



Notice of Administrative Decision

Date: 08/29/2018

To: Michael King, dwilson26@outlook.com
Sealevel Bulkhead Builders c/o Jenny Rotsten, jenny@sealevelbb.com
Interested Parties and Parties of Record

RE: **Permit Number:** 18-02482
Project Name: King Rock and Soft-shore Bulkhead
Type of Application: Shoreline Administrative Conditional Use Permit

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS 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 found on DCD's website: <https://www.cognitofirms.com/KitsapCounty1/AppealObjectionOfAnAdministrativeDecision>.

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

The complete case file is available for review at the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777. Please note DCD is open Monday to Thursday from 8:00am to 4:00pm and on Friday from 9:00am to 1:00pm except holidays.

CC: Applicant/Owner: Michael King, dwilson26@outlook.com
Project Representative: Sealevel Bulkhead Builders c/o Jenny Rotsten, jenny@sealevelbb.com
Engineer (Geotechnical): Coastal Solutions c/o Rob Cousins, rob@coastalsolns.com
Engineer: Paul Austin, austinengr@gmail.com
Health District
Navy
DSE
North Kitsap Fire District
North Kitsap School District
Puget Sound Energy
Water Purveyor
Sewer Purveyor

18-02482 King Shoreline ACUP
August 29, 2018

Suquamish Tribe
WA Dept of Fish & Wildlife
WA Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA

Interested Parties:

None

Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Candace Vickery
DCD File 18-02482



Administrative Staff Report

Report Date: 8/21/18

Application Submittal Date: 5/18/2018

Application Complete Date: 6/4/2018

Project Name: King Rock and Soft-shore Bulkhead

Type of Application: Shoreline Administrative Conditional Use Permit

Permit Number: 18-02482

Project Location

9349 NE Shore Dr

Indianola, WA 98342

Commissioner District 1

Assessor's Account

4360-002-013-0205

Applicant/Owner of Record

Michael King

1406 McGilvra Blvd. E

Seattle, WA 98112

Recommendation Summary

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

VICINITY MAP



1. Background

An existing single-family residence is currently 20 feet from the top of a 55-foot bluff (the attached deck is 10 feet from the top of slope). Neighboring bulkhead to the west is 20-foot waterward of Ordinary High Water, creating wave reflection/refraction and accelerating the rate of erosion at the subject site. A geotechnical report has concluded that this project is necessary to protect the existing single-family residence.

2. Project Request

This proposal is for a Shoreline Administrative Conditional Use Permit to construct a new shoreline bulkhead. The hybrid structure will install approximately 60-feet of rock along the Ordinary High Water contour, stacked about 4-5 feet above grade and keyed in 2-3 feet below beach grade. Soft-bank armoring will be placed in front, comprised of anchored logs and beach sediment. Shoreline plant species will be placed between the logs and rock wall. All work will be done above Mean Higher High Water, within the 100-year floodplain, and access will be via barge.

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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 June 11, 2018. A Determination of Nonsignificance (DNS) was issued on July 10, 2018. Due to a clerical error, the Notice of Application did not actually go out until August 1, 2018. As such an additional 14-days was provided for SEPA comment and appeal.

The amended SEPA appeal period expired August 15, 2018. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The 0.34 acre rectangular parcel lies south of Shore Drive and extends southerly to the shore of Puget Sound. A single-family home is located about 20 feet back from the top of a 55-foot high, steep shoreline bluff. The bluff is nearly vertical (upper 14-feet; lower portion is 0.5:1 slope) and drops down to the beach just south of the deck and fence (10-feet from top of slope). The vegetation on the bank is comprised mostly of blackberry, butterfly bush and English ivy, with scattered willows and ferns. The shoreline of this parcel is currently un-armored, but is confined by a concrete seawall to the west and a rip-rap bulkhead to the east. The shoreline is composed of sloping, sandy beach with scattered cobbles across the sand and a small collection of driftwood at the toe of slope. The sandy beach begins at the toe of the bluff, but does not have any overhanging vegetation. While there is accumulated colluvium at the toe of the bluff, it is composed of material that has been actively eroding from the slope due to toe of slope erosion.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	NA

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Maximum Density	NA	
Minimum Lot Size	5 Acres	0.34 acres*
Maximum Lot Size	NA	NA
Minimum Lot Width	140 feet	50 feet*
Minimum Lot Depth	140 feet	300 feet
Maximum Height	35 feet	NA
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Staff Comment: The minimum lot size and width do not apply as there is no subdivision of this lot of record with this proposal.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (North)	20 feet	NA
Side (East)	5 feet	NA
Side (West)	5 feet	NA
Rear (South)	10 feet * Abuts Puget Sound, 85-foot buffer and 15 foot building setback for Shoreline Residential Designation (Title 22) applies.	Proposal is for a single-family bulkhead. The placement of the bulkhead within this buffer is the subject of this proposal and review.

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Rural Residential (RR)
South	Puget Sound	NA
East	Single-family residence	Rural Residential (RR)
West	Single-family residence	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	On-site Septic

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Police	Kitsap County Sherriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #400

5. Access

Access to the property is off a County maintained right of way, NE Shore Drive. Access for construction will be provided at the shoreline via barge.

6. Site Design

Landscaping and lighting requirements of KCC 17.500 are not applicable.

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: Chapter 3- Environment, incorporates by reference the goals and policies of the Kitsap County Shoreline Master Program.

22.300 General Goals and Policies

Policy SH-1. Protect and conserve shoreline areas that are ecologically intact and minimally developed or degraded. Develop incentives and regulations for privately owned shorelines that will protect and conserve these areas while allowing reasonable and appropriate development. *Staff Comment: The proposed development is the minimum necessary to afford construction of a normal protective bulkhead to protect an existing single-family residence, while still protecting ecological functions.*

Policy SH-2. Recognize that nearly all shorelines, even substantially developed or degraded areas, retain important ecological functions. *Staff Comment: Ecological functions, with proposed restoration / mitigation, will still be retained.*

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.

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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-5. Shoreline ecological functions that should be protected included, but are not limited to:

1. Habitat
2. Water quality maintenance; and
3. Water quantity maintenance.

Policy SH-6. Shoreline processes, both freshwater and marine, that should be protected to support the above functions include, but are not limited to the delivery, loss and movement of:

1. Sediment,
2. Water,
3. Nutrients,
4. Toxins,
5. Pathogens, and
6. Large woody material.

Staff Comment: With mitigation, the proposed hybrid shoreline armor structure will not impact the associated critical areas or shoreline functions. A mitigation plan and associated monitoring and maintenance plan will assure compliance with these requirements.

Policy SH-7. In assessing the potential for new uses and developments to impact ecological functions and processes, the following should be taken into account:

1. On-site and off-site impacts;
2. Immediate and long-term impacts;
3. Cumulative impacts, from both current and reasonably foreseeable future actions, resulting from the project; and
4. Any mitigation measures or beneficial effects of established regulatory programs to offset impacts.

Staff Comment: Implementation of the mitigation plan along with the required monitoring and maintenance of the project area will assure no net loss of ecological functions and processes.

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Policy SH-8. Critical areas in the shoreline jurisdiction shall be protected in a manner that results in no net loss to shoreline ecological functions. Pursuant to RCW 36.70A.030(5), critical areas include:

1. Wetlands.
2. Frequently flooded areas.
3. Fish and wildlife habitat conservation areas.
4. Geologically hazardous areas.
5. Critical aquifer recharge areas.

Staff Comment: There are no wetlands or streams on site. A geotechnical report has been provided to address the Geologically Hazardous Areas (KCC 19.400). Work will take place within the FEMA floodzone, but a “no adverse effect” determination has been made. Associated impacts from shoreline buffer intrusions will be mitigated.

Policy SH-9. Preserve native plant communities on marine, river, lake and wetland shorelines. In order to maintain shoreline ecological functions and processes, development along the shoreline should result in minimal direct, indirect, or cumulative impacts. This includes:

1. Keeping overhanging vegetation intact along the shoreline edge to provide shading and other ecological functions;
2. Preserving established areas of native plants and minimizing clearing and grading near bluff edges and other erosion or landslide-prone areas in order to maintain slope stability and prevent excess surface erosion and stormwater runoff;
3. Designing and placing structures and associated development in areas that avoid disturbance of established native plants, especially trees and shrubs; and
4. Removal of noxious weeds in accordance with WAC 16-750-020.

Staff Comment: Implementation of the mitigation plan along with the required monitoring and maintenance of the project area will assure no net loss of ecological functions and processes, including site design and vegetation management.

Policy SH-10. Shoreline landowners are encouraged to preserve and enhance native woody vegetation and native groundcovers to stabilize soils and provide habitat. When shoreline uses or modifications require a planting plan, maintaining native plant communities, replacing noxious weeds and avoiding installation of ornamental plants are preferred. Nonnative vegetation requiring use of fertilizers, herbicides/pesticides, or summer watering is discouraged.

Staff Comment: Implementation of the Shoreline Mitigation Plan along with the required monitoring and maintenance of the project area will assure no net loss of ecological functions and processes, including site design and vegetation management. A net gain in native vegetation is expected of this project.

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Policy SH-13. Ensure mutual consistency with other regulations that address water quality and stormwater quantity, including standards as provided for in Title 12 (Storm Water Drainage) and Chapter 173-201A WAC (Water Quality Standards).

Staff Comment: This project has been reviewed under the current standards in Title 12 (Stormwater Drainage).

22.200.115 Shoreline Residential

A. Purpose. To accommodate residential development and appurtenant structures that are consistent with this program, and to provide appropriate public access and recreational uses.

B. Designation Criteria.

1. Shoreline areas that are predominately single-family or multifamily residential development or are planned or platted for residential development;
2. Does not include shorelines supporting existing residential development that may not support higher densities of development due to potential cumulative impacts to sensitive environments or safety, such as steep slopes or floodplains. Such shorelines shall be designated rural or urban conservancy, whichever applies.

C. Management Policies.

1. Standards for buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be set to assure no net loss of shoreline ecological functions.
2. Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities. If public access is not feasible on site, off-site options such as an in-lieu fee may be recommended.
3. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
4. Commercial development should be limited to water-oriented uses. Water-oriented includes water-dependent, water-related and water-enjoyment uses.

Staff comment: The purpose of this proposal is to protect an existing single-family residence, which is an allowed use in the Shoreline Residential Designation.

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
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 21.04	Land Use and Development Procedures

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8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Shoreline Administrative CUP Application	May 23, 2018
Supplemental Application (JARPA)	May 23, 2018
Environmental (SEPA) Checklist	May 23, 2018
Habitat Management Plan and FEMA Habitat Assessment	May 23, 2018
Site Plan	May 23, 2018
Project Narrative	May 23, 2018
Photos	May 23, 2018
Geotechnical Report and Addendum Letter	May 23, 2018

9. Public Outreach and Comments

No public comments were received.

10. Analysis

a. Planning/Zoning

This project has been reviewed for, and found to be consistent with, Kitsap County Code Title 17 Zoning.

b. Lighting

Not applicable. There are no additions to or changes to lighting with this proposal.

c. Off-Street Parking

Not applicable. There are no additions to or changes to parking with this proposal.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
N/A	N/A	N/A	N/A
Total			

d. Signage

Not applicable.

e. Landscaping

Not applicable as to Title 17 requirements. Vegetation enhancement is proposed as a restoration/mitigation element of this project.

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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	N/A	N/A
West	N/A	N/A
Street Trees	N/A	N/A

f. Frontage Improvements

Not applicable.

g. Design Districts/Requirements

Not applicable.

h. Development Engineering/Stormwater

The need for this proposal is a result of wave action at the toe of the slope. No changes to stormwater management are proposed. The project has been reviewed for, and found consistent with, Kitsap County Code Title 12-Stormwater.

i. Environmental

22.400.105 General Regulations- Proposed Development

(B) Standards for Work Waterward of OHWM

1. Water-dependent in-water structures, activities, and uses are not subject to the shoreline buffers established in this program.
2. Projects involving in-water work must obtain all applicable state and federal permits or approvals, including those from the U.S. Army Corps of Engineers, Ecology, Washington Department of Fish and Wildlife (WDFW), and/or Washington Department of Natural Resources.
3. Projects involving in-water work must comply with timing restrictions as set forth by state and federal project approvals.
4. Protection of Bank and Vegetation.
 - a. Alteration or disturbance of the bank and bank vegetation must be limited to that necessary to perform the in-water work.

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b. All disturbed areas must be restored and protected from erosion using vegetation or other means.

5. If, at any time, water quality problems develop as a result of in-water work, immediate notification must be made to any appropriate state or federal agency, e.g., Ecology, WDFW, National Marine Fisheries Service, U.S. Fish and Wildlife Service, etc. Affected tribes shall also be notified.

Staff Comment: This proposal is designed, or is conditioned to, meet these standards and requirements.

22.400.110 Mitigation

The planned shoreline armor proposes to improve the current shoreline functions at the project site and vicinity. The proposed project will incorporate and implement restoration/mitigation elements of the Shoreline Habitat Mitigation Plan. The proposal is minimizing the impacts by proposing a mix of hard and soft shore protection methods that are intended to create a natural appearing shoreline, and also functions to protect the bluff from the wave erosion.

22.400.115 Critical Areas

The site is mapped in Kitsap County GIS as a 'High Geologic Hazard Area', as defined in Kitsap County code 19.400. This classification required the submittal of a Geotechnical Report, which has been provided. The report concluded the proposed structure is immediately necessary for the protection of the existing home. Toe erosion at the site is worsened by eddying effects from the adjacent concrete structure to the west. The hard bulkhead will act as a stop-gap measure in the event that the soft bank component is compromised. The rock bulkhead will not impede or impair the existing coastal processes at the site.

The site is also within the mapped FEMA floodplain. As required, a FEMA Habitat Assessment has been provided and reviewed. A "no effect" determination has been made.

22.400.125 Water Quality and Quantity

This project does not propose any changes to the upland stormwater management, and none is required per the Geotechnical Report. A Hydraulic Project Approval from the Washington Department of Fish and Wildlife is required for this project. The project has been reviewed under Kitsap County Code Title 12-Stormwater.

22.400.130 Historic, Archaeological, Cultural, Scientific and Ed. Resources

There were no comments provided by the Tribes related to cultural resources. Kitsap County will condition this approval and subsequent building permit(s)

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for notification of Kitsap County DCD, the Washington State Office of Archaeology and Historic Preservation, and the affected tribes if archaeological resources are uncovered during excavation.

22.400.135 View Blockage

There are no view blockage concerns for this project. The adjacent parcel to the north is currently vacant and the existing single-family residence to the adjacent south parcel is waterward of the proposed home and deck.

22.400.140 Bulk and Dimension Standards

The proposed residence meets the criteria under this code.

22.500.100(D) Conditional Use Permits (including A-CUP)

1. The purpose of a CUP is to provide flexibility in authorizing uses in a manner consistent with RCW [90.58.020](#). Accordingly, special conditions may be imposed to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and this program.
2. CUPs shall be classified as a Type III permit under Chapter [21.04](#). Where administrative CUPs are allowed, they shall be classified as a Type II permit under Chapter [21.04](#). Unless specified otherwise in this program, the CUP criteria apply in addition to the applicable SDP criteria, and shall be combined into a single review process.
3. Shoreline CUPs shall be granted only after the applicant can demonstrate compliance with WAC [173-27-160](#) and this section as follows:
 - a. That the proposed use is consistent with the policies of RCW [90.58.020](#) and this program;
 - b. That the proposed use will not interfere with the normal public use of public shorelines and does not conflict with existing water-dependent uses;
 - c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this program;
 - d. That the proposed use will not result in significant adverse effects or a net loss to the shoreline ecosystem functions in which it is to be located;
 - e. That the public interest suffers no substantial detrimental effect;
 - f. That consideration has been given to the cumulative impact of additional requests for like actions in the area and shall not result in substantial adverse effects or net loss of shoreline ecosystem functions. For example, if CUPs were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the use preference policies and shall not produce substantial adverse impacts to the shoreline environment.

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Consideration shall be demonstrated through preparation of a cumulative impacts report, if requested, that substantially conforms to the applicable provisions of Chapter [22.700](#) (Special Reports);

g. Other uses which are not classified or set forth in this program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program;

h. Uses which are specifically prohibited by this master program may not be authorized pursuant to this section.

4. All applications for shoreline CUPs, including administrative CUPs, approved by the county shall be forwarded to Ecology pursuant to WAC [173-27-200](#), for final approval, approval with conditions, or denial. No approval shall be considered final until it has been acted upon by Ecology.

Staff Comment: This proposal is for the necessary protection of an existing single-family residence and will not interfere with the public use of the shoreline. The shoreline armoring is consistent the neighboring properties, which already have some form of shoreline armoring. Those existing structures have, in part, led to the need for this proposed structure. The proposal will maintain and improve the existing shoreline ecological functions and not interfere with coastal processes.

22.600.175 Shoreline Stabilization

A. Environment Designations Permit Requirements. Based on the type of shoreline modification proposed, the identified permit requirements shall apply for all designations:

1. SDP for soft shoreline stabilization, unless otherwise exempt.
2. Administrative CUP for hard shoreline stabilization.

B. Exemptions from Substantial Development Permit for Shoreline Stabilization.

1. The construction of a normal protective bulkhead common to single-family residences shall not require an SDP if it meets the exemption criteria listed in Section 22.500.100(C)(3)(c), or as further amended in WAC 173-27-040. An exemption from an SDP is not an exemption from a CUP or an administrative CUP where applicable.
2. A “normal protective” bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the OHWM for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.
3. A letter of permit exemption will be prepared for qualifying shoreline stabilization activities in accordance with Section 22.500.100(C)(4). The county shall track exemption activities in the permit system.

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Staff Comment: This proposal is for a hybrid-shoreline armoring structure, including a hard rock-wall element. The hard shoreline stabilization element resulted in the need for an Administrative Conditional Use Permit.

C. Application Requirements. In addition to the general application requirements, applications for shore protection and bluff stabilization shall include the following information, when applicable:

1. Upland, on-site improvements and any existing shoreline structures;
2. Type of proposed shore protection and a description of alternatives to hard approaches where proposed, and a thorough discussion of the environmental impacts of each alternative;
3. Habitat survey prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources and marine vegetation;
4. A description of any proposed vegetation removal, and a plan to revegetate the site following construction;
5. Tidal elevations and field verified line of ordinary high water;
6. Ownership of the tidelands, shorelands and/or bedlands;
7. Purpose of shore protection;
8. Direction of net longshore drift (for marine shoreline);
9. Plan and profile of existing bank and beach;
10. Profile of adjacent existing bulkhead;
11. In addition to the general geotechnical report requirements in Section 22.700.120, the following information shall be included for shoreline stabilization proposals:
 - a. Address the need to prevent potential damage to a primary structure through the use of shoreline stabilization measures.
 - b. Estimate time frame and rates of erosion to report on the urgency associated with the specific situation. "Urgent" means:
 - i. That the primary structure will be damaged within three years as a result of natural shoreline erosion in the absence of hard armoring structures; or
 - ii. Where waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions.
 - c. If the report determines that the need is not as immediate as three years, it still may be used to justify a more immediate authorization to protect against erosion using soft measures.
 - d. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge;

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12. Any other information that may be required to demonstrate compliance with the review criteria referenced in this section and the guiding provisions at WAC 173-26-231(3)(a).

Staff Comment: The submitted special reports and plans meet the submittal requirements of this section.

D. Development Standards.

1. General Regulations.

- a. These standards shall be guided by the provisions at WAC 173-26-231(3)(a).
- b. Applications for shore protection will be reviewed pursuant to comments made by the Washington Department of Fish and Wildlife pertaining to impacts on critical salt and freshwater habitats, and comments made by the Washington Department of Natural Resources for projects proposed on state-owned aquatic lands.
- c. Soft shoreline stabilization measures shall be utilized unless demonstrated through a geotechnical analysis not to be sufficient to protect primary structures, dwellings and businesses. Alternatives for shoreline stabilization shall be based on the following order of preference:
 - i. No action, increase building setbacks, or relocate structures;
 - ii. Soft shoreline stabilization constructed of natural materials including bioengineering, beach nourishment, protective berms, or vegetative stabilization;
 - iii. Hybrid shoreline stabilization, usually constructed of a mix of rock, logs and vegetation;
 - iv. Hard shoreline stabilization constructed of materials such as rock, riprap or concrete.
- d. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the OHWM.
- e. When hard shoreline stabilization measures are demonstrated to be necessary, they must:
 - i. Limit the size of stabilization measures to the minimum necessary.
 - ii. Assure no net loss of shoreline ecological functions.
 - iii. Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.
 - iv. Where feasible, incorporate ecological restoration and public access improvements into the project.

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Staff Comment: The proposal and submitted reports have demonstrated that the project will not result in a net loss of shoreline ecological functions and provided the necessary mitigation sequencing analysis. Ecological restoration components have been incorporated to the greatest extent feasible.

f. Shoreline stabilization measures shall not be for the purpose of creating dry land. Leveling or extending property, creating or preserving residential lawns, yards or landscaping shall not be allowed except when otherwise allowed in this section due to health and safety.

g. Minimize disturbance pertaining to beach access by avoiding switchback trails which require hard stabilization. Where such avoidance is not feasible, mitigation for impacts to shoreline ecological functions shall be required.

h. Bluff stabilization walls shall be prohibited unless proven necessary through a geotechnical report.

Staff Comment: Not applicable.

i. Placement of shoreline stabilization methods shall follow the natural contour of the existing shoreline, be parallel to and at or above the OHWM.

Staff Comment: The hard armor element will be at or above Ordinary High Water and following the shoreline contour along the base of the bluff.

j. Shoreline stabilization on marine feeder bluffs, when determined necessary pursuant to the standards of this section, may require additional mitigation measures, including those necessary to offset the loss of sediment supply.

Staff Comment: The structure will be located along a marine feeder bluff, but is necessary to protect the existing single-family residence. Restoration measures are to be put in place which will improve the existing functions, but also allow for easier, regular maintenance as necessary. The logs and added sediment are not only an ecological benefit, but play a crucial role maintaining the function of the overall armoring.

k. Shoreline stabilization must be designed by a professional engineer licensed in the state of Washington with demonstrated experience in hydraulic activities of shorelines. Alternatively, soft shoreline stabilization may be designed by a habitat biologist or a professional with demonstrated expertise in designing soft shoreline stabilization structures.

Staff Comment: This project has been designed by a professional engineer.

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l. Depending on the degree of hard or soft elements to the project, the department, WDFW, and/or U.S. Army Corps of Engineers may require varying degrees of mitigation or other permit conditions.

m. Shoreline stabilization structures shall not result in a net loss of shoreline ecological functions.

Staff Comment: These agencies may provide additional mitigation as they determine necessary. The project has been found to be consistent with Kitsap County Code, Title 22, including a No Net Loss determination.

n. Shoreline stabilization, as applied in this section, is generally distinguished from shoreline restoration activities. However, specific shoreline stabilization elements of restoration activities shall be guided by this section.

Staff Comment: This project does contain some restoration-type activities, but is being reviewed under these Administrative Conditional Use criteria as there are non-restorative elements.

2. New and Expanded Shoreline Stabilization.

a. If shoreline stabilization is necessary pursuant to a geotechnical analysis, the method, either hard or soft, shall not result in a net loss of shoreline ecological functions. To meet this requirement, on- and off-site mitigation measures may be required.

b. Shoreline stabilization structures shall not be constructed with waste materials such as demolition debris, derelict vessels, tires, concrete or any other materials which might have adverse toxic or visual impacts on shoreline areas.

c. New structural stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:

i. To protect legally existing primary structures:

(A) New or enlarged structural shoreline stabilization measures for the existing primary structure, including residences and their primary appurtenant structures or uses, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the lawfully established, primary structure is in imminent danger from shoreline erosion caused by tidal actions, currents, or waves;

(B) Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need;

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Staff Comment: A geotechnical engineer has demonstrated that this project as proposed is necessary to protect a primary single-family residence on the property due to continued wave erosion at the toe of the bluff.

3. Replacement and Repair of Existing Shoreline Stabilization and Armoring.
Not applicable.

4. Shore Stabilization on Streams.
Not applicable.

j. Access, Traffic and Roads

Not applicable.

k. Fire Safety

Not applicable.

l. Solid Waste

Not applicable.

m. Water/Sewer

Not applicable.

n. Kitsap Public Health District

Kitsap Public Health approved an exemption for the bulkhead on July 6, 2018.

11. Review Authority

The Director has review authority for this Administrative Conditional Use Permit application under KCC, Sections 17.540.020 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. All Shoreline Administrative Conditional Use Permits approved by the County are forwarded to the Washington State Department of Ecology pursuant to WAC 173-27-200 and KCC 22500.100(D) for final approval, approval with conditions, or denial. No approval shall be considered final until it has been acted upon by Ecology.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 22 and complies with or will comply with all of the other applicable provisions of Kitsap County Code

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and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.

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

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 22.500.100(D), the Department of Community Development recommends that the Shoreline Administrative Conditional Use Permit request for Project Name be **approved**, subject to the following 5 conditions:

a. Planning/Zoning

None.

b. Development Engineering

None.

c. Environmental

1. The placement of the bulkhead is for the protection of the upland property and not for the indirect intent of creating uplands at the expense of tidelands. The placement of the bulkhead shall be subject to the approved site plan and shall follow the natural contours of the shoreline and shall be placed at or above Ordinary High Water.
2. This project will require a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife prior to start of work.
3. Bulkhead construction shall follow the recommendations contained in the Geologic Report, prepared by Coastal Solutions LLC, dated January 5, 2015 and the addendum thereto dated May 15, 2018.
4. This project shall follow the Habitat Survey and Shoreline Mitigation Plan (Ecological Land Services, 5/3/18), including a five-year monitoring and maintenance period for control of invasive species and native plant

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supplementation. Applicant shall provide annual reports over the five-year period demonstrating compliance with this approved mitigation plan.

5. Should archaeological resources be uncovered during excavation, the responsible contractor or homeowner shall immediately stop work and notify Kitsap County, the Washington State Office of Archaeology and Historic Preservation and the Suquamish Tribe (Dennis Lewarch, Tribal Historic Preservation Officer: dlewarch@suquamish.nsn.us; (360)394-8529).

d. Traffic and Roads

None.

e. Fire Safety

None.

f. Solid Waste

None.

g. Kitsap Public Health District

None.

Report prepared by:



Kathlene Barnhart, Staff Planner / Project Lead

8/21/18

Date

Report approved by:



Shawn Alire, Development Services Supervisor

8/21/18

Date

Attachments:

Attachment A – Shoreline Designation Map

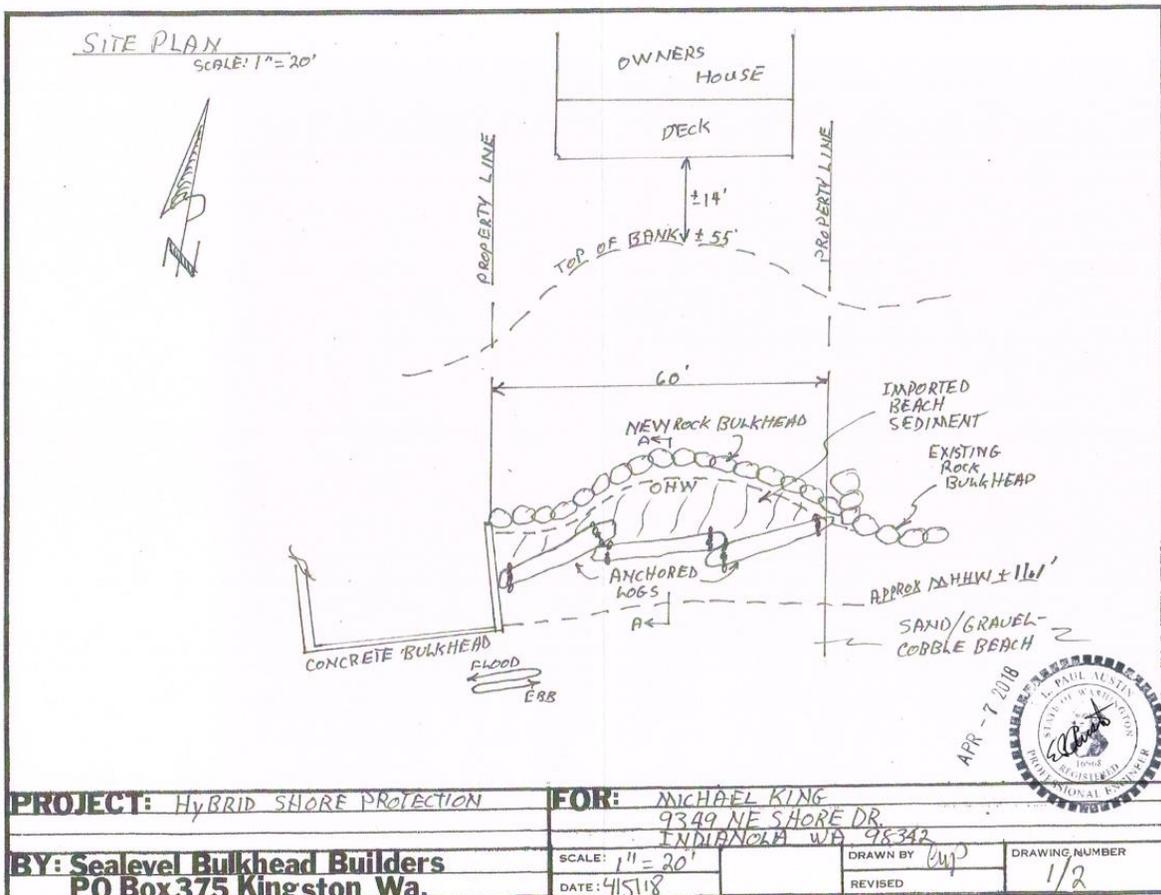
Attachment B – Zoning Map

Attachment C – Critical Areas Map

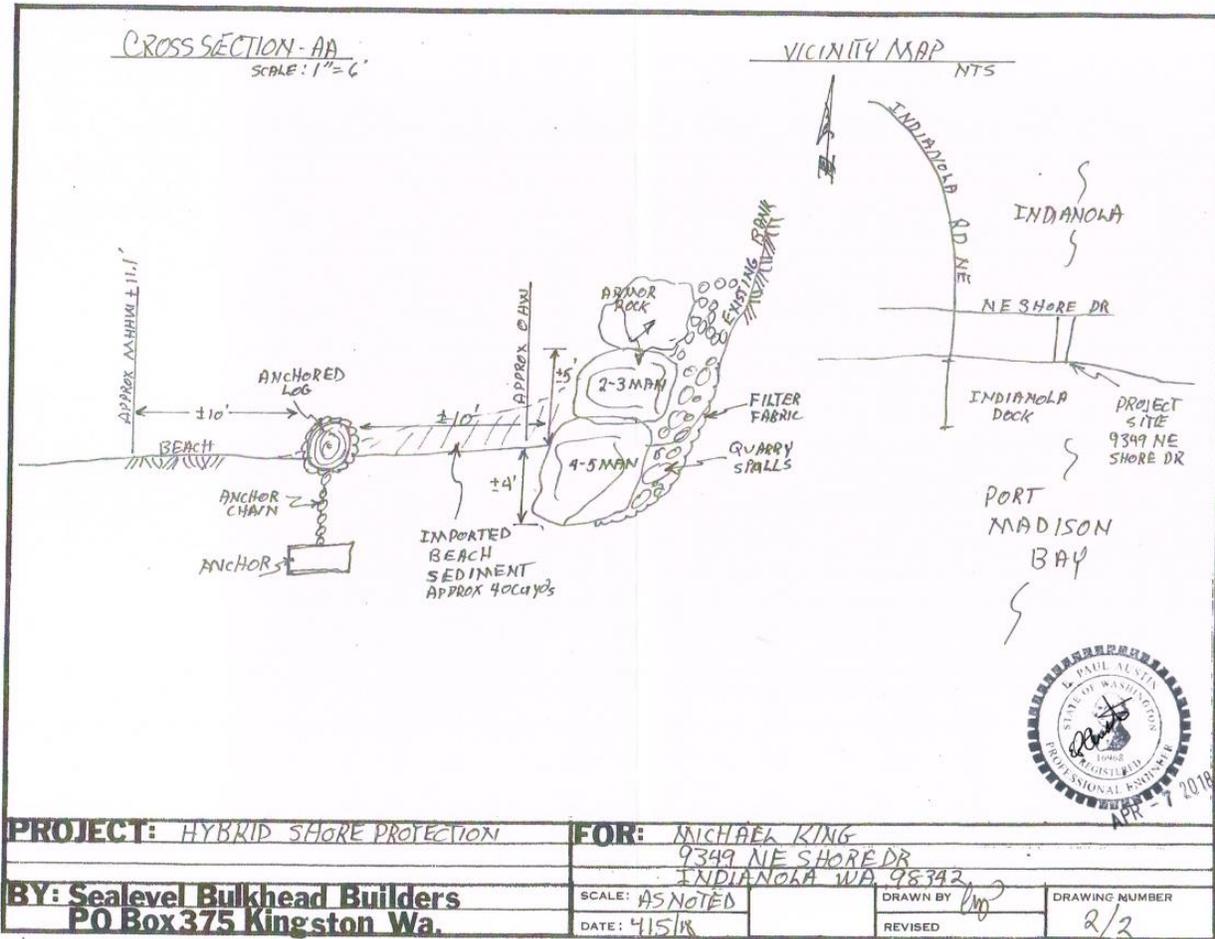
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CC: Applicant/Owner: Michael King; dwilson26@outlook.com
Project Representative: Sealevel Bulkhead Builders c/o Jenny Rotsten; jenny@sealevelbb.com
Engineer (Geotechnical): Coastal Solutions c/o Rob Cousins; rob@coastalsolns.com
Engineer: Paul Austin; austinengr@gmail.com
WDFW: Nam Siu, Habitat Biologist; nam.siu@dfw.wa.gov
Kitsap County Health District, MS-30
DCD Staff Planner: Candace Vickery; cvickery@co.kitsap.wa.us

Site Plan



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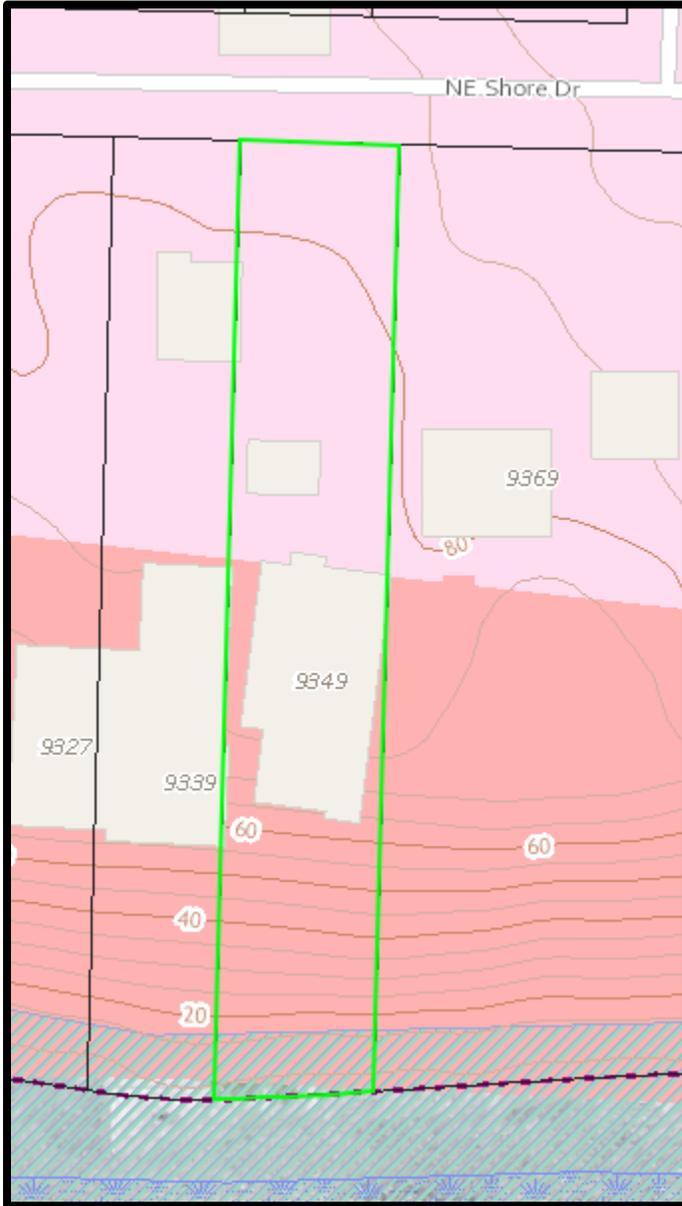
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Attachment A: Shoreline Designation Map



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Attachment B: Critical Areas Ordinance



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Attachment C: Zoning Map

