



Staff Report for the Hearing Examiner

Report Date: July 6, 2017

Application Submittal Date: May 3, 2017

Hearing Date: July 13, 2017

Application Complete Date: May 3, 2017

Permit Number: 17 01722

Project Name: Manchester Yukon Harbor Sewer Extension

Type of Application: Shoreline Substantial Development Permit (SSDP)

This staff report was prepared by Katharine Shaffer, Planner, 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.

Proposal Summary:

The Department of Community Development is recommending approval of Kitsap County Public Works' request for a Shoreline Substantial Development Permit (SSDP) to place a pump station within the shoreline jurisdiction at Parcel #4516-001-069-0005, located between 861 and 907 Colchester Drive SE.

Project Request:

Kitsap County Public Works proposes an extension of the Manchester sewer system to serve the Yukon Harbor-Colchester area. The project proposal is for approval for a SSDP, Type III application to develop a new pump station which will pump all waste water flow transported by the new conveyance piping to an existing manhole outside of the shoreline jurisdiction. The project site is within 200 feet of the shoreline to Puget Sound, which falls under the jurisdiction of the Kitsap County Shoreline Master Program, Kitsap County Code Title 22. The shoreline designation is Shoreline Residential. New development within this shoreline zone requires a SSDP. All other proposed work, including conveyance piping, will occur outside of the shoreline jurisdiction. This project is the result of obtaining approximately \$4.75 million grant from the Department of Ecology.

Project Location:

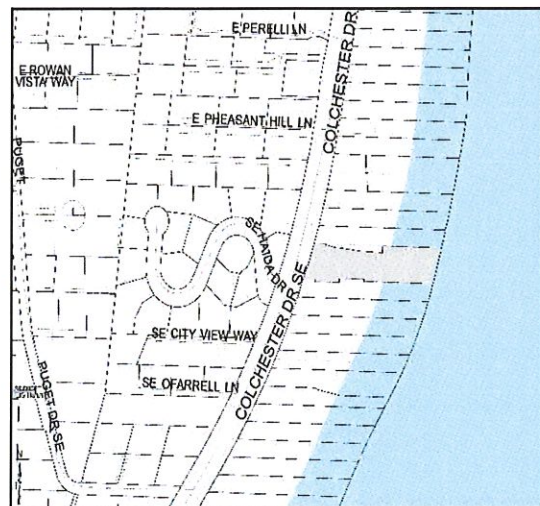
Parcel #4516-001-069-0005, located between 861 and 907 Colchester Drive SE

Assessor's Account

4516-001-069-0005

Applicant/Owner of Record:

Kitsap County Public Works
614 Division Street MS 26
Port Orchard, WA 98366



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 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated May 16, 2017 (Exhibit 13). A Determination of Nonsignificance (DNS) was issued on May 31, 2017 (Exhibit 15). SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions 17 at the end of this report:

The SEPA appeal period expired June 14, 2017. No appeals were filed; therefore, the SEPA determination is final.

Physical Characteristics:

The parcel is rectangular shaped and approximately 0.79 acres. The waterfront parcel is approximately 535 feet long and 95 feet wide. The slopes on the parcel measure around 10-15% grade and slope downward toward Puget Sound.

Comprehensive Plan Designation and Zoning:

Manchester Village Low Residential (MVL R)

Minimum Lot Area - 21,780 square feet
 Minimum Lot Width - 60'
 Minimum Lot Depth - 60'
 Maximum Height - 28'

Standard MVL R Zoning Setbacks

Front - 20'
 Side - 5'
 Rear - 5'

Surrounding Land Use and Zoning:

The subject property is bordered on all three sides by like zoning, MVL R. To the south, the zone changes to Rural Residential approximately half a mile from the subject property. To the east and to the north, the zoning changes to Manchester Village Residential.

Public Utilities and Services:

Water: PUD
 Power: Puget Sound Energy
 Sewer: Septic to Sewer

Police: Kitsap County Sheriff
Fire: South Kitsap Fire District
Schools: South Kitsap

Access:

Access to the site is off of Colchester Drive SE

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 2016

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

Capital Facilities and Utilities

Policy 1.

Coordinate provision of utilities with future development by designating appropriate sites for utility facilities and ensuring their availability.

Policy 4.

Ensure adequate infrastructure is in place for new development.

Policy 5.

Continuously review stormwater regulations and design manuals to ensure that Kitsap County is meeting the most up-to-date Best Management Practices and changes in state and federal stormwater regulations.

Policy 8.

In accordance with Kitsap County Health District and Washington State requirements, require connection to a public sewer system for new or extensively remodeled development located within 200 feet of the public sewer system, and within an urban growth area.

Policy 9.

Ensure that development regulations allow timely development of utility facility additions and improvements.

Policy 11.

Only provide public facilities or accept provision of public facilities by others in cases where the County or other providers are able to pay for subsequent annual operating and maintenance costs of the facility.

Policy 17.

Prioritize the Urban Growth Areas in Kitsap County expenditures for public services and facilities as an incentive to encourage development, to make urban areas desirable places to live and to use existing infrastructure more efficiently and cost effectively.

Policy 27.

Minimize the visual impact of utility facilities on view corridors, vistas and adjacent properties by developing design standards for cellular towers, antennas and other types of utility facilities.

Policy 29.

Consider the impacts of sewer plans on groundwater quality and quantity.

Manchester Goals and Policies

Policy 2.

Maintain maximum height limits of 28 feet consistent with Manchester view protection overlay.

Policy 14.

Provide education to property owners on benefits to having sewer connection.

Policy 15.

Require property owners on shorelines or near other critical areas to connect to the sewer system as required by the Kitsap Public Health District, if their current system has failed.

Goal 6.

Provide the availability of sewer service to all residents within the Manchester LAMIRD boundary without expansion of the existing sewer treatment plant.

Goal 7.

Ensure expansion of the existing sewer distribution system to all properties within the Manchester LAMIRD boundary through the formation of utility local improvement districts (ULIDs).

Goal 11.

Work with Kitsap Public Health District and Kitsap Sewer Utility to establish clear communication between government agencies as it relates to septic and sewer issues.

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

Kitsap County Code (KCC)

- Title 12 Storm Water Drainage
- Title 13 Water and Sewers
- Title 14 Buildings and Construction
- Title 17 Zoning
- 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

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 27.

Exhibit #	Document	Date or date stamped
1	Technical Memorandum: Narrative – Landau Associates	05/02/17
2	Site Plan	05/02/17
3	Project Application	05/03/17
4	Joint Aquatic Resource Permit Application (JARPA)	05/03/17
5	State Environmental Policy Act (SEPA) Checklist	05/03/17
6	Plan Set 1	05/03/17
7	Plan Set 2	05/03/17
8	Drainage Report for Pump Station 74	05/03/17
9	Site Assessment and Planning Packet	05/03/17
10	Supporting Document: Stormwater Worksheet	05/03/17
11	Geotechnical Engineering Report	05/03/17
12	Site Photographs	05/03/17
13	Notice of Application	05/10/17
14	Interested Party Emails	05/24/17
15	SEPA Determination of Non-Significance	05/31/17
16	Additional Interested Party Emails	06/02/17
17	Diagram in response to public comments	
18	Map: Zoning	06/12/17
19	Map: Critical Areas	06/12/17
20	Map: Comp Plan	06/12/17
21	Map: Shoreline Designation	06/12/17
22	Map: Critical Aquifers	06/12/17
23	Map: Aerial	06/12/17
24	Map: Assessor Parcel	06/12/17
25	Notice of Public Hearing	
26	Certification of Public Notice	
27	Staff Report	

Public Comments:

Public Comments were received from neighbors regarding the height of Pump Station 74 (Exhibit 14 and 16). A diagram of the structure was created to demonstrate that Pump Station 74 met the height requirements for the zone and shoreline designation (exhibit 17).

The Squamish Tribe requested the Cultural Resources Assessment done by Cascadia Archaeology. The report was sent on May 19, 2017 and no further comments were received to date.

Analysis:**KCC 22.200.115 Shoreline Residential Jurisdiction and Environment Designation**

Purpose. To accommodate residential development and appurtenant structures that are consistent with this program, and to provide appropriate public access and recreational uses.

Designation Criteria.

1. Shoreline areas that are predominately single-family or multifamily residential development or are planned or platted for residential development;
2. Does not include shorelines supporting existing residential development that may not support higher densities of development due to potential cumulative impacts to sensitive environments or safety, such as steep slopes or floodplains. Such shorelines shall be designated rural or urban conservancy, whichever applies.

Management Policies.

1. Standards for buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be set to assure no net loss of shoreline ecological functions.
2. Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities. If public access is not feasible on site, off-site options such as an in-lieu fee may be recommended.
3. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
4. Commercial development should be limited to water-oriented uses. Water-oriented includes water-dependent, water-related and water-enjoyment uses.

Staff Comment: *Pump Station 74, associated with the sewer extension, supports the intent and purpose of the Shoreline Residential Jurisdiction. The project's overall objective is to support improved water quality in Yukon Harbor that has been impaired, in part, by failing septic systems. This project will make better public utilities available for the surrounding residential development and environment.*

22.300.100 Critical Area and Ecological Protection

Goal: Protect and conserve shoreline natural resources, including protection of critical areas, while accommodating reasonable and appropriate uses which will assure, at a minimum, no net loss to shoreline ecological functions and processes.

A. 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.

Staff Comment: *Pump Station 74 is only 926 square feet and has located a majority of the features associated with the facility outside of the shoreline jurisdiction; the only portion of the facility in the shoreline jurisdiction is a segment of the existing access road.*

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

Staff Comment: *Ecological functions will still be retained.*

C. Policy SH-3. Utilize transfer of development rights as allowed by Chapter 17.580, or as now or hereafter amended, as an option to protect ecological functions.

Staff Comment: *The proposal will not implement the Transfer of Developments Rights (TDR) program.*

D. 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.

Staff Comment: *Mitigation is not proposed for this project as the proposed structure is located outside of the shoreline jurisdiction. The access road is existing and does not require further mitigation.*

E. Policy SH-5. Shoreline ecological functions that should be protected include, but are not limited to:

1. Habitat (space or conditions for reproduction; resting, hiding and migration; and food production and delivery);
2. Water quality maintenance; and
3. Water quantity maintenance.

Staff Comment: *Impacts to shoreline ecological functions are not anticipated. The project requires stormwater mitigation through a Site Development Activity Permit (SDAP). The objective of the project is to improve the water quality.*

F. Policy SH-6. Shoreline processes, both freshwater and marine, that should be protected to support the above functions include but are not limited to the delivery, loss and movement of:

1. Sediment;
2. Water;
3. Nutrients;
4. Toxins;
5. Pathogens; and
6. Large woody material.

Staff Comment: *Impacts to shoreline and freshwater processes are not anticipated.*

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

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.

Staff Comment: *A temporary erosion and sediment control (TESC) plan will be implemented during construction activities, and will include the use of work zone delineation fencing to minimize the extent of disturbance, filter fabric fencing, catch basin inserts, silt dikes, erosion control blanket, and stabilized construction entrance. Mitigation and cumulative impact analysis are not required as the structure is not utilizing any reduced standard buffers. All areas of temporary disturbance will be restored to pre-construction conditions or better.*

H. 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.

Staff Comment: *There is a flood zone on the eastern portion of the property. Pump Station 74 will be located outside of the flood zone and no flood proofing measures apply. The site slopes down a gravel drive at approximately 15% grade and reduced to approximately 10% grade that continues for much of the site, before increasing downward slope prior to reaching Puget Sound. A Geotechnical Engineering Report by Landau Associates dated September 8, 2016 was submitted to address the slopes and geologically hazardous areas. The project is conditioned to follow the recommendations of the report.*

22.300.105 Vegetation Conservation Buffers

Goal: Conserve, protect and restore shoreline vegetation to provide for ecological and habitat functions as well as human health and safety. These functions include, but are not limited to, variable shading of the nearshore, food and shelter for terrestrial and aquatic organisms, and slope/soil stabilization.

A. Policy SH-9. Preserve native plant communities on marine, river, lake and wetland shorelines. In order 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.

Staff Comment: *The application proposes minimal tree and shrubbery removal. Natural and existing vegetation will be retained as much as possible for the purposes of screening.*

B. 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.

Staff Comment: *Pump Station 74 is located on a County owned parcel in which native vegetation without the use of fertilizers or pesticides.*

C. Policy SH-11. Maintaining native or ecologically functional vegetation is preferred over clearing to provide views or lawns. Limited and selective clearing may be allowed when slope stability and ecological functions are not compromised. Limited trimming and pruning is generally preferred over removal of native vegetation.

Staff Comment: *The application proposes minimal tree and shrubbery removal. Natural and existing vegetation will be retained as much as possible for the purposes of screening.*

22.300.110 Water Quality and quantity

Goal: Provide regulations and voluntary incentives to encourage practices which protect water quality and reduce stormwater runoff and erosion in order to protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to the waters of the state and its aquatic life.

A. Policy SH-12. Shoreline use and development should minimize impacts that contaminate surface or ground water, cause adverse effects on shoreline ecological functions, or impact aesthetic qualities and recreational opportunities, including healthy shellfish harvest.

Staff Comment: *Yukon Harbor's nearshore environment has documented water quality issues associated with fecal coliform bacteria, partially attributed to failing septic system. Connecting to sewer will have a positive impact on the shoreline, water quality and quantity control.*

B. 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).

Staff Comment: *In addition to the SSDP, the project will also require a Site Development Activity Permit (SDAP) in which stormwater mitigation will be extensively reviewed.*

C. Policy SH-14. Utilize pervious materials and other appropriate low impact development techniques where soils and geologic conditions are suitable and where such practices could reduce stormwater runoff.

Staff Comment: *The project applications includes a Geotechnical Engineering Report which addresses stormwater concerns. The SDAP will address stormwater methods to reduce runoff.*

D. Policy SH-15. All shoreline use and development shall be conducted in accordance with Title 15 (Flood Hazard Areas). The subdivision of land should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway. When evaluating alternate flood control measures or floodplain restoration opportunities, consider the removal or relocation of structures in flood-prone areas.

Staff Comment: *There is a flood zone on the eastern portion of the property but Pump Station 74 will be located outside of the flood zone. No flood proofing measures are required.*

22.300.125 Shoreline Use and Site Planning

Goal: Preserve and develop shorelines in a manner that allows for an orderly balance of uses by considering the public and private use, along with the development of shorelines and adjacent land areas with respect to the general distribution, location and extent of such uses and development.

A. Policy SH-20. For shoreline use and development activities, including plats and subdivisions at full build-out, employ innovative development features to achieve no net loss of ecological functions, such as sustainable and low impact development practices where appropriate.

Staff Comment: *Pump Station 74 will be located outside of the shoreline buffer and will not be a deterrent to ecological functions. Construction of the access roadway at the PS 74 site will occur outside of the shoreline buffer.*

B. 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).

Staff Comment: *The application does not propose any water-related or water-enjoyment uses. There is an existing gate on the property that neighbors may use to access by foot. This will not change with the addition of Pump Station 74.*

C. Policy SH-22. Designate and maintain appropriate areas for protecting and restoring shoreline ecological functions and processes to control pollution and prevent damage to the shoreline environment and/or public health.

Staff Comment: *Historically, degraded water quality caused by fecal coliform bacterial contamination has been a concern in Yukon Harbor. Yukon Harbor's nearshore environment has documented water quality issues associated with fecal coliform bacteria, partially attributed to failing septic systems. The proposed sewer system will have a benefit to public health.*

D. 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.

Staff Comment: *The shoreline is armored with concrete and boulder riprap, concrete bulkheads, and soft shore armoring such as logs. The application does not propose any additional shoreline stabilization activities.*

E. Policy SH-24. Aquaculture is of statewide interest. Properly managed, it can result in long-term, over short-term, benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with the control of pollution and prevention of damage to the environment, is a preferred use of the water area.

Staff Comment: *No aquaculture is proposed in this application.*

F. Policy SH-25. Potential locations for aquaculture activities are relatively restricted by water quality, temperature, dissolved oxygen content, currents, adjacent land use, wind protection, commercial navigation, and salinity. The technology associated with some forms of aquaculture is still experimental and in formative states. Therefore, some latitude should be given when implementing the regulations of this section; provided, that potential impacts on existing uses and shoreline ecological functions and processes should be given due consideration. However, experimental aquaculture projects in water bodies should include conditions for adaptive

management. "Experimental aquaculture" means an aquaculture activity that uses methods or technologies that are unprecedented or unproven in Washington.

Staff Comment: *No aquaculture is proposed in this application.*

G. Policy SH-26. Aquaculture activities should be located, designed and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes.

Staff Comment: *No aquaculture is proposed in this application.*

H. Policy SH-27. Aquaculture should not be permitted where it would result in a net loss of shoreline ecological functions and processes, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses. Aquaculture is not required to protect state-listed noxious weed species when control methods are conducted within applicable agency standards. In general, the following preferences apply when considering new aquaculture activities:

1. Projects that are not likely to negatively impact critical saltwater habitats.
2. Projects that involve little or no substrate modification.
3. Projects that involve little or no supplemental food sources, pesticides, herbicides or antibiotic application.

Staff Comment: *No aquaculture is proposed in this application.*

I. Policy SH-28. Aquaculture facilities should be designed and located to avoid:

1. The spread of disease to native aquatic life;
2. The establishment of new nonnative species, which cause significant ecological impacts; and
3. Significant impact to the aesthetic qualities of the shoreline.

Staff Comment: *No aquaculture is proposed in this application.*

J. Policy SH-29. Upland uses and modifications should be properly managed to avoid degradation of water quality of existing shellfish areas.

Staff Comment: *The proposal is outside of the shoreline buffer and will not degrade the water quality of existing shellfish areas. In addition, converting from septic systems to sewer will have a benefit to water quality in the area.*

K. Policy SH-30. Planting and harvesting by boat shall be preferred over low-tide harvest methods where feasible.

Staff Comment: *Planting and harvesting is not proposed in this project.*

L. Policy SH-31. Noncommercial and small-scale aquaculture projects should be encouraged through the shoreline exemption process (Section 22.500.100(C)).

Staff Comment: *No aquaculture is proposed in this application.*

22.500.100(B). Substantial Development Permit.

1. The Act provides that no substantial development shall be undertaken on the shorelines of the state without first obtaining a substantial development permit (SDP).

Staff Comment: *The applicant has applied for a shoreline substantial development permit.*

2. A SDP shall be classified as a Type III permit under Chapter [21.04](#).

Staff Comment: *This shoreline substantial development permit is a Type III permit.*

3. An SDP shall be granted only when the applicant can demonstrate that the proposed development is consistent with the policies and procedures of the Act and this program, as well as criteria in WAC [173-27-150](#).

Staff Comment: *The applicant has met these requirements, as shown below.*

4. WAC 173-27-150

Review criteria for shoreline substantial development permits

1. A substantial development permit shall be granted only when the development proposed is consistent with:

(a) The policies and procedures of the act;

(b) The provisions of this regulation; and

(c) The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter [173-26](#) WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.

Staff Comment: *Kitsap County approved the shoreline master program and adopted it on December 24, 2014.*

2. Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

Staff Comment: *A total of 17 conditions have been added to the staff report in order to assure consistency of the project with the act and the local master program.*

4. The Act provides a limited number of exceptions to the definition of substantial development. Those exceptions are contained in RCW [90.58.030](#) and in the section below, and do not require an Substantial Development Permit (SDP). Whether or not a development constitutes a substantial development, all development must comply with the requirements contained in the Act and this program and may require other permits or approvals under this master program. Permits may be issued with limitations or conditions to assure consistency with the Act and this program.

Staff Comment: *Pump Station 74 does not fall within the exemptions outlined in RCW 90.58.030 and requires a SSDP.*

5. All applications for shoreline substantial development permits or permit revisions shall be submitted to the Department of Ecology upon a final decision by local government pursuant to WAC 173-27-130. "Final decision by local government" shall mean the order of ruling, whether it be an approval or denial, that is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed.

Staff Comment: *Once all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed, portions of the project file will be forwarded to Department of Ecology for their 21-day review and appeal period.*

22.600.185 Utilities.

A. Environment Designations Permit Requirements. Where utilities are proposed in the following designations, the identified permit requirements shall apply.

1. Natural: prohibited, except to serve essential utility corridors or in support of permitted uses and activities, and then with a CUP. Utilities associated with single-family residences are exempt.
2. Rural conservancy, urban conservancy, shoreline residential, high intensity: SSDP. Utilities associated with single-family residences are exempt.
3. Aquatic: CUP.

Staff Comment: *The shoreline designation of the subject parcel is Shoreline Residential which requires a Shoreline Substantial Development Permit.*

B. Application Requirements. All applications for utility facilities shall include, at a minimum, the following:

1. Reason why facility must be located in the shoreline jurisdiction;

Staff Comment: *The proposed site is in proximity to conveyance lines and the residential properties the project is designed to serve. Shoreline properties within the project area are among the residences that will be served by the project.*

2. Alternative locations considered and reasons for their rejection;

Staff Comment: *No alternatives were considered as the subject location met all the criteria for the proposed project. The subject property is already a County owned parcel and the right of way is in proximity to the residences the proposed system will serve. In addition, many of surrounding parcels are developed parcels which would not support such infrastructure.*

3. Location of other facilities near the proposed project and if the location is to include other types of facilities;

Staff Comment: *Existing sewer infrastructure is located in proximity to the project area, but does not serve residents affected by the proposed project.*

4. Proposed method of construction and plans to control erosion and turbidity during

construction;

Staff Comment: *The Pump State 74 site is proposed to be graded level to a finished grade elevation of approximately 38 ft to minimize cut/fill and topography impacts to the site. The filled area will slope to match existing grades east of the pump station improvements. For reference, the finished grade elevation of Colchester Drive SE at the pump station site is approximately 50 ft. Minimal tree and shrubbery removal will be required; however, the pump station facilities are positioned to retain screening from existing vegetation to the north and west. A temporary erosion and sediment control (TESC) plan will be implemented during construction activities, and will include the use of work zone delineation fencing to minimize the extent of disturbance, filter fabric fencing, catch basin inserts, silt dikes, erosion control blanket, and stabilized construction entrance.*

5. Plans for restoration of areas disturbed during construction;

Staff Comment: *According to the application, all areas of temporary disturbance will be restored to pre-construction conditions or better.*

6. Possibility of locating proposed facility within existing utility right-of-way; and

Staff Comment: *The proposed project is located on existing County property.*

7. Geotechnical report when proposed in a geologically hazardous area.

Staff Comment: *A Geotechnical Engineering Report was submitted with the application from BHC Consultants, LCC dated September 8, 2016.*

C. Development Standards.

1. General Regulations.

- a. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are accessory utilities and shall be considered a part of the primary use.

Staff Comment: *The Individual Pumping Stations (IPS): associated with this project are considered exempt and part of residential primary use.*

- b. All utility facilities shall be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth per the Kitsap County Comprehensive Plan.

Staff Comment: *Pump Station 74 is outside of the shoreline buffer and will not have a negative impact on shoreline or ecological functions. Native vegetation and natural landscape will be retained with minimal tree and shrubbery removal.*

- c. Non-water-oriented utility production and processing facilities shall not be allowed in shoreline jurisdiction unless it can be demonstrated that no other feasible option is available.

Staff Comment: *Non-water-oriented utilities production and processing facilities are not proposed.*

- d. Transmission facilities shall be located outside of the shoreline area where feasible. When located in the shoreline area, they must be constructed, designed and located to assure no net loss of shoreline ecological functions.

Staff Comment: *No transmission facilities are included in this application.*

- e. Utilities shall be located in existing rights-of-way and corridors whenever possible.

Staff Comment: *The proposed Pump Station 74 site is an existing County ROW in proximity to the residences the system will serve.*

- f. New or expanded utility facilities shall be located in areas that do not require shoreline stabilization, dredging, extensive cut/fill and other forms of shoreline alteration to the greatest extent feasible.

Staff Comment: *No additional stabilization, dredging, extensive cut/fill, or other forms of shoreline alteration is proposed.*

- g. Maintenance of existing utilities shall be carried out in manner that will not result in a net loss of shoreline ecological functions, and any unavoidable adverse impacts shall be mitigated. This includes minimization of vegetation removal, and mitigation of any adversely affected area.

Staff Comment: *No impacts proposed in this project require mitigation. Native vegetation will be retained and minimal clearing will occur.*

- h. Where feasible and consistent with shoreline ecological functions, new and replacement utility lines shall be underground.

Staff Comment: *With the exemption of Pump Station 74, all utility piping will be underground.*

- i. Development of pipelines and cables on tidelands and development of facilities that may require periodic maintenance that disrupts shoreline ecological functions should be prohibited unless no other feasible alternative exists. When allowed, the location, design and construction of such facilities shall not result in a net loss of shoreline ecological functions or significant impacts to the other shoreline resources and values.

Staff Comment: *The construction and maintenance of Pump Station 74 will not lead a loss of shoreline ecological functions. The objective of the project is to improve the water quality in Yukon Harbor.*

Agency Recommendation

Planning/Zoning review recommends approval based on 10 conditions. Development Engineering has 3 conditions of approval. Environmental Review recommends approval with 3 conditions. Traffic and Roads had 1 condition of approval.

Staff Evaluation of Decision Criteria

1. The Hearing Examiner has review authority for this Variance permit application under KCC, Sections 17.410.010(C) and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions or deny a Shoreline Variance permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.
2. The proposal is consistent with the comprehensive plan and the Shoreline Master Program.
3. The proposal complies with or will comply with requirements of Title 17 and complies with or will comply with all of the other applicable provisions of the KCC and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report. The proposal is consistent with the code and provisions of the Kitsap County Shoreline Master Program.
4. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity.
5. 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

Recommendation:

Based upon the information above, the Department of Community Development recommends that the Shoreline Substantial Development Permit request for the Manchester Yukon Harbor Sewer Extension be **approved**, subject to the following 17 conditions:

Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
3. 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.
4. Any proposed modification (not including cosmetic work such as painting, papering and similar finish work), remodel or expansion of the building, regardless of whether a building permit is required, shall be reviewed by the Department of Community Development and granted approval prior to such modification, expansion, construction and/or issuance of a building permit.

5. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
6. The decision set forth herein is based upon representations made and exhibits contained in the project application. 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.
7. The Shoreline Substantial Development Permit approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within two years of the Notice of Decision date or the resolution of any appeals.
8. Any violation of the conditions of approval shall be grounds to initiate revocation of this Shoreline Substantial Development Permit.
9. The maximum height of all new construction in the Manchester View Protection Overlay Zone shall be 28 feet, measured from the mid-slope point of the property's buildable area to the highest point of the structure.
10. Paint colors for the Pump Station 74 shall be natural, earth tone colors as to blend in with the vegetation.

Development Engineering

11. 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.
12. The information provided demonstrates this proposal is a Large Project as defined in **Kitsap County Code Title 12**, and as such will require a Site Development Activity Permit (**SDAP**) from Development Services and Engineering.
13. The applicant has submitted the required Site Development Activity Permit, which is currently under review. Construction of this project shall comply with conditions established through review of Site Development Activity Permit 17 00087, and any addendums thereto.

Environmental

14. Follow the recommendations of the Geotechnical Engineering Report submitted by BHC Consultants, LCC dated September 8, 2016.
15. The application requires that no new shoreline armoring is proposed, and that no armoring will ever be needed for protection of any facilities on site.
16. Permit approval requires that refuse shall not be placed in buffers.

Traffic and Roads

17. 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. The need for and scope of bonding will be determined at that time.


Katharine Shaffer, Staff Planner

July 6, 2017
Date



Scott Diener, Development Services and Engineering Manager

7.6.17
Date

CC: Kitsap County Public Works, Barbara Zaroff
Interested Parties:
Leslie Joufflas
Edward Chao
Inga Oberst
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Katharine Shaffer
DCD File 17 01722