



## Hearing Examiner Staff Report and Recommendation

**Report Date:** August 6, 2020  
**Hearing Date:** August 13, 2020

**Application Submittal Date:** November 13, 2019  
**Application Complete Date:** February 27, 2020

**Project Name:** Port of Indianola Dock Improvements  
**Type of Application:** Shoreline Substantial Development Permit (SSDP)  
**Permit Number:** 19-05283

### Project Location

19809 Indianola Rd NE  
Indianola, WA 98342  
Commissioner District 1

### Assessor's Account #

4360-001-032-0006

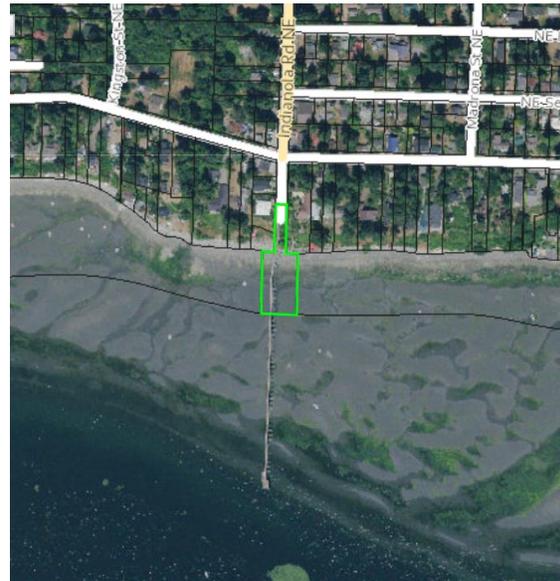
### Applicant/Owner of Record

PORT OF INDIANOLA  
PO BOX 496  
INDIANOLA, WA 98342-0496

### Recommendation Summary

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

### VICINITY MAP



### 1. Background

The Port of Indianola is proposing to create a new viewpoint at the head of the Port of Indianola Dock. The project is located on the northern shoreline of Port Madison Bay, a regulated shoreline of the state. Per Kitsap County Code (KCC) Title 22, Shoreline Master Program, no substantial development shall be undertaken on shorelines of the state without first obtaining a substantial development permit. A limited number of exceptions to the definition of substantial development are provided in KCC 22.500.100.C and in RCW 90.58.030. The proposal does not qualify for an exemption; therefore, Substantial Development Permit approval is required and is classified as a Type III permit under Chapter 21.04 (KCC 22.500.100.B).

### 2. Project Request

The proposed project is to construct a new 320-square foot viewpoint consisting of a 10-ft by 20-ft landscape planter, an approximately 6-ft deep by 20-ft wide wooden deck supported by micropiles and a concrete walkway (Exhibit 31). The proposal includes demolition of the

existing planter and saw cutting existing street paving to provide a clean area for installing four micropiles and foundation for the deck and planter. The applicant is proposing to use a backhoe, dump truck, and a track mounted drilling rig to complete the work. All equipment is proposed to access the site from the adjacent right of way (away from the shoreline).

### **3. 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 March 14, 2020 (Exhibit 19). A Determination of Nonsignificance (DNS) was issued on May 13, 2020 (Exhibit 22).

The SEPA appeal period expired May 27, 2020. No appeals were filed; therefore, the SEPA determination is final.

### **4. Physical Characteristics**

The subject site is an irregularly shaped parcel located in northern Kitsap County in Indianola. The site is located on the northern shore of Port Madison at the southern terminus of Indianola Road NE. The northern 165-ft (approximately) of the parcel measures 40-ft in width and aligns with Indianola Rd NE, a 40-ft County maintained public right of way. The remaining southern portion of the lot widens to approximately 120-ft. The site topography generally slopes down from north to south and can be divided into a relatively flat uplands portion located at the end of Indianola Road NE and at the head of the existing dock; and a steep, south-facing shoreline slope that separates the uplands from the shoreline (Exhibit 12). Extending south are an existing pier measuring approximately 900-ft, consisting of steel and timber piles and a set of wooden beach stairs that descends the slope to the west of the pier.

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

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	NA, the site is existing.
Maximum Density	1 dwelling unit/5 acres	
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140-ft	NA
Minimum Lot Depth	140-ft	NA
Maximum Height	35 feet	<5-ft
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (North)	50 feet	Approximately 65 feet
Side (East)	5 feet  *Footnote 42 allows reduced setbacks from 20-ft to 5-ft.	6 feet
Side (West)	5 feet  *Footnote 42 allows reduced setbacks from 20-ft to 5-ft.	12.5 feet
Rear (South)	100-ft from Ordinary High Water Mark  *Shoreline Buffer of 85-ft, plus an additional 15-ft building setback, per KCC 22.400.120	100-ft from Ordinary High Water Mark

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

Surrounding Property	Land Use	Zoning
North	County maintained Right-of-Way (Indianola Rd NE)	Rural Residential (RR)
South	Port Madison Bay	N/A
East	Single-family residence	Rural Residential (RR) and Shoreline Residential
West	Single-family residence	Rural Residential (RR) and Shoreline Residential

**Table 4 - Public Utilities and Services**

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sherriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #400

**5. Access**

The site gains access directly from the southern terminus of Indianola Road NE, a County maintained, 40-ft public right-of-way.

**6. Site Design**

The proposed project is confined to a 16-ft by 20-ft work area to construct the new viewpoint, walkway deck and deck. A site layout plan is included in Exhibit 31, included below.

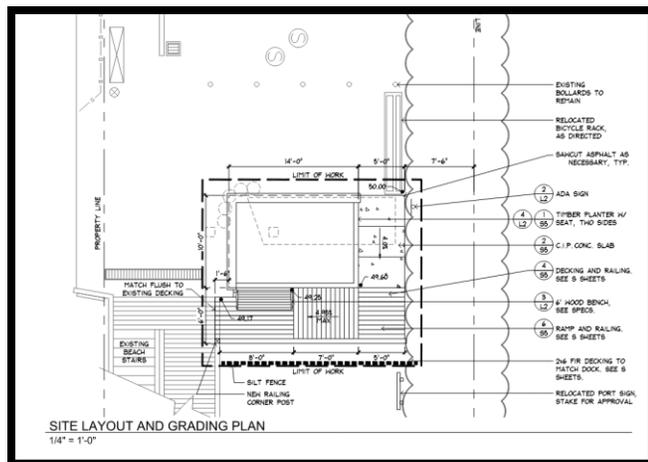


Figure 1 Site Layout, Exhibit 31

## 7. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016.

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

*Land Use Policy 18. Encourage new opportunities for and preservation of existing public waterfront access, especially in support of the National Water Trails system.*

*SMP Goal: 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.*

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

*SMP Goal: Provide physical and visual public access opportunities and space for diverse forms of water-oriented recreation in such a way that private property rights, public safety, and shoreline ecological functions and processes are protected in accordance with existing laws and statutes.*

*Policy SH-32. Protect the public's opportunity to enjoy the physical and visual qualities of the shoreline by balancing shoreline use and development in such a way that minimizes interference with the public's use or enjoyment of the water. This may be achieved through regulatory provisions, incentives or other cooperative agreements.*

*Policy SH-35. Publicly owned, undeveloped road-ends, tax-title lands and rights-of-way adjacent to salt and freshwater shorelines should be evaluated for use as public access points. These lands may be developed for access by a community organization, consistent with Chapter 11.36 as now or hereafter amended.*

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

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
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 Plan

### **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 1 through 35.

Exhibit #	Document	Dated	Date Accepted
1	Permit Questionnaire		11/14/2019
2	Project Narrative		11/14/2019
3	Dock Improvement Plan		11/14/2019
4	Inadvertent Discovery Plan		11/14/2019
5	Joint Aquatic Resources Permit Application (JARPA)		11/14/2019
6	No Net Loss Report		11/14/2019
7	No Net Loss Table		11/14/2019
8	Photos		11/14/2019
9	SEPA Checklist		11/14/2019
10	Site Plan		11/14/2019
11	Concurrency Test		11/26/2019
12	Geologic Assessment		11/26/2019
13	Stormwater Flowchart		11/26/2019
14	Stormwater Worksheet		11/26/2019
15	Submittal Waiver		11/26/2019
16	Master Plan 2014		02/21/2020
17	Outfall Plan & Profile		02/21/2020
18	Sample Pile Inspection & Creosote Retention Analysis		02/21/2020
19	Notice of Application	03/14/2020	
20	Notice of Complete	03/20/2020	
21	Notice of Public Hearing	05/13/2020	
22	SEPA Determination of Non-Significance (DNS)	05/13/2020	
23	2018 Aerial Map	05/19/2020	
24	Critical Aquifer Recharge Areas Map	05/19/2020	
25	Shoreline Master Plan Map	05/19/2020	
26	Critical Areas Map	05/19/2020	
27	Shoreline Master Plan Map	05/19/2020	
28	Zoning Map	05/19/2020	
29	Certification of Public Notice	05/19/2020	
30	Notice of Cancellation of Public Hearing	05/21/2020	
31	Updated Site Plans	07/07/2020	
32	Notice of Public Hearing – Revised	07/29/2020	
33	Certification of Public Notice – Revised	07/29/2020	
34	Staff Report	08/05/2020	

35	Staff Presentation	08/13/2020	

**8. Public Outreach and Comments**

A Notice of Application (Exhibit 19) was distributed March 14, 2020, in accordance with Title 21.04 Land Use and Development Procedures. No comments were received by the department.

**9. Analysis**

**a. Planning/Zoning**

The project site is located within Rural Residential zoning district. The proposed development is also located within the 200-ft shoreline jurisdiction; therefore, development standards are guided by the Kitsap County's Shoreline Master Program (KCC Title 22). The proposed use is Recreation and Public Access and is required to meet the standards listed in KCC 22.600.165.C and 22.600.130 provided below, with staff comments included.

**KCC 22.600.165.C - Recreation and Public Access Development Standards**

1. *Recreational development shall not result in a net loss of shoreline ecological functions or ecosystem-wide processes.*

*Staff Comment: The applicant submitted a No-Net-Loss Report, drafted by Parametrix, dated October 15, 2019 (Exhibits 6 and 7) confirming the project will result in no net loss of shoreline ecological functions. Mitigation is not required, as the development activity takes places outside of the 85-ft shoreline buffer.*

2. *All recreational facilities shall be designed, located and operated in a manner consistent with the purpose of the environment designation in which they are located.*

*Staff Comment: The purpose of the Shoreline Residential environment designation is, in part "to provide appropriate public access and recreational uses" (KCC 22.200.155.A). The proposal is to improve the functionality, aesthetic design, and accessibility to an established recreational use.*

3. *Water-oriented recreation may be allowed in shoreline buffers. The removal of on-site native vegetation shall be limited to the minimum necessary for the recreational development areas, such as picnic areas, campsites, selected views, or other permitted structures or facilities.*

*Staff Comment: Not applicable; the project proposal is outside of the shoreline buffer. The minimum shoreline buffer is 85-ft (KCC 22.400.120.B.1.b), measured from the*

*Ordinary High Water Mark (OHWM) of the shoreline. The proposed work area measures approximately 100-ft away from OHWM (Exhibit 31, page 2)*

*4. Preference shall be given to activities which are consistent with approved state and local park plans for water-oriented recreational development.*

*Staff Comment: Not applicable; the project is not part of a park plan.*

*5. Non-water-oriented recreational facilities, such as golf courses, playing fields, and facilities with extensive impervious surfaces, shall observe critical area buffers and vegetation conservation standards (Sections 22.400.115 and 22.400.120, respectively).*

*Staff Comment: Not applicable; the existing use (Port of Indianola Dock) is water-oriented.*

*6. Commercial recreational development shall be consistent with Section 22.600.130 (Commercial development).*

*Staff Comment: The project meets these criteria. A full analysis is provided, beginning on page 11 of this report.*

*7. Vehicular traffic is prohibited on beaches, bars, spits and streambeds, except for permitted construction and boat launching, or in areas where it can be demonstrated that a historical use has been established.*

*Staff Comment: Not applicable. No vehicular access to the beach is proposed.*

*8. Public road-ends, tax-title lands and rights-of-way adjacent to shorelines of the state shall be preserved for public access, unless the property is zoned for industrial uses. Pursuant to RCW 36.87.130, as now or hereafter amended, vacation of such shall only occur if the purpose is to:*

- a. Enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites; or*
- b. Provide for park, viewpoint, recreational, educational or other public purpose.*

*Staff Comment: The project is to improve existing public access to the shoreline and will remain accessible to the public.*

*9. Trail access shall be provided to link upland facilities to the beach area where feasible and where impacts to ecological functions can be mitigated.*

*Staff Comment: There are existing beach stairs that will remain. The proposal does not impact these existing features.*

10. *When applicable, recreational development shall make adequate provisions for:*

a. *Vehicular parking and pedestrian access;*

*Staff Comment: There is an existing pedestrian access way and beach stairs. The proposal is to improve pedestrian access facilities. No new vehicular parking is proposed or required. A full parking analysis is provided in Section 10.c of this report.*

b. *Proper wastewater and solid waste disposal methods;*

*Staff Comment: The project was reviewed for sewer and solid waste standards by Kitsap County DCD and Public Works, with no concerns.*

c. *Security and fire protection;*

*Staff Comment: The Kitsap County Fire Marshal's Office approved the project with no comments.*

d. *The prevention of overflow and trespass onto adjacent properties, including, but not limited to, landscaping, fencing, and posting of property;*

*Staff Comment: The project meets the required setback standards and has been conditioned to retain existing vegetated landscaping and hedges along the side property lines (Condition 10). There are existing wayfinding signs, and new ADA access signs are proposed. A separate sign permit will be required for any new, replaced, or moved signs not meeting the definition of an exempt sign, per KCC 17.510.050 (Condition 1).*

e. *Screening of such development from adjacent private property to prevent noise and light impacts.*

*Staff Comment: The use is existing and the proposed improvements are not anticipated to create increased noise and light impacts. The project has been conditioned to retain existing vegetated landscaping and hedges along the side property lines to maintain existing screening (Condition 10).*

11. *Shoreline trails and pathways shall be located, designed, and constructed to protect bank stability.*

*Staff Comment: A geologic assessment was submitted to address all geologic hazard concerns, included bank stability. A full analysis is provided in the Environmental Section of this report (Section 10i).*

12. *As required by RCW 90.58.100(4), applications providing for wilderness beaches, ecological study areas, and recreational uses for the public on state-owned shorelines shall be considered a preferred use.*

*Staff Comment: The proposal is for a recreational and public access use.*

13. *Public access sites shall be made barrier-free and accessible for physically disabled uses where feasible, and in accordance with the Americans with Disabilities Act (ADA).*

*Staff Comment: The proposal is to upgrade existing facilities to comply with the Americans with Disabilities Act (ADA) standards.*

#### **KCC 22.600.130.C - Commercial Development Standards**

1. *Commercial development shall result in no net loss of shoreline ecological functions or have significant adverse impact to other shoreline uses, resources and values provided for in RCW 90.58.020, such as navigation, recreation and public access.*

*Staff Comment: The applicant submitted a No-Net-Loss Report, drafted by Parametrix, dated October 15, 2019 (Exhibits 6 and 7) confirming the project will result in no net loss of shoreline ecological functions. Mitigation is not required, as the development activity takes places outside of the 85-ft shoreline buffer. The proposal does not adversely impact any other shoreline uses.*

2. *Commercial developments shall be permitted on the shoreline in descending order of preference. The applicant shall demonstrate that a more preferred use is not feasible when proposing a less preferred use.*

a. *Water-dependent uses;*

b. *Water-related uses;*

c. *Water-enjoyment uses;*

d. *Non-water-oriented uses that include substantial opportunities for public access and subject to a CUP.*

*Staff Comment: The Port of Indianola Dock is a water-dependent use and is the highest preferred use.*

3. *Commercial development shall not significantly impact views from upland properties, public roadways, or from the water.*

*Staff Comment: The development will not significantly impact views. The proposed structures are limited to a grade-level deck and walk-way, landscaping planter, silt fence, and railing. The tallest structure (railing) measures 3.5-ft in height.*

4. *The design and scale of a commercial development shall be compatible with the shoreline environment. The following criteria will be used to assess compatibility:*

a. *Building materials.*

*Staff Comment: The building materials are primarily wood and are compatible with the shoreline environment and existing wood beach stairs and pier (Exhibit 31). The landscape planter will be constructed with pretreated timbers. The deck is proposed to be constructed with fir decking to match the existing dock.*

b. *Site coverage.*

*Staff Comment: Per KCC 22.400.140(A), footnote 6, maximum impervious thresholds in the shoreline residential environment designation are in accordance with current stormwater management standards. The project has been reviewed for compliance with Title 12 (Storm Water Drainage) with two conditions (Condition 7 and 8).*

c. *Height.*

*Staff Comment: The maximum building height in the Shoreline Residential Environmental Designation is 35-ft (KCC 22.400.140). The tallest proposed structure (deck railing) is 3.5-ft.*

d. *Density.*

*Staff Comment: No change in density is proposed.*

e. *Lighting, signage, and landscaping.*

*Staff Comment: The project meets these standards. A full analysis has been provided in later sections of this report regarding lighting (Section 10.b), signage (10.d), and landscaping (Section 10.e.) standards.*

f. *Public access.*

*Staff Comment: Public access is existing and is being improved by the proposed project. The proposal meets the development standards for public access, per KCC 22.600.165, as discussed in earlier sections of this report.*

*g. Visual assessment.*

*Staff Comment: Photos of the existing site (Exhibit 8) have been provided confirming the accuracy of the submitted drawings. The design and scale of the project are appropriate in relation to existing development.*

*5. The county shall consider public access and ecological restoration as potential mitigation of impacts to shoreline resources and values for all water-related or water-dependent commercial development, unless such improvements are demonstrated to be infeasible or inappropriate. Public access shall be provided consistent with Section 22.400.145. In-kind mitigation shall be determined infeasible prior to utilizing out-of-kind mitigation.*

*Staff Comment: No mitigation is required as the project is outside of the 85-ft shoreline buffer. The public access that is provided is consistent with Section 22.400.165, as discussed in earlier sections of this report.*

*6. Non-water-dependent commercial uses shall not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.*

*Staff Comment: Not applicable; the proposed use is water-dependent.*

*7. Parking shall be located upland of the commercial use and designed to minimize adverse visual impacts to the shoreline. Over-water parking is prohibited.*

*Staff Comment: No parking is proposed or required.*

*8. Non-water-oriented commercial uses are prohibited unless:*

*a. The use is on land designated commercial by the Kitsap County Comprehensive Plan and existing on the effective date of this program;*

*b. The use is on land designated commercial by the Kitsap County Comprehensive Plan and is physically separated from the shoreline by another property or public right-of-way;*

*c. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Act's objectives, such as*

*providing ecological restoration and public access. Water-dependent components of the project and ecological restoration and access shall be improved prior to occupancy;*

*d. The use is on a site where navigability is severely limited and the use would provide a significant public benefit with respect to the Act's objectives, such as providing public access and ecological restoration.*

*Non-water-oriented commercial uses meeting these criteria must obtain a CUP.*

*Staff Comment: Not applicable; the proposed use is water-oriented.*

**b. Lighting**

No lighting has been proposed and none is allowed without further review and approval by county staff (Condition 2).

**c. Off-Street Parking**

No additional parking is proposed. The proposed uses are not specifically identified in KCC 17.490.030; therefore, parking requirements are determined by the director. The director will not require additional parking to be provided. Vehicle access is limited to the narrow upland area, which measures 40-ft in width and should remain open to emergency/fire access and vehicle turnaround. Additionally, the proposal is not anticipated to impact parking or traffic.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Recreation/Public Access  Dock/Pier	Uses not specifically listed above shall furnish parking as required by the director (KCC 17.490.030.B)	0	0
Total		0	0

**d. Signage**

The applicant provided details for a new ADA sign, which is exempt from permits per KCC 17.510.050. Any and all signage design and location (including exempt signs) shall comply with Chapter 17.445 of the Kitsap County Code, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit. (Condition 1).

**e. Landscaping**

The proposal is to improve and increase the existing landscaping. Per KCC 17.500.027, the director may require different buffer types depending on the proposed use of the site and adjacent zones and/or uses. In this instance, no change in use is occurring and no additional impacts are anticipated to require an additional landscape buffer. There is existing perimeter landscaping that acts as a partial separation buffer and a condition has added that requires the existing landscaping and vegetation outside of the "limit of work" to be retained (Condition 4).

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	N/A	N/A
Required Buffer(s) 17.500.025		
North	N/A	N/A
South	N/A	N/A
East	Retain existing vegetation	Retain existing vegetation
West	Retain existing vegetation	Retain existing vegetation
Street Trees	N/A	N/A

**f. Frontage Improvements**

No frontage improvements are proposed or required.

**g. Design Districts/Requirements**

The project is not located within a designated design district. All applicable development/design standards are discussed in section 10.a of this report.

**h. Development Engineering/Stormwater**

Development Engineering staff reviewed the application for compliance with applicable codes and has approved the project with two conditions (Condition 7 and 8).

**i. Environmental**

Critical Areas Ordinance (Title 19)

The proposed development is located within a mapped geologic hazardous area, specifically a High Erosion Hazard Area and a Moderate Landslide Area, requiring a geologic assessment per KCC 19.400.440.B. A geologic report, drafted by Apsect

Consulting, dated August 2, 2019 was submitted with the application (Exhibit 12). The report stated that a field reconnaissance was conducted on July 11, 2019, where it was observed that the existing dock structure, bulkhead, and pavement at the terminus of Indianola Road NE appeared in good condition without any obvious signs of distress related to slope instability. No signs of landslide activity were observed. The report concluded that "given the current condition of the site slopes and the location of the improvements, it our opinion that the project can be completed without adversely affecting the slope stability or erosion potential at and near the site", provided that their recommendations are followed. A condition has been added to follow the recommendations of this report and will be verified at the time of building permit review (Condition 14).

The project is outside of all other nearby critical areas and their associated buffers/setbacks.

#### Shoreline Ecological Function/Habitat (Title 22)

A "No-Net-Loss" Report drafted by Parametrix, dated October 15, 2019 concluded the project will result in no net loss of shoreline ecological function. It stated:

"Due to the small scale of the project and general lack of significant ecological functions within the project area, the project will avoid impacts to all the ecosystem-wide processes and ecological functions identified in WAC 173-26-201(3)(d)(i)(D) except for sediment regime. The project will require disturbing a small portion of at slope that is above the ordinary high-water mark of Puget Sound but outside of the standard shoreline buffer. This disturbance could result in a minimal erosion and sedimentation; however, the project includes the implementation of both short term temporary and long-term measures to minimize erosion and sedimentation during and following construction. The project will implement best management practices during construction as required by the Kitsap County Stormwater Design Manual (2016). Disturbed slope vegetation will be replanted with native shrubs and groundcovers. These activities will effectively minimize impacts from erosion and sedimentation so that the project will result in no net loss of the sediment regime ecological function. The project does not require compensatory mitigation. Overall the project will result in no net loss of shoreline ecological function (Exhibit 6)

#### **j. Access, Traffic and Roads**

Adequate access to the site is existing and no new access is proposed or required. The project scope does not involve any additional parking spaces or any anticipated increase to traffic.

#### **k. Fire Safety**

The Kitsap County Fire Marshal's Office reviewed and approved the proposal with no conditions.

**l. Solid Waste**

Solid Waste review was not required for this project proposal.

**m. Water/Sewer**

Kitsap County's Public Works Department reviewed the application and confirmed the site is outside of the service area for KPCW Sewer Utility Division.

**n. Kitsap Public Health District**

Kitsap Public Health review was not required for this project proposal.

**10. Review Authority**

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.550.020 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 Conditional Use 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.

**11. Findings**

1. The applicant has demonstrated that the proposed development is consistent with the policies and procedures of the Shoreline Management Act, Kitsap County's Shoreline Master Program (Title 22), as well as the criteria in WAC 173-27-150.
2. The proposal is consistent with the Comprehensive Plan.
3. The proposal complies or will comply with requirements of KCC Title 17 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.
4. The proposal is not 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.

## **12. Recommendation**

Based upon the analysis above and the decision criteria found in KCC 22.500, the Department of Community Development recommends that the Shoreline Substantial Development Permit request for the Port of Indianola Dock Improvements be approved, subject to the following 14 conditions:

### **a. Planning/Zoning**

1. Any and all signage design and location (including exempt signs) shall comply with Chapter 17.445 of the Kitsap County Code and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
2. No lighting has been proposed and none is allowed without further review and approval by county staff.
3. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
4. Existing landscaping and vegetation shall be retained on the site except for areas to be cleared for the construction of new structures, as depicted on the Site Plan (Exhibit 31) as "Limit of Work".
5. The decision set forth herein is based upon representations made and exhibits contained in the project application (19-05283). 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.
6. 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.

### **b. Development Engineering**

7. New and/or replaced hard surfaces do not exceed the 2,000 square foot threshold; nor does the project exceed 7,000 square feet of disturbed area. While a formal plan is not required, the applicant must consider all elements required of a stormwater pollution prevention plan and make allowances for managing erosion and sediment discharge on site. Per KCC Title 12, if the project

exceeds either of the thresholds noted above, then additional review for stormwater management will be required.

8. Erosion and sedimentation control measures shall be installed and shall remain in place throughout the construction period.

**c. Environmental**

9. An 85-foot native vegetation buffer must be maintained landward of Ordinary High Water, as depicted on the approved site plan. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the buffer.
10. There shall be no clearing of vegetation or grading in the buffer area, as is depicted on the approved site plan. Prior to any clearing or development, please contact Development Services and Engineering Environmental staff at (360)337-5777 to confirm buffer boundaries.
11. Permit approval subject to chapter 19.300.315 of Kitsap County Code, which states that buffers or setbacks shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Refuse shall not be placed in buffers.
12. Landscaping shall be installed and maintained in conformance with the requirements of Chapter 17.385 of the Kitsap county Code. Landscaping shall be installed and inspected prior to occupancy or guaranteed by means of an assignment of funds in the amount of 150 percent of the cost of installation.
13. 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.
14. The project is subject to the recommendations in the geologic report drafted by Aspect Consulting, dated August 2, 2019).

**Report prepared by:**



Tasha Santos, Project Lead

August 5, 2020

Date

**Report approved by:**



Shawn Alire, Department Supervisor

August 6, 2020

Date

**Attachments:**

Attachment A: Site Plan

CC: Jeff Henderson, Port of Indianola [jhenderson@portofindianola.com](mailto:jhenderson@portofindianola.com)  
Connie Reckord: [connier@macleodreckord.com](mailto:connier@macleodreckord.com)  
Interested Parties: None  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Tasha Santos

### Site Plan

