



Notice of Hearing Examiner Decision

05/10/18

To: Interested Parties and Parties of Record

RE: Project Name: Bay Shore and Washington Improvements Project -
 SSDP COMM
 Applicant: Kitsap County Public Works
 614 Division Street MS-27
 Port Orchard, WA
 Application: Shoreline Substantial Development Permit,
 Commercial
 Permit Number: #16-05779

Enclosed is the Decision issued by the Kitsap County Hearing Examiner for the above project.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at:
<https://spf.kitsapgov.com/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>

The Decision of the Hearing Examiner is final, unless appealed, as provided under Washington law.

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, Monday through Thursday, 8:00 AM to 4:00 PM and Friday 9:00 AM to 1:00 PM, except holidays. If you wish to view the case file or have other questions, please contact Help@Kitsap1.com or (360) 337-5777.

CC: Owner/Applicant: Kitsap County Public Works, Jon Brand, jbrand@co.kitsap.wa.us
 Authorized Representative: RH2 Engineering Inc. apettibone@rh2.com
 Health District
 Public Works
 Parks
 Navy
 DSE
 DCD
 Kitsap County Prosecutor

Kitsap County Assessor
Kitsap Transit
Central Kitsap Fire District
Central Kitsap School District
Puget Sound Energy
Water Purveyor
Sewer Purveyor
Point No Point Treaty Council
Suquamish Tribe
WA Dept. of Fish & Wildlife
WA State Dept. of Ecology-SEPA
WA State Dept. of Ecology-Shoreline review
WA State Dept. of Transportation
Kitsap Sun
Interested Parties: None



Staff Report for the Hearing Examiner

Report Date: April 19, 2018

Application Submittal Date: December 29, 2016

Hearing Date: April 26, 2018

Application Complete Date: January 9, 2017

Permit Number: 16-05779

Project Name: Kitsap County Public Works Bayshore and Washington Avenue Sewer and Roadway Improvement Project

Type of Application: Shoreline Substantial Development Permit (SSDP)

This staff report was prepared by Steve Heacock, Senior Environmental 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 the Shoreline Substantial Development Permit (SSDP) for the applicant's request to make transportation improvements, install new sidewalks, bike lanes, pedestrian lighting and associated landscaping improvements within the shoreline and public Right of Way area of Bayshore Drive NW and Washington Avenue NW, Silverdale, Washington. This approval is based on acceptance of 11 conditions of approval.

Aging transportation and sewer utility facilities within this unincorporated area of Silverdale are triggering the need to upgrade the public infrastructure in this defined project area. As many of the planned improvements are within 200' of the shoreline, review and permitting is under the jurisdiction of Kitsap County's Shoreline Management Program.

SEWER UTILITY IMPROVEMENTS The existing asbestos cement (AC) gravity sewer main in Bay Shore Drive and Washington Avenue contains several sag areas, is structurally unsound, and was not constructed with adequate slopes to convey flows. The result has been increased pipe failure, pipe obstructions and overflows, and frequent maintenance by the County. The project will replace and upgrade the existing approximately 2,800 linear feet (L. F.) of 8-inch and 10-inch AC sewer main in Bay Shore Drive and Washington Avenue with a 12-inch polyvinyl chloride (PVC) pipe sloped at an average of 0.3 percent. Pipeline replacement will occur via open trench construction, which will require deep trenching, shoring, and groundwater dewatering along much of the proposed sewer main alignment. The project will also replace approximately 1,900 LF of existing 8-inch AC pipe to match slopes of the side sewers to the proposed main. The 8-inch main in these areas will be replaced with 6-inch PVC pipe and 8-inch cured-in-place pipe (CIPP). Sewer main replacement will also necessitate replacement of 12 manholes along this alignment.

STORM UTILITY IMPROVEMENTS The existing Stormwater system in Bay Shore Drive, Washington Avenue, and NW Byron Street consists of varying diameter corrugated metal pipe (CMP), catch basins, and three oil-water separators for treatment prior to discharge to Dyes Inlet and Strawberry Creek. The existing storm pipe is aging, corroded, and structurally unsound. Several of the existing catch basins are not located properly, resulting in insufficient

collection of Stormwater runoff. The existing oil-water separators do not treat the Stormwater runoff to meet current treatment standards (providing only hydrocarbon and suspended solids removal). The project will replace the storm system and ensure it meets County and state Stormwater standards. CMP will be replaced with similarly sized corrugated polyethylene pipe (CPEP). Catch basins will be replaced and relocated in several locations to situate inlets in the low spots along the roadway flow lines. The existing oil-water separators will either be removed or left in place (and possibly backfilled). Filterra® units and Modular Wetlands™ bio-retention boxes will be strategically placed to improve water quality treatment of Stormwater runoff from both Bay Shore Drive and Washington Avenue (these structures will provide removal of hydrocarbons, suspended solids, nitrogen, and phosphorous from Stormwater). The Stormwater runoff from NW Byron Street is currently and will remain treated via a sand filter at the east end of the roadway before being released into Dyes Inlet.

WATER MAIN IMPROVEMENTS The existing 6-inch AC water main will be replaced and upgraded (to an anticipated 8-inch pipe) to accommodate future development flows. Design and replacement work for this component of the project is to be completed by Silverdale Water District, but will be permitted along with the other improvements.

ROADWAY IMPROVEMENTS The existing Bay Shore Drive and Washington Avenue roadway shows signs of wear and settlement (evidenced by alligator cracking and ponding). Additionally, most of the ramps and driveways along these two streets are not in compliance with the Americans with Disabilities Act (ADA) standards. Improvements will require modification of roadway and sidewalk alignments, but will remain within developed County right-of-way (ROW) and will not extend beyond the current eastern waterward extent of Bay Shore Drive or the southern extent of Washington Avenue at its confluence with the Dyes Inlet shoreline. The roadway subgrade and asphalt surface will be improved to current County standards. Striping and signage will be installed within the roadway corridor. Ramps, sidewalks, and driveways will be replaced with ADA-compliant structures. This will include the addition of approximately 800 feet of 5-foot sidewalk along the west side of Bay Shore Drive, and upgrade the existing 4.5-foot sidewalk along the east side of Bay Shore Drive to an 8-foot sidewalk to accommodate users of the Clear Creek Trail, of which the eastern sidewalk of Bay Shore Drive is already a part. Along Washington Avenue, the existing 4.5-foot sidewalk will be upgraded to an ADA-compliant 5-foot width. Additionally, a traffic circle is proposed at the end of Washington Avenue to improve parking and traffic flow around Silverdale Waterfront Park.

ASSOCIATED IMPROVEMENTS The proposed utility and roadway improvements will necessitate relocation of existing telephone, cable, power, and gas lines. Street lighting, including luminaires and conduits for electrical cable along Bay Shore Drive and conduits for future light installation along Washington Avenue, will be installed. Streetscaping is planned along Washington Avenue and Bay Shore Drive, along with shoreline planting along Bay Shore Drive, and potential future beautification and/or screening of the existing County Lift Station No. 3.

Review of this proposal consists of the following primary elements:

- Re-construct approximately 2,750-feet of roadways, install new sidewalks and bicycle lanes on Bayshore and Washington street.
- Improve landscaping, pedestrian lighting, and recreational amenities for associated roadway improvements.
- The sewer-line upgrade is located within the road prism and associated ROW and is essentially a repair of the existing sewer main and side sewer connections; this

component of the project is considered exempt from SSDP requirements. As such, the associated SEPA DNS addresses the revision to the sewer trunk line, side sewer connections, and the Washington Blvd bore work beneath Strawberry Creek. No new side sewers or drainage facilities or utilities are proposed within the shoreline jurisdiction.

- Silverdale Water District is also upgrading water main utilities in this portion of the ROW. These existing mains and associated connections are also considered repair and maintenance of existing facilities and not subject to the SSDP analysis.
- Restore native vegetation within the right of way and adjacent rock bulkhead protecting Bayshore Avenue NW per the landscape plan and habitat assessment plan.

The project will occur within the ROW of Bay Shore Drive from the NW Bucklin Hill Road intersection south to the intersection with Washington Avenue, continuing within the ROW of Washington Avenue from the Bay Shore Drive intersection south to the end of Washington Avenue. Work will also occur within the ROW of NW Byron Street within 500 feet west of the intersection with Washington Avenue. The intersection of Bay Shore Drive and Washington Avenue is located at latitude 47.646732 N, longitude -122.695173 W. The project encompasses approximately 3.2 acres within Section 20, Township 25N, Range 1E, entirely within County limits.

The portions of the project footprint within shoreline jurisdiction include almost the entire Bay Shore Drive alignment, just short of its intersection with Washington Avenue, as well as the southernmost 200 feet within Washington Avenue. Along Bay Shore Drive, the shoreline is designated High Intensity, while the portion at the end of Washington Avenue is designated Urban Conservancy. The primary use designations for the project are Utilities and Transportation (roadway improvements).

Per the County's Shoreline Master Program (SMP), Table 22.600.105, the Utilities and Transportation Uses are both permitted uses requiring a Shoreline Substantial Development Permit (SSDP) within the High Intensity shoreline zone.

Soils within the portion of the project designated as High Intensity shoreline (the northern two-thirds of the project alignment) are classified by the National Resources Conservation Service (NRCS) as primarily Kapowsin variant gravelly clay loam, 0 to 5 percent slopes. The road bed is largely composed of impervious asphalt and compacted gravel, and a 4.5-foot sidewalk exists on the east and a portion of the west side of Bay Shore Drive. Since the project footprint is within paved roadway, habitat potential is low due to high levels of roadway and adjacent development disturbance; constant traffic and pedestrian usage; and a lack of forage, cover vegetation, or corridors and connections for wildlife. However, the project alignment is adjacent to Dyes Inlet and Strawberry Creek, areas in which habitat potential is naturally increased due to the interface of aquatic and terrestrial areas. Dyes Inlet adjacent to Bay Shore Drive and at the end of Washington Avenue provides shoreline, nearshore marine habitat, and connections to the greater Puget Sound. Usage by fish (e.g. salmonids, forage fish, etc.), songbirds, and marine birds, and occasional usage by shorebirds, is anticipated to occur in shoreline areas. The Dyes Inlet shoreline adjacent to the project footprint has been altered by development; consequently, shoreline vegetation is lacking, Stormwater inputs are frequent, and the shoreline is armored with riprap. The Strawberry Creek riparian corridor upstream of Washington Avenue has been highly altered and is devoid of vegetation; the channel itself is contained in a concrete channel. Downstream of Washington Avenue, the riparian corridor is vegetated and more natural, albeit still constrained and impacted by adjacent development.

Improvements at the southern end of Washington Avenue fall within the Urban Conservancy shoreline zone. As a standalone project, those improvements would qualify for an exemption from the SSDP requirements, per Kitsap County Code (KCC) 22.500.100(C)(3)(b). Failing utilities are being replaced, and roadway is being updated without expanding its footprint, which qualifies as “normal maintenance or repair of existing structures or developments.” However, since the entire project does not meet the exemption criteria, the project requires the SSDP.

Soil within the portion of the project in the Urban Conservancy shoreline designation are classified by the NRCS as Urban land-Alderwood complex, 0 to 8 percent slopes. This portion of the project area is currently occupied by a paved parking area, with the County’s Lift Station No. 3 to the southwest and Silverdale Waterfront Park to the east. Similar to the shoreline along Bay Shore Drive, habitat potential within the project footprint is low, but Dyes Inlet and its shoreline are directly adjacent. In this area of the shoreline, the length of beach is approximately 50 feet; there is some large wood armoring at the back of the shoreline, but overall, shoreline vegetation is limited in this section of the shoreline. The addition of a traffic circle here will not expand the footprint of existing impervious surfaces. No impacts to the Dyes Inlet shoreline are anticipated with this project.

Project Request:

Kitsap County’s (County) Public Works Department (PWD) is proposing to replace existing sewer and Stormwater utilities in Bay Shore Drive NW and Washington Avenue NW, and Stormwater utilities in a portion of NW Byron Street. Following utility replacements, the Bay Shore Drive and Washington Avenue roadways will be improved to existing County standards. Kitsap County Public Works is requesting approval of the submitted Shoreline Substantial Development Permit to reconstruct the associated project-area roads, build new sidewalks, bike lanes, pedestrian streetlights and provide landscaping improvements within existing and newly acquired right of way areas between Bayshore and Washington Blvd, Silverdale, WA

Project Location:

County right of way located between Bayshore Drive NW to the southern extent of Washington Avenue NW, Silverdale, WA

Assessor's Account #:

Because the entire project is within a county right of way, there is no associated parcel number.

Applicant/Owner of Record:

Owner: Kitsap County Public Works
507 Austin Ave Port Orchard, WA

Applicant: KC Public Works
507 Austin Ave
Port Orchard, WA 98366



Site aerial

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 Non-significance (MDNS), 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 used for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated February 22, 2017 (Exhibit 11). A Determination of Non-significance (DNS) was issued on March 29, 2017 (exhibit 12). The SEPA appeal period expired April 12, 2018. No appeals were filed; therefore, the SEPA determination is final.

Physical Characteristics:

The project area is located entirely within Kitsap County Right of Way of Bayshore Drive NW and Washington Avenue NW., Silverdale WA. These existing roads lack public sidewalks, bicycle lanes, streetlights, and landscaping. Bayshore Avenue is on Dyes Inlet and is currently armored with a protective rock bulkhead. The upper portion of the bulkhead is currently comprised of grass and non-native vegetation. No changes to the bulkhead are proposed.

Comprehensive Plan Designation and Zoning:

Regional Commercial and Neighborhood Commercial

Minimum Lot Size N/A

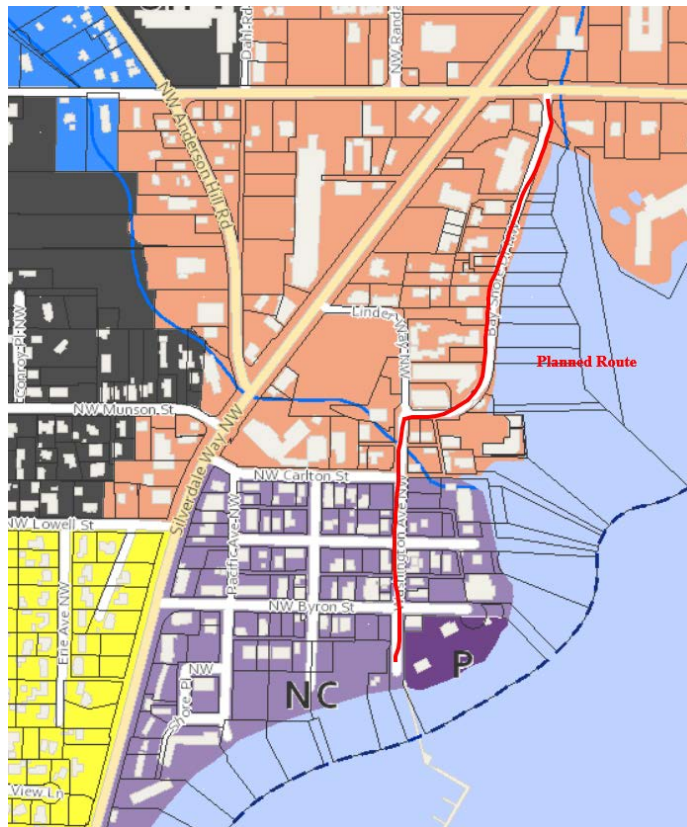
Minimum Lot Width N/A
Minimum Lot Depth N/A
Maximum Height 35 feet, higher with exceptions

Standard Regional Commercial Zoning Setbacks

Front 20 feet
Side 5 feet
Rear 5 feet

Surrounding Land Use and Zoning:

The subject roadway and project area is highlighted in red in the zoning map, below. The surrounding areas are zoned Neighborhood Commercial.



Zoning map

Public Utilities and Services:

Water: Silverdale Water
Power: Puget Sound Energy
Sewer: Kitsap County Sewer Utility
Police: Kitsap County Sheriff
Fire: Central Kitsap Fire District
Schools: Central Kitsap School District

Access:

Access to the site is from NW Bucklin Hill Road to the north and NW Byron Street to the south.

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:

Environment Goal 1. Formally treat natural environments, including forest lands, shorelines, freshwater systems, intact ecosystems, and other critical areas, as an essential asset that is planned for, managed, and invested in to meet the needs of current and future generations.

Environment Policy 2. Establish a formal mechanism to coordinate, prioritize actions, report on and continually improve processes to treat the natural environment as an essential asset. Leverage established programs in land use, transportation, economic development and other areas to achieve managing the natural environment as an essential asset.

Environment Policy 3. Identify, document, and evaluate how the natural environment is measured or categorized in land use, transportation, Stormwater utility, parks and other County plans.

Environment Policy 11. Identify areas of joint interest among County programs, state agencies, tribes, conservation land trusts, and federal departments, including Defense, which may facilitate partnerships in data sharing, funding and stewardship for the environment.

Environment Policy 17. Safeguard the quality and quantity of long-term water supplies by identifying and protecting critical aquifer recharge areas and using Low Impact Development (LID) site planning principles to the greatest extent possible for reducing Stormwater runoff.

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

Chapter 18.04 State Environmental Policy Act (SEPA)

Chapter 20.04 Transportation Facilities Concurrency Ordinance

Chapter 21.04 Land Use and Development Procedures

- Title 22 Shoreline Master Program

Documents Consulted in the Analysis:

A complete index of exhibits is in the project file. To date, the index to the record consists of Exhibits 1-23.

Exhibit #	Document	Date or date stamped
1	Project Application – Land Use, Environmental & Site Development	01/19/17
2	Supplemental Application – JARPA	01/19/17
3	SEPA Checklist	01/19/17
4	Project Narrative	01/19/17
5	Cultural Resource Report	01/19/17
6	Site Plan	01/19/17
7	Reduced Site Plan	01/19/17
8	Stormwater Pollution Protection Plan (SWPPP)	01/19/17
9	Floodplain Habitat Assessment	01/19/17
10	Photos	01/19/17
11	Notice of Application	02/22/17
12	SEPA – Determination of Nonsignificance (DNS)	03/29/17
13	Hydraulic Project Approval (HPA) 9454	05/14/17
14	Geotechnical Report Addendum	02/22/18
15	Engineered Drainage Report	02/22/18
16	HPA 9454 – Minor Modification	02/27/18
17	Email – from RH2 – RE: Drainage Report	03/18/18
18	Revised Landscaping Plans	03/20/18
19	Shoring – Dewatering Plans	03/25/18
20	Dewatering – Special Provisions Report	03/28/18
21	Notice of Public Hearing	04/11/18
22	Certification of Public Notice	04/19/18
23	Staff Report	04/19/18
24	Staff Presentation	

Public Comments:

Calls were received regarding the Notice of Application. No comments were received and there are no interested parties for the project.

Analysis:**Land Use and Zoning Analysis**

Per 17.500 landscaping, the proposal is subject to conditions of approval, and will comply with code.

Per 17.110 a utility project within the rights-of-way is not defined in Title 17, property is within the rights-of-way, zoning for the area includes Regional Commercial, Neighborhood Commercial and Park; per 17.470 the proposal is not a multi-family request. Per 17.480 not within Urban Center Zones; 17.410 a utility project within the rights-of-way is not identified in Allowed Uses, however, the proposed activity is permitted; 17.420 there are no dimensional requirements or

setbacks for this project; 17.450 no land use required to replace utilities, but the Shoreline Substantial Development Permit (SSDP) is required, a Site Development Activity Permit (SDAP 17-00002) has been submitted and potentially a building permit may be required; 17.490 there are no parking requirements for this project; 17.510 permit is not for a sign; Subarea Plan - Old Town Center - Silverdale Downtown Design Standards - Chapter 3, there are no applicable design requirements for this project.

SHORELINE GENERAL REGULATIONS COMPLIANCE

SMP Shoreline General Regulations (KCC Chapter 22.400) is addressed as follows.

Existing Development (KCC 22.400.100) Existing development within the shoreline jurisdiction, including roadway, sidewalks, and utilities, is considered a “lawfully established use.” All lawfully established uses may continue and may be repaired, maintained, expanded, or modified, provided they are improved in a manner that is consistent with the Shoreline Management Act (SMA) and SMP. The project will repair aging utilities and roadway that are reaching their design life and/or not operating optimally. Replacement of utility structures, pipe, and roadway is specifically designed to bring these infrastructure elements into current County and industry standards, meeting existing (which is essentially at full build-out) capacity, and improving their functional operation. Improvements to the traffic circle at the end of Washington Avenue, as well as the proposed 8-foot-wide sidewalk on the east side of Bay Shore Drive, have been proposed to improve traffic circulation and flow, and pedestrian safety and usage in this existing, heavily used area of Silverdale. The 8-foot-wide sidewalk will enhance existing pedestrian usage of the Bay Shore Drive Dyes Inlet shoreline, which is part of the Clear Creek Trail system. These roadway improvements will not add additional impervious surface into the Dyes Inlet shoreline. Improvements have been planned to avoid and minimize all impacts to the shoreline zone. The proposed utility and roadway improvements are consistent with the County’s SMP regulations for existing development.

Staff comment: *The proposal meets this standard.*

Proposed Development (KCC 22.400.105) The proposed project involves repair of and improvements to existing development. No new structures or development are proposed and there will be no work waterward of the ordinary high-water line (OHWL) or mean high water line (MHWL). Thus, the proposed development regulations do not apply.

Staff comment: *the proposal meets the standard.*

Mitigation (KCC 22.400.110) No adverse ecological impacts are anticipated to result from the proposed project. Project improvements are occurring completely within the developed roadway corridor.

The expansion of impervious surfaces has been minimized to the maximum extent practicable, with that expansion occurring only within a small section of the alignment, on the opposite side of the shoreline. Vegetation removal is concentrated in the existing roadway ROW. A small section of undeveloped ROW along the west side of Bay Shore Drive will be cleared to construct the proposed sidewalk expansion (approximately 3,000 square feet); vegetation in this area is ornamental and landscaped lawn. Three street trees at the end of Washington Avenue will be removed and replaced to necessitate construction of the deep sewer utility. Vegetation removed from the project alignment will be replaced and enhanced through streetscaping and shoreline planting (located at the top of the bank on the east side of Bay Shore Drive and utilizing native shrub and low-lying tree species).

Potential temporary impacts to Dyes Inlet and Strawberry Creek from the discharge of trench dewatering water (e.g., erosion, scour, sedimentation, etc.) will be minimized through the implementation of settling, dispersion, and scour protection techniques. Prior to the start of construction, the selected contractor will be required to prepare a Dewatering Plan, incorporating the recommendations in the project Geotechnical Recommendations Report Bay Shore Drive NW and Washington Avenue NW Sewer Main Replacement (Shannon & Wilson, 2014), design plans, and approved permit conditions, including timing restrictions. The contractor will be required to implement proper temporary erosion and sediment control (TESC) measures, as well as proper spill control measures, to prevent and minimize potential construction impacts. See the Stormwater Pollution Prevention Plan (SWPPP) (RH2 Engineering, Inc., (RH2), December 2016) for more information on potential TESC measures. See also the Floodplain Habitat Assessment (RH2, December 2016) for discussion of anticipated floodplain and habitat impacts associated with the project.

Due to the avoidance and minimization measures that have been selected, compensatory mitigation will not be required. The project will comply with the County's SMP regulations for mitigation.

Staff comment: *the proposal meets this requirement.*

Critical Areas (KCC 22.400.115) Kitsap County's Critical Aquifer Recharge Areas Map (June 2007) shows a portion of the project area within a Category 2 Critical Aquifer Recharge Area (CARA). This designation is defined as, "Provide recharge to aquifers that are current or will become potable water supplies and are vulnerable to contamination based on the type of land use activity," (County, 2007). Based on KCC 19.600.620, the proposed improvements are not considered activities that pose a potential threat to groundwater and do not require a hydrogeological investigation.

Frequently flooded areas, as delineated by the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP), exist within the project area. Approximately 700 feet of roadway along Bay Shore Drive lies within the 100-year floodplain, as well as the end of Washington Avenue approximately 200 feet landward. The stream and banks of Strawberry Creek are designated as a floodway. The Floodplain Habitat Assessment (RH2, 2016) was prepared by RH2 to address impacts to floodplain habitats and sensitive species utilizing these areas. Project improvements are not expected to adversely impact floodplain habitat or associated fish and wildlife species.

Critical saltwater habitats include spawning and holding areas for forage fish, such as herring, surf smelt, and Pacific sand lance. Documented spawning areas exist for surf smelt and Pacific sand lance along the Dyes Inlet shoreline, south of the Strawberry Creek estuary, and at the southern end of Washington Avenue. In compliance with KCC 22.400.115(D)(1), human-made structures will not be constructed that will intrude over these critical saltwater habitats. The project will not involve any permanent impacts in these areas.

National Wetland Inventory (NWI) data depicts the nearshore areas of Dyes Inlet as estuarine wetland habitat. Wetlands are shown extending along the shoreline from the northern tip of Dyes Inlet, south along Bay Shore Drive, encompassing the Strawberry Creek estuary, and extending south along the Silverdale Waterfront Park and the section of Dyes Inlet south of Washington Avenue.

Fish and wildlife habitat conservation areas (FWHCA) present in the project footprint, and regulated by the County's SMP, include Dyes Inlet, a saltwater shoreline designated as a Type S water, and Strawberry Creek, a Type-F stream. A buffer of 150 feet with a 15-foot building setback is designated for Strawberry Creek. Buffers and setbacks for Dyes Inlet are based on the shoreline environment designation, detailed above for the entire project alignment. For High Intensity shorelines, the buffer is 50 feet with a 15-foot building setback; for Urban Conservancy shorelines, the buffer is 100 feet with the same 15-foot building setback. The project has been designed to avoid impacts to FWHCA to the maximum extent practicable. All planned improvements and the majority of temporary construction work will occur within developed roadway ROW. Minimal clearing and impervious surface expansion will occur to construct the project improvements; this work is proposed outside of FWHCAs. Proposed landscaping will enhance vegetation beyond preexisting conditions.

The temporary discharge of groundwater resulting from dewatering operations has the potential to temporarily impact the designated FWHCA along the project alignment. Dewatering is essential to construct deep utility improvements, which are necessary to connect the proposed gravity sewer with the County's existing sewer infrastructure. RH2 and the County's PWD have worked diligently to coordinate with regulatory agency staff and design improvements around avoidance and minimization measures for the dewatering discharge. Settling, dispersion, scour, and erosion protection, and adherence to state water quality standards will be required with dewatering water discharge. Additionally, all dewatering structures will be installed, confirmed to be operational, and in compliance with regulations during the Washington Department of Fish and Wildlife (WDFW) in-water work window for both Dyes Inlet and Strawberry Creek. These and additional minimization measures are planned and further detailed in the Floodplain Habitat Assessment (RH2, 2016).

Collectively, minimization measures have been planned and designed to avoid, minimize, and ensure no adverse impacts to critical areas are incurred from the project.

Staff comment: *the proposal meets this requirement.*

Vegetation Conservation Buffers (KCC 22.400.120) Improvements will be conducted entirely within the Bay Shore Drive, Washington Avenue, and NW Byron Street ROWs; vegetation removal will be minimal. Some vegetation removal will be necessary to construct the proposed improvements; this will be limited to landscaped and non-native plants. The project is not expected to require removal of native vegetation. After project completion, streetscaping will replace what was removed for construction of the improvements (some of the replacement will be within the same location as existing and some within new areas of the ROWs). Proposed shoreline planting along Bay Shore Drive (top of the bank on the eastern side adjacent to Dyes Inlet) will utilize native plantings, which is expected to enhance existing conditions. Currently, the Bay Shore Drive shoreline area is vegetated with non-native grasses and roadside plants such as tansy ragwort. The handful of existing trees (madrone species) that currently exist will be left in place. Consequently, the project is consistent with the County's SMP for vegetation conservation buffers.

Staff comment: *the proposal meets this requirement.*

Water Quality and Quantity (KCC 22.400.125) In total for the project, approximately 2.6 acres of impervious surface will be disturbed and replaced. The completed project will result in a 6 percent increase in impervious surface. This level of replaced impervious surface triggers the need for a Site Development Activity Permit (SDAP)(Major), as well as an Engineered Drainage

Report (EDR) and SWPPP. The need for an SDAP is also triggered by an increase in impervious surface in a critical drainage area, which encompasses all lands within 200 feet of the OHWL of a body of water possessing fish spawning and rearing habitat for anadromous or resident fish species, as designated by WDFW. Construction Stormwater best management practices (BMPs) will be employed to avoid and minimize any potential adverse impacts. A component of the project is improvement of the Stormwater system, which does not currently treat Stormwater to County standards. Installation of Filterra® and Modular Wetlands™ treatment systems will provide a higher level of treatment; as a result, an improvement in the quality of water discharged to Dyes Inlet is expected. Permanent conditions of the project will not adversely impact water quality, and in fact, are likely to improve water quality. The project follows the water quality, Stormwater, and nonpoint pollution use activity requirements of KCC 22.400.125.

Staff comment: *the proposal meets this requirement.*

Historic, Archaeological, Cultural, Scientific and Educational Resources (KCC 22.400.130) The Washington State Department of Archaeology and Historic Preservation's (DAHP) Washington Information System for Architectural and Archaeological Records Data (WISAARD) shows no historic register properties on the site. However, the Jackson Hall Memorial Community Hall is just southwest of the intersection of Washington Avenue and Bay Shore Drive. Project improvements will take place completely within the ROW and will not affect the historic register property. A Cultural Resources Report by Cultural Resource Consultants, Inc., (CRC), determined the likelihood that the project would affect any intact cultural deposits is extremely low. See the attached Cultural Resources Technical Memorandum (CRC, 2014). As with any project involving ground disturbance, it is not possible to eliminate the potential of discovering archaeological/historic artifacts. For this reason, the project will incorporate and follow Washington State's Inadvertent Discovery Protocol, which is consistent with the County's SMP requirements for cultural, archaeological, and historic resources (KCC 22.400.130).

Staff comment: *the proposal meets this requirement*

View Blockage (KCC 22.400.135) The proposed project will not construct any buildings or accessory structures. No views will be obstructed or blocked by the completed project. Planned shoreline planting along Bay Shore Drive will utilize native shrubs and low-growing tree species, strategically placed to avoid view blockage of the shoreline. For this reason, the project follows the County's SMP for view blockage (KCC 22.400.135).

Staff comment: *the proposal meets this requirement.*

Bulk and Dimension Standards (KCC 22.400.140) The project occurs completely within developed ROW. No buildings or structures that trigger the bulk and dimension standards are planned.

Staff comment *these standards do not apply.*

Public Access (KCC 22.400.145) The project proposes to replace and augment sidewalks along the entire alignment, including ensuring sidewalk improvements are consistent with the ADA, as follows:

- Along the east and west sides of Washington Avenue, existing 4.5-foot-wide sidewalks will be replaced with County-standard 5-foot-wide sidewalks;

- Along the west side of Bay Shore Drive, existing 4.5-foot-wide sidewalks will be replaced with 5-foot-wide sidewalks, and a small 800-foot-long section of sidewalk will be added where none previously exists; and
- Along the east side of Bay Shore Drive, existing 4.5-foot-wide sidewalks will be replaced with 8-foot-wide sidewalks.

The sidewalk expansion along Bay Shore Drive will allow for multiple uses (e.g., rollerblading, walking, jogging, etc.) of the sidewalk for existing users of the Clear Creek Trail and will increase enjoyment of water views for those users. Streetscaping, pedestrian benches, lighting, and landscaping improvements will further enhance enjoyment of the shoreline uses along the Bay Shore Drive project alignment. ADA-compliant sidewalk improvements will ensure shoreline access for everyone. Although the Dyes Inlet shoreline is already readily accessible to the public along Bay Shore Drive, these improvements will make access safer and more enjoyable for all. Improvements along Washington Avenue, including the reconfiguration of the parking and drive area at the end of this roadway, will similarly improve safety and flow for users already enjoying the Dyes Inlet shoreline at the Silverdale Waterfront Park. The careful design of roadway improvements to accommodate and improve upon existing public access and uses should ensure the project complies with the public access requirements of the County SMP.

Staff comment: *the proposal meets this requirement.*

Flood Hazard Reduction Measures (KCC 22.400.150) No flood hazard reduction measures are proposed. The project will not construct any structures that could raise the base flood level and increase flood hazard.

Staff comment: *The flood hazard reduction measure regulations do not apply.*

Restoration and Enhancement (KCC 22.400.155) Restoration and enhancement of the shoreline is not proposed. Shoreline planting along Bay Shore Drive will be done within and landward of the existing riprap, which falls outside of the MHWL of Dyes Inlet. Benefits associated with the planting could include shoreline shading and water quality improvement through filtration/uptake of pollutants. However, the purpose of this planting is primarily view enhancement and beautification; it is not expected to affect shoreline processes significantly. No adverse impacts to sediment transport, ecological processes, properties, or habitat are expected to result from proposed project improvements, especially given careful design and project planning, and adherence to local, state, and federal regulations.

Staff comment: *the proposal meets this requirement.*

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 in this staff report.*

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 11 conditions have been added to the staff report 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 a 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: *This proposal does not qualify as an exemption and requires a Substantial Development Permit.*

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, the application is considered approved.*

Transportation (KCC 22.600.180) After utility installation, the roadway subgrade will be replaced, sidewalks and driveway ramps will be installed, and the road will be regraded and paved. Roadway improvements fall under the transportation use category and the expansion of the roadway triggers the need for a SSDP. As an existing roadway, development standards for new transportation facilities do not apply. However, the addition of sidewalk does result in a slight expansion of paved impervious surface. This expansion does not infringe upon the shoreline to the roadway's east; any additional roadway will expand to the west side of the road. As it currently exists, this area is primarily driveways and grassed lawns; no impacts to shoreline ecological functions will result from this expansion. Improvement of the roadway will not require shoreline stabilization, dredging, or extensive cut/fill, and will be located in an existing ROW. Expansion of the sidewalk on the east side of Bay Shore Drive will provide for viewing points, rest areas, and walking/biking paths, for which preference is expressed in KCC 22.600.180(B)(4). **Staff comment:** *the project complies with the transportation use regulations of the County SMP.*

Utilities (KCC 22.600.185) For most of the project alignment, the project will replace sewer, storm, and water utility lines within developed roadway and utility ROW, compatible with preferences expressed in KCC 22.600.185(C)(1)(e). The County anticipates negotiating some ROW purchase or utility easements for utility structures planned on the west side of Bay Shore Drive, as needed. Most utilities, including all within shoreline jurisdiction, will be constructed using open-trench methods and contained underground consistent with preferences expressed in KCC 22.600.185(C)(1)(h). Outside of shoreline jurisdiction, pipe ramming is proposed for the utility crossing beneath Strawberry Creek. This work will be timed during the WDFW in-water work window to further avoid and minimize impacts to the creek. Construction BMPs, included in detail on the SWPPP, have been incorporated into design plans to control erosion and increased turbidity during construction. Only alteration of previously disturbed areas will occur; stabilization of the shoreline, dredging, or cut/fill below the Dyes Inlet MHWL will not occur.

Staff comment: *the project complies with utility use-specific SMP regulations.*

NO NET LOSS OF SHORELINE ECOLOGICAL FUNCTIONS ANALYSIS the SMA provides a broad policy framework for protecting the natural resources and ecology of the shoreline environment. The SMP guidelines establish the standard of "no net loss" of shoreline ecological functions as the means of implementing that framework through SMPs. Ecological functions are those processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. These functions generally fall into the categories of water quality, water quantity, or habitat.

The proposed project will replace currently existing utilities and roadway within County ROW. The level of ecological function currently provided within the limits of the project footprint is very low. Of the 3.2-acre project site, which includes staging and dewatering areas, approximately 88 percent is covered with impervious surface from roadway asphalt and concrete sidewalks, curbs, and driveways. The "pervious" areas are primarily grassed lawns, which generally function as semi-pervious areas and provide little to no ecological function. Habitat is almost

non-existent, with the exception of the Dyes Inlet shoreline and the Strawberry Creek riparian corridor; however, even these areas have experienced decreased habitat function as a result of adjacent development and land uses, clearing of vegetation, armoring of the shoreline, and other practices. The only water quality functions are provided by the Stormwater system, albeit limited to solids settling and hydrocarbon removal, and the project area provides almost no infiltration to control water quantity.

The completed project will result in a slight increase in impervious surface, to approximately 92 percent of the project area upon completion. However, much of that converted area is currently functioning like impervious surface, doing little to infiltrate or slow Stormwater runoff.

Stormwater improvements will allow better handling of Stormwater runoff by reducing overflows and backups, but more importantly, will provide a greater level of pollutant filtration. Filterra® and Modular Wetland™ bio-retention boxes, in addition to filtering out oils and other hydrocarbons, which are already removed by the existing oil-water separators, also remove nutrients like nitrogen and phosphorous, suspended solids, and heavy metals like zinc and copper.

Shoreline habitat functions, while already low, will not be affected by the completed project. Native vegetation will not be removed. Non-natives/ornamentals that will be removed to construct the improvements are located landward and opposite of the Dyes Inlet shoreline; the loss of these areas will be accounted for with planned streetscaping. Shoreline planting along Bay Shore Drive will be placed within or landward of the roadside riprap. Vegetation in this area is primarily non-native, weedy herbaceous species that are contributing very little to shoreline ecological functions. No trees or native shrubs will be removed along the shoreline.

Due to existing lack of water quality and habitat functions, and an anticipated water quality benefit, the completed project is expected to have a net positive effect on shoreline ecological processes. **Staff comment:** *the proposal meets the no net loss qualifications.*

Agency Recommendation

Development Engineering has 5 conditions of **approval**. Environmental Review recommends **approval** with 6 conditions.

Staff Evaluation of Decision Criteria

1. The Hearing Examiner has review authority for this 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 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 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 for the Bayshore and Washington Avenue Project be **approved**, subject to the following 11 conditions:

Development Engineering

GENERAL

1. 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

2. 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.
3. 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, December 29, 2016. 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.
4. The required Site Development Activity Permit is under concurrent review. All construction shall be in accordance with the Site Development Activity Permit #17 00002, once approved, and with any addendums to this Site Development Activity Permit.

TRAFFIC AND ROADS

5. The required Site Development Activity Permit is under concurrent review. All construction shall be in accordance with the Site Development Activity Permit #17 00002, once approved, and with any addendums to this Site Development Activity Permit.

Environmental and shoreline

6. The project shall follow the recommendations of the Geotechnical Report as prepared by Shannon and Wilson, INC dated Sept 2014, and the revised Geotechnical report, dated July 2017.
7. Recommendations and mitigation shall conform to the Floodplain Habitat Assessment and FEMA Biological Evaluation Report prepared by RH2 Consultants dated December 2016 and shall guide all construction activities.

8. The project shall follow the recommendations of the Cultural Resources report prepared by Glenn Hartmann, Project Archaeologist dated August 2014.
9. A United States Army Corps of Engineers permit shall be obtained for all work done below the Mean High-Water Mark.
10. Should work occur within or below the ordinary high-water line, the project will require a Hydraulic Project Approval by the Washington Department of Fish and Wildlife.
11. The dewatering plan will be reviewed with the approved Site Development Activity Permit 17-00002.



Steve Heacock, Staff Planner

4/19/2018
Date



Shawn Aire, Development Services and Engineering Supervisor

4/19/2018
Date

CC: Barbara Zaroff, Gunnar Frederickson
Alison O'Sullivan, Suquamish Tribe
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