



Ferry Maintenance Facility Siting Study - Appendices

June 2024



APPENDIX B

INITIAL REGULATORY REVIEW

Memorandum

To: Kitsap Transit
Copies: Kelly Lesoing and KPFF Team
From: Tessa Gardner-Brown and Kim Mahoney, Floyd|Snider
Date: January 3, 2023
Re: **Desktop Siting Survey and Initial Regulatory Review for Kitsap Transit Maintenance Facility in Kitsap County**

To support Kitsap Transit and the KPFF Team in initial planning efforts for a new maintenance facility for ferry vessels, Floyd|Snider conducted a desktop evaluation of potential available sites across Kitsap County. This memorandum summarizes the methodology used in this exercise, provides a table of key findings for the identified sites, and attaches a copy of the slides that were reviewed with Kitsap Transit and the KPFF Team at the kick-off meeting on December 5, 2022, including updates to those slides following the subsequent analysis requested by Kitsap Transit in the kick-off meeting.

METHODOLOGY FOR PRELIMINARY ENVIRONMENTAL DESKTOP EVALUATION

A maintenance facility must include in-water infrastructure to support temporary vessel moorage and an upland service area where vessel maintenance and other ancillary support activities can occur. Siting for this type of in-water and shoreline development is guided by municipal zoning regulations and shoreline environmental designations; the regulatory process will include and consider public comments; and site-specific environmental conditions will influence the level and complexity of environmental review in the permitting process. Given these considerations, the following approach was used to evaluate potential sites across Kitsap County.

1. **Potential use definitions for the maintenance facility were identified and then shoreline environmental designations (SED) that allow the defined use(s) were evaluated.** The maintenance facility would likely be designated a different use definition across the four municipalities in Kitsap County (Kitsap County, Poulsbo, Bremerton, and Port Orchard). Shoreline use for a maintenance facility is only allowed in specific SEDs (refer to slide 2 for more detail). Floyd|Snider narrowed its search to stretches of shoreline where a maintenance facility could be permitted, and excluded review of shorelines where a maintenance facility cannot be permitted. Bainbridge Island and the Hood Canal were also excluded from the review due to limited surface-street access and length of vessel travel, respectively.

2. **Within the allowable SEDs, particular attention was given to areas with an established shoreline use or shoreline context that would be conducive to establishment of a maintenance facility, including areas where overwater coverage exists.** Identifying stretches of shoreline that already have some level of high intensity use is likely to ease public perception of the proposed maintenance facility and reduce opposition, compared to sites where there is no similar shoreline context already established. This is particularly important because the environmental process will solicit and consider comments from the public and Tribes. Establishing or expanding overwater coverage in areas where docks already exist will be received more favorably by the federal Services than natural or low intensity stretches of shoreline.

3. **Within allowable SEDs and in or adjacent to areas of established shoreline uses, ten sites were identified for an initial regulatory and site-specific evaluation.** There are limited development opportunities within allowable SEDs and in or adjacent to areas with established shoreline uses. Floyd|Snider used its best professional judgement to identify specific sites within these areas that have site-setting or site-characteristics that might lend itself best to potential acquisition and development, and may be least likely to draw opposition. After a potential site was identified, it was reviewed for its zoning. Use definitions that may be allowed within the zone were also identified, to determine whether there were any use restrictions from the underlying land use zone. Relevant site-specific characteristics were noted, ranging from shallow conditions that may require initial and long-term dredging, to potential acquisition of a viable business that would require impact disclosure in an environmental review and alternatives analysis.

CONCLUSION

A table of key findings from this siting survey and initial regulatory review is attached. Of the ten sites that have been identified, four were identified by Kitsap Transit, three were identified by Floyd|Snider and brought to the December 5 kick-off meeting, and three additional sites were identified after discussion with Kitsap Transit, given the understanding that a need to acquire residential parcels should not exclude a site from consideration. All three sites that were added after the kick-off meeting would require residential acquisition, and only two have regulatory feasibility.

All sites within Sinclair Inlet appear to have regulatory feasibility and many seem viable. One is currently listed for sale.

A more detailed environmental review and screening of the sites can occur after they are evaluated by the KPFF Team for their ability to support intended layout requirements for the maintenance facility.

LIST OF ATTACHMENTS

Summary Table of Findings from Initial Regulatory Review

PDF of Slides from December 5 Kick-off Meeting (with new site additions, slides 1-26)

| | Shoreline Designation | Shoreline Use | Zoning | Potential Land Use Definition ⁱ | Alternate Land Use Definition | Regulatory Feasibility | Key Environmental Characteristics and Other Notes ⁱⁱ | Max Height ⁱⁱⁱ |
|---|-----------------------|----------------------------------|---|---|--|------------------------|---|---------------------------|
| 1. Kitsap Marine Properties, Port Orchard | High Intensity | Boating Facility | Light Industrial | Marina (Conditionally approved) | Light Manufacturing (Permitted outright) | ✓ | Would require acquisition of operating viable marine business (unlikely seller); environmental review would disclose an impact from displacement of commercially viable business; existing overwater coverage could be converted to facilitate ferry maintenance operation/moorage (limits needed compensatory mitigation) | 35' |
| 2. Suldán's Boat Works, Port Orchard | High Intensity | Boating Facility | Commercial Corridor | Marina (Conditionally approved) | Light Manufacturing (Not permitted) | ✓ | Would require relocation of marina vessels or maintenance facility integration with marina; two separate docks provide ability to separate maintenance operations and marina if the marina use is maintained; existing overwater coverage could be converted to facilitate ferry maintenance operation/moorage (limits needed compensatory mitigation); currently available upland office; viable parcel with large upland space; adjacent to private residence | 35' |
| 3. Port Orchard Railway Marina, Port Orchard | High Intensity | Boating Facility | GMU, Downtown Height Overlay | Marina (Conditionally approved) | Light Manufacturing (Not permitted) | ✓ | Would require relocation of marina vessels or maintenance facility integration with marina; existing overwater coverage could be converted to facilitate ferry maintenance operation/moorage (limits needed compensatory mitigation); currently available upland office space | 48' |
| 4. 429 Bay St. - Former Bar & Grill, Port Orchard | High Intensity | Boating Facility | GMU, Downtown Height Overlay | Marina (Conditionally approved) | Light Manufacturing (Not permitted) | ✓ | Compensatory mitigation would be needed to offset new overwater coverage where none exists; large waterfront lot with ample space and adjacent maritime uses; acquisition would not result in displacement of an operating business (grill is closed) | 48' |
| 5. Sinclair Inlet Marina, Port Orchard | High Intensity | Boating Facility | GMU, Downtown Height Overlay | Marina (Conditionally approved) | Light Manufacturing (Not permitted) | ✓ | Would require relocation of marina vessels or maintenance facility integration with marina; existing overwater coverage could be converted to facilitate ferry maintenance operation/moorage (limits needed compensatory mitigation); parking and buildings currently on pile-supported structure. Property is currently listed for sale. | 48' |
| 6. Bay St. Parcels, Port Orchard | High Intensity | Boating Facility | GMU ^{iv} , Downtown Height Overlay | Marina (Conditionally approved) | Light Manufacturing (Not permitted) | ✓ | Compensatory mitigation would be needed to offset new overwater coverage where none exists; maintenance facility would be consistent with adjacent marine/industrial uses | 48' ^v |
| 7. Annapolis Quay, Port Orchard | High Intensity | Boating Facility ^{vi} | Public Facility | Marina ^{vii} (Conditionally approved) | Light Manufacturing (Permitted outright) | ✓ | Maintenance facility would be consistent with existing adjacent transit use; shallow waterfront conditions; dredging may be needed to obtain adequate depths and this would increase regulatory complexity and project costs | 85' |
| 8. Keyport Area Residences, Kitsap County | Shoreline Residential | Boating ^{viii} Facility | Keyport Village Commercial | Transportation terminals, marine ^{ix} (Conditionally approved) | Marina ^x (Conditionally approved) | ✓ | Maintenance facility would be consistent with adjacent marine/high intensity uses; existing overwater coverage could be converted and vessel relocation would be minimal; assumed aquatic leases with DNR and Kitsap County; would introduce ferry vessels to a new part of the central Sound; could leave one residence isolated | 35' |
| 9. Shaw Island Residence(s), Kitsap County | Shoreline Residential | Boating Facility | Urban Low Residential | Transportation terminals, marine (Conditionally approved) | Marina (Admin conditionally approved) | ✓ | All parcels on the island are under same ownership; nearby maritime use is established by Bremerton Yacht Club; existing overwater coverage could be converted to facilitate ferry maintenance operation/moorage (limits needed compensatory mitigation) | 35' |
| 10. Southworth-Area Residence, Kitsap County | Rural Conservancy | Boating Facility | Rural Residential | Transportation terminals, marine (Not permitted) | Marina (Not permitted) | ✗ | Maintenance facility would be consistent with adjacent ferry terminal and existing/potential future uses from Kitsap Transit at the site; would require a single residential acquisition only; would likely require removal of exceptional trees or other important riparian habitat; no current overwater coverage at this site | 35' |

ⁱ The land use description of this facility will be defined in coordination with the governing municipality. This table documents the use definition that would be needed to support siting of the facility at these potential locations, and potential alternate use definitions. There is latitude in the use definition that applies, and the consultant team would advocate for a favorable use definition to be accepted by the governing municipality as representing the facility. Regulatory feasibility relies on the governing municipality concurring with supportive use definitions.

ⁱⁱ Allowable daytime noise at all sites ranges from 57-60 dBA, as defined by statute. Noise would be restricted at night at sites adjacent to residential properties – a 10 dBA reduction from daytime allowable noise at the facility would be required. It is reasonable to assume that noise generated from the facility would not exceed these thresholds at adjacent receiving properties, which should largely remove noise as a decision-making factor. Most receiving properties would be further than 30' from the facility, which is an adequate noise attenuation buffer.

ⁱⁱⁱ For Properties 2-10, the regulations do allow for a variance request to the Hearing Examiner for increased building height, and there is no cap on/limit to height relief sought. This indicates that there is regulatory flexibility for increased height at these sites. However, there is a public comment component associated with the approval process and so adjacent land uses should be considered when evaluating potential extent of height request and likelihood for success.

^{iv} GMU: Gateway Mixed Use zone

^v Height in the Port Orchard Height District Overlay is measured by the average grade of the property, not necessarily the grade of a future maintenance building. This could result in a structure that is taller than the statutory limit for height (48') without an additional regulatory process.

^{vi} In the Port Orchard Shoreline Master Program, "Boating facilities" include both public and private marinas, boat ramps, haulout, launching and infrastructure required to support watercraft, and are vitally important to maintaining public access to the water. Public boating facilities and public boating provisions within private facilities are supported throughout the shoreline (Port Orchard SMP, Section 7.5).

^{vii} In the Port Orchard Zoning Code, "Marina" is a facility that provides launching, storage, supplies, moorage, and other accessory services for six or more pleasure and/or commercial watercraft (POMC 20.39.385).

^{viii} In the Kitsap County Shoreline Master Program, "Boating facilities" are public and private mooring structures and related services serving five or more boats, including piers, docks, buoys, floats, marinas, and facilities for the use of boat launching, boat storage, or boating supply sales, or for the service and maintenance of pleasure or commercial craft (Kitsap County SMP, 22.150.170).

^{ix} In the Kitsap County Code, "Transportation terminals, marine" means a building, structure, or area that primarily supports ancillary facilities for water-borne transportation (e.g., commuter ferries, water taxis, hovercraft) or short-term excursions (e.g., charter boats, mini-cruises, sightseeing, gambling, dining, and entertainment on the water) including but not limited to: passenger terminals and berthing areas, storage, employee or passenger parking, administrative functions, ship servicing area, layover berths, fueling stations, and other boat or passenger services (KCC 17.110.727).

^x In the Kitsap County Code, "Marina" means a public or private facility which for compensation provides water-dependent wet moorage for ten or more motorized vessels, whether personal or commercial, and generally including goods or services related to boating. Marinas also include wet moorage facilities where boat moorage slips may be leased or rented to individuals who are not a member owner of an associated residential development. Launching facilities and/or drydock storage may also be provided. Marinas may be open to the general public or restricted on the basis of property ownership or membership (KCC 17.110.480).

Methodology for Initial Siting and Regulatory Feasibility Review

1. Consider potential use definition for maintenance facility
2. Identify shoreline environmental designations (SED) across Kitsap County that allow the use
3. Closely focus on shorelines with similar established uses/context
4. Evaluate specific parcels within allowable SEDs, and along shorelines with established uses for potential development opportunity
 - Bainbridge Island excluded because of Agate Pass bridge
 - Hood Canal excluded because of length of vessel travel
5. If opportunities exist, define land use and confirm compatibility of a maintenance facility with upland zoning






Assumed Use Definitions & Allowable SEDs in the Study Area

| Municipality | Shoreline Use Designation | Allowable SEDs & Areas of Initial Desktop Evaluation |
|---------------|---|--|
| Port Orchard | Boating Facility | SDP in High Intensity CUP in Urban Conservancy and Shoreline Residential |
| Kitsap County | Boating Facility | SDP for facilities with less than 10 vessels in High Intensity, Rural and Urban Conservancy, and Shoreline Residential |
| Poulsbo | Minor Boat Repair, Inspection and Service | SDP in High Intensity and Aquatic CUP in Shoreline Residential-1 |
| Bremerton | Boat Sales, Storage, and Repair (for upland), and Dock (for in-water) | SDP in Commercial, Downtown Waterfront, and Industrial CUP in Recreation |

- Within the allowable SEDs and where similar shoreline use is established, feasible sites were only identified in the Keyport area, Bremerton waterfront, and Port Orchard waterfront.
- Other sites were considered but after review, were not permissible and/or did not have sufficient established shoreline context. See following slides for summary.

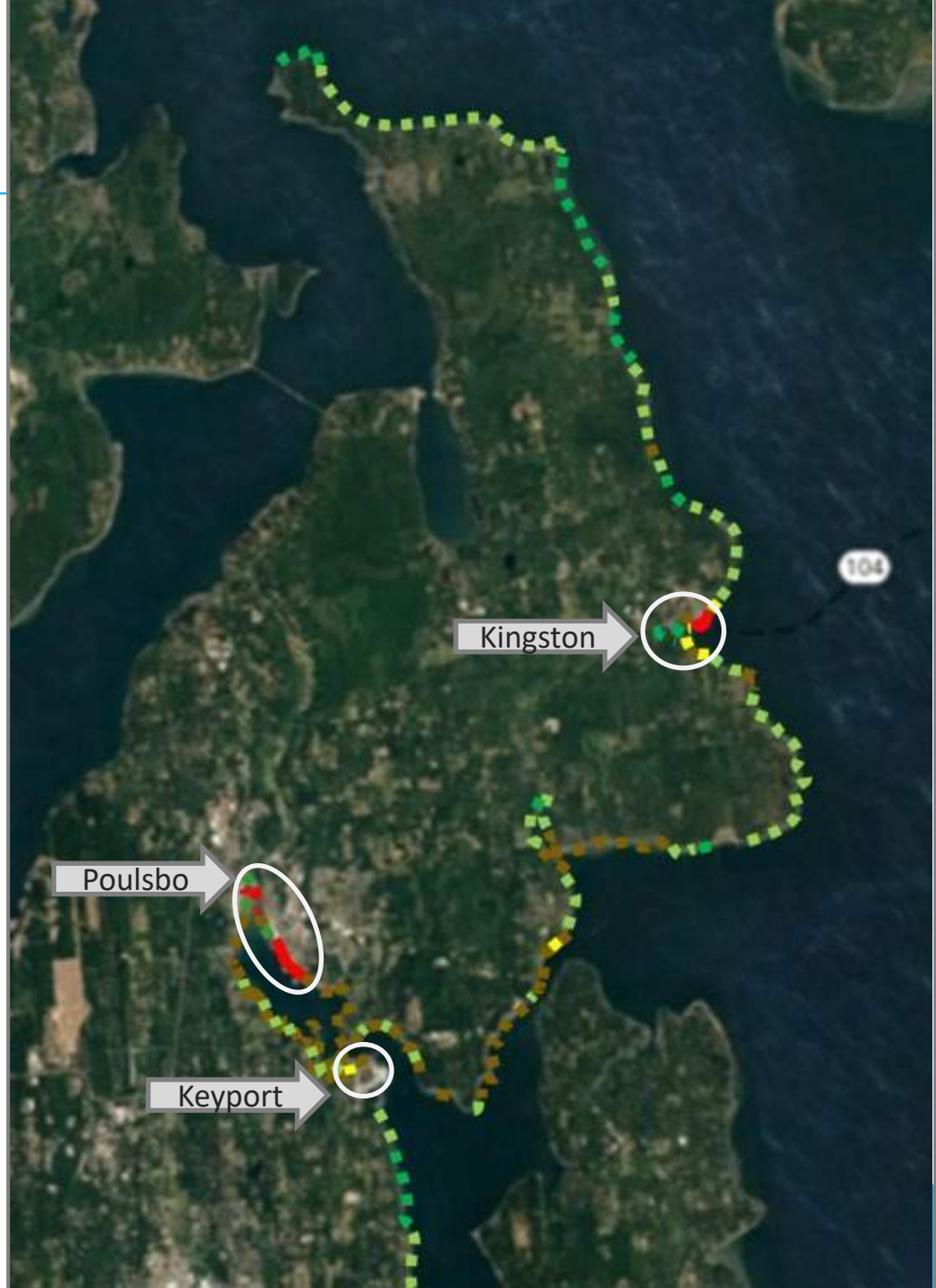
Shorelines Evaluated In Desktop Review – North Kitsap

- Kingston Waterfront
- Poulsbo Waterfront
- Keyport Area

| | |
|--|-----------------------|
|  | Natural |
|  | Rural Conservancy |
|  | Shoreline Residential |
|  | Urban Conservancy |
|  | High Intensity |









Notes for Shoreline Maps:

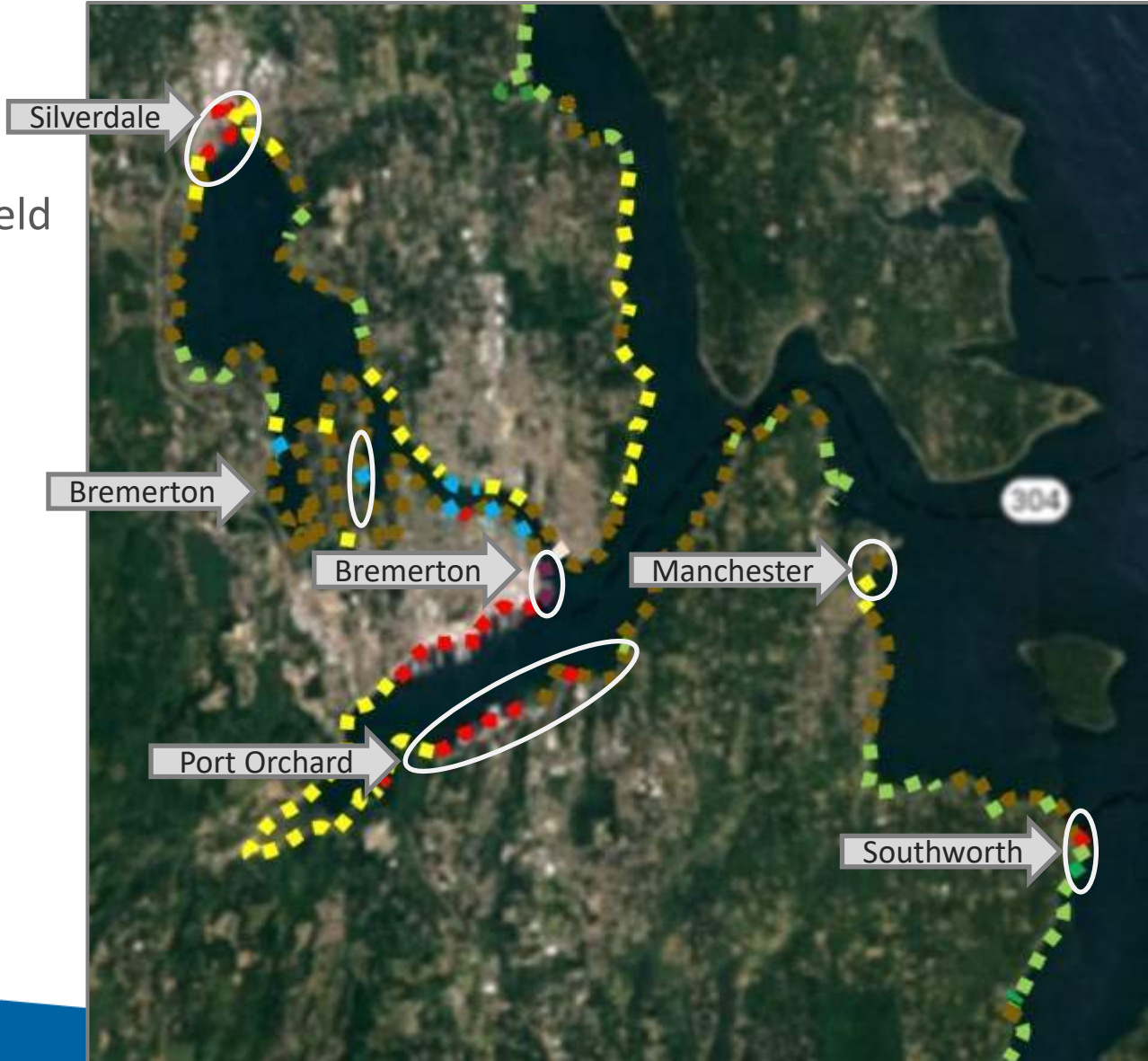
1. See slide 2 for SEDs where a maintenance facility could be permitted based on the Shoreline Master Program of each jurisdiction.
2. Circled shorelines are areas with established uses/context that would best support siting of a new maintenance facility and have regulatory feasibility relative to SEDs. These shorelines were reviewed very closely, at a parcel-level. The shorelines outside of the circles do not have similar established uses/context, which would make siting of a new maintenance facility difficult or infeasible.
3. A consistent color-coding system has been developed for and applied to all SEDs across the four municipalities that are represented on the set of maps in this presentation. This avoids the need to show unique SED color-coding for Kitsap County, Poulsbo, Bremerton and Port Orchard, and instead, allows the information in this presentation to be displayed consistently. These maps are a graphical representation of shoreline data from the four municipalities; the GIS and mapping from each should be referred to for precise details where/if needed. The maps are also intended to provide a visual summary of a more intensive shoreline and parcel review that was conducted for this initial siting and regulatory feasibility evaluation.



Shorelines Evaluated In Desktop Review – Central & South Kitsap

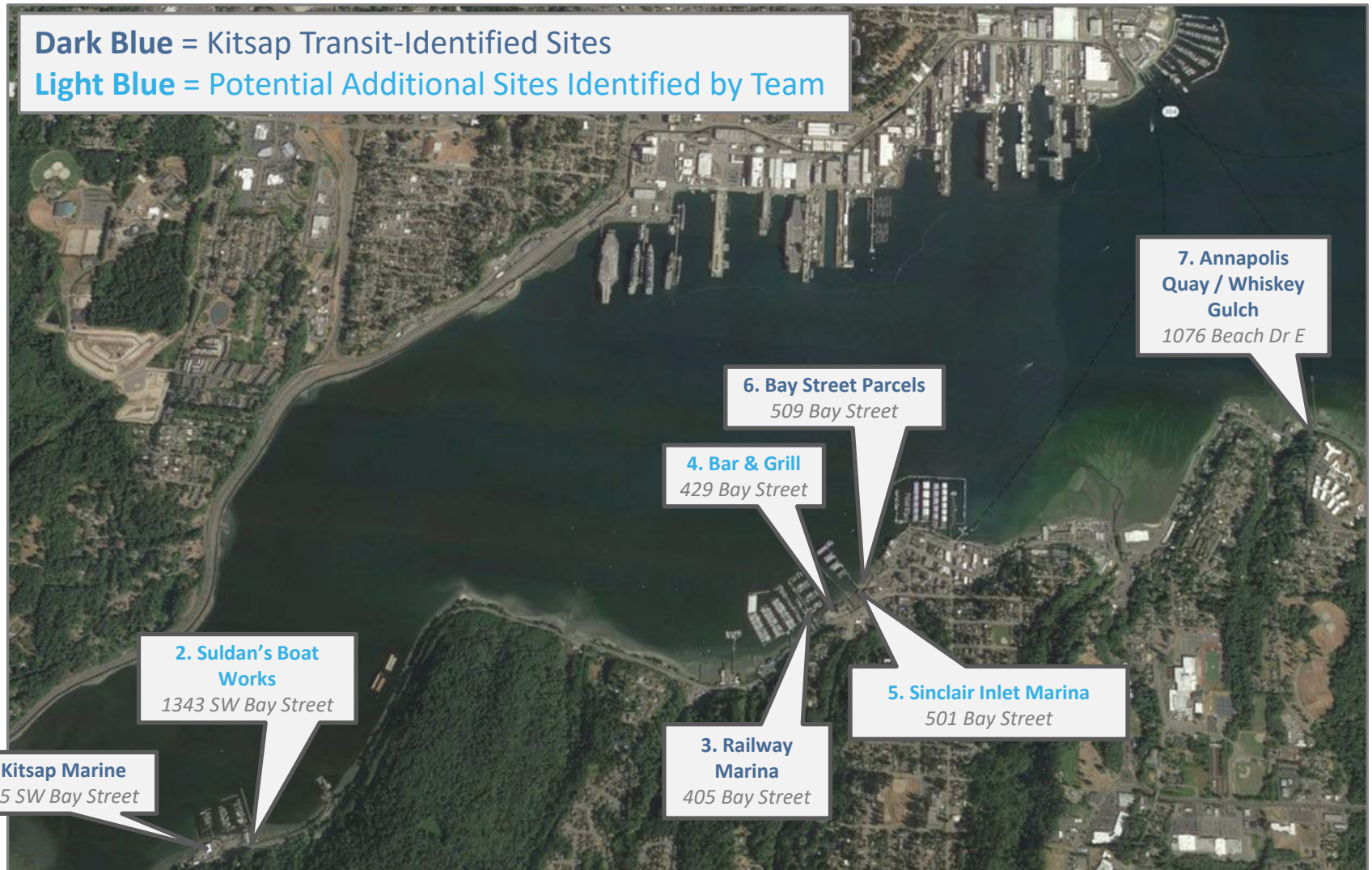
- Silverdale Waterfront
- Bremerton Waterfront
- Port Orchard Waterfront
- Near Manchester Fuel Field
- Southworth Ferry

| | |
|--|-----------------------|
|  | Natural |
|  | Rural Conservancy |
|  | Shoreline Residential |
|  | Urban Conservancy |
|  | High Intensity |
|  | Recreation |
|  | Commercial |
|  | Downtown Waterfront |



See mapping notes from previous slide

Potential Port Orchard Waterfront (Sinclair Inlet) Sites



Potential Sinclair Inlet Sites – Regulatory Feasibility Overview

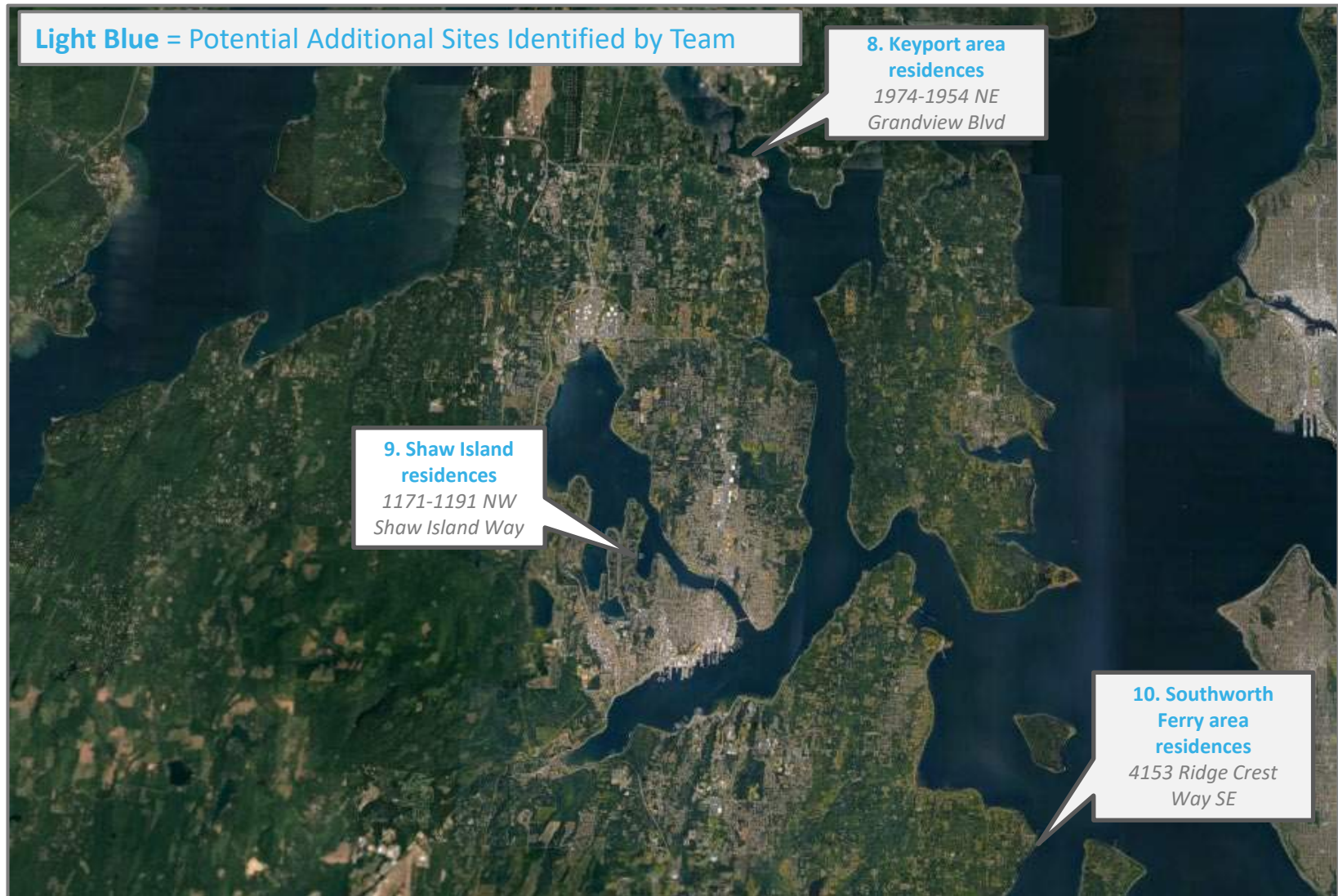
Green Check = Compatible shoreline designation & zoning ✓

Orange Check = Potential compatibility depending on use definition ✓

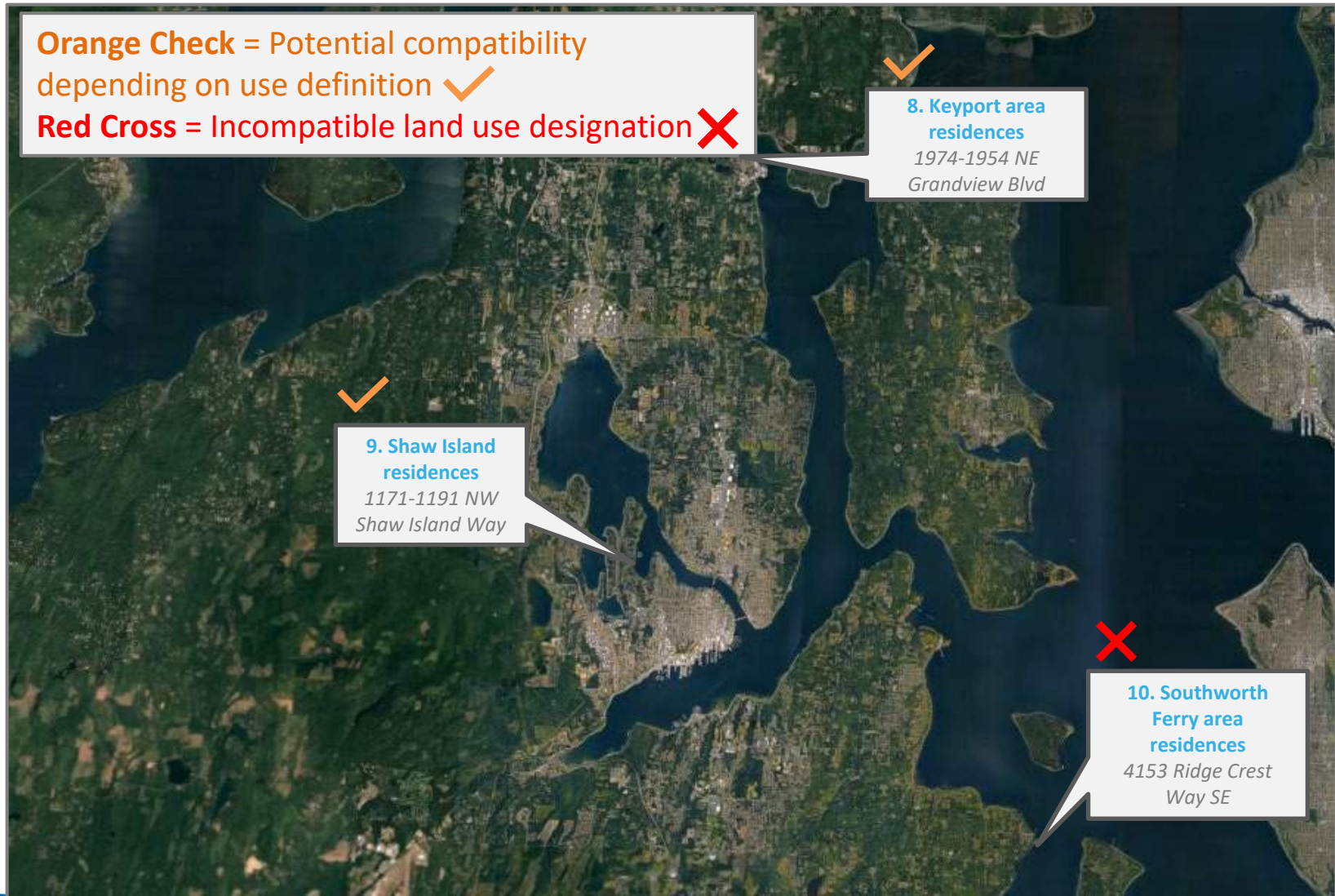
Orange Plus = Potential unique opportunity for acquisition +



Potential Additional Sites Outside of Sinclair Inlet



Potential Additional Sites – Regulatory Feasibility Overview



Kitsap Marine & Annapolis Quay Properties – Regulatory Feasibility

| | Shoreline | Land Use | Land Use Alt |
|------------------|----------------------|---|----------------------|
| Use | Boating Facility | Marina | Light Manufacturing |
| Designation/Zone | High Intensity | Public Facility (Annapolis Quay) Light Industrial (Kitsap Marine Properties) | |
| Finding | Permitted Outright ✓ | Conditional Use ✓ | Permitted Outright ✓ |

A water-dependent maintenance facility can be permitted at these locations

Marina = A facility that provides launching, storage, supplies, moorage, and other accessory services for six or more pleasure and/or commercial watercraft.

Light Manufacturing = A facility conducting light manufacturing operations within a fully enclosed building. Light manufacturing includes the following:... sheet metal, welding, machine shop, tool repair

Kitsap Marine Properties ✓



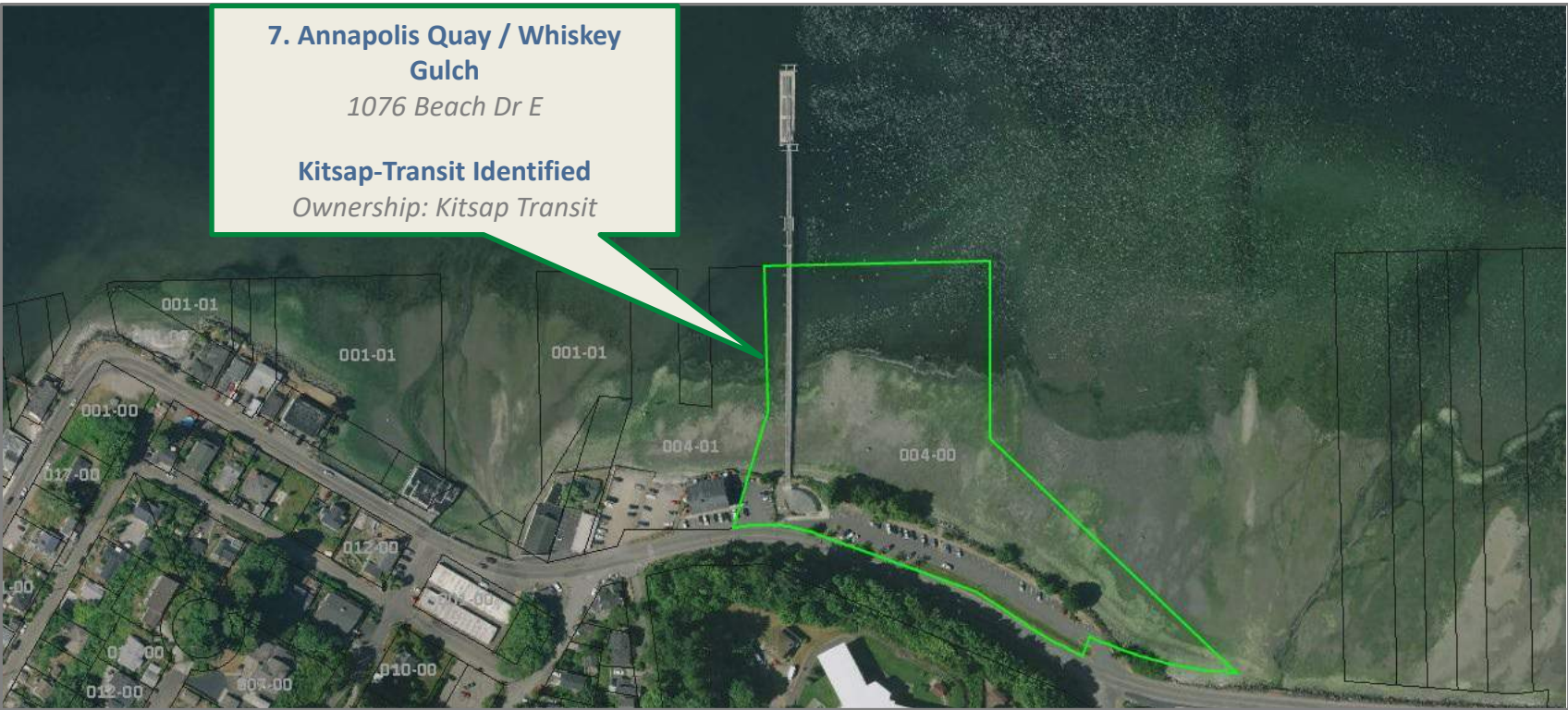
Other Env. Considerations

Notes/Impact to Env. Process

Existing Uses




Very viable marine business – unlikely seller
 Potential significant displacement of commercial business with economic impact

Annapolis Quay / Whiskey Gulch ✓



| Other Env. Considerations | Other Considerations/Notes | Impact to Env. Process |
|---------------------------|--|---|
| Shallow Conditions | Would require dredging and long-term maintenance | Dredging increases environmental complexity (and process-related costs) |
| | Shoreline fill to reach adequate depths is an alternate approach to dredging | Significant regulatory hurdles and mitigation associated with the extent of fill that would be needed |
| Existing Uses | Maintenance facility would be consistent with existing industrial/transit uses | Positive impact to city review |

Other Potential Sinclair Inlet Sites – Regulatory Feasibility

| | Shoreline | Land Use | Land Use Alt |
|------------------|--|---|---|
| Use | Boating Facility | Marina | Light Manufacturing |
| Designation/Zone | High Intensity | Gateway Mixed Use (GMU) w/ Downtown Height District Commercial Corridor (Suldan’s Boat Works only) | |
| Finding | Permitted Outright  | Conditional Use  | Not Permitted  |

A water-dependent maintenance facility could potentially be permitted at this location, **only if the City agrees with the use definition of marina**

This applies to:

Suldan’s Boat Works

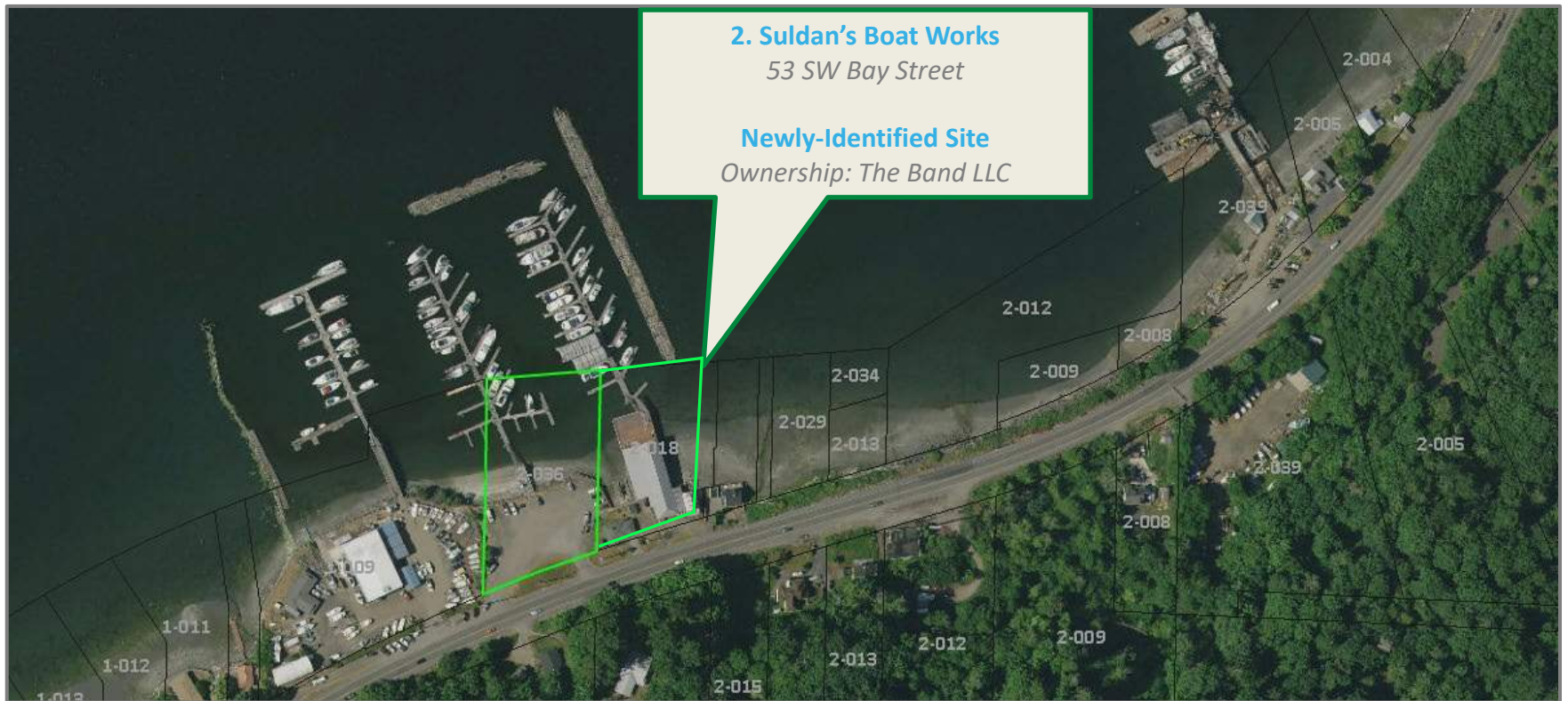
Port Orchard Railway Marina Parcels

Former Bar & Grill

Sinclair Inlet Marina

Bay Street Parcels

Suldan's Boat Works ✓+



| Other Env. Considerations | Notes | Impact to Environmental Process |
|---------------------------|--|---|
| Existing Use | <p>Small recreational marina with ample parking</p> <p>Former but closed commercial space upland</p> | <p>Relocation of existing vessels would be an adverse impact</p> <p>Alternatively, integration with existing uses and water-dependent use of upland site could be a beneficial effect</p> |
| Env Context | Existing overwater coverage and in-water structure could be adapted or converted | Reduces or avoids requirement for compensatory mitigation |

Suldan's Boat Works – Potential Unique Opportunity

Large in-water and waterfront site with parking lot and vacant upland buildings
But, adjacent to single family residence



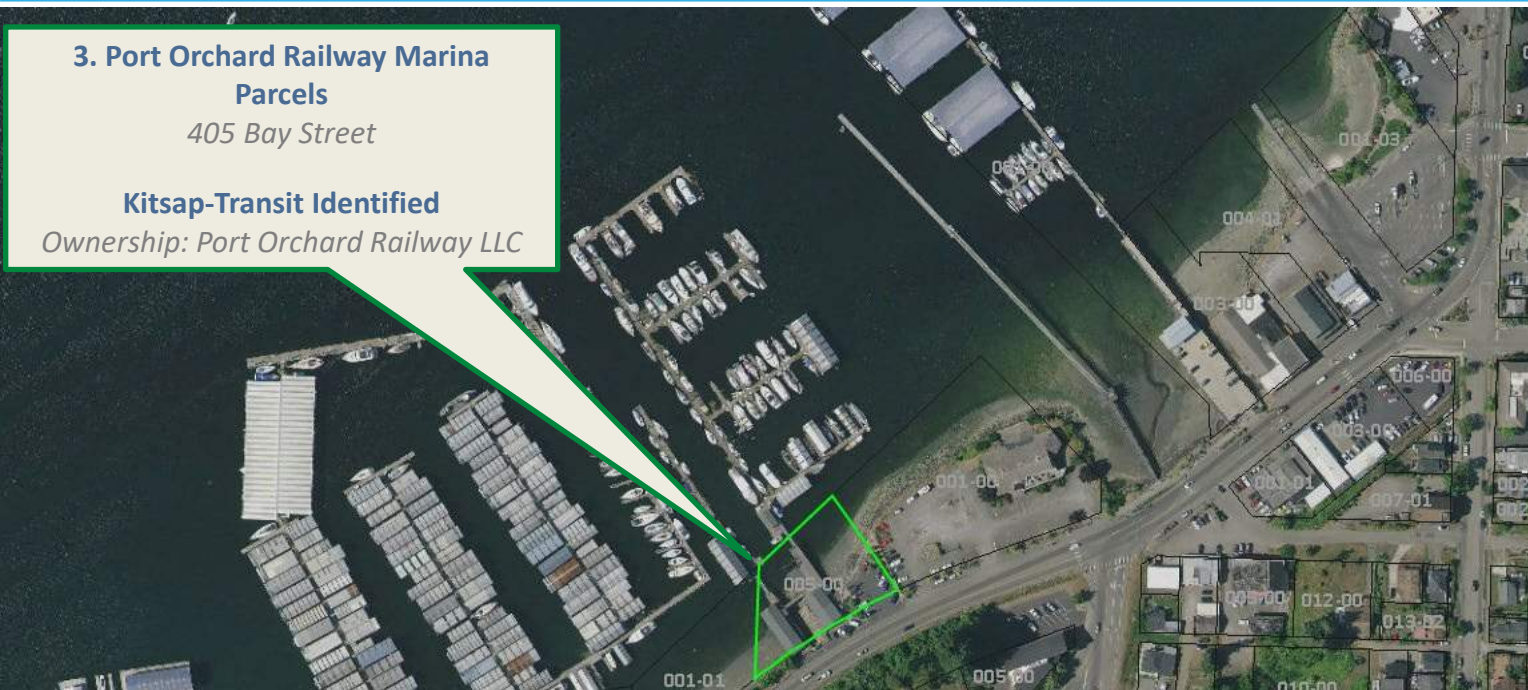
Port Orchard Railway Marina Parcels ✓

3. Port Orchard Railway Marina Parcels

405 Bay Street

Kitsap-Transit Identified

Ownership: Port Orchard Railway LLC



| Other Env. Considerations | Notes | Impact to Environmental Process |
|---------------------------|---|---|
| Existing Use | <p>Active and mid-sized recreational marina</p> <p>Would require vessel relocation OR maintenance facility integration with existing use</p> <p>Currently-available office space upland</p> | <p>Relocation of existing vessels would be an adverse impact</p> <p>Alternatively, integration with existing uses and water-dependent use of upland site could be a beneficial effect</p> |
| Env Context | Existing overwater coverage and in-water structure could be adapted or converted | Reduces or avoids requirement for compensatory mitigation |

Former Bar & Grill ✓+



| Other Env. Considerations | Notes | Impact to Environmental Process |
|---------------------------|---|--|
| Existing Use | Former restaurant that is closed and gated; would not require displacement of an operating business | Would restore active use and introduce water-dependent use to the site |
| Env Context | No existing overwater coverage | Would require compensatory mitigation to offset new impact |

Former Bar & Grill – Potential Unique Opportunity

Large waterfront site that is currently vacant and adjacent to other marine uses



Sinclair Inlet Marina ✓+



| Other Env. Considerations | Notes | Impact to Environmental Process |
|---------------------------|--|---|
| Existing Use | Relatively small marina that would require vessel relocation OR maintenance facility integration with existing use | Integration with water-dependent uses could positively impact city review |
| Env Context | Existing overwater coverage and in-water structure could be adapted or converted | Reduces or avoids requirement for compensatory mitigation |

Sinclair Inlet Marina – Potential Unique Opportunity

Sinclair Inlet Marina is For Sale



Bay Street Parcels ✓



| Other Env. Considerations | Notes | Impact to Environmental Process |
|---------------------------|---|--|
| Existing Use | Maintenance facility would be consistent with adjacent boating and sheet metal uses | Positive impact to city review |
| Env Context | No existing overwater coverage | Would require compensatory mitigation to offset new impact |

Keyport & Bremerton Sites – Regulatory Feasibility

| | Shoreline | Land Use | Land Use Alt |
|------------------|---|---|--|
| Use | Boating Facility | Transportation terminals, marine | Marina |
| Designation/Zone | Shoreline Residential | Keyport Village Commercial (Keyport) Urban Low Residential (Shaw Island) | |
| Finding | Permitted outright (less than 10 vessels) ✓ | Conditional Use ✓ | Conditional Use (Admin CUP on Shaw Island) ✓ |

A water-dependent maintenance facility could potentially be permitted at this location, pending Hearing Examiner findings as part of the Conditional Use process.

This applies to:

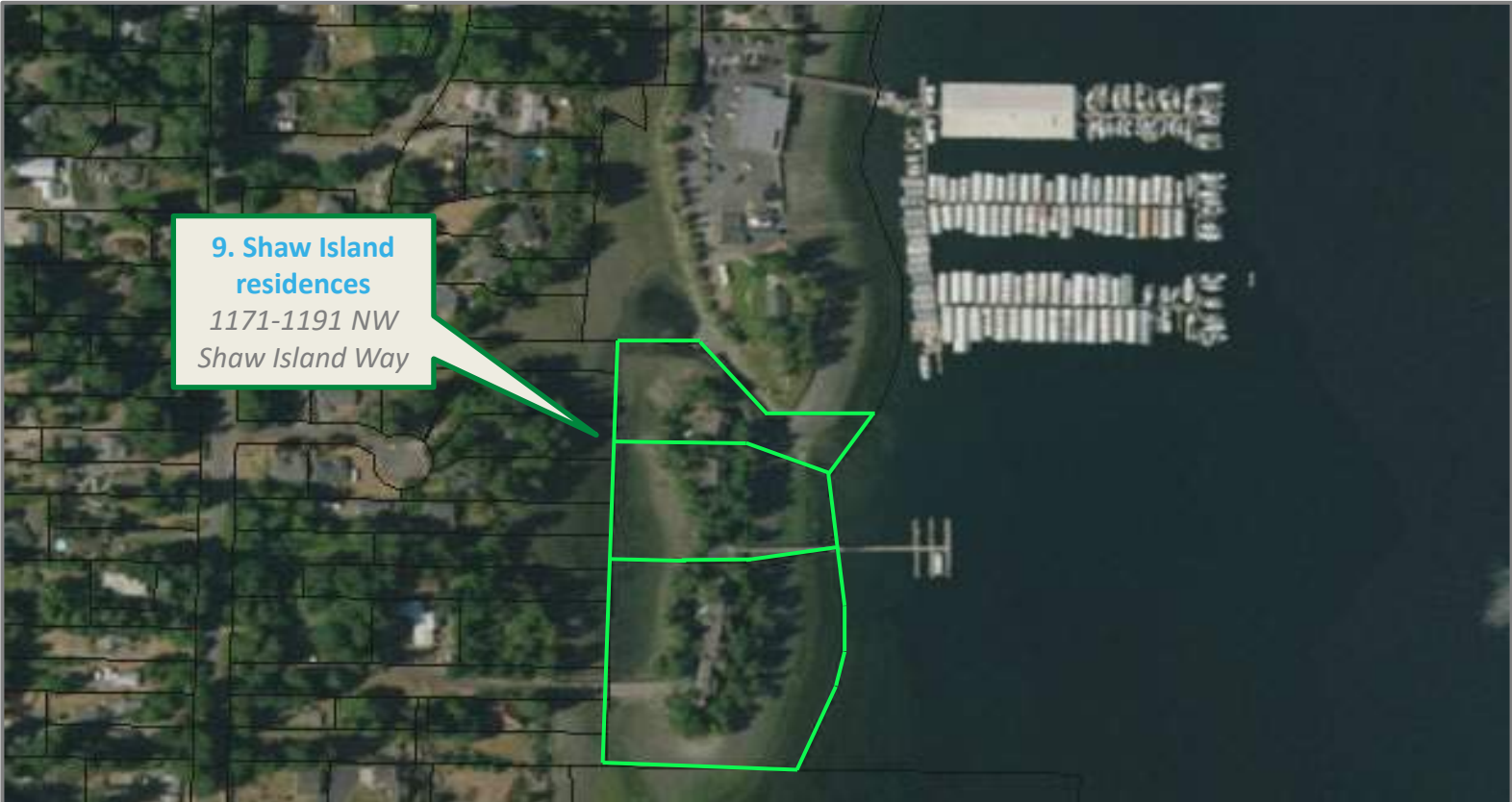
- Keyport area residences adjacent to Keyport Naval Base
- Shaw Island parcels adjacent to Bremerton Yacht Club

Keyport Area residences ✓



| Other Env. Considerations | Notes | Impact to Environmental Process |
|---------------------------|--|---|
| Existing Use | Single-family residences on tidelands | Displacement would be an adverse impact |
| Env Context | <p>Existing overwater coverage and in-water structure would need to be expanded</p> <p>Near a mix of maritime & high intensity uses, but would introduce fast ferry to new area, and adjacent parcel has unsupportive zoning</p> | <p>Reduces requirement for compensatory mitigation</p> <p>Discretionary conditional use process would be encumbered by conflict with isolated residence</p> |

Shaw Island resident ✓



| Other Env. Considerations | Notes | Impact to Environmental Process |
|---------------------------|--|---|
| Existing Use | Single-family residences (under one owner) | Displacement would be an adverse impact |
| Env Context | Existing overwater coverage and in-water structure could be adapted or converted Adjacent to established maritime use | Reduces or avoids requirement for compensatory mitigation Positive impact to City review |

Southworth Site – Regulatory Feasibility

| | Shoreline | Land Use | Land Use Alt |
|------------------|---|----------------------------------|---------------|
| Use | Boating Facility | Transportation terminals, marine | Marina |
| Designation/Zone | Rural Conservancy | Rural Residential | |
| Finding | Permitted outright (less than 10 vessels) ✓ | Not allowed ✗ | Not allowed ✗ |

There is no regulatory feasibility to permit a water-dependent maintenance facility under these conditions.

This applies to:
 Southworth Ferry area residences

Southworth Ferry Area ✖



| Other Env. Considerations | Notes | Impact to Environmental Process |
|---------------------------|---|--|
| Existing Use | Single-family residences | Displacement would be an adverse impact |
| Env Context | No existing overwater coverage Land use unsupported in zone designations | Would require compensatory mitigation to offset new impact Infeasible and/or unlikely regulatory permission |

Notes – Noise, Light and Glare

Noise

- Allowable daytime noise at all identified potential sites ranges from 57-60 dBA. Noise would be restricted at night at sites adjacent to residential properties. It is reasonable to assume that noise generated from the facility would not exceed statutory thresholds – most receiving properties would be further than 30' from the facility (adequate noise attenuation buffer).
- This should largely remove noise as a decision-making factor for site selection.

Light and Glare

- Port Orchard
 - In general, lighting is to be directed away from water bodies or adjacent parcels, where practicable.
- Kitsap County
 - Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and glare.
 - Lighting is to be directed away from adjoining properties. Not more than one foot candle of illumination may leave the property boundaries.