



Notice of Administrative Decision

Date: 12/11/2020

To: Dana Danubio and Thomas Smith, twsmith40@gmail.com
Interested Parties and Parties of Record

RE: Permit Number: 19-04800
Project Name: Danubio-Smith Shoreline Retaining Walls and Slope Stabilization
Type of Application: Shoreline Administrative Conditional Use Permit and Shoreline Substantial Development Permit

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit #: 19-04800, Danubio-Smith Shoreline Retaining Walls and Slope Stabilization, Shoreline Administrative Conditional Use Permit and Shoreline Substantial Development Permit, 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.cognitofirms.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 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: Interested Parties:
Health District
Public Works
Parks
Navy
DSE
Kitsap Transit

Permit # 19-04800, Shoreline ACUP and SSPP
12/11/2020

South Kitsap Fire District
South Kitsap School District
Puget Sound Energy
Water Purveyor: Manchester Water District 11
Suquamish Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review
WA State Dept of Transportation
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Kathlene Barnhart



Administrative Staff Report

Report Date: 12/07/2020

Application Submittal Date: 10/17/2019

Application Complete Date: 11/15/2019

Project Name: Danubio-Smith Shoreline Retaining Walls and Slope Stabilization

Type of Application: Shoreline Administrative Conditional Use Permit and Shoreline Substantial Development Permit

Permit Number: 19-04800

Project Location

1753 Miracle Mile Drive E
Port Orchard, WA 98366
Commissioner District #2 (South)

Assessor's Account

4516-001-016-0009

Applicant/Owner of Record

Dana Danubio and Thomas Smith

Recommendation Summary

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

1. Background

The project is located at 1753 Miracle Mile Dr. (Kitsap County Parcel #4516-001-016-0009). The current use of the property is as a single-family home and the proposed project does not change this usage. The primary residential structure was built in 1961 and is approximately 2,500 SF. The primary residence sits on the western end of the 60-foot wide parcel. A recreational boat shed was constructed on the beach area in 2016/17. (DCD Permit 16- 00839). In the winter of 2014/2015 a storm event resulted in surface waters flowing from the adjacent property south of the subject parcel and causing some erosion and surficial slides on the slope leading down to the beach. The small gullies and sloughs formed during this initial event continued to expand over the next two winters. By 2018 the continued surficial slides were damaging the existing access stairs to the beach and boat shed and, if the expansion continued unabated, the primary residence's septic system would be threatened within a year or two.

By spring of 2018 the disturbed area (sloughing area) extended along the south side of the

VICINITY MAP



property from approximately 160' west of the ordinary high- water line (OHWL) to 85' west of the OHWL. The sloughing was being caused by water saturation of the upper few feet of soils, once saturated, the surface soils retained little cohesive strength. Construction began in spring 2018 without permits. A stop-work was issued and permits were sought.

2. Project Request

This proposal is for a Shoreline Administrative Conditional Use Permit and associated Shoreline Exemption to construct a lateral drainage system supported by a series of terraced walls constructed by hand of landscape blocks. While the project plan utilizes landscaperetaining walls as a support system for the drains, it is the drain system, and the prevention of soil saturation that provides the slope stabilization solution. The proposed solution limits clearing to the areas that have already sloughed (denuded of vegetation) and the immediate adjacent areas. Disturbance of existing vegetation is minimized. Behind each terraced wall is a relatively flat area 5-feet to 10-feet wide which is to be planted with native plants per the site landscape and mitigation plans. The proposed construction does not require any work in the waters of Puget Sound nor any work within the 85-foot shoreline buffer for the Shoreline Residential parcel. A geotechnical report supports the project.

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.

The Notice of Application dated 11/22/19 noted that a SEPA decision would be required but that it was unknown at the time of application what that might be. No formal comment period for SEPA took place with this Notice of Application. After further review of requested information on the project, it was determined to be categorically SEPA exempt. The project is under 150-cubic yards of grading and under the flexible thresholds in Title 18 KCC, the project is exempt. In addition, no work is proposed on or near water.

4. Physical Characteristics

The 0.48 acre parcel slopes from the west, at Miracle Mile Dr., down to the east and Puget Sound. Immediately landward of the ordinary high water mark there is a beach bench gently sloping up toward the west. Further west from this beach bench the slope increases to over 60% up to a relatively flat yard and the primary structure.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: LAMIRD Zone: Manchester Village Low Residential (MVLr)	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	2	
Minimum Lot Size	21,780 square feet	0.48 acres*
Maximum Lot Size	NA	NA
Minimum Lot Width	60 feet	60 feet*
Minimum Lot Depth	60 feet	330 feet (upland only)*
Maximum Height	35 feet	NA
Maximum Impervious Surface Coverage	50% for properties less than 0.50 acres	45%
Maximum Lot Coverage	NA	NA

* The minimum lot size, width, and depth 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 (West)	20 feet	NA
Side (North)	5 feet	NA
Side (South)	5 feet	NA
Rear (East)	5 feet Abuts Puget Sound, 85-foot buffer and 15 foot building setback for Shoreline Residential Designation (Title 22) applies.	Proposal is outside of shoreline buffer but within 15-foot building setback. See Shoreline Mitigation Plan for analysis.

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	MVLr

South	Single-family residence	MVLR
East	Puget Sound	NA
West	Single-family residence and ROW	MVLR

Table 4 - Public Utilities and Services

	Provider
Water	Manchester Water
Power	Puget Sound Energy
Sewer	On-site Septic
Police	Kitsap County Sherriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #402

5. Access

Access to the property is off a County maintained right of way, Miracle Mile Drive E.

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 or shoreline stabilization structure 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. 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 (policies SH-4, 5, & 6): Avoidance of impacts to the shoreline bluff was not possible due to the sequence of events. The steep slope was partially destabilized during the winter of 2014/2015 during a large storm event where runoff from the neighboring property flowed onto the slope of the subject property when a catchment basin grate plugged with debris. By the winter of the 2017/2018 the area exposed by sloughing extended from near the top of the slope to the area around the bottom of the stairs. Minimization of impacts

included the methods and materials uses and limiting the work to the minimum necessary area to meet the project goals. The mitigation includes restoration and enhancement of shoreline functions through native vegetation enhancement of the shoreline bluff within the project area. Removal of non-native invasive plants and installation of native plantings is proposed within the project area.

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 maintenance of the project area will assure no net loss of ecological functions and processes.

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 are outside of the shoreline buffer but within the shoreline jurisdiction and 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 maintenance of the project area will assure no net loss of ecological functions and processes, including site design, habitat, 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 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.

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)
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	November 14, 2019
Supplemental Application (JARPA)	November 14, 2019
Environmental (SEPA) Checklist	November 14, 2019
Habitat Management Plan, Shoreline Mitigation Plan, and FEMA Habitat Assessment	November 14, 2019
Cumulative Impacts Analysis	November 14, 2019
Site Plan	November 14, 2019
Engineered Drainage Report	
Project Narrative	November 14, 2019
Photos	November 14, 2019
Geotechnical Report	November 14, 2019
Stormwater Worksheet	November 14, 2019
Preliminary Landscape Plans	November 19, 2019
Engineered Drainage Plan	May 11, 2020
Final Cumulative Impacts Analysis	May 11, 2020
Final Engineered Drainage Report	May 11, 2020
Geotechnical Report Addendum	May 11, 2020

9. Public Outreach and Comments

No public comments were received.

10. Analysis

a. Planning/Zoning

This project has been reviewed against, 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.

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 an after-the-fact approval for actions taken to mitigate substantial erosion due to stormwater drainage issues caused by a neighboring property. The geotechnical engineer determined that this method, already in place at the time of their assessment, was appropriate to the situation, and that removal or replacement with any alternative would only increase the risk of damage to the slope, shoreline and upland structures and associated utilities. The project has been reviewed against, and found consistent with, Kitsap County Code Title 12 *Stormwater Drainage*.

i. Environmental

22.400.110 Mitigation

The planned shoreline stabilization 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 not proposing any new structures within the shoreline buffer, mitigating by removing invasive vegetation growing on the slope, replanting on the terraces with native vegetation, and ensuring stormwater is managed appropriately.

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 structure proposed, and already in-place, was necessary for the continued protection of the single-family residence. Because the walls were already mostly complete, any further construction to remove or place alternatives would only increase the risk of damage to the shoreline, the slope and therefore potentially the existing structures and utilities. Because of this, other methods were determined not appropriate.

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

The project has been reviewed under Kitsap County Code Title 12 Stormwater Drainage. A Site Development Activity Permit will be required.

22.400.130 Historic, Archaeological, Cultural, Scientific and Educational Resources

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

22.400.140 Bulk and Dimension Standards

The residence is existing and meets standards.

22.500.100(C)(3)(g) Exemptions from Substantial Development Permits

Per the SEPA checklist, the project will consist of less than 100 cubic yards of grading above Ordinary High Water, which is under the 250 cubic yard threshold for requiring a Shoreline Substantial Development Permit. This proposal is therefore also inclusive of review for the associated Shoreline Exemption to complete the work.

22.500.100(D) Conditional Use Permits (including Administrative CUPs)

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 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 an Administrative Conditional Use Permit (and associated Shoreline Exemption) for new hard shoreline stabilization in the Shoreline Residential designation. 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 bluff armoring is not consistent with the immediate neighboring properties, but as demonstrated in the Cumulative Impacts Analysis Addendum, a number of parcels along this bluff do have armoring and upland retaining structures. All work is proposed outside of the shoreline buffer, but mitigation is proposed for the upland impacts.

One of the project goals is to create a long-term stable slope below the existing septic leach field on the bench (yard) above the project area. This will reduce longer-term risk of waste water contamination of the Puget Sound waters. The proposal will maintain and improve the existing shoreline ecological functions and not interfere with coastal processes.

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: This proposal is for a series of shoreline (bluff) stabilization walls parallel to the shoreline to protect an existing single-family residence and appurtenant structures from loss or damage by erosion. 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;
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.

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. No HPA is likely required from WDFW since the structures are upland of ordinary high water.

- 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: While the terraced retaining walls are leveling the bluff, the purpose is for erosion control and protection of the existing home. The terraces will be planted with native plants and shrubs. The geotechnical reports have demonstrated that the proposed (existing) walls are necessary.

- 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 shoreline stabilization walls will all be above Ordinary High Water and the 85-foot shoreline buffer. The walls generally follow the shoreline contour.

- 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 no sediment enhancement is proposed at this time. The shoreline at this parcel, unlike neighboring parcels is unarmored with a normal bulkhead and sediment enhancement would not transport within the driftcell as it would in an unaltered reach. The shoreline at the parcel does consist of an existing concrete patio, logs and rocks.

- 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: The project is well above Ordinary High and Mean Higher High Water and no additional state or federal permits should apply. The project has been found to be consistent with Kitsap County Code, Title 22 Shoreline Master Program, 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 is being reviewed under these Administrative Conditional Use criteria as these 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;

Staff Comment: A geotechnical engineer has demonstrated that this project as proposed is necessary to protect a primary single-family residence and necessary appurtenances on the property due to upland drainage issues. While the bluff retaining structures are not necessary due to shoreline erosion caused by tidal actions, currents, or waves, they are still for the protection of the home and necessary appurtenances in this instance. The structures are also not a typical bulkhead and do not have the same impacts to the shoreline functions as a bulkhead which is at or near ordinary high water would have.

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 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 conditions:

a. Planning/Zoning

None.

b. Development Engineering

1. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.
2. The information provided demonstrates this proposal is a Small Project as defined in **Kitsap County Code Title 12**, and, due to the project occurring within critical areas, will require a Site Development Activity Permit-Grading 1 permit from Development Services and Engineering.
3. Stormwater quantity control, and erosion and sedimentation control shall be designed in accordance with **Kitsap County Code Title 12** effective at the time the Shoreline Administrative Conditional Use Permit application was deemed complete, November 14, 2019. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.
4. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of the Site Development Activity Permit for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving them reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.
5. If the project proposal is modified from that shown on the site plan submitted May 11, 2020, Development Services and Engineering will require additional review and potentially new conditions. Additional fees may also be required.

6. 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. This note shall be placed on the face of the final construction drawings.
7. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Design Manual.
8. A Hydraulic Project Approval (HPA) may be required for outfall at the rock-lined ditch. Prior to SDAP approval, the applicant shall submit an approved HPA from the Washington State Department of Fish and Wildlife (WDFW) or documentation from WDFW specifying that an HPA is not required.

c. Environmental

9. The placement of the shoreline stabilization structures are for the protection of the upland property and not for the indirect intent of creating uplands or landscaping. The placement of the bulkhead shall be subject to the approved site plan and maintained with native vegetation.
10. Construction shall follow the recommendations contained in Revised Geotechnical Engineering Report, prepared by GeoResources, dated July 10, 2019, and the addendum thereto dated April 17, 2020.
11. This project shall follow the Shoreline, Fish and Wildlife Habitat, Wetland Assessment Report and Conceptual Mitigation Plan by Soundview Consultants dated September 2019. The property owner shall continue to maintain the project, keeping the site free from of non-native invasive vegetation, trash, and yard waste. Planted materials shall be maintained, including assurance of survival through regular irrigation during the first two seasonally dry periods, as necessary.
12. 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 applicable tribe(s).
13. The permit approval is subject to no removal of trees or vegetation on the parcel. There shall be no clearing of vegetation or grading in the buffer area, as is depicted on the approved site plan. Please contact Kitsap County Department of Community Development before any clearing (360) 337-5777.

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

11/24/2020

Date

Report approved by:



for

Shawn Alire, Development Services Supervisor

11/25/2020

Date

Attachments:

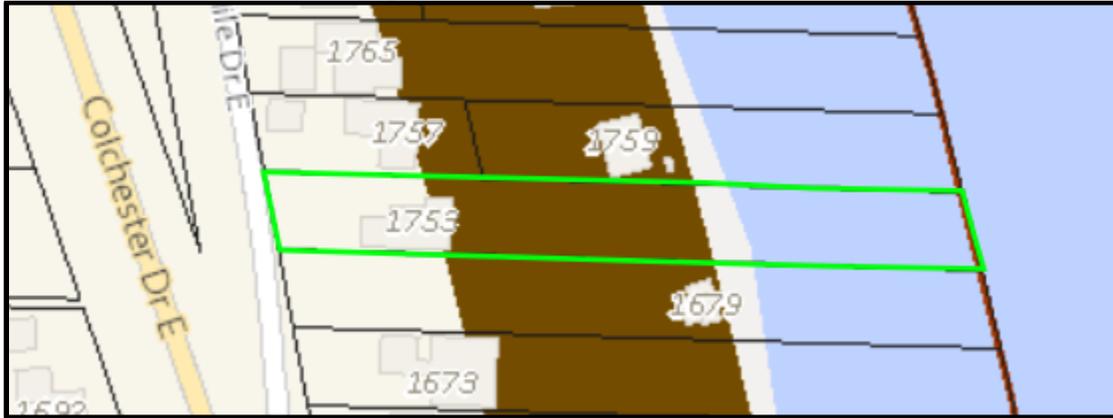
Site Plan

Attachment A – Shoreline Designation Map

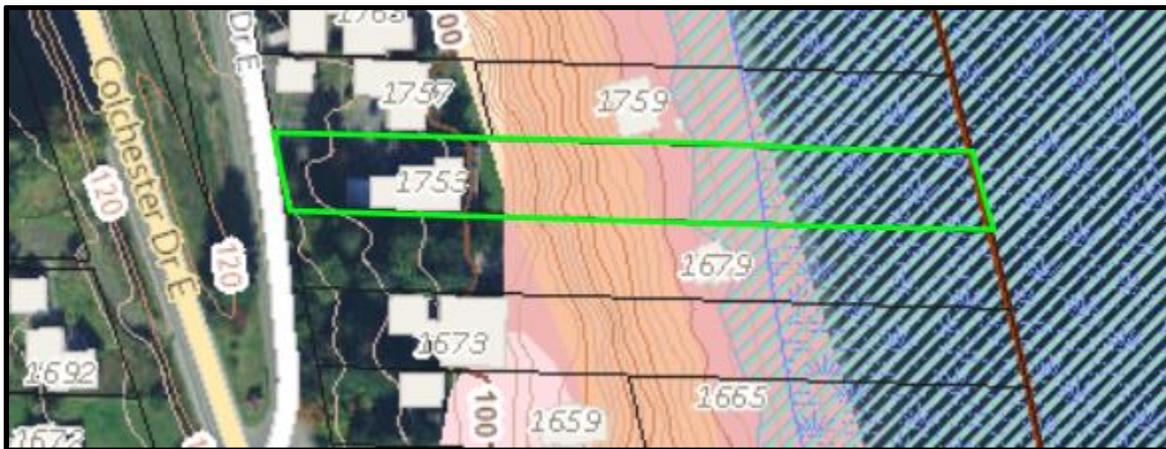
Attachment B – Critical Areas Map

CC: Applicant/Owner: Dana Danubio and Thomas Smith; twsmith40@gmail.com
WDFW: Brittany Gordon; Brittany.gorgon@dfw.wa.gov
DCD Staff Planner: Candace Vickery; cvickery@co.kitsap.wa.us

Attachment A: Shoreline Designation Map



Attachment B: Critical Areas Map



Critical Areas

- | | |
|-------------------------------|--|
| Landslide Hazard areas | Waterbodies |
| High | Includes DNR NWI and Surveyed Wetlands |
| Moderate | |
| Erosion Hazard Area | Wetlands |
| High | DNR NWI Surveyed Wetlands |
| Moderate | FEMA Flood Hazard Areas |
| | 100 Year Floodplain |

