



Notice of Administrative Decision

Date: 04/24/2019

To: Kitsap County Public Works, tcarroll@co.kitsap.wa.us
Interested Parties and Parties of Record

RE: Permit Number: 18-04196
Project Name: Tracyton Beach Rd Emergency Prism Rock Protection – PW
Type of Application: Shoreline Administrative Conditional Use Permit (SACUP)

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS 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/AppealObjectionOfAnAdministrativeDecision>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review at the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777. Please note DCD is open Monday to Thursday from 8:00am to 4:00pm and on Friday from 9:00am to 1:00pm except holidays.

CC: Applicant: Kitsap County Public Works, tcarroll@co.kitsap.wa.us
Owner: BLAKEY ROBERT & MORK KAY E
Owner: Violet E Trustee Scott
Owner: Jo Ann Scott
Health District
Public Works
DSE
Kitsap Transit
Central Kitsap Fire District
Central Kitsap School District
Bremerton School District
Puget Sound Energy
City of Bremerton Planning Director
Water Purveyor

18-04196 Tracyton Beach Rd Emergency Prism Rock Protection – PW (SACUP)
04/24/2019

Sewer Purveyor
Suquamish Tribe
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
WA State Dept of Ecology- Shoreline (Misty Blair)

Interested Parties:

DURYEA DANIEL J & MELINDA K, danjduryea@gmail.com
DCD Staff Planner: Katharine Shaffer



Administrative Staff Report

Report Date: 4/18/2019

Application Submittal Date: 8/23/2018

Application Complete Date: 1/10/2019

Project Name: KCPW Tracyton Beach Road Shoreline Stabilization

Type of Application: Shoreline Administrative Conditional Use Permit

Permit Number: 18-04196

Project Location

Kitsap County right-of-way at
3114 and 2824 Tracyton Beach Rd. NW
Bremerton, WA 98310
Commissioner District #3 (Central)

Assessor's Account

Kitsap County right-of-way

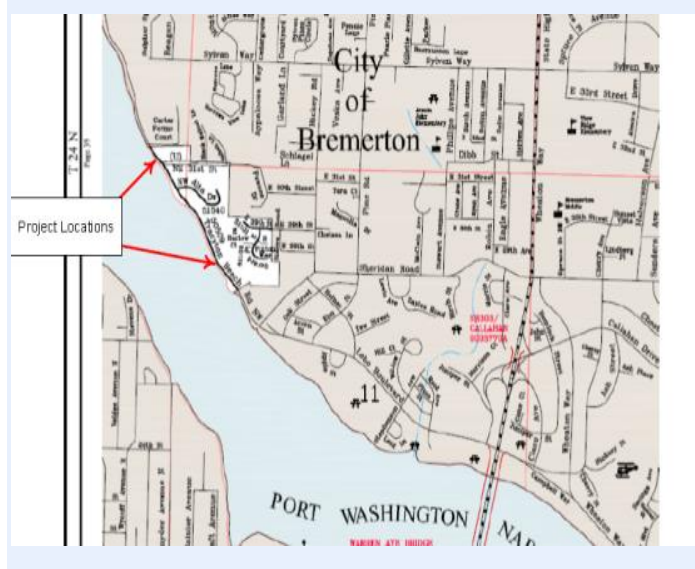
Applicant/Owner of Record

Kitsap County Public Works
c/o Tony Carroll

Decision Summary

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

VICINITY MAP



1. Background

Due to wind and wave erosion, the road prism at these locations of Tracyton Beach Road NW is compromised and in need of stabilization in order to maintain a safe public roadway. This section of roadway has also been identified as needing installation of a safety guardrail. The roadway shoulder needs to be reestablished in order to proceed with this safety improvement.

2. Project Request

The project proposes to both reestablish an existing rock wall along a 60-linear foot segment of shoreline roadway and to establish a new rock wall along a 40-linear foot segment. Both walls will be approximately 12 feet in height. The project is supported by geotechnical, cultural resource and shoreline mitigation plans.

3. SEPA (State Environmental Policy Act)

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of

4/18/2019

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 01/25/2019. A Determination of Nonsignificance (DNS) was issued on 03/04/2019.

The SEPA appeal period expired 03/04/19. No appeals were filed; therefore, the SEPA DNS is final.

4. Physical Characteristics

These two sections of shoreline that have insufficient rock armoring each extend laterally about 40 to 60 feet. The roadway shoulder along the waterward side of both sites has been eroded up to the edge of pavement. Residential housing with manicured lawns or coniferous and deciduous trees with an understory of vegetation native to the area are located uphill from the sites. Topography in the vicinity of the 3114 and 2824 Tracyton Beach Road NW sites slopes down to the northwest at about 13 percent and down to the southeast at about 7 percent, respectively.

Table 1 - Comprehensive Plan Designation and Zoning

| Comprehensive Plan: Urban Low-Density Residential Zone: Urban Low | Standard | Proposed |
|--|----------|----------|
| Minimum Density | NA | NA |
| Maximum Density | NA | |
| Minimum Lot Size | NA | NA |
| Maximum Lot Size | NA | NA |
| Minimum Lot Width | NA | NA |
| Minimum Lot Depth | NA | NA |
| Maximum Height | NA | NA |
| Maximum Impervious Surface Coverage | NA | NA |
| Maximum Lot Coverage | NA | NA |

4/18/2019

Table 2 - Setback for Zoning District

| | Standard | Proposed |
|-------|----------|----------|
| Front | NA | NA |
| Side | NA | NA |
| Side | NA | NA |
| Rear | NA | NA |

Table 3 - Surrounding Land Use and Zoning

| Surrounding Property | Land Use | Zoning |
|----------------------|--|-------------------------------------|
| North | Developed residential (2824) Undeveloped City of Bremerton (3114) | Urban Low (UL) City of Bremerton |
| South | Undeveloped residential (2824) Developed residential (3114) | Urban Low (UL) Urban Low (UL) |
| East | Developed residential | Urban Low (UL) |
| West | Puget Sound / Private tidelands | Urban Low (UL) |

Table 4 - Public Utilities and Services

| | Provider |
|--------|------------------------------|
| Water | NA |
| Power | Puget Sound Energy |
| Sewer | Kitsap County |
| Police | Kitsap County Sherriff |
| Fire | Central Kitsap Fire & Rescue |
| School | Bremerton |

5. Access

Access is from Tracyton Beach Road NW, a County-maintained right-of-way.

6. Site Design

Not applicable. Project is designed to meet the development standards for shoreline stabilization in Kitsap County Code Title 22 (Shoreline Master Program) and other state and federal requirements.

7. Policies and Regulations Applicable to the Subject Proposal

4/18/2019

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**

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.

22.300 General Goals and Policies

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: The proposed development is the minimum necessary to protect the existing public road. Mitigation measures include the restoration and enhancement of ecological functions.

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

Staff Comment: Ecological functions, with proposed mitigation, will still be retained to the greatest extent feasible.

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-5. Shoreline ecological functions that should be protected included, but are not limited to:

4/18/2019

1. Habitat
2. Water quality maintenance; and
3. Water quantity maintenance.

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:

Sediment,
Water,
Nutrients,
Toxins,
Pathogens, and
Large woody material.

Staff Comment: With mitigation, the proposed shoreline armor structure (new and replacement) will not impact critical areas or shoreline functions. A mitigation plan and associated monitoring and maintenance plan will assure compliance with these requirements. This includes replanting the shoulder with native plants, clearing invasive plants, and adding 100 cubic yards of beach nourishment material per WDFW specifications.

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 are no wetlands or streams on site. A geotechnical report has been provided to address the Geologically Hazardous Areas (KCC 19.400). Work will take place within the FEMA floodzone and the project has a completed Biological Evaluation and review under a US Army Corps of Engineers permit. Associated impacts from shoreline buffer intrusions will be mitigated.

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

4/18/2019

4. Removal of noxious weeds in accordance with WAC 16-750-020.

Staff Comment: Implementation of the mitigation plan along with the required monitoring and maintenance of the project area will assure no net loss of ecological functions and processes, including site design and vegetation management.

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: This project is consistent with current standards in Title 12 (Stormwater Drainage).

Policy SH-18. Prevent damage or destruction of historic, archaeological, cultural, scientific and educational (HASCE) sites through coordinated identification, protection and management with the appropriate local, state and federal authorities and registrars, affected Indian tribes, and property owners.

Staff Comment: A cultural resources memo was provided for review of this project. See conditions.

Policy SH-46. Maintenance of existing transportation corridors and utility facilities shall be carried out in a manner that:

1. will avoid a net loss of shoreline ecological functions; and
2. where feasible and appropriate, improve shoreline ecological functions.

Unavoidable adverse impacts shall be mitigated.

Staff Comment: The project is taking place within the existing roadway prism and is necessary for public safety. Additional enhancements are proposed to mitigate for the unavoidable adverse impacts.

Transportation Policy 6. Prioritize maintenance, preservation and operation of existing transportation infrastructure in a safe and usable state.

Staff Comment: This project is necessary for the preservation and safety of Tracyton Beach Rd NW.

Transportation Policy 30. Retain or replace native vegetation as possible when developing transportation projects.

Staff Comment: The bulkheads are necessary for the protection of the existing roadway and the installation of safety guardrails. Riparian vegetation are proposed for enhancement and beach nourishment is also included.

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 17 | Zoning |

4/18/2019

| | |
|---------------|---------------------------------------|
| Chapter 18.04 | State Environmental Policy Act (SEPA) |
| Title 19 | Critical Areas Ordinance |
| Title 22 | Shoreline Master Program (SMP) |

8. Documents Consulted in the Analysis

| <u>Applicant Submittals</u> | <u>Dated or date stamped</u> |
|--|------------------------------|
| Shoreline Permit Application | August 23, 2018 |
| Supplemental Application (JARPA) | September 5, 2018 |
| Environmental (SEPA) Checklist | September 5, 2018 |
| Biological Evaluations (Site 1 and Site 2) | January 9, 2019 |
| Mitigation Plan | January 9, 2019 |
| Cultural Resource Memos | January 9, 2019 |
| Geotechnical Report | January 9, 2019 |
| Stormwater Worksheet Packet | January 9, 2019 |
| Abbreviated Drainage Plans | September 12, 2018 |
| Site Plan (Revised) | January 9, 2019 |
| Final Health District Approval | August 17, 2017 |
| Project Narrative | January 9, 2018 |
| Photos | September 5, 2018 |

Comments

1. Comment Letter (Dept. of Ecology) February 7, 2019

Staff Communication

Dated

Development Services & Engineering Memo February 22, 2019

9. Public Outreach and Comments

| Issue Ref. No. | Summary of Concern (See corresponding responses in the next table) | Comment Letter Exhibit Reference No. |
|----------------|---|--------------------------------------|
| 1 | Potential contaminated sediments due to existing use, more information may be needed. | 1 |

| Issue Ref. No. | Issue | Staff Response |
|----------------|-----------|---|
| 1 | Sediments | Follow-up correspondence with the WA Dept. of Ecology staff regarding the comment letter indicated less concern than initially provided. Concern was based on |

4/18/2019

| | | |
|--|--|---|
| | | the general land use of the area and standard conditions for construction monitoring of water quality will suffice. |
|--|--|---|

10. Analysis

a. Planning/Zoning

NA

b. Lighting

NA

c. Off-Street Parking

NA

Table 5 - Parking Table

| Use Identified in 17.490.030 | Standard | Required Spaces | Proposed Spaces/Existing Spaces |
|------------------------------|----------|-----------------|---------------------------------|
| NA | NA | NA | NA |
| Total | | | |

d. Signage

NA

e. Landscaping

NA

Table 6 - Landscaping Table

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

4/18/2019

f. Frontage Improvements

NA

g. Design Districts/Requirements

NA

h. Development Engineering/Stormwater

Development Services and Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development, based on review of the Preliminary Engineering Plans received September 12, 2018 by Kitsap County Development Services and Engineering. Conditions will apply.

i. Environmental

22.400.105(B). Standards for Work Waterward of OHWM.

5. If at any time, water quality problems develop as a result of in-water work, immediate notification must be made to any appropriate state or federal agency, e.g., Ecology, WDFW, National Marine Fisheries, U.S. Fish and Wildlife Service, etc. Affected tribes shall also be notified.

Staff Comment: This is added as a condition below.

22.400.110 Mitigation

Staff Comment: The proposal includes an analysis of mitigation sequencing in the Mitigation Plan: Tracyton Beach Road NW Shoulder Repair, and in the Biological Evaluations for both sites. Due the nature of the project, some temporary and permanent impacts to areas below Ordinary High Water cannot be avoided. Efforts were made to minimize project impacts, but due to the location of the existing roadway at the shoreline edge, avoidance was not feasible. Compensatory mitigation includes enhancement of the riparian vegetation along the roadway, invasive plant control, removal of intertidal debris, and the addition of beach nourishment. The proposal includes a five-year monitoring and maintenance plan.

22.400.115(D) Critical Saltwater Habitats

Staff Comment: This section requires that non-residential bulkheads not intrude into or over critical saltwater habitats, except in certain circumstances. While the project site does not include any kelp or eelgrass beds, it does include mapped smelt spawning habitat. Compensatory mitigation is proposed, including beach nourishment and removal of intertidal debris (angular rock). The project, however, does meet the criteria to allow the bulkhead, including that public need for the action, mitigation sequencing and no net loss of ecological functions are demonstrated.

22.400.130 Historic, Archaeological, Cultural, Scientific and Educational Resources

Staff Comment: The project will be conditioned for discovery of cultural resources.

4/18/2019

22.400.145 Public Access

Staff Comment: Kitsap County Code requires that any shoreline development by a public entity include public access measures as part of the project, unless incompatible due to safety, security or impact to the environment. This project does not propose any beach access element, however public access includes the ability of the public to view the water and the shoreline from adjacent locations. As a public right-of-way, there will continue to be this manner of public access.

22.500 Permit Provisions, Review and Enforcement

Staff Comment: This project has been processed consistent with this code Chapter and that of KCC Title 21. The minimum application requirements have been met. The proposal and decision will be forwarded the Washington Department of Ecology for final approval, approval with conditions, or denial. No approval shall be considered final until it has been acted upon by Ecology.

22.600.175 Shoreline Stabilization

Staff Comment:

(A) This project includes new hard armoring of the marine shoreline, requiring this Administrative Conditional Use Permit for all shoreline designations.

(C) The application has included all of the necessary information as identified in sub-section C of this Chapter.

(D)(1) Development Standards- General Regulations. The proposal has been reviewed pursuant to comments from Washington Departments of Fish and Wildlife and Natural Resources. A geotechnical report has been provided for this site and to support the need for the armoring to protect a legally existing structure and provide for public safety. The hard stabilization structure is the minimum necessary and has been demonstrated to meet the requirement of no net loss of shoreline ecological functions. Other state and federal permits or approvals are required (see conditions).

j. Access, Traffic and Roads

NA

k. Fire Safety

NA

l. Solid Waste

NA

m. Water/Sewer

NA

n. Kitsap Public Health District

4/18/2019

The project has been reviewed by Kitsap Public Health. No comments or conditions apply.

11. Review Authority

The Director has review authority for this Administrative Conditional Use Permit application under KCC, Sections 17.540.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. The Director may approve, approve with conditions, or deny an Administrative Conditional Use Permit. All Shoreline Administrative Conditional Use Permits approved by the County are forwarded to the Washington State Department of Ecology pursuant to WAC 173-27-200 and KCC 22.500.100(D) for final approval, approval with conditions, or denial. No approval shall be considered final until it has been acted upon by Ecology.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 22 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

13. Decision

Based upon the analysis above and the decision criteria found in KCC 22.500.100(D), the Department of Community Development recommends that the Shoreline Administrative Conditional Use Permit (18-04196) request for Tracyton Beach Road Shoreline Stabilization be **approved**, subject to the following conditions:

a. Planning/Zoning

NA

b. Development Engineering

4/18/2019

1. Although the project is exempt from requiring a Site Development Activity Permit, per Kitsap County Code 12.10.040(4), construction activities are required to meet applicable Minimum Requirements of the Kitsap County Stormwater Design Manual.
2. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work. Information submitted indicates an Expedited Hydraulic Project Approval is pending with Washington State Department of Fish and Wildlife.
3. Construction activities shall follow the recommendations contained in the Geotechnical Assessment prepared by Landau Associates, Inc. dated December 14, 2018.
4. If the project proposal is modified from that shown on the submitted site plan dated September 12, 2018, Development Services and Engineering will require additional review and potentially new conditions.

c. Environmental

5. If at any time, water quality problems develop as a result of in-water work, immediate notification must be made to the appropriate agencies and tribes (KCC 22.400.105).
6. Permit approval subject to no removal of trees or vegetation on the parcel beyond that approved under the Mitigation Plan. Please contact Kitsap County Department of Community Development before any additional clearing (360) 337-5777.
7. If archaeological resources are uncovered during excavation, the contractor must immediately stop work and notify Kitsap County Dept. of Community Development, the Office of Archaeology and Historic Preservation and the Suquamish Tribe. Uncovered sites shall require a site inspection by a professional archaeologist in coordination with the affected tribe. Tribal Historic Preservation Officers shall be provided the opportunity to evaluate and comment on cultural resources evaluations conducted by the professional archaeologist.
8. This project is subject to the mitigation, monitoring and maintenance requirements of the Mitigation Plan: Tracyton Beach Rd. NW Shoulder Repair (Kitsap County Public Works, 1/9/18).

d. Traffic and Roads

NA

e. Fire Safety

NA

f. Solid Waste

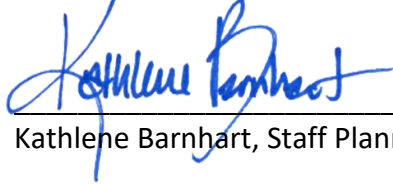
NA

g. Kitsap Public Health District

4/18/2019

NA

Report prepared by:



Kathlene Barnhart, Staff Planner / Project Lead

4/18/19

Date

Report approved by:



for

Shawn Alire, Supervisor

4/18/19

Date

Attachments:

Attachment A – Zoning Map

Attachment B – Critical Areas Map

CC: Kitsap County Public Works, Tony Carroll: tcarroll@co.kitsap.wa.us

Property Owners:

Robert Blakely and Kay Mork

Jo Ann Scott

Violet E Scott Trustee

Interested Parties

Daniel and Melinda Duryea

Kitsap County Health District, MS-30

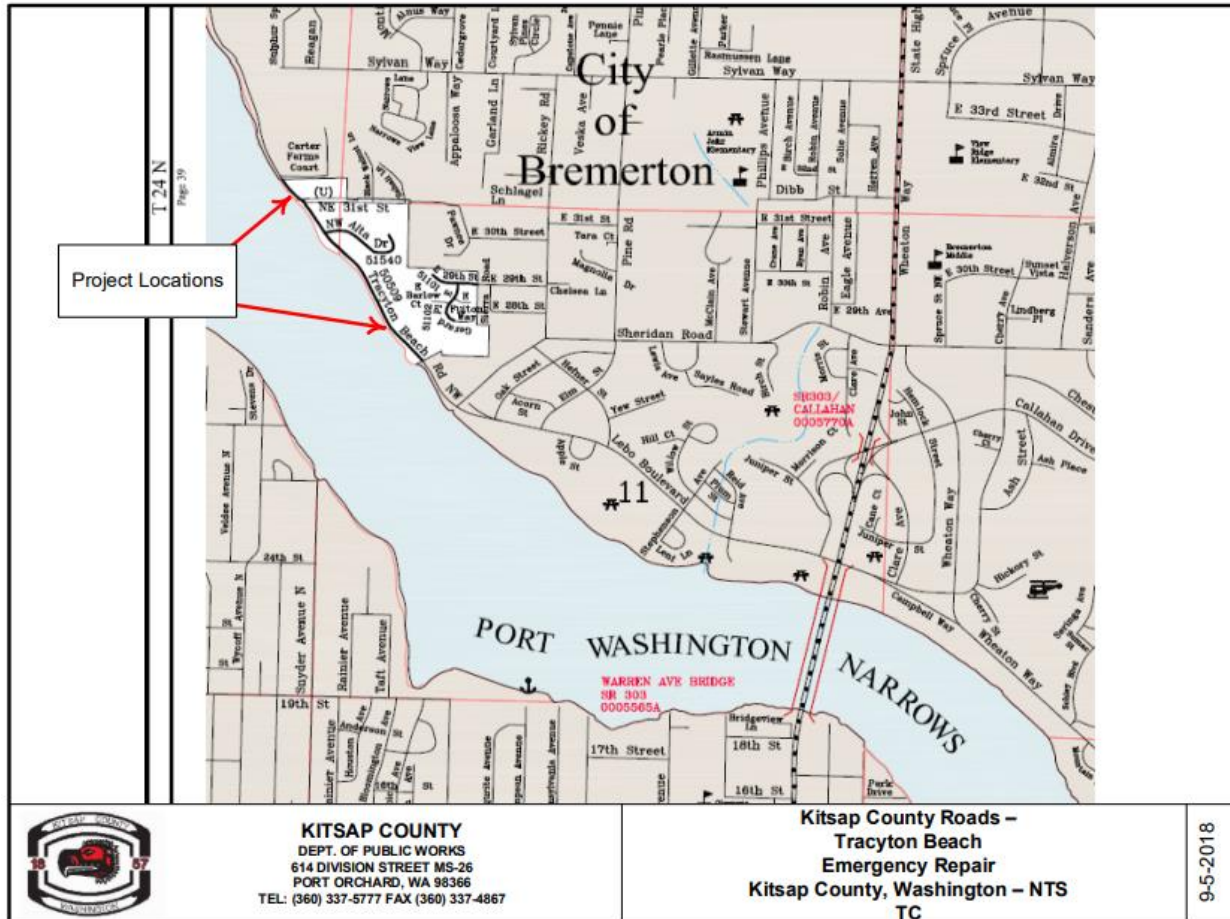
Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Candace Vickery, cvickery@co.kitsap.wa.us

4/18/2019

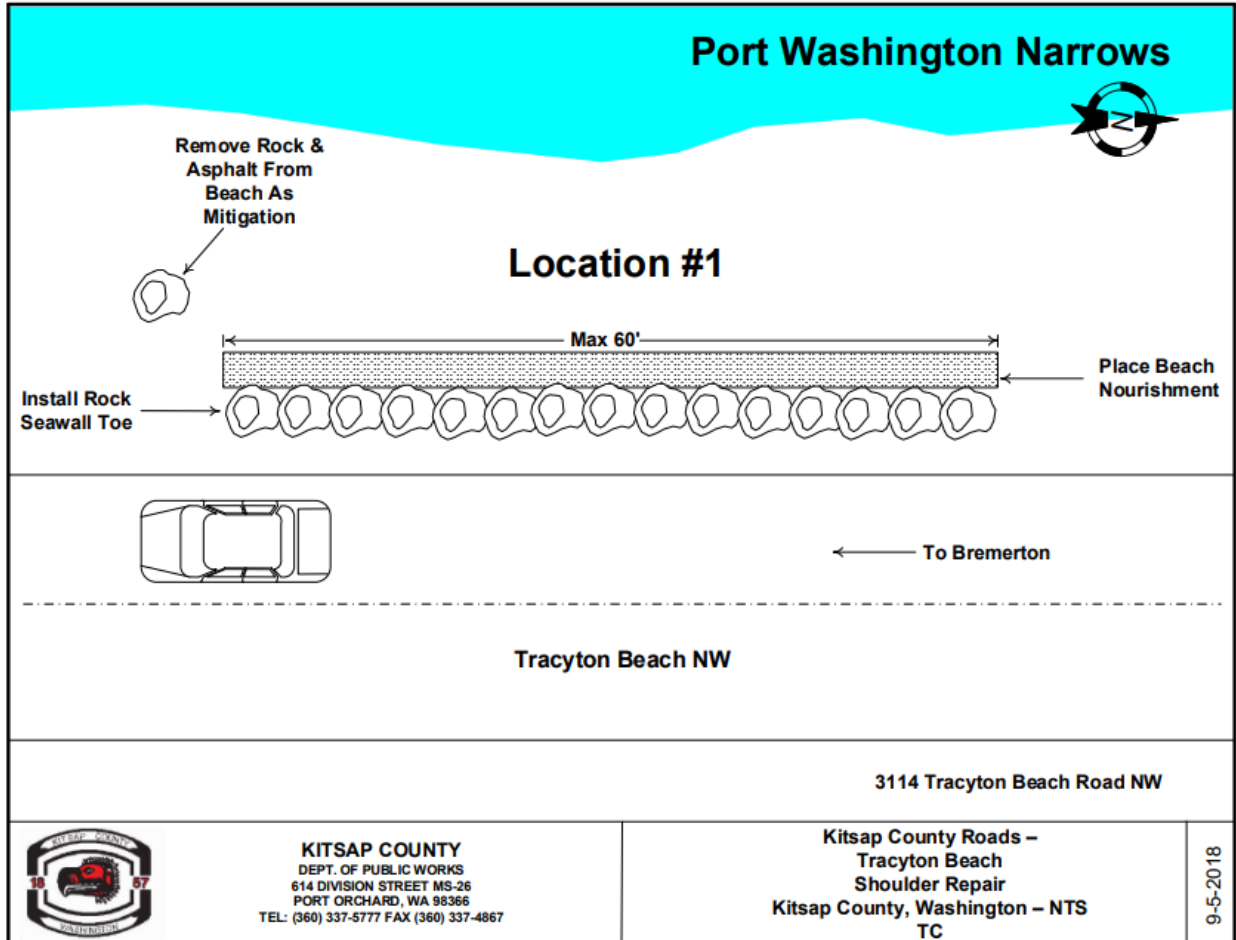
Site Plan

General Location



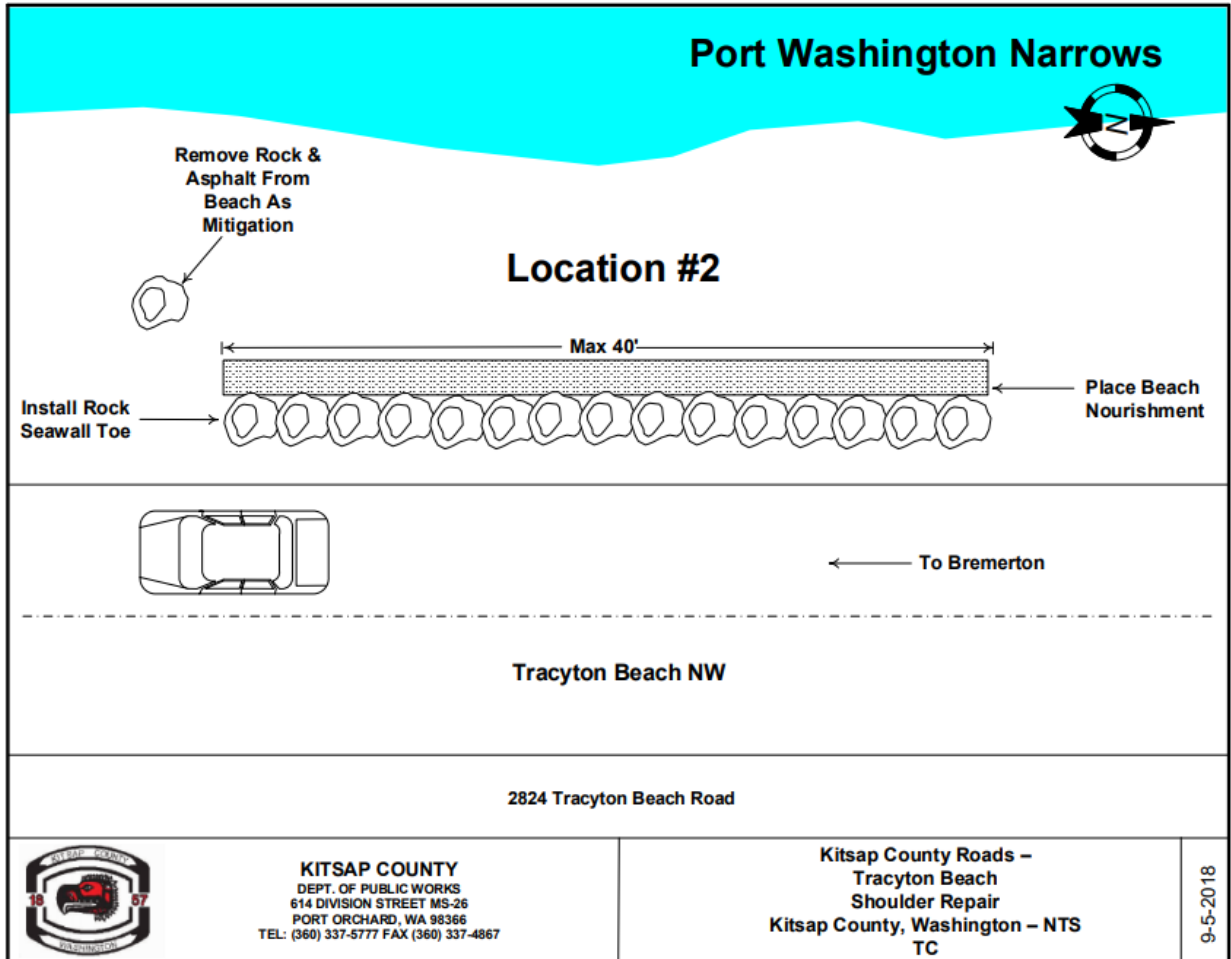
4/18/2019

3114 Tracyton Beach Rd. (Location #1)



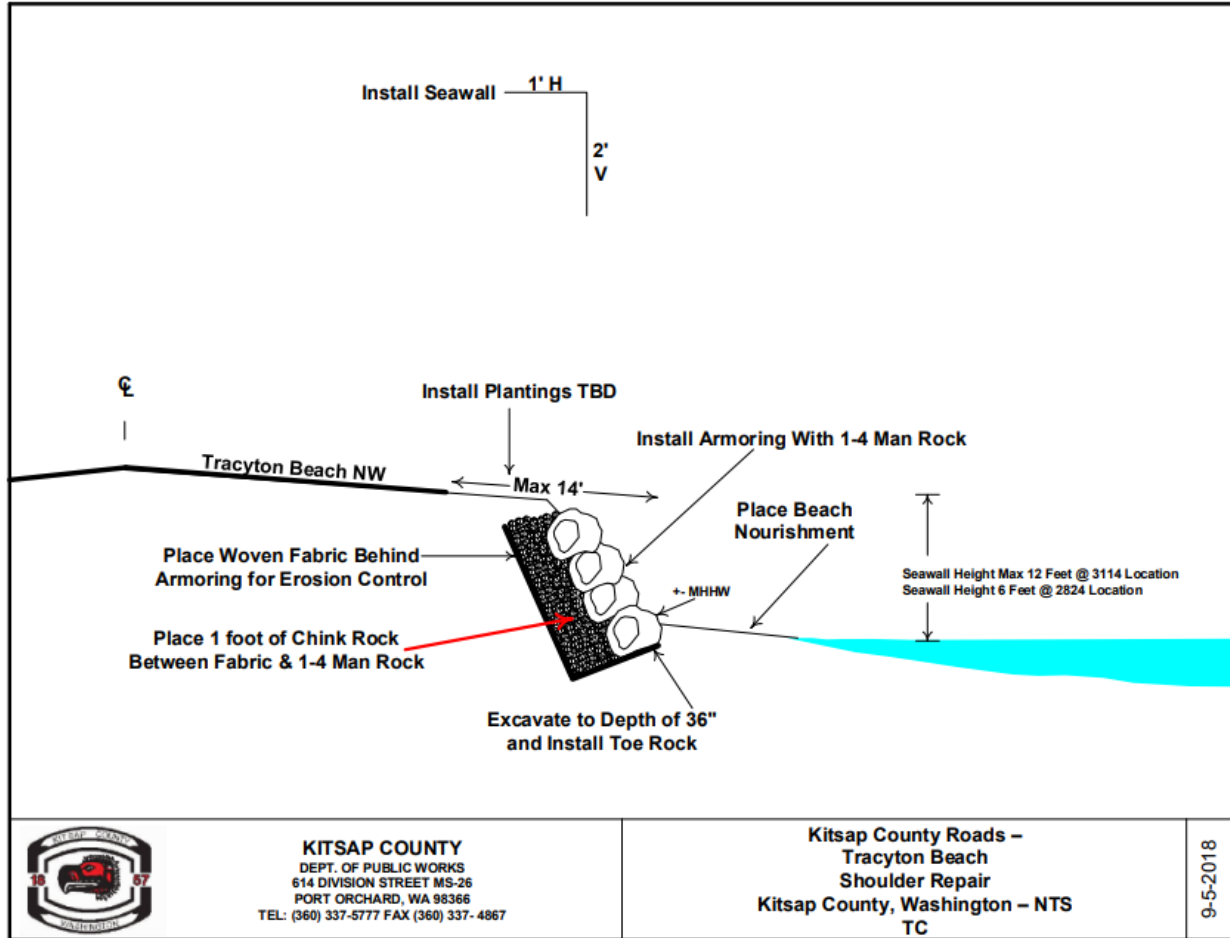
4/18/2019

2824 Tracyton Beach Rd. (Location #2)



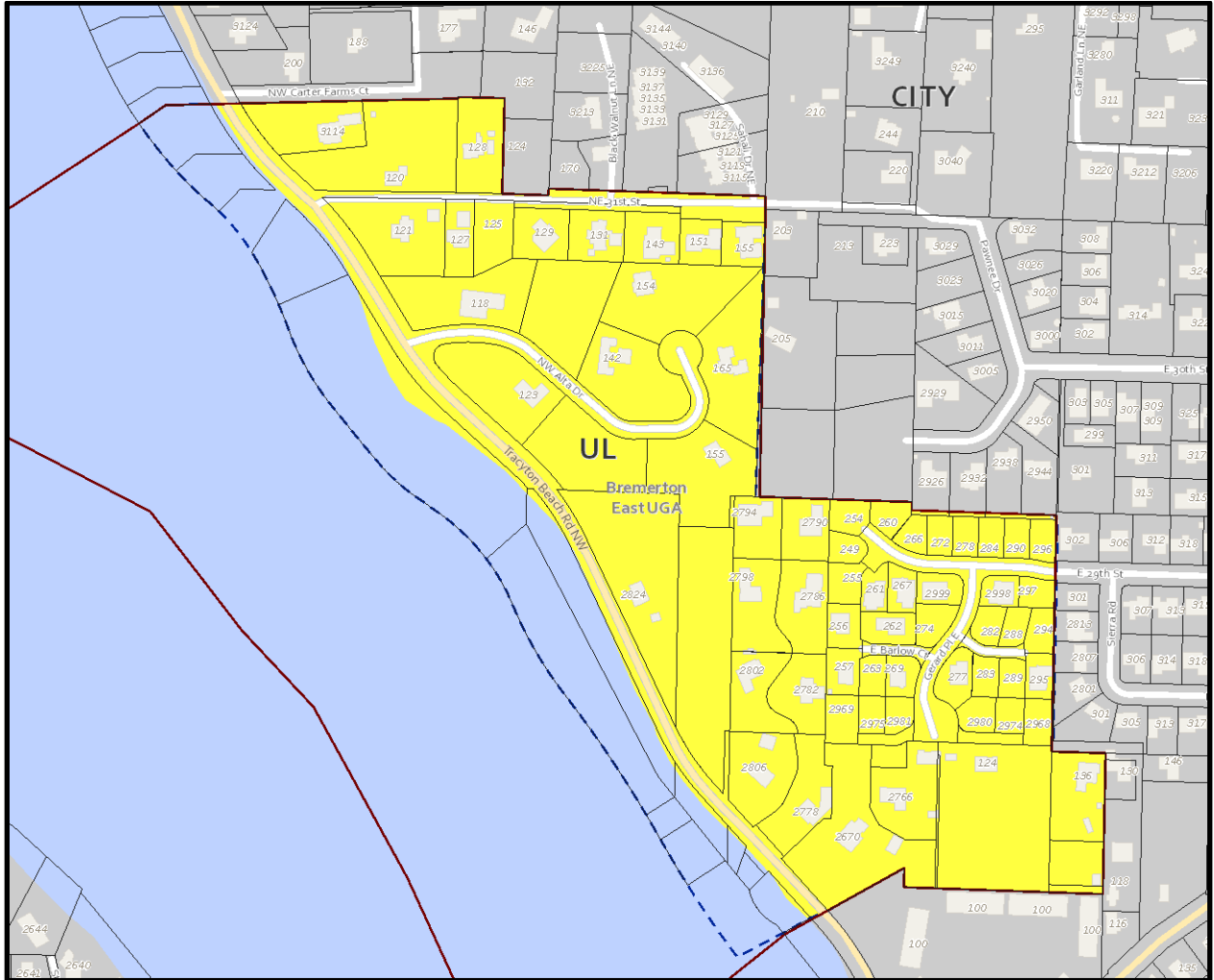
4/18/2019

Cross-Section



4/18/2019

Attachment A: Zoning Map



4/18/2019

Attachment B: Critical Areas Map

