



Notice of Administrative Decision

Date: 10/15/2024

To: PORT OF KINGSTON, tjq@portofkingston.org
PORT OF KINGSTON, GregE@portofkingston.org
Interested Parties and Parties of Record

RE: **Permit Number:** 24-02507
Project Name: PORT OF KINGSTON - Replace Existing Restroom
Type of Application: SSDP

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit 24-02507: PORT OF KINGSTON - Replace Existing Restroom – SSDP, subject to the conditions outlined in this Notice and included Staff Report.**

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS TIMELY APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.

The written appeal shall be made on, or attached to, an appeal form titled: *'Appeal/Objection of an Administrative Decision'* found on DCD's website, through the Online Permit Application Portal: <https://app.oncamino.com/kitsapcounty/login>.

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

The complete case file is available for review by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777.

CC: Engineer: Marc Hortorojectcon, mhorton@washingtonpnsultants.com
Kris Williams, KrisW@portofkingston.org
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jeff Smith
Interested Parties: Marla Powers - Port Gamble S'Klallam Tribe, mpowers@pgst.nsn.us
Parks
Navy
DSE
Kitsap Transit

Permit 24-02507, PORT OF KINGSTON - Replace Existing Restroom
10/15/2024

North Kitsap Fire District
North Kitsap School District
Puget Sound Energy
Water Purveyor - PUBLIC UTILITY DIST NO 1
Sewer Purveyor - PUBLIC UTILITY DIST NO 1
Point No Point Treaty Council
Skokomish Tribe
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review
WA State Dept of Transportation
WA Dept of Natural Resources
Dept of Archaeological Historic Preservation



Administrative Staff Report

Report Date: October 9, 2024

Application Submittal Date: May 24, 2024

Application Complete Date: June 11, 2024

Project Name: PORT OF KINGSTON - Replace Existing Restroom

Type of Application: Type-II Shoreline Substantial Development Permit

Permit Number: 24-02507

Project Location

25864 NE State Highway 104
Kingston, WA 983466
Commissioner District #1

Assessor's Account

4316-101-001-0006

Applicant/Owner of Record

Port of Kingston
PO Box 559
Kingston, WA 98346-0559

Decision Summary

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

VICINITY MAP



1. Background

The request is to replace an existing restroom with a new 700 square foot (sf) restroom which is ADA compliant. This project will replace an existing restroom within Mike Wallace Park located adjacent to the Port of Kingston marina (aka Middle Restroom). Plans include the installation or construction of a facility that meets ADA standards. The new facility will be an approximately 700 sf floorplan located adjacent to the existing restroom, and on what is currently parking lot area. The original restroom building was within the 50' shoreline buffer and the new facility will be 65' from the ordinary high-water mark (water side of the existing marina bulkhead). The updated restroom facility will increase the availability for the heavy use by patrons parked during long ferry wait times and park events. The restroom has been proposed in a location of the parking lot just southeast of the utility vault. This location was selected because it is outside the shoreline buffer and will not involve increased cover by impervious surfaces. Vegetation removal is not needed to accommodate the restroom. The restroom will be connected to the existing sewer system.

2. Project Request

The request is for approval of Shoreline Substantial Development Permit (SSDP).

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 July 15, 2024, and revised August 13, 2024. The comment period was 30 days consistent with Shoreline Department of Ecology procedures. A Determination of Nonsignificance (DNS) was issued on September 16, 2024. SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under environmental conditions:

COMMENTS:

The SEPA comment period previously occurred concurrent with the Notice of Application dated July 15, 2024, and revised August 13, 2024. The comment period was 30 days. The proposal to replace an existing restroom with a 700 sf ADA compliant restroom within the shoreline designation will only create moderate impacts.

CONDITIONS:

In addition to the Shoreline Master Program, KCC Title 22, the project will be conditioned for stormwater controls, pursuant to KCC Title 12, critical areas per KCC Title 19, and mitigate land use impacts per KCC Title 17 Zoning.

The SEPA appeal period expired September 30, 2024. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The property is located near the Kingston ferry terminal and marina at 11320 NE State Highway 104 (SR104) in Kingston, Washington (Figure 1). The Site covers 7.11 acres and SR104 cuts through near the center of the Site. The Project Area is on the southwest side of SR104 covering about 2 acres (Figure 2). The project area is slightly southwest to northeast bounded

by Washington Boulevard NE to the north, SR-104 to the east, the marina to the south, and the continuation of the parking area to the west. The topography is higher near the northeast corner and slopes down to the south with about 10 to 15 feet of elevation loss.

The project area is currently developed with a 388-square-foot restroom building in the southwest area which was built in 1968 (County, 2023), a covered stage just to the east, a 3-bay, storage building in the northeast corner with a temporary shed to the east and a café building just to the east. The remainder of the Project area is asphalt-paved parking, concrete sidewalks, and grass.



Photograph 1. Oblique coastal aerial photograph taken July 24, 2016 (Ecology, 2023)

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban High Intensity Commercial Zone: Urban Village Center (UVC)	Standard	Proposed
Minimum Density	10 (7.11 acres of net developable acreage x 10 = 39 required units)	NA
Maximum Density	30 (7.11 acres x 30 = 116.7 or 117 maximum units)	
Minimum Lot Size	NA	NA

Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	45 feet	1 story, <15.5 feet
Maximum Impervious Surface Coverage	85%	~700 sf (Existing Pavement)
Maximum Lot Coverage	NA	NA

Applicable footnotes: KCC 17.420.060 Footnote #22 Maximum height shall be thirty feet when located within the two-hundred-foot shoreline area.

Footnote #48 Properties are subject to Title 22 and may have additional buffers and setbacks requirements not listed in the density and dimension tables. Properties constrained by critical areas are subject to Title 19 and may have additional buffers and setbacks requirements not listed in the density and dimension tables. Cornices, canopies, eaves, belt courses, sills, bay windows, fireplaces, or other similar cantilevered features may extend up to twenty-four inches into any required yard area. In no case shall a habitable area be considered for encroachment into a required yard through any land use process. Additionally, fire escapes, open/uncovered porches, balconies, landing places or outside stairways may extend up to twenty-four inches into any required side or rear yards. Open/uncovered porches, balconies, landing places, or outside stairways shall not extend more than six feet into any required front yard and shall be a minimum of five feet from the front property line.

Staff Comment: The replacement restroom will not exceed maximum height per the shoreline master program with a proposed building height of 15.5 feet. A roof vent will extend approximately 24inches.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (North)	NA	230-feet
Side (West)	NA	213 feet
Side (South)	NA	65 feet
Rear (East)	NA	1,082-feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Commercial businesses	UVC
South	Shoreline	Shoreline
East	WS Ferry Holding Lot residences	UVC

West	Port of Kingston Off-street Parking/Shoreline	UVC
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Table 4 - Public Utilities and Services

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

5. Access

The Port of Kingston property receives vehicular access from State Highway-104, a public road that has functional classification as a principle arterial, which is maintained by the Washington Department of Transportation (WSDOT).

6. Site Design

Commercial uses (hotel, restraint, offices) require a Type-II Administrative SSDP if “water-oriented” (see definition in KCC 22.150.660), or a Shoreline Conditional Use Permit for non-water-oriented with mixed uses that meet the criteria in KCC 22.600.130(B)(8). The restroom replacement is a permitted use but is required to be conditionally approved pursuant to KCC 22.500.100(B) Shoreline Substantial Development Permit with a No-net loss Report.

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:

Environment Policy 13. Use the best scientific information available to direct how functions and values of critical areas are preserved or enhanced.

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

Shoreline Goal Economic Development. Provide for the location and design of industries, transportation, port and tourist facilities, commerce and other developments that are particularly dependent upon a shoreline location and/or use, when the shoreline can accommodate such development.

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

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

Policy SH-39. Encourage and facilitate restoration and enhancement projects for priority habitats and species (Washington Department of Fish and Wildlife, PHS Program).

Policy SH-40. Shoreline ecosystem protection and restoration projects shall be prioritized, located, and designed utilizing the most current, accurate and complete scientific and technical information available to promote resiliency of habitats and species.

Policy SH-41. locate and design proposed transportation, parking facilities, and utility facilities where routes will avoid a net loss of shoreline ecological functions or will not adversely impact existing or planned water-dependent uses.

Policy SH-42 Parking facilities in shorelines are not a preferred use. Such facilities shall only be allowed as necessary to support an authorized use and only when environmental and visual impacts are minimized.

Policy SH-47. Recognize and protect the statewide interest over local interest.

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 Program (SMP)

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
SSDP Application	May 28, 2024
JARPA Supplemental Application	May 28, 2024
Environmental (SEPA) Checklist	May 28, 2024
Project Narrative	May 28, 2024
Shoreline Assessment& No Net Loss Report	May 28, 2024
Site Plan	May 28, 2024
Geotechnical Report	May 28, 2024
Architectural Final Plans	May 28, 2024
<u>Staff Communication</u>	<u>Dated</u>
Dev. Services & Engineering Memo	July 10, 2024

9. Public Outreach and Comments

The SSDP is a Type-II Permit that requires public notice. The Department of Community Development gave proper public notice 800 feet around the subject project for the land use action. Because the request falls with the Shoreline jurisdiction, the comment period was 30 days. No public comments were received but the S’Klallam Tribe has requested to be an interested party.

10. Analysis

a. Planning/Zoning

The proposal is located within the Urban Village Center zone (UVC) per KCC 17.260 Urban Village Center and the Community of Kingston Design Standards. The use will include public access and will be located within an area that was previously off-street parking.

b. Lighting

The project will need to comply with County lighting standards.

c. Off-Street Parking

Not applicable to this proposal.

Table 5 - Parking Table

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

d. Signage

Not applicable to this proposal.

e. Landscaping

Not applicable due to zoning; see Environmental Analysis for planting plan details.

Table 6 - Landscaping Table

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

f. Frontage Improvements

Not applicable to this proposal.

g. Design Districts/Requirements

Project site is located within the downtown Kingston which is governed by the design requirements per the Designs Standards for the Community of Kingston.

- Site Planning
- Roads Parking walkways and Amenities
- Architectural/Building Design
- Landscape Design

h. Development Engineering/Stormwater

Development Engineering has reviewed the above land use proposal and finds the drainage concept supportable in its approach to civil site development. These comments are based on a review of the Geotechnical Report and Construction plans submitted on May 28, 2024. Development Engineering accepts the concepts contained in this preliminary submittal.

i. Environmental

The shoreline within the park is heavily armored at the OHWM with large rock along the south and west edges. Below the armoring, the shore is layered with smaller quarry spalls on moderate slopes to the south. Deep marine waters begin about 15 feet from the base of the rock during low tide; this area is regularly dredged to maintain access for boats within the marina. There is no vegetation present on the south shore of the park and within the AE 100-year Floodplain (see below). The shoreline at the west end is again supported by the rock armoring but there is a more naturally appearing environment consisting of gravels on a low slope that grades rapidly to the mudflat of Appletree Cove (Photo plate 5). There is no vegetation growing on the shoreline at the west end of the park.

The County designates three geologic hazards on the site: A moderate erosion hazard area and moderate landslide hazard (15 to 30 percent slope) along the northern boundary, about 200 feet northeast of the project site. The County's standard setback for a moderate slope is 40 feet (25-foot buffer & 15-foot setback). 3. A moderate seismic hazard area covers much of the Port property. There are not any mapped High Seismic Areas on County resource maps. Aspect Consulting prepared a report that presents the results of our geologic hazards assessment with respect to these mapped geologic critical areas. The consultant determined that the mitigation for seismic hazards can be mitigated through foundation design prescribed through the International Building Code.



j. Access, Traffic and Roads

No concerns; not applicable to this proposal.

k. Fire Safety

No concerns; not applicable to this proposal.

l. Solid Waste

Not applicable to this proposal. See environmental analysis regarding construction waste disposal for the project.

m. Water/Sewer

Kitsap Public Utility District will provide potable water and Kitsap County Wastewater Division will provide sewer service to the new restroom facility.

n. Kitsap Public Health District

NA

Shoreline Substantial Development Permit

KCC 22.200.105 Shoreline environment designation

Per this section the Port of Kingston subject property has the following shoreline designation:

KCC 22.200.110 High Intensity:

The intent is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

Designation Criteria

Shoreline Areas is within the Kingston UGA

Management Policies

1. Water Dependent Uses
2. Non-water-oriented uses should not be allowed except
 - a. Part of mixed-use development.
 - b. In limited situations where they do not conflict with or limit opportunities for water-oriented uses; or
 - c. On sites where there is no direct access to the shoreline.
3. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.
4. Where feasible, visual, and physical public access should be required.
5. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.
6. Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed. Consideration should be given to the potential for displacement of non-water-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.

Staff Comment: As defined above the restrooms are more consistent with the definition non-water-oriented use but is part of a mixed-use development.

**KCC 22.400.105 Proposed Development
Commercial Development Standards. 22.600.130**

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 restrooms are classified as a commercial structure based on the use as a public restroom and location of being within the Urban Village Center commercial zone.

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 Conditional Use Permit (CUP).

Staff Comment: The restroom use is more consistent with definition KCC 22.150.665 water-enjoyment user related, which is not intrinsically dependent on a waterfront location, because a public restroom can be located anywhere. The primary purpose of this restroom is for being open to the public and providing a service to many people enjoying the use of the waterfront related park and marina facilities.

3. Commercial development shall not significantly impact views from upland properties, public roadways, or from the water.
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.
 - b. Site coverage.
 - c. Height.
 - d. Density.
 - e. Lighting, signage, and landscaping.
 - f. Public access.
 - g. Visual assessment.

Staff Comment: The design will be 700 sf in size, one-story, incorporate wood siding and a pitched roof which are elements of the Kingston Community plan. The architectural design will be compatible with the waterfront and be generally consistent with the previous restroom.

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

Staff Comment: The replacement public restrooms will not require additional public access or decrease public access but will serve water dependent and non-dependent uses in the vicinity.

C. Redevelopment.

1. When commercial redevelopment involves relocating or expanding the existing structure, shoreline restoration or mitigation shall be a condition of approval (see Chapter [22.800](#), Appendix B). Restoration may include, but is not limited to:
 - a. Moving the structure away from the shoreline.

Staff Comment: The proposal is to move the restrooms outside the required shoreline buffer avoiding potential shoreline impacts.

- b. Removing any shoreline armoring or replacing hard with soft armoring.
- c. Riparian vegetation restoration, including removing invasive and planting natives.
- d. Stormwater retrofits to implement low impact development.

Staff Comment: The applicant is avoiding impacts relating to stormwater runoff by relocating the restrooms within an existing off-street parking area.

2. When commercial redevelopment involves relocating or expanding the structure, public access shall be a condition of approval, unless infeasible due to health or safety issues. Public access may include, but is not limited to:
- a. Maintaining current public access, if existing.
 - b. Connecting a trail to existing public access on adjacent property.
 - c. Providing for visual access to the shoreline.

Staff Comment: The applicant is proposing to utilize existing pedestrian access in the vicinity of the older restroom facilities.

22.500.100 Permit application review and permit types.

A. Permit Application Review.

1. No authorization to undertake use or development on shorelines of the state shall be granted by Kitsap County unless upon review the use or development is determined to be consistent with the policy and provisions of the Act and this program.

Staff Comment: The proposed Port of Kingston development is consistent with Shoreline and Comprehensive Plan policies.

2. No permit shall be issued for any structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where allowed through a variance, and then only when overriding considerations of the public interest will be served.

Staff Comment: The proposed restroom facilities will be approximately 15.5 feet at the highest point significantly less than 35-foot height limit.

3. Consolidated permit review shall occur pursuant to the procedures in Chapter [21.04](#).
4. State Environmental Policy Act (SEPA) compliance shall be required for non-SEPA exempt projects, pursuant to the procedures in Title [18](#).
5. Permit review times and procedures for projects on a state highway shall be processed in accordance with RCW [47.01.485](#) and [90.58.140](#).

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).
2. An SSDP shall be classified under Chapter [21.04](#).

Staff Comment: The review and approval of the SSDP is following the process laid out in KCC 21.04 and 18.04 Environmental Review for public notice required per the Growth Management Act.

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 project was reviewed pursuant to the review criteria for the SSDP.

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 are summarized below in subsection (C)(3) of this section, and do not require an 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 permit or approvals under this master program. Permits may be issued with limitations or conditions to assure consistency with the Act and this program.
NA
5. All applications for SSDP 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.
NA

11. Review Authority

The Director has review authority for this Administrative Shoreline Substantial Development Permit application under KCC, Sections 22.500.100 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.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.

Staff Comment: The Department determined that the proposal for the SSDP for replacement restrooms is consistent with the UVC zone, the shoreline designation Comprehensive Plan, and Shoreline policies for supporting public facilities.

2. 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.

Staff Comment: The applicant has addressed standards within the Shoreline Master Program for no-net loss and through mitigation sequencing by proposing avoidance by moving the restrooms outside the required shoreline buffer.

3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.

Staff Comment: The proposal is an in-kind replacement from the previous outdated restroom.

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.

Staff Comment: The proposal is consistent with the Kingston Design Standards and will not be creating additional impervious area by locating within a previously developed area for off-street parking.

5. The applicant the applicant has demonstrated 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 proposal is consistent with the Shoreline Master Program goals and procedures by locating the restroom/shower facility outside of the required 50-foot shoreline buffer avoiding potential impacts, and not be creating additional impervious surface area.

13. Decision

Based upon the analysis above and the decision criteria found in KCC 22.500.100, the Department of Community Development recommends that the Type II Administrative Shoreline Substantial Development Permit request for the Port of Kingston Replacement Restrooms be **approved**, subject to the following six conditions:

a. Planning/Zoning

1. A Kitsap County building permit shall be required before work may begin.
2. This Shoreline Substantial Development Permit approval shall automatically become void if no development permit application is accepted as complete by

the Department of Community Development within two years of the Notice of Decision date or the resolution of any appeals.

3. The applicant shall demonstrate on the Building Permit site plan (23-05569) with the new restroom/shower construction how off-street parking spaces will be reconfigured to address vehicle circulation and pedestrian safety per KCC 17.420.030 and 17.490.020 design standards.
4. 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.
5. The decision set forth herein is based upon representations made and exhibits contained in the project application. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
6. Any violation of the conditions of approval shall be grounds to initiate due process and proceed to revocation of the building permit.

b. Development Engineering

7. Stormwater quantity control, quality treatment, and erosion and sedimentation control, as required for the development, shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Building Permit is deemed fully complete. If development meets the thresholds for engineered drainage design, 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 Building Permit Application.

c. Environmental

8. This project shall follow the Geotechnical Report by Aspect Engineering, dated May 28, 2024.
9. If archaeological resources are uncovered during excavation, developers and property owners must immediately stop work and notify Kitsap County, the Office of Archaeology and Historic Preservation and affected Indian tribes.

d. Traffic and Roads

NA

e. Fire Safety

NA

f. Solid Waste

NA

g. Kitsap Public Health District

NA

Report prepared by:



Jeff Smith, Staff Planner / Project Lead

October 1, 2024

Date

Report approved by:



Darren Gurnee, Department Supervisor

10/8/2024

Date

Attachments:

Attachment A –Site Map

Attachment B –Aerial Site Telemetry

Attachment C –Shoreline Master Program Map

Attachment D –Zoning Map

CC: **Applicant/Owner:** Port of Kingston; KrisW@portofkingston.org, tjq@portofkingston.org, GregE@portofkingston.org

Engineer: Marc Hortorojectcon; mhorton@washingtonpnsultants.com

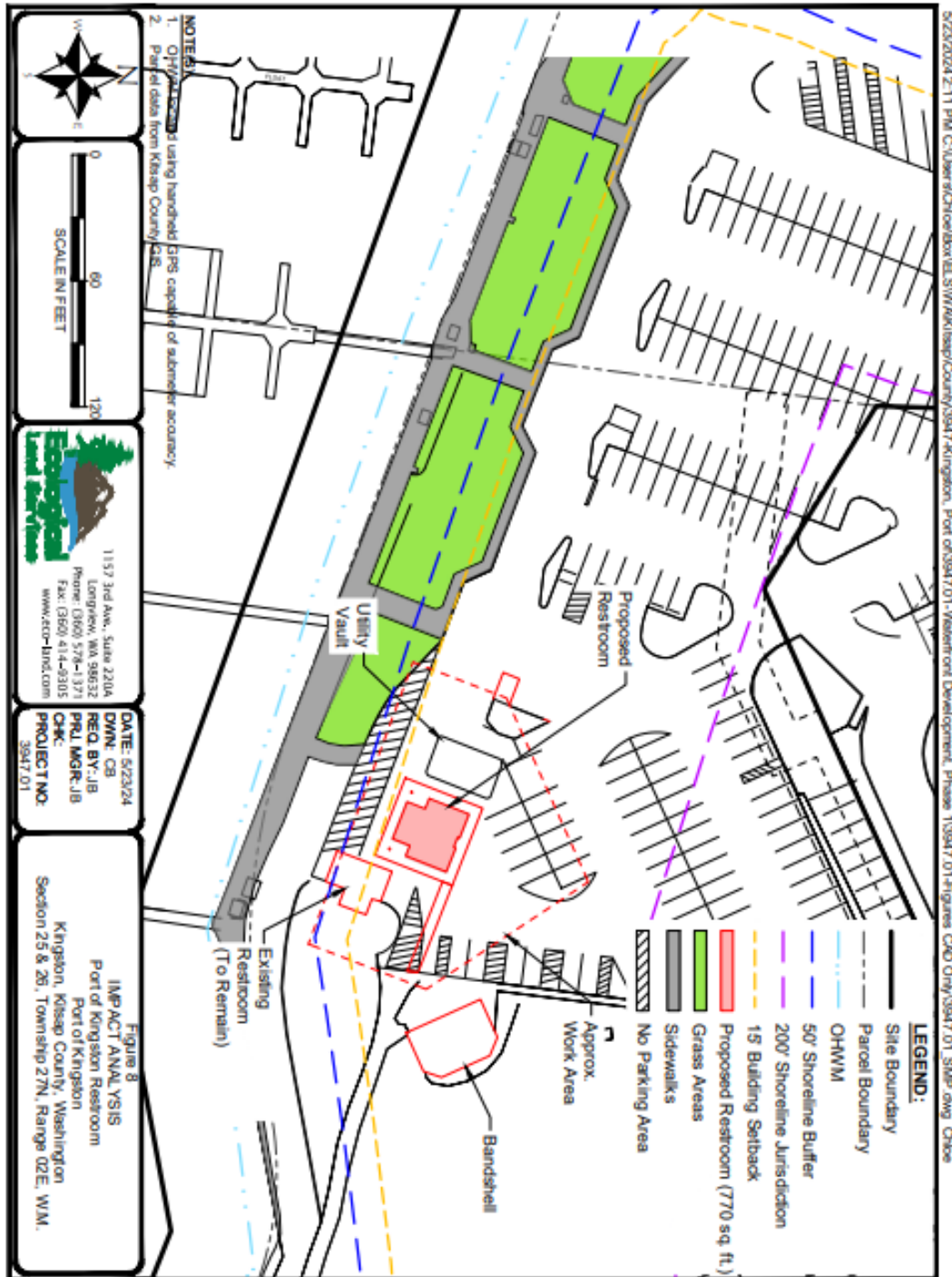
Interested Parties: Marla Powers - Port Gamble S'Klallam Tribe; mpowers@pgst.nsn.us

Kitsap County Health District, MS-30

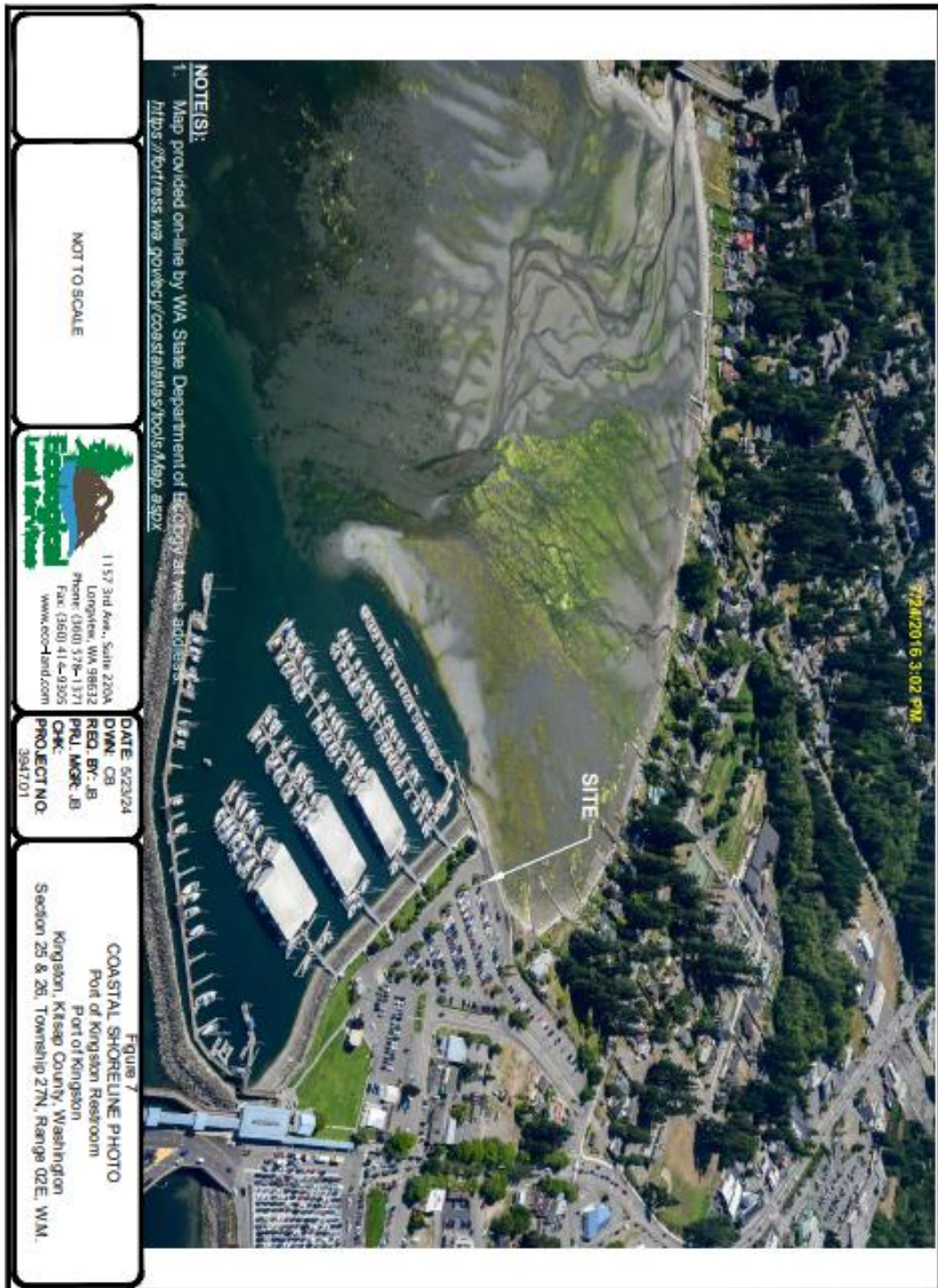
Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Jeff Smith

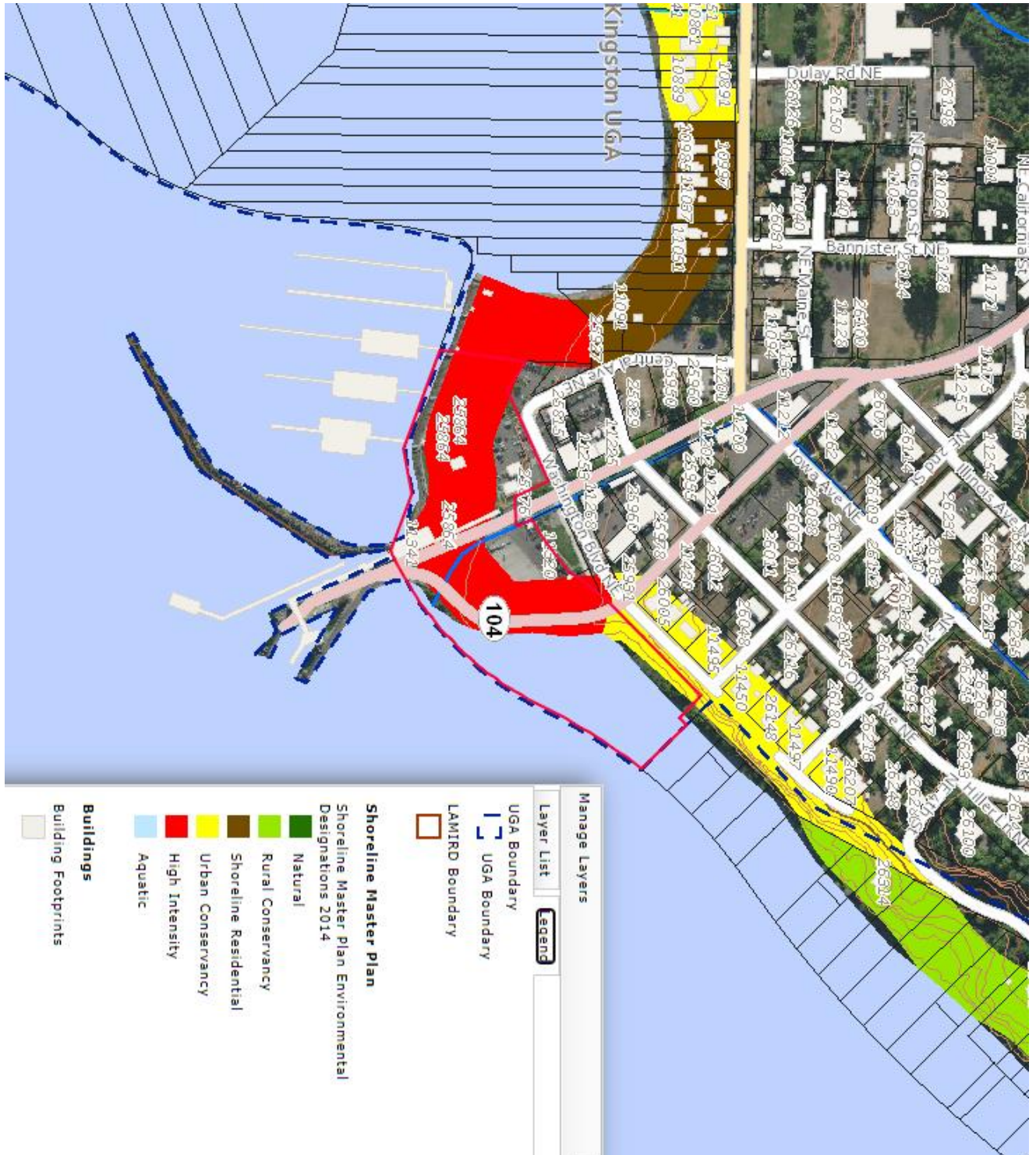
Site Plan



Aerial View of Shoreline and Marina



Shoreline Master Program Designation Map



Zoning Map

