



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

October 25, 2018

Nick Jones
DNR SE Region Engineer
713 Bowers Rd
Ellensburg, WA 98926

Dear Mr. Jones,

Kittitas County Community Development Services (CDS) received your application for a Shoreline Exemption on October 11th, 2018. Upon review of the application materials it has been determined that review under the State Environmental Policy Act (SEPA) will be required, and in order to consider the project for an exemption under the Kittitas County Shoreline Master Program (SMP), additional information will be required.

SEPA

In the application narrative, Washington Administrative Code (WAC) 197-11-800(3) is cited:

“Repair, remodeling and maintenance activities. The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, recreation, and transportation facilities involving *no material expansions* or changes in use beyond that previously existing; except that, where *undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks)*[emphasis added]. The following maintenance activities shall not be considered exempt under this subsection:

- a) Dredging of over fifty cubic yards of material;
- (b) Reconstruction or maintenance of groins and similar shoreline protection structures;
- (c) Replacement of utility cables that must be buried under the surface of the bedlands; or
- (d) Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.”

The above section specifically provides that only “minor replacement” will be exempt in “lands covered by water”. Minor repair or replacement of structures is exempt, but is limited to the structures listed above.

The submitted site plan and engineering drawings not only depict an expansion of the bridge area itself, they also depict new crushed rock abutments and concrete blocks. If they already existed, the proposed project would qualify as “minor repair or replacement” provided that the work remained within the original footprint of the structure, in order to meet the “no material expansions” provision. As proposed, the additions qualify as material expansions and do not qualify as minor repair or replacement.

The narrative also cites Revised Code of Washington (RCW) 43.21C.470:

“Categorical exemption for structurally deficient bridges—Definition.

(1) The department [of ecology] must amend the categorical exemption available to Washington department of transportation projects under WAC 197-11-800(26) as of July 24, 2015, so that the same categorical exemption applies to structurally deficient city, town, or county bridge repair or replacement projects.

(2) For purposes of this section, "structurally deficient" means a bridge that is classified as in poor condition under the state bridge condition rating system and is reported by the state to the national bridge inventory as having a deck, superstructure, or substructure rating of four or below. Structurally deficient bridges are characterized by deteriorated conditions of significant bridge elements and potentially reduced load-carrying capacity. Bridges deemed structurally deficient typically require significant maintenance and repair to remain in service, and require major rehabilitation or replacement to address the underlying deficiency”.

The above section makes reference to WAC 197-11-800(26):

“State transportation project. The following Washington department of transportation projects and activities shall be exempt: The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation, as long as the action:

(a) Occurs within the existing right of way and in a manner that substantially conforms to the preexisting design, function, and location as the original except to meet current engineering standards or environmental permit requirements; and

(b) The action does not result in addition of automobile lanes, a change in capacity, or a change in functional use of the facility.”

Neither (RCW) 43.21C.470, nor WAC 197-11-800(26) makes any reference to bridges operated by State agencies other than the Department of Transportation (DOT). When it refers to local agencies, WAC 197-11-800(26) limits the exemption to city, town, or county bridges.

The submitted materials do not list DOT as an agency owning or maintaining the bridge. A DNR owned and maintained bridge does not qualify under this provision.

Shoreline Exemption

The application also makes reference to WAC 173-27-040(2)(b) to qualify for a shoreline exemption:

“Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. “Normal maintenance" includes those *usual acts* [emphasis added] to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state *comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance*[emphasis added], within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment...”

The above section allows an exemption for “Normal maintenance” and “Normal repair”. Although actions of maintenance and repair are exemptible under the SMP, it is not clear that expansion of the bridge structure and the addition of new abutments and concrete blocks is consistent with “usual acts” for normal maintenance or normal repair to a condition “comparable to its original condition”. Additional information describing this replacement method is necessary to demonstrate it is the industry standard and normal practice for replacement of structurally deficient bridges. If this cannot be demonstrated, then a Shoreline Substantial Development Permit (SDP) will be required.

If you believe the project is exemptible under other provisions of SEPA, please provide a response with the relevant citation. If you wish to proceed with the exemption, please provide the requested additional information. If you choose to proceed with an SDP, the application is available at the location below:

- Shoreline Substantial Development Permit:
<https://www.co.kittitas.wa.us/uploads/cds/forms/Shoreline%20Permitting.pdf>

In either case, a completed SEPA Checklist is required.

- SEPA Checklist:
<https://www.co.kittitas.wa.us/uploads/cds/forms/SEPA%20Environmental%20Checklist.pdf>

In addition, it is important to inform you that other permits will be necessary prior starting any work on site for this proposal.

- A Floodplain Development Permit from Kittitas County Public Works Department pursuant to KCC 14.08.
 - This document can be found at on the county website at
<https://www.co.kittitas.wa.us/uploads/documents/public-works/forms/Floodplain-Development-Application-03062017.pdf>
- A Preliminary Site Analysis prior to submittal of the building permit:
<https://www.co.kittitas.wa.us/uploads/cds/building/Building%20Permit%20Application%20Forms//Preliminary%20Site%20Analysis%20Application.pdf>
- A Building Permit from CDS:
<https://www.co.kittitas.wa.us/uploads/cds/building/Building%20Permit%20Application%20Forms//Building%20Permit%20Application.pdf>

Please note that CDS can only accept cash or check for payment. All applications above can be submitted to CDS, with the exception of the Floodplain Development Permit, which must be submitted to the Kittitas County Public Works Department.

If you have any questions regarding this matter, please feel free to contact me at (509)-962-7079 or by email at dusty.pilkington@co.kittitas.wa.us.

Sincerely,


Dusty Pilkington
Planner I

Enclosure: Bridge Review and Inspection Policy
CC: Lindsey Ozbolt, Kittitas County Planning Official

via email



KITITITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 NORTH RUBY STREET SUITE #2 ■ ELLENSBURG, WA 98926
PHONE (509) 962-7506 ■ FAX (509) 962-7682

27

ITEM

BRIDGE REVIEW AND INSPECTION POLICY

FOR MORE INFORMATION VISIT THE CDS WEBSITE AT: WWW.CO.KITITITAS.WA.US/CDS

A building permit is required to install, modify, alter or repair bridges in Kittitas County. Additional permits or approvals may include:

- A floodplain development permit for bridges within floodways and floodplains.
- A shoreline permit for bridges within the jurisdiction of the Shoreline Management Program.
- Preliminary Site Analysis (PSA)
- A Hydraulic Project Approval (HPA) for bridges in or near state waters.
- A crossing agreement for bridges crossing canals or laterals.

Following is a list of Kittitas County review and inspection procedures. Other State or Federal agencies may have additional requirements.

Required Building Department review and inspections:

- Structural Engineering.
- Property setbacks and footings.
- Foundations and retaining walls.
- Girder and decking connections.
- Final inspection for armoring and finishing.
- Verification of all special inspections completed (if applicable).

Required Planning Department review and inspections (if applicable):

- Shoreline permit and PSA review prior to application of building permit.

Required Public Works review and inspections (if applicable):

- Review to ensure compliance with KCC 12.07 Bridges.
- Flood permit prior to application of building permit.
- Final inspection to verify the floodplain development permit requirements are met.
- Verification of right of way and access requirements (if applicable).

Required Fire Marshal review and inspections:

- Review to ensure compliance with KCC 20.02.050 Bridges, including bridge width and live load rating.
- Final inspection for compliance to KCC 20 Fire and Life Safety standards, including inspection of required signage indicating load capacity.

Required WDFW or Ecology review and inspections (if applicable):

- HPA required prior to issuance of building permit or floodplain development permit.
- A final approval letter from Washington Department of Fish and Wildlife and/or the Department of Ecology.

Only after the above review and inspections have been successfully completed and all conditions of the permit(s) have been met can the building inspector sign off the final on the permit card.

DATE: 9/8/16

BUILDING OFFICIAL: 