



Rafe Wysham
Director

KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

To enable the development of quality, affordable, structurally safe and environmentally sound communities.

Notice of Administrative Decision

Date: 6/25/2025

To: Peyton and Megan Smith, peytons@live.com

Representative Names: Ben Wright, ben@soundviewconsultants.com ; Matt DeCaro, matt@soundviewconsultants.com ; Soundview Consultants LLC - Nicole Jones-Vogel, nicole@soundviewconsultants.com

Interested Parties and Parties of Record: Sandra Larsen

RE: Permit Number: 24-00866

Project Name: SMITH - Shoreline Substantial Development - Stairs to access beach

Type of Application: SSDP

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit # 24-00866: SMITH - Shoreline Substantial Development - Stairs to access beach – SSDP**, 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 titled: 'Appeal/Objection of an Administrative Decision' found on DCD's website, through the Online Permit Application Portal: <https://app.ancamino.com/kitsapcounty/login>.

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 by contacting 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.

CC:

Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
Dept of Archaeological Historic Preservation
Point No Point Treaty Council
Port Gamble S'Klallam Tribe
Puyallup Tribe
Skokomish Tribe
Squaxin Island Tribe

24-00866, SMITH - Shoreline Substantial Development - Stairs to access beach
6/25/2025

Suquamish Tribe
WA Dept of Fish & Wildlife
WA Dept of Natural Resources
WA State Dept of Transportation
DCD Staff Planner: Kate Millward
Interested Parties: Sandra Larsen
NOA Distribution List:
Applicant/Owner: PEYTON & MEGAN SMITH, peytons@live.com
Biologist: Ben Wright, ben@soundviewconsultants.com ; Matt DeCaro,
matt@soundviewconsultants.com ; Soundview Consultants, MD Support,
mdsupport@soundviewconsultants.com
Health District
Public Works
Parks
Navy
DSE
Kitsap Transit
North Kitsap Fire District
North Kitsap School District
Puget Sound Energy
Water Purveyor/Kitsap PUD 1
Sewer Purveyor/Kitsap PUD #1
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Skokomish Tribe
Department of Natural Resources
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
Dept of Archaeological Historic Preservation



Administrative Staff Report

Report Date: June 18, 2025

Application Submittal Date: February 27, 2024

Application Complete Date: March 22, 2024

Project Name: Smith Stairs to the Beach

Type of Application: Shoreline Substantial Development Permit (SSDP)

Permit Number: 24-00866

Project Location

2873 NE Twin Spits Road
Hansville WA 98340
Commissioner District 1

Assessor's Account

132801-1-008-2008

Applicant/Owner of Record

Peyton and Megan Smith
1420 39TH AVE E
Seattle, WA 98112

Decision Summary

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

VICINITY MAP



1. Background

The subject property is in North Kitsap, abutting Puget Sound to the south, within the Rural Conservancy shoreline designation and the Rural Residential zoning classification. Proposed stair replacement exceeds the fair market value in Kitsap County Code 22.500.100.C.3.a requires an approved Shoreline Substantial Development Permit (SSDP).

2. Project Request

Application proposes to replace the existing damaged beach access stairs with a precast concrete block stairway, resulting in 84 square feet of direct shoreline buffer impacts. All work will be conducted landward of the Ordinary High Water Mark. Additionally, the project includes repairing 25 linear feet of the existing retaining wall by applying shotcrete to its face. These repairs will remain within the existing footprint and will not introduce new impacts to the shoreline.

3. SEPA (State Environmental Policy Act)

The project is SEPA Exempt under KCC 18.04.090.A.5.b State Environmental Policy Act: Up to one hundred fifty cubic yards if the proposal is located on property subject to the provisions in Title 22, Shoreline Management Master Program.

4. Physical Characteristics

The subject property is a 2.19-acre rectangular parcel located along the shoreline, with the Hood Canal bordering its southern boundary.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	N/A	NA
Maximum Density	1 dwelling unit per 5 acres	
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140 feet	NA
Minimum Lot Depth	140 feet	NA
Maximum Height	35 feet	NA
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Staff Comment: No changes to the lot configuration, size, density, or impervious surface coverage are proposed.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (North)	50'	N/A
Side (East)	20'	N/A
Side (West)	20'	N/A
Rear (South)	Shoreline Residential Standard Buffer: 130' Shoreline Buffer, plus 15' ft building setback	Allowed within the Shoreline Buffer

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Rural Residential
South	Single-family residence	Shoreline
East	Single-family residence	Rural Residential
West		Rural Residential

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PU
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District

5. Access

The subject property is accessed off NE Twin Spits Road, a County-maintained road.

6. Site Design

The application proposes rebuilding existing stairs that will serve an existing single-family residence.

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:

Environment Policy 1.3. Protect and restore marine shorelines, riparian areas, wetlands, floodplains, and estuaries

Environment Policy 6.2. Employ Best Management Practices to protect the long-term integrity of the natural environment, adjacent land uses, and the productivity of resource lands

Shoreline Master Program 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.

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

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-7. In assessing the potential for new uses and developments to impact ecological functions and processes, the following should be considered:

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.

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.

Policy SH-9. Preserve native plant communities on marine, river, lake, and wetland shorelines 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.

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.

Policy SH-21. Give preference to water-dependent uses and single-family residential uses that are consistent with preservation of shoreline ecological functions and processes. Secondary preference should be given to water-related, and water-enjoyment uses. Non-water-oriented uses should be limited to those locations where the above-described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Act. For use preference within shorelines of statewide significance, see Section 22.300.145(B).

Policy SH-23. Through appropriate site planning and use of the most current, accurate and complete scientific and technical information available, shoreline use, and development should be located and designed to avoid the need for shoreline stabilization or actions that would result in a net loss of shoreline ecological functions.

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 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)

Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Shoreline Assessment and Mitigation Plan	November 21, 2024
Geotechnical Engineering Report	January 5, 2024
JARPA	February 27, 2024
SEPA	February 27, 2024
Site Plan	May 14, 2025

9. Public Outreach and Comments

Kitsap County prepared a notice of application consistent with Kitsap County Code 21.04 published on April 9, 2024. DCD did not receive any comments.

10. Analysis

a. Planning/Zoning

This project is to replace damaged beach stairs with a precast concrete block stairway, landward of the Ordinary High Water Mark. Temporary disturbance to the western neighbor's property is necessary and was granted by Michael McGoodwin in his letter, dated April 19, 2025.

b. Lighting

Lighting was not analyzed as part of this proposal and is not required.

c. Off-Street Parking

Parking requirements are not applicable to this proposal. No parking is proposed to be added or removed.

Table 5 - Parking Table

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

d. Signage

Not applicable. Signage is not proposed and is not required.

e. Landscaping

The project is outside of the required shoreline buffer area. No additional landscaping is proposed or required.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site		
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. Frontage improvements are neither proposed nor required as part of this project.

g. Design Districts/Requirements

Not applicable. Project is not within a design district.

h. Development Engineering/Stormwater

Development Engineering has reviewed the proposal and approved with no conditions.

i. Environmental**Shoreline**

The subject parcel is located within the Shoreline Jurisdiction, defined by Kitsap County Code 22.200.100.A.5 as parcels adjacent to shoreline water bodies, typically within 200 feet of the Ordinary High Water Mark (OHWM).

22.400.120.D.1..c: Beach Stairs: Beach stairs may be permitted, subject to the permitting requirements of Chapter 22.500. Beach stairs placed waterward of the OHWM will normally require hydraulic project approval (HPA) from WDFW.

Staff Comment: The project does not qualify for a shoreline exemption under Kitsap County Code 22.500.100.C.3.a, as the fair market value of approximately \$10,000 exceeds the allowable threshold of \$8,504.

Proposal is located landward of the OHWM and does not require HPA approval.

i. Stair landings in the vegetation conservation buffer or below waterward of the OHWM must be composed of grating or other materials that allow a minimum of sixty percent light to transmit through.

Staff Comment: The proposal does not include stair landings, and all proposed work is located landward of the OHWM.

- ii. Viewing platforms associated with beach stairs shall comply with subsection (D)(1)(b) of this section.

Staff Comment: No viewing platforms are proposed.

- iii. Stair landings waterward of the OHWM must comply with the provisions of Section 22.600.160(C).

Staff Comment: There is no stair landings proposed with this project.

Mitigation Sequencing

Mitigation Sequencing and No Net Loss (KCC 22.400.110.A.1 & A.2):

In accordance with KCC 22.400.110.A.1, the proposed project has been designed to protect existing ecological conditions and to prevent or mitigate adverse impacts through application of the following mitigation sequencing steps:

1. Avoidance:

The existing beach access stairs are damaged and require reconstruction to ensure safe use. Avoiding these repairs could lead to further shoreline degradation. Retaining wall repairs will occur within the existing footprint, and the replacement stairs will be constructed in the same location, minimizing disturbance to previously impacted areas.

2. Minimization:

Stair replacement and floodplain work remain within existing footprints. Construction impacts will be controlled using Best Management Practices (BMPs) and Temporary Erosion and Sediment Control (TESC) measures.

3. Rectification:

The applicant proposes to reinforce 25 linear feet of an existing retaining wall along the eastern edge of the shoreline access trail using shotcrete. The purpose of this repair is to maintain safe access to the beach and not to stabilize the shoreline. The wall has become overgrown and is affected by upland erosion unrelated to wave action or shoreline processes.

4. Reduction Over Time:

Restoration and enhancement areas will be maintained through ongoing removal of invasive species and general upkeep to preserve ecological functions.

5. Compensation: Mitigation activities were completed concurrent under the single-family residence permit (21-00811). The stairs' 65 SF of temporary impacts and 40 SF of debris associated with the repairs will be restored under this permit. These areas will be restored with native seed mix.

6. Monitoring: Condition 5 requires monitoring.

Per KCC 22.400.110.A.2, mitigation sequencing has been applied to achieve no net loss of shoreline ecological functions. The proposed restoration and enhancement measures exceed minimum requirements and will improve native vegetation cover, wildlife habitat, and overall shoreline function.

FEMA Floodplain

The proposed work within the FEMA 100-year floodplain is limited to the replacement of existing beach access stairs, primarily within the existing footprint. To meet Kitsap County design standards, the new structure will extend slightly landward into the footprint of the existing access trail. As the replacement exceeds 10% of the original structure's footprint, a FEMA Habitat Assessment is required per KCC 15.13.

The project area lies within a FEMA Protected Area, which includes riparian zones extending 250 feet from the Ordinary High Water (OHW) line. Although the project is above OHW, the following habitat-related considerations were evaluated:

- **Water Quantity and Quality:**
No work will occur below OHW. BMPs will be used to prevent turbidity and other impacts during construction. No adverse impacts to water quantity or quality are anticipated.
- **Riparian Vegetation:**
Impacts are limited to the removal of lawn grass within the existing beach access trail. These will be mitigated through restoration and enhancement of the shoreline bluff using native shrubs and herbaceous species, resulting in an overall net ecological gain.
- **Habitat-Forming Processes:**
No negative impacts to sediment processes, large woody debris supply, or beach nourishment are expected. Restoration activities will enhance onsite habitat, and 40 square feet of debris will be removed from the shoreline to improve nearshore conditions.
- **Floodwater Refuge:**
No suitable floodwater refuge habitat is present on-site. No impacts are expected.
- **Spawning Substrate:**
While mapped as potential spawning habitat for Pacific sand lance and Pacific herring,

no in-water work is proposed. The project will not affect sediment processes or spawning areas.

- **Other Impacts:**

No bank armoring, channel straightening, or habitat isolation is proposed.

Endangered Species Act (ESA) Review

Based on available data and species presence in Puget Sound, the project may affect, but is not likely to adversely affect the following ESA-listed species:

- Bull Trout (*Salvelinus confluentus*)
- Chinook Salmon (*Oncorhynchus tshawytscha*)
- Steelhead Trout (*Oncorhynchus mykiss*)

No effect is anticipated for Southern Resident Killer Whales (*Orcinus orca*), as no in-water work is proposed.

Mitigation includes restoring and enhancing the riparian buffer with native vegetation and removing non-native species. These measures are expected to result in a net ecological benefit while ensuring compliance with FEMA floodplain development requirements and ESA guidelines.

Geologic Hazards

The proposal is located within an area identified as having high seismic and erosion-related geologic hazards. Submitted with the application was a Geotechnical Engineering prepared by Coastal Solutions, LLC dated January 5, 2023. The report concluded that “from a geotechnical perspective replacement of the existing beach access as proposed is feasible.” Condition #3 requires the project to follow the recommendations of the report.

j. Access, Traffic and Roads

The site is accessed off NE Twin Spits Road. No impacts to traffic or roads are anticipated.

k. Fire Safety

The Kitsap County Fire Marshal’s office has reviewed and approved the project with no conditions.

l. Solid Waste

The proposal does not impact solid waste service.

m. Water/Sewer

Project will not impact existing water and on-site sewage services on site.

n. Kitsap Public Health District

Kitsap Public Health District will review proposal at the building permit phase of the project.

11. Review Authority

The Director has review authority for this Shoreline Substantial Development Permit (SSDP) 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 a SSDP.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 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

Based upon the analysis above and the decision criteria found in KCC 22.500.100(B), the Department of Community Development recommends that the Simpson Shoreline Substantial Development Permit approved, subject to the following conditions:

a. Planning/Zoning

N/A

b. Development Engineering

N/A

c. Environmental

1. The applicant shall complete an 811 "Call Before You Dig" request prior to any work being performed.

2. Project shall follow the Revised Shoreline and Fish and Wildlife Habitat Assessment and Shoreline Mitigation Plan submitted prepared by Southview Consultants dated November 21, 2024. The beach stairs project results in 84 SF of permanent impact to the shoreline buffer. Mitigation will be made on the site of the residence, which will be demolished and replanted, restoring 1,119 SF of buffer. The project will additionally restore 555 SF of shoreline buffer and enhance 3,445 SF of the shoreline bluff through the removal of non-native, invasive species. Mitigation activities were completed concurrent with the residential redevelopment and under this project, 65 SF of temporary impacts and 40 SF of debris will be restored after construction.
3. Project shall follow the recommendations of the Geotechnical Engineering prepared by Coastal Solutions, LLC dated January 5, 2023.
4. The project revision shall not cause adverse environmental impacts or net loss to shoreline ecological functions.
5. Monitoring and maintenance of the planted area shall be conducted for five years, and extended if necessary, after DCD staff approves planting. Monitoring includes live and dead vegetation counts and records of all maintenance activities. Maintenance activities can be defined as, but are not limited to, removal practices on invasive or nuisance vegetation and watering schedules. Monitoring information shall be summarized in a letter with photographs depicting conditions of the vegetation and overall site. Monitoring reports are due to Kitsap County Department of Community Development Services and Engineering Division annually. If more than 20 percent of the plantings do not survive within any of the monitoring years, the problem areas shall be replanted, and provided with better maintenance practices to ensure higher plant survival. The construction of the permitted project is subject to inspections by the Kitsap County Department of Community Development. Extensions of the monitoring period may be required if original conditions are not met. All maintenance and construction must be done in full compliance with Kitsap County Code, including the Kitsap County Critical Area Ordinance (Title 19 KCC) and Shoreline Master Program (Title 22 KCC). Any corrections, changes or alterations required by a Kitsap County Development Engineer Inspector shall be made prior to additional inspections. Any assignment of savings, financial surety or other like security for maintenance of the buffer mitigation plan shall only be released if monitoring requirements are satisfied in the final year of the monitoring term.

Report prepared by:



Kate Millward, Senior Planner

5/21/25

Date

Report approved by:



Darren Gurnee, Planning Supervisor

6/17/2025____

Date

Attachments:

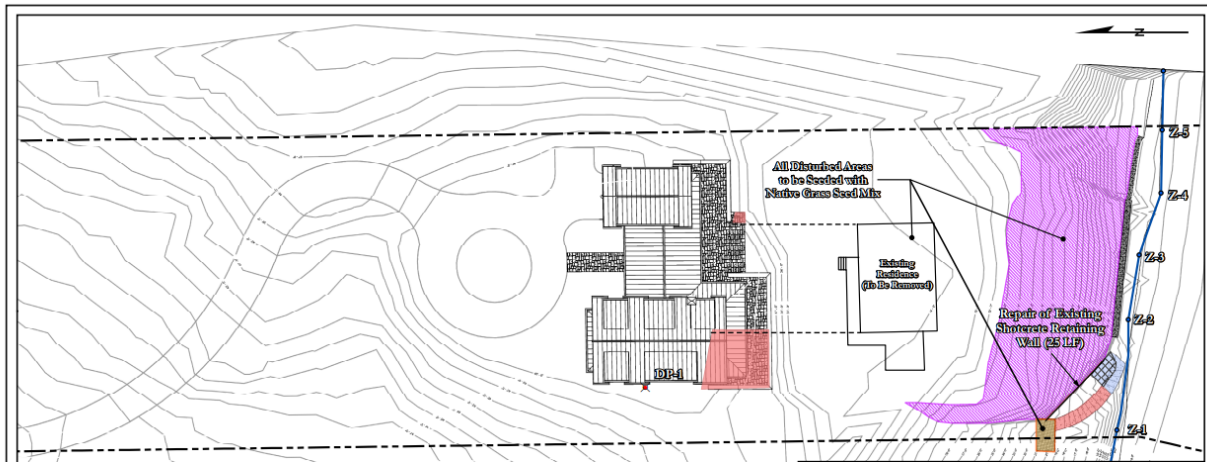
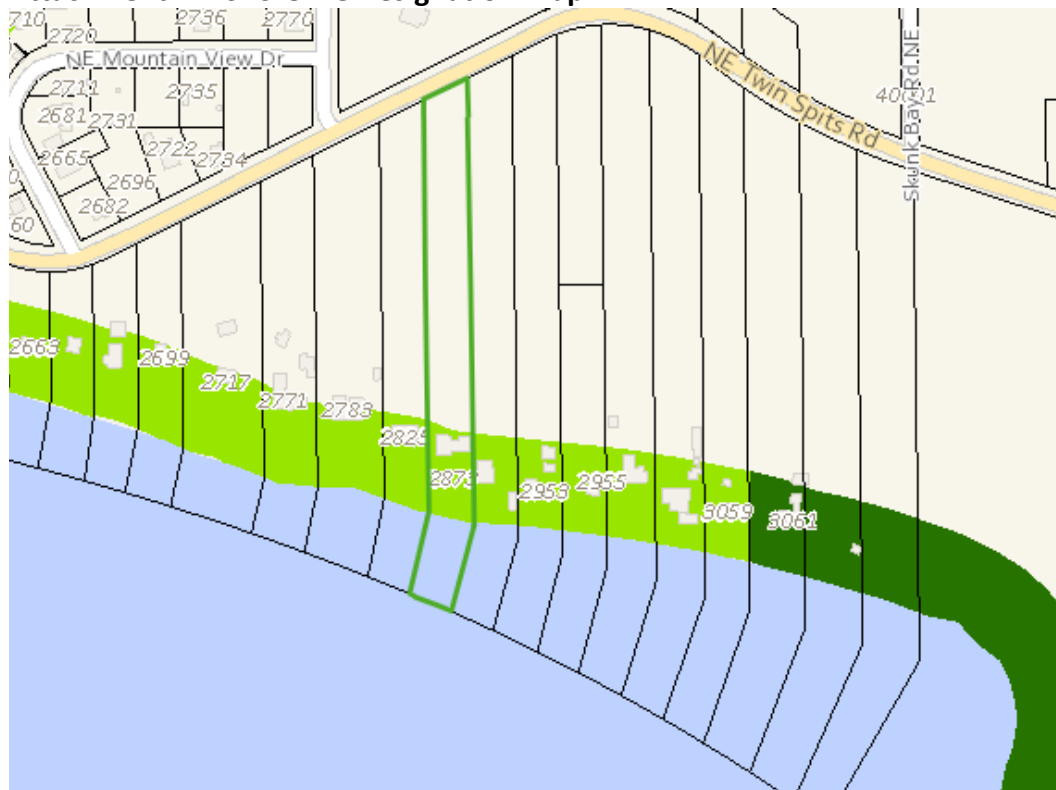
Attachment A – Shoreline Designation Map

Attachment B – Zoning Map (Required)

CC: Applicant/Owner email: Peyton and Megan Smith, peytons@live.com
Project Representative email: Ben Wright, ben@soundviewconsultants.com
Matt DeCaro, matt@soundviewconsultants.com
Nicole Jones-Vogel, nicole@soundviewconsultants.com
Interested Parties: Sandra Larsen
DCD Staff Planner: Kate Millward

Site Plan

NE TWIN SPITS RD - PROPOSED SITE PLAN

**Attachment A – Shoreline Designation Map**

Attachment B – Zoning Map

