



## Notice of Administrative Decision

**Date:** 05/01/2020

**To:** Cheryl Morley, [cherylmorley@comcast.net](mailto:cherylmorley@comcast.net)  
Jennifer Rotsten w/Sealevel Bulkhead Builders Inc., [jenny@sealevelbb.com](mailto:jenny@sealevelbb.com)  
Interested Parties and Parties of Record

**RE: Permit Number:** 19-02438  
**Project Name:** Morley Shoreline Bulkhead Replacement and Addition  
**Type of Application:** Shoreline Administrative Conditional Use Permit (ACUP)

The Kitsap County Department of Community Development has **APPROVED** the land use application for **19-02438 Morley Shoreline Bulkhead Replacement and Addition – Shoreline ACUP**, 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 found on DCD's website: <https://www.cognitofrms.com/KitsapCounty1/RequiredPermitQuestionnaireAppealObjectionOfAnAdministrativeDecision>.

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](mailto: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: MORLEY HENRY THOMAS & CHERYL ANNE,  
[cherylmorley@comcast.net](mailto:cherylmorley@comcast.net)  
Engineer: AUSTIN ENGINEERING Attn: Paul Austin, [austinengr@gmail.com](mailto:austinengr@gmail.com)  
Engineer: Coastal Solutions, LLC; [rob@coastalsolns.com](mailto:rob@coastalsolns.com)  
Project Representative / Contractor: JENNIFER ROTSTEN w/SEALEVEL BULKHEAD BUILDERS INC., [Jenny@sealevelbb.com](mailto:Jenny@sealevelbb.com)  
Consultant: Ecological Land Services, Joanne Bartlett; [joanne@eco-land.com](mailto:joanne@eco-land.com)  
Health District  
Public Works

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Navy  
DSE  
North Kitsap Fire District  
North Kitsap School District  
Puget Sound Energy  
Point No Point Treaty Council  
Suquamish Tribe  
Port Gamble S'Klallam Tribe  
WA Dept of Fish & Wildlife  
WA State Dept of Ecology-SEPA  
WA State Dept of Ecology- Shoreline  
WA State Dept of Transportation  
Interested Parties:  
None



## Administrative Staff Report

Report Date: 04/28/2020

Application Submittal Date: 05/29/2019

Application Complete Date: 08/02/2019

**Project Name: Morley Shoreline Bulkhead Replacement and Addition**

**Type of Application: Shoreline Administrative Conditional Use Permit and Shoreline Exemption Permit**

**Permit Number: 19-02438**

### Project Location

38389 Hood Canal Dr NE  
Hansville, WA 98340  
Commissioner District #1

### Assessor's Account #

192802-1-022-2003

### Applicant/Owner of Record

Cheryl Morley  
38389 Hood Canal Dr NE  
Hansville, WA 98340

### Decision Summary

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

### VICINITY MAP



### 1. Background

The subject shoreline parcel is located on the west side of Hood Canal Drive just north of the Driftwood Keys community in the Hansville area of north Kitsap County. A single-family home is situated approximately 40-feet from the 8-foot high shoreline bank. The project area also includes decks, lawn/landscaping and other accessory structures. An existing concrete block wall of approximately 70-feet in length was damaged during winter storms of 2019. The northern 30-feet was marginally protected by remnants of a soft-bank armoring system consisting of beach logs but was also damaged (missing) after the storm events. A neighboring single-family residence to the north is approximately 8-feet from the top of slope. The parcel, and those immediately adjacent, are in the Shoreline Residential Environment Designation.

### 2. Project Request

The project was completed under the expedited Hydraulic Project Approval (HPA) process

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through the Washington Department of Fish and Wildlife (Feb. 20, 2019). This request is for after-the-fact permitting for a replacement bulkhead (70-feet) and additional 30-foot extension to the north as a pocket beach. Work was completed from the upland, necessitating removal of existing lawn and scattered landscaping within the buffer. Mitigation planting has also been completed.

**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 197-11-880 and KCC 18.04, this project was subject to an emergency action to avoid "imminent threat to....private property, or to prevent imminent threat of serious environmental degradation". Such actions are SEPA exempt. The Washington Department of Fish and Wildlife issued a Hydraulic Project Approval for the actions February 20, 2019. This SEPA determination is final.

**4. Physical Characteristics**

The site consists of a gently sloping upland area to the northeast where the single-family residence is located. A low to medium bank (7-9 feet in height) is located at the shoreline and existing concrete masonry unit (CMU) bulkhead. The buffer area shoreward of the residence consisted of lawn and intermittent landscape plants, gazebo and firepit areas.

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

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	NA	
Minimum Lot Size	5 acres	1.87 acres; existing- no proposed change
Maximum Lot Size	NA	NA
Minimum Lot Width	140 feet	100 feet; existing

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Minimum Lot Depth	140 feet	820 feet (land only); existing
Maximum Height	35 feet	<35 feet; existing
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: None.

*Staff Comment:* All lot dimensions and features are existing with no applicable changes.

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (East)	50 feet; see footnote 42	NA; existing SFR not part of this proposal
Side (North)	20-feet; 5-feet for accessory structures	NA; existing replaced partially over property line to the south
Side (South)	20-feet; 5-feet for accessory structures	NA; existing replaced partially over property line to the south
Rear (West)	20-feet; 5-feet for accessory structures	NA; Hood Canal Shoreline

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

Surrounding Property	Land Use	Zoning
North	Single-family residence	Rural Residential (RR); Shoreline Residential Designation
South	Single-family residence	Rural Residential (RR); Shoreline Residential Designation
East	Single-family residence	Rural Residential (RR)
West	Hood Canal	NA

**Table 4 - Public Utilities and Services**

	Provider
Water	Private Well
Power	Puget Sound Energy
Sewer	On-site Septic
Police	Kitsap County Sherriff

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Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #400

**5. Access**

Access is from the west side of Hood Canal Dr NE.

**6. Site Design**

Not applicable to this proposal, except as required per mitigation planting plan described herein.

**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.

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.

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

*Staff Comment: The proposed development is the minimum necessary to allow for the protection of the existing single-family residence on the subject parcel, as well as that of the northerly adjacent single-family residence. The replacement structure was built landward of the existing, and the new section was built creating a pocket-beach, both of which protect and conserve these intertidal habitats to the greatest extent feasible.*

Policy SH-4. Permitted uses and developments should be designed and conducted in a manner that protects the current ecological condition, and prevents or mitigates adverse impacts. Mitigation measures shall be applied in the following sequence of steps listed in order of priority:

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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.

*Staff Comment: With mitigation, the proposed temporary impacts from the replacement and permanent impacts will rectify and compensate for impacts, respectively.*

*Minimization efforts were employed by pulling the existing structure further landward of Ordinary High Water and creating a pocket-beach for the expanded portion, which was further landward than the existing soft-shore armor previously in place.*

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 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Title 19	Critical Areas Ordinance
Chapter 21.04	Land Use and Development Procedures
Title 22	Shoreline Master Program

**8. Documents Consulted in the Analysis**

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Shoreline Administrative CUP Application	May 31, 2019
Engineered Plans; Revised	May 31, 2019; December 20, 2019
Environmental (SEPA) Checklist	May 31, 2019
Shoreline Habitat Survey and Mitigation Plan; Revised	May 31, 2019; February 7, 2020
Geotechnical Report	May 31, 2019
HPA Issued (2/1/19); Revised (2/20/19)	May 31, 2019
JARPA	May 31, 2019
Kitsap Public Health Building Clearance Exemption	May 31, 2019
Photos	May 31, 2019; December 20, 2019
Project Narrative	May 31, 2019
Site Plan	May 31, 2019
Bulkhead Impact Assessment	December 20, 2019
Geotechnical Addendum Letter	December 20, 2019
Cumulative Impacts Assessment	March 23, 2020

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Staff Communication

Dated

Dev. Services & Engineering Memo

December 23, 2019

**9. Public Outreach and Comments**

Verbal and written comments were provided after the Notice of Application.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1	Email and phone communication with neighbor to the south (8/22/19). A portion of the existing bulkhead to be replaced was located on his property. He wanted it in the record that this was on his property in the case of future property line dispute. He also requested that no mitigation planting take place on his side, if any. He is not requesting any changes to the project or any additional information.	1

Issue Ref. No.	Issue	Staff Response
1	Neighbor	Staff replied to the message and the neighbor only wished to have this discrepancy noted but has no further concerns (8/23/19).

**10. Analysis**

**a. Planning/Zoning**

There were no planning/zoning concerns for this project.

**b. Lighting**

Not applicable.

**c. Off-Street Parking**

Not applicable.

**Table 5 - Parking Table**

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

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Total			
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**d. Signage**

Not applicable.

**e. Landscaping**

No land-use landscape requirements. See Environmental Analysis for mitigation planting.

**Table 6 - Landscaping Table**

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

**f. Frontage Improvements**

Not applicable.

**g. Design Districts/Requirements**

Not applicable.

**h. Development Engineering/Stormwater**

Based on a review of the application materials submitted for this Shoreline Administrative Conditional Use Permit, received May 31, 2019 and as revised by resubmitted materials received October 28, 2019 to Kitsap County Development Services and Engineering, the proposal is found to be supportable in its approach to civil site development. Development Services and Engineering accepts the concepts contained in this preliminary submittal. Conditions are required as described below.

**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.

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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.
  - 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/completing a landward move of the existing bulkhead and a minimization of the new armored portion with the creation of a pocket beach.*

#### 22.400.115 Critical Areas

*The site is mapped in Kitsap County GIS as a 'Moderate Geologic Hazard Area', as defined in Kitsap County code 19.400. This classification and the nature of the proposed work required the submittal of a Geotechnical Report, which has been provided with addendums. The reports concluded the proposed structure is immediately necessary for the protection of the existing home, but even more so for the neighboring home to the north.*

*The site is also within the mapped FEMA floodplain. As required, a FEMA Habitat Assessment has been provided with the Shoreline Mitigation Plan 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*

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*Washington Department of Fish and Wildlife is required and was obtained 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 and the Shoreline Management Act requires 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. No notification was ever received during the emergency construction.

#### 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. Consideration shall be demonstrated through preparation of a

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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, both on the subject and adjacent parcels, 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. The proposal will maintain and improve the existing shoreline ecological functions and not interfere with coastal processes. A mitigation plan is proposed to mitigate any impacts, resulting in no net loss of shoreline ecological functions.*

#### 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.

*Staff Comment: The new additional hard shoreline stabilization element resulted in the need for an Administrative Conditional Use Permit. The replacement actions and development of the addition qualify for an Exemption from Shoreline Substantial Development Permit. This staff report for the use of new hard armor also addresses the same criteria as would be considered for such new and replacement actions and*

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*therefore should be considered the recommendation and approval for a Shoreline Exemption Permit as well.*

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;
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).

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- 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.

*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: The new and replacement armoring were demonstrated to be necessary to protect the primary structures, not lawn, etc.*

- 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 the existing structure.*

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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 is not located along a marine feeder bluff, but is necessary to protect the existing single-family residence. Mitigation measures are to be put in place which will improve the existing functions.*

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.*

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: Not applicable. Mitigation sequencing was applied, but not in a manner considered to be restoration.*

## 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

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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;

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

3. Replacement and Repair of Existing Shoreline Stabilization and Armoring.

a. Additions to or increases in the size of existing shoreline stabilization measures shall be considered new structures.

b. An existing stabilization structure may be replaced with a similar structure if there is a demonstrated need, through a geotechnical report, to protect principal uses or structures from erosion caused by currents, tidal action or waves.

c. If the OHWM has been re-established, the replacement structure must be located at or near the new OHWM. In general, replacement of the shoreline stabilization structure within one year of damage will ensure recognition of the previous OHWM.

d. Alternative or soft stabilization approaches shall be considered prior to in-kind replacement.

e. The replacement structure shall:

i. Be designed, located, sized and constructed to assure no net loss of ecological functions.

ii. Perform the same stabilization function of the existing structure and does not require additions to or increases in size.

iii. Not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

f. When possible or as an element of mitigation sequencing, failing, harmful, unnecessary, or ineffective structures should be removed, and shoreline ecological functions and processes should be restored using nonstructural or soft and/or long-term stabilization measures.

*Staff Comment: The addition is considered new and is reviewed as such through this Shoreline Administrative Conditional Use Permit. The existing is replaced, as demonstrated necessary through geotechnical analysis to protect primary structures. The pocket beach is designed to follow the current shoreline contour, perform the same functions, and result in no-net-loss.*

4. Shore Stabilization on Streams.

*Not applicable.*

**j. Access, Traffic and Roads**

This project was reviewed for access, traffic and roads and found to be either not applicable or in compliance.

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**k. Fire Safety**

This project was reviewed by the Kitsap County Fire Marshal's Office and found to be not applicable to any requirements.

**l. Solid Waste**

Not applicable.

**m. Water/Sewer**

Not applicable.

**n. Kitsap Public Health District**

Kitsap Public Health District determined no review was needed for this project.

**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 22.500.100(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 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. Decision**

4/14/20

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, Morley Bulkhead Repair and addition be **approved**, subject to the following 9 conditions:

**a. Planning/Zoning**

None.

**b. Development Engineering**

1. Erosion and sedimentation control measures shall be installed as needed, and shall remain in place throughout the life of the bulkhead construction project.
2. This project includes the construction of rock walls or other retaining facilities that either exceed four feet in height or sustain a surcharge. A separate building permit with an engineered design is required for such walls. The specifics of stormwater mitigation requirements shall be as determined by the level of drainage review required for the wall permit.
3. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.
4. Applicant shall provide certification from a civil engineer, licensed in the State of Washington, that the existing drainage conveyance system is functioning properly.
5. If the project proposal is modified from that shown on the submitted site plan dated October 28, 2019, Development Services and Engineering will require additional review and potentially new conditions.

**c. Environmental**

6. Project shall follow the recommendations of the Geologic Slope and Beach Processes Reconnaissance submitted prepared by Coastal Solutions dated March 24, 2019, and any addendums thereto.
7. The project shall follow the recommendations of the Shoreline Habitat Survey and Mitigation Plan prepared by Ecological Land Services dated 4/30/19 and as revised 1/31/20.
8. There shall be no clearing of vegetation or grading in the buffer area, as is depicted on the approved site plan. Prior to any clearing or development, please contact Development Services and Engineering Environmental staff at (360)337-5777 to confirm buffer boundaries.
9. Any work done below the ordinary high water mark requires a Hydraulic Project Approval (HPA) permit from the Washington Department of Fish and Wildlife.

**d. Traffic and Roads**

None.

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**e. Fire Safety**

None.

**f. Solid Waste**

None.

**g. Kitsap Public Health District**

None.

**Report prepared by:**



\_\_\_\_\_  
Name, Staff Planner / Project Lead

4/14/20 \_\_\_\_\_

Date

**Report approved by:**



\_\_\_\_\_  
Shawn Alire, Department Manager / Supervisor

4/14/20 \_\_\_\_\_

Date

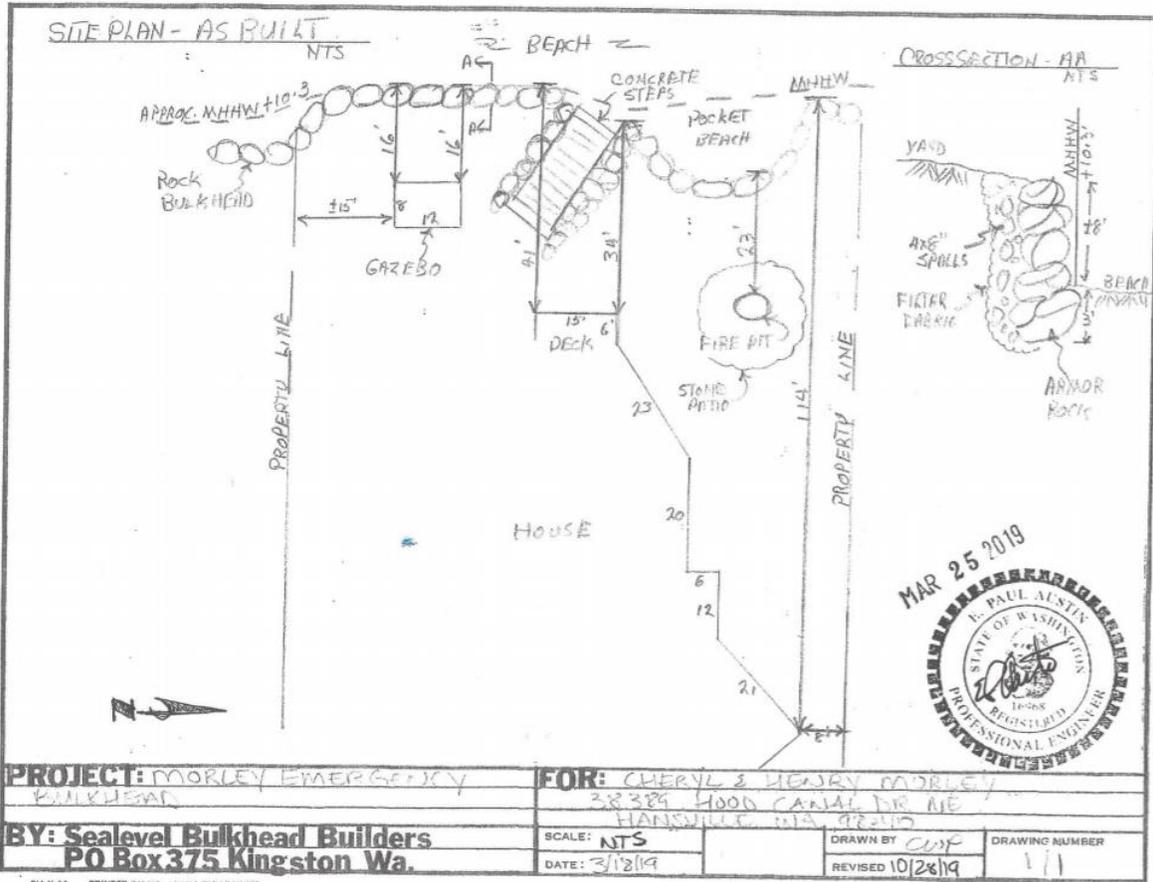
**Attachments:**

Attachment A – Mitigation

CC: Cheryl Morley; cherylmorley@comcast.net  
Sealevel Bulkhead; Jenny@sealevelbb.com  
Interested Parties:  
Kitsap County Health District, MS-30  
DCD Staff Planner: Candy Vickery

4/14/20

Site Plan



Parcel Search - Internet Explorer

4/14/20

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