monitoring information shall be summarized in a letter with

photographs depicting conditions of the vegetation and overall site. Monitoring reports are due to Kitsap County Department of Community Development Services and Engineering Division by December 31 of each monitoring year. If more than 20 percent of the plantings do not survive within any of the monitoring years, the problem areas shall be replanted, and provided with better maintenance practices to ensure higher plant survival.

**d. Cultural Resources**

20. The project shall adhere to the Inadvertent Discovery Plan (IDP) provided by the Suquamish Tribe dated 1/7/2022.
21. The project proponent and contractor shall notify Suquamish Tribe archaeologists of the planned start date of construction at least two weeks prior to the start of ground disturbing activities.
22. Archaeological monitoring is required per the letter received from Department of Archaeology and Historic Preservation (DAHP) dated April 29, 2022.

**e. Fire Safety**

23. None at this time.

**f. Solid Waste**

24. None at this time.

**g. Kitsap Public Health District**

25. None at this time.

**Report prepared by:**



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Colin Poff / Project Lead

July 27, 2022  
Date

**Report approved by:**



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Scott Diener, DSE Manager

July 26, 2022  
Date

**Attachments:**

Attachment A – Zoning Map

Attachment B – Critical Areas Map

**CC:**

Port of Illahee: Jim Aho: [illaheeportthree@gmail.com](mailto:illaheeportthree@gmail.com)

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Department of Ecology

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Interested Parties

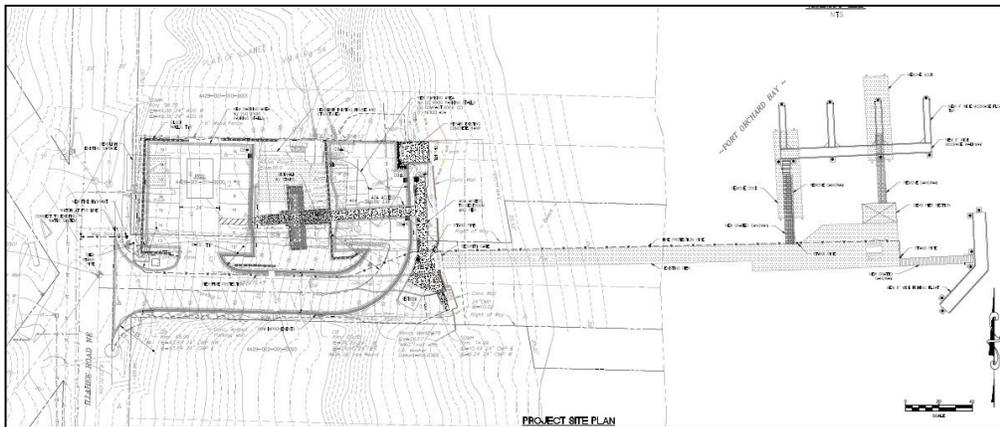
Suquamish Tribe

Kitsap County Health District, MS-30

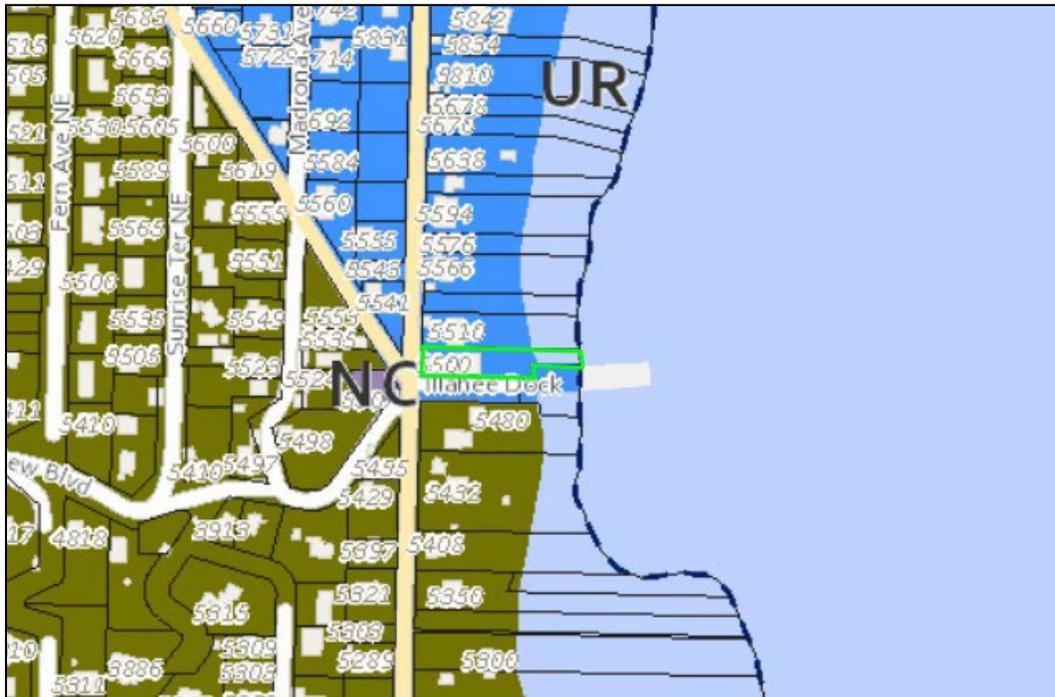
Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Colin Poff

**Site Plan**



Attachment A – Zoning Map



Attachment B – Critical Areas Map

