KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
To enable the development of quality, affordable, structurally safe and environmentally sound communities.

Rafe Wysham
Director

Administrative
Staff Report

Report Date: 10/06/2025 **Application Submittal Date:** 04/16/2025
Application Complete Date: 05/16/2025

Project Name: RUSSELL - Shoreline Substantial Development Project to Replace Bulkhead with an Upland Retaining Wall
Type of Application: Shoreline Substantial Development Permit (SSDP)
Permit Number: 25-01532

Project Location
20670, 20690, 20720 Miller Bay Rd
Poulsbo, WA 98370
26N 2E Section 16, NW ¼
County Commissioner District 1

VICINITY MAP

Assessor's Account #
162602-2-019-2001, 162602-2-011-2009, 162602-2-021-2007

Applicant/Owner of Record
Russell, Jeffrey A. & Luther, Wendy L.
20690 Miller Bay RD NE
Poulsbo, WA 98370

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

1. Background

Three properties associated with this proposal are located at:

- 20720 Miller Bay Road (Barrett-TPN 162602-2-011-2009).
- 20690 Miller Bay Road (Russell-TPN 162602-2-019-2001).
- 20670 Miller Bay Road (Barutt-TPN 162602-2-021-2007).

The applicant proposes to replace hard shoreline stabilization at the Ordinary High-Water Mark (OHWM) with an upland wall within the Shoreline Residential jurisdiction. Development occurred between 1912, (Russell home was constructed) and 1958 (Barutt home was constructed). The project area was used for agricultural purposes prior to development of the Barutt home (1958) and Barrett home (2004).. Construction of hard shoreline stabilization (bulkhead) occurred prior to 1958, with several feet of backfill

between the northern high ground of the Barrett property and southern high ground of the Barutt property.

Currently a timber bulkhead fronts the entire project shoreline and retains upland lawn and drain fields. The project engineer observed that the eroded edge of the fill supported by the bulkhead was "…sourced from unconsolidated till mixed with a considerable amount of human-generated debris." As a result of erosion, "fine material eroded from the fill and the steep slopes of the preexisting higher ground covers the beach to a relatively high elevation and is deposited far into Miller Bay…" The material eroded from the shoreline bank does not replenish beach elsewhere within Miller Bay because there is a "…north trending spit attached to the western shore, and to some extent the recurved terminus of the pit extending westward from Indianola, shelter the project site from north traveling waves generated in Port Madison Bay." The failing bulkhead is causing erosion of the upland of the three project area properties and a home on the south adjacent property. The property owners want to protect their homes and properties from uncontrolled erosion resulting from the failure of the bulkhead while recreating habitat conditions within Miller Bay to benefit salmon and a variety of other wildlife species.

2. Project Request

The project proposes to remove 250 lineal feet of a deteriorating creosote timber bulkhead and 50 feet of existing backfill landward of the OHWM on three adjoining residential properties. The project replaces the existing backfill with imported beach material. and create variable distances of restored beach habitat. The remaining portion of the shoreline reach, which is at the northern and southern ends of the project shoreline, is too steep for beach creation. Those steep slopes will be cleared and covered with erosion resistant slope protection and revegetated landward of the slope protection.

3. SEPA (State Environmental Policy Act)

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of "major" environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The

SEPA Comment period previously occurred concurrent with the Notice of Application dated August 14, 2025. A Determination of Nonsignificance (DNS) was issued on August 14, 2025.

The SEPA appeal period expired September 13, 2025. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The project site, consisting of three parcels, is located on the south-western edge of Miller Bay within the Shoreline Residential designation. The project area is composed of the shoreline and buffer, which for these properties is 85 feet. The Miller Bay shoreline stretches 350 feet across all three properties. Septic system drainfields and lawns extend towards the shore from each home.

Maintained lawns extend shoreward from the homes ending at the top of the shoreline bank with patches of blackberry also present. English ivy overhangs the upper intertidal area at ,the north end (Barrett property) and otherwise, there is no overhanging vegetation or habitat, features. Small ornamental trees/shrubs are present on the Russell and Barrett properties. There are no secured features along the shoreline except on the Barutt property where a net shed sits at the top of the shoreline bank and a dilapidated dock extending into Miller Bay. The upland of each parcel slopes gradually down to the east ending at the shoreline bank, which at most locations drops vertically to the shoreline edge/OHWM. The beach slopes gradually down from the toe of the eroding bank and is largely composed of mudflat with cobble sized rocks at the slope base. Chunks of concrete, trash exposed by erosion, and historic wood floats are located at the upper intertidal zone.

Table 1 - Comprehensive Plan Designation and Zoning

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

Table 2 - Setback for Zoning District

	Standard	Proposed

Front (West)	50 feet	NA
Side (North)	20 feet; 5 feet for accessory structures	NA
Side (South)	20 feet; 5 feet for accessory structures	NA
Rear (East)	Barrett property approx. 77 feet, Russell property approx. 10 feet, Barutt property approx. 157 feet	Barrett property approx. 70 feet, Russell property approx. 55 feet, Barutt property approx. 128 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Rural Residential (RR)
South	Storage Warehouse	Rural Industrial (RI)
East	Miller Bay	NA
West	Single-family residence	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #400

5. Access

All three properties are accessed from Miller Bay Rd NE.

6. Site Design

These sites all have houses with attached or detached garages, driveways, as well as drain fields between the house and the water. The southernmost property owned by Barutt (162602-2-021-2007) has a dock with a boat house which will be demolished for the upland retaining wall build. The properties orient East-West and range from 1.00 to 1.32 acres in size.

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 December 2024.

The following Comprehensive Plan goals and policies are most relevant to this application:

Land Use Goal 7. Historic, archeological, and cultural resources
Preserve and celebrate historic, archeological, and cultural resources.

Land Use Policy 7.2. Engage with affected Tribes and the Department of Archeology and Historic Preservation on development proposals that may have impacts to cultural and historic resources.

Environment Goal 1. Ecosystems and habitat
Protect and enhance the health, resilience, functions, and processes of natural environments and ecosystems, including forest lands, shorelines, freshwater systems, and critical areas to ensure functioning ecosystem services and fish and wildlife habitat are sustained into the future.

Environment Policy 1.1. Manage development to protect habitats and ecological processes.
Environment Policy 1.2. Consider the functions and processes of the natural environment in project planning and review.
Environment Policy 1.3. Protect and restore marine shorelines, riparian areas, wetlands, floodplains, and estuaries.
Environment Policy 1.4. Preserve and restore the functions of natural habitat to support ESA-listed species, state listed animal and plant species, and species of local importance.

Environment Goal 2. Critical Areas
Designate and protect critical areas. Critical areas include wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.

Environment Policy 2.3. Provide development regulations that protect all functions and values of critical areas to ensure no net loss of ecological functions and values.

Environment Goal 3. Natural Resources as an asset
Formally treat natural environments and ecosystems including forest lands, shorelines, freshwater systems, and critical areas as essential assets that are planned for, managed, and invested in to meet the needs of current and future generations.

Environment Policy 3.1. Recognize that a healthy and vibrant environment is a foundation of strong social, community, health, and other positive outcomes.

Environment Goal 4. Collaboration and partnerships
Coordinate natural environment management and recovery with internal and external partners.

Environment Policy 4.1. Collaborate across County programs and external agencies and organizations that supply data, analysis, and support for managing and restoring natural environments and resources.

Environment Goal 5. Use Best Practices
Utilize best practices to protect people, property, and the natural environment.

Environment Policy 5.2. Employ Best Management Practices to protect the long-term integrity of the natural environment, adjacent land uses, and the productivity of resource lands.
Environment Policy 5.3. Maintain and enhance long term quality and quantity of water resources.

Furthermore, the codified goals and policies in KCC Section 22.300 apply to this project as well. These goals and policies encourage public and private access to the shoreline, support residential development and associated uses, and support development that achieves no net loss of ecological function.

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)
Title 19	Critical Areas Ordinance
Chapter 21.04	Land Use and Development Procedures
Title 22	Shoreline Master Program

8. Documents Consulted in the Analysis

Applicant Submittals	Dated or date stamped
Authorization Form_Barrett	May 13, 2025
Authorization Form_Barutt	May 13, 2025
Authorization Form_Russell	May 13, 2025

Geological Report	April 24, 2025 (C1)
JARPA & 2 Attachment A Docs	April 24, 2025 (C1)
No Net Loss Report	April 24, 2025 (C1)
Photos of Shoreline Property	April 24, 2025 (C1)
Project Narrative	April 24, 2025 (C1)
SEPA Checklist	April 24, 2025 (C1)
Site Plan	August 06, 2025 (C2)

9. Public Outreach and Comments

The Notice of Application and SEPA Comment Period were published on August 14, 2025. The Department received the following comments:

1. The Suquamish Tribe requests that a professional archaeological monitor be present during all ground disturbing activities associated with the bulkhead removal and the permit has been condition for such.

2. A survey of the site was requested by the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP), the permit has been conditioned to reflect this request.

10. Analysis

a. Planning/Zoning

No comment at this time.

b. Lighting

Lighting is not analyzed for this permit.

c. Off-Street Parking

Off-street parking is not analyzed for this permit.

Table 5 - Parking Table

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

d. Signage

Signage is not analyzed for this permit.

e. Landscaping

Landscaping is not analyzed for this permit.

Table 6 - Landscaping Table

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

f. Frontage Improvements

Frontage improvements are not analyzed for this permit.

g. Design Districts/Requirements

This parcel is not within a design district.

h. Development Engineering/Stormwater

No comment at this time.

i. Environmental

- Shoreline Assessment and No-Net-Loss Report prepared by Ecological Land Services, dated April 9, 2025, states "There will be no negative cumulative impact resulting from the replacement of the bulkhead because it will be moved landward and will result in increased shoreline habitat within Miller Bay. The positive cumulative impact is moving the bulkhead further landward to expose long covered shoreline habitat." The proposed upland retaining wall will eliminate the upland floodplain habitat to restore a portion of important shoreline habitat. This project is self-mitigating as it proposes to restore 6,965 square feet of shoreline through construction of the upland retaining wall while also providing protection for the three homes. The remainder of the upland retaining wall will be constructed landward of the existing bulkhead so that there is a resulting reduced standard shoreline buffer of 50 feet. This project will restore historic shoreline functions and processes by removing the failed bulkhead and the fill material to the limits of the original shoreline bank.
- The no-net-loss report also identified and delineated a Category IV forested-slope wetland on the Russell's property (162602-2-019-2001). The delineated boundary lies alongside the existing driveway and exits via a shallow ditch that directs water into the underground stormwater pipes, which enter the shoreline at the existing bulkhead. The wetland is roughly 0.12 acres (5,075 square feet) in size and lies partially within shoreline jurisdiction but is well outside the project area. The required 40-foot buffer is interrupted by the onsite home, the home on the north adjacent property and the existing driveway so it also does not extend into the project area.

- A Cumulative Impacts Report submittal waiver was provided with the stated reason “Cumulative Impacts Analysis is contained in Shoreline Assessment Technical Report”.
- The geological report prepared by David P. Simpson (Licensed Geologist and Professional Engineer), dated April 9th, 2025, discusses project development and design standards required to halt erosion of the shoreline properties. The report provided a range of design alternatives and evaluated each alternative to meet project intent. The report concludes the preferred alternative as a hybrid stabilization comprised of mixed sand and gravel beach with rocked steep slope protection. The three property owners desire removal of the timber bulkhead, adding beach habitat where physically practical, and stabilize slopes where topography does not allow for excavation for a beach. Low wave energy of the site and minimal longshore sediment transport further supports the proposed hybrid stabilization approach.
- The geological report provided a stabilization alternatives analysis, as required by Kitsap County Code 22.600.175 D.1.c.. The alternatives considered included the following:
    1. No action: The No Action alternative allows for continuation of slow but progressive erosion of fill and unconsolidated upland soils into Miller Bay and would facilitate more upland soil and debris covering the beach. Since there is no appreciable net shore drift in this reach of shoreline, the released material would not benefit the shore system as typically envisioned in areas of littoral drift.
    2. Soft Shore Solution for All Project Shoreline: This solution attempts to lessen upland loss by using natural materials to dissipate wave forces, reduce transport of beach and bluff material away from the project area, and create habitat value.
    3. Mixed Sand and Gravel (MSG) Beach and No Steep Slope Protection: Constructing a beach habitat but leaving the steep slope portion of the project to continue eroding would cause steep slopes to continue in their unstable condition, presenting a hazard to people walking too near the edge of the upland. Gradual loss of upland at the Barutt property would likely progress to create instability of the foundation wall of the south adjacent house. This alternative would not halt all upland loss or stabilize steep slopes.
    4. Hybrid Stabilization Made of Mixed Sand and Gravel (MSG) Beach and Steep Slope Protection Using Rock: Slope protection would be accomplished using boulders at the bay-facing slope to ballast the toe of the slope, with geotextile and drain rock to manage groundwater flow. However, the high proportion of cobbles in the fill, as seen in the lag deposit at the toe of the failed bulkhead, shows that a large component of the fill is too large to benefit the salmon life cycle.

5. Bulkhead Replacement In-Kind: A primary objective of creating a beach habitat would not be met, nor would there be recreational use or easy access to Miller Bay from the residences.

- The report concludes that hybrid stabilization comprising mixed sand and gravel beach, with rocked steep slope protection to serve as an upland retaining wall, as the preferred alternative to remove the timber bulkhead, create beach habitat, and stabilize slopes where the topography does not allow for the excavation for a beach.

22.400.110 Mitigation
Per the No-Net-Loss Assessment, the planned upland stabilization proposes to provide protection for three homes and restore 6,965 square feet of shoreline at the project site. The project will also repair home foundation issues located on the south adjacent property. The replacement will remove the historic creosote bulkhead, swim floats, concrete steps, and trash/debris that is landing on the beach as the upland fill erodes. Therefore, no specific mitigation measures are necessary to achieve no net loss of shoreline function.

22.400.115 Critical Areas
Kitsap County GIS does not indicate the presence of Geologic Hazards, as defined in Kitsap County Code 19.400. However, the applicant provided a Geotechnical Report identifies potential erosion of the shoreline and discusses project setting, project development, design alternatives, and recommendations for the upland stabilization build. This report concludes that the most feasible option is to utilize the hybrid stabilization comprising mixed sand and gravel beach with rocked steep slope protection as the preferred alternative to remove the timber bulkhead, create beach habitat, and stabilize slopes where the topography does not allow for the excavation for a beach. The site is also within the mapped FEMA floodplain. The geological report suggests that the project's low wave energy of the site and consequently nearly zero longshore sediment transport justifies conclusions about the preferred design of the shoreline enhancement.

22.400.130 Historic, Archaeological, Cultural, Scientific and Educational Resources. The Department conditioned approval of this permit and subsequent building permit(s) to notify Kitsap County DCD, the Washington State Office of Archaeology and Historic Preservation, and the affected tribes if archaeological resources are uncovered during excavation.

Staff Comment: The permit has been conditioned to reflect the Suquamish Tribe's request to have a professional archaeological monitor present during all ground disturbing activities associated with the bulkhead removal.

22.400.135 View Blockage

There are no view blockage concerns for this project.

22.400.140 Bulk and Dimension Standards
The Geological report articulates the need for a landward upland retaining wall to establish beach habitat and halt increasing erosion on each of the three properties that threaten the residences.

22.500.100.B. Substantial Development Permit.

1. The Act provides that no substantial development shall be undertaken on the shorelines of the state without first obtaining a substantial development permit (SDP).
2. An SDP shall be classified under Chapter 21.04.
3. An SDP shall be granted only when the applicant can demonstrate that the proposed development is consistent with the policies and procedures of the Act and this program, as well as criteria in WAC 173-27-150.
4. The Act provides a limited number of exceptions to the definition of substantial development. Those exceptions are contained in RCW 90.58.030 and are summarized below in subsection (C)(3) of this section, and do not require an SDP. Whether or not a development constitutes a substantial development, all development must comply with the requirements contained in the Act and this program and may require other permits or approvals under this master program. Permits may be issued with limitations or conditions to assure consistency with the Act and this program.
5. All applications for shoreline substantial development permits or permit revisions shall be submitted to the Department of Ecology upon a final decision by local government pursuant to WAC 173-27-130. "Final decision by local government" shall mean the order of ruling, whether it be an approval or denial, that is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed.

Staff Comment: This proposal is for a Shoreline Substantial Development Permit for a new upland retaining wall in the Shoreline Residential designation. The upland stabilization will provide protection for three homes and improve the current shoreline functions via restoration of 6,965 square feet of shoreline at the project site. It will also repair foundation issues with a home on the south adjacent property. Removal the timber bulkhead to create beach habitat and stabilize slopes where the topography does not allow for the excavation for a beach.

- KCC 22.600.175(D)1 provides code for shoreline stabilizations in accordance with WAC 173-26-231(3)(a). Specifically, this project is proposing a hybrid shoreline stabilization which is addressed by KCC 22.600.175(D)1.e. Hybrid shoreline structural stabilization projects, with the exception of restoration and enhancement projects, composed of hard shoreline stabilization that cumulatively covers greater than fifteen percent of the total shoreline length

parallel to the OHWM shall comply with hard shoreline stabilization project requirements in this section.

Staff comment: This project cumulatively covers greater than 15% of the shoreline length parallel to the ordinary high-water mark. This project is proposed as a hybrid shoreline stabilization comprising mixed sand and gravel beach with rocked steep slope protection. Compliance with hard shoreline stabilization is described below.

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.

D. Development Standards.

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: This proposal includes an upland retaining wall parallel to the shoreline to protect three existing single-family residences and septic systems from loss or damage by erosion. The proposed hybrid shoreline upland retaining wall is proposed to move landward 50 feet to create beach habitat and stabilize slopes. Due to the expanse of the project and varying elevations of the proposed retaining wall, a Shoreline Substantial Development Permit is required.

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, addendums, and plans meet the submittal requirements of this section. The geological report and no-net-loss report properly analyzed alternative stabilization methods.

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.

Staff Comment: Hybrid stabilization, as proposed within this permit, must meet this code section. The proposed upland retaining wall successfully addresses i, ii, and iv. However, iii is not relevant here.

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 demonstrate that the project will not result in a net loss of shoreline ecological functions and provided the necessary mitigation sequence analysis. Furthermore, the project incorporates ecological restoration components which likely results in a net-gain of ecological function.

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 geotechnical report states that the proposed hybrid shoreline upland retaining wall will protect the three residences and septic fields from erosion of the foundation. Erosion of the existing septic field will reduce its functionality. The proposed upland retaining wall will eliminate the upland floodplain habitat to restore a portion of important shoreline habitat. Via the No-Net-Loss report, this project is self-mitigating as it proposes to restore 6,965 square feet of shoreline through landward shift of the proposed retaining wall while also providing protection for the three homes.

The project will replace about 350 ft of deteriorating, creosoted bulkhead along the shoreline of three contiguous properties with about 250 ft of habitat beach and two roughly 50-foot-long reaches of steep slope protection.

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 proposed hybrid shoreline upland retaining wall will be landward and better align with shoreline contours.

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: Sediment supply or transport will not be impacted by this project.

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 conditioned to apply for all relevant permits. The project is 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 Shoreline Substantial Development criteria and incorporates 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: According to the Geological report, protection of three primary single-family residences and septic systems on the properties requires replacement of the existing bulkhead due to imminent structural failures. The hybrid shoreline upland retaining walls are necessary due to already occurring shoreline erosion caused by tidal actions, currents, and waves, thus for the protection of the home and necessary appurtenances.

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

Staff Comment: If not for the height increase this project would qualify as repair of an existing hard shoreline stabilization. At minimum the applicant can repair and replace the hard shoreline stabilization. However, the new wall is located landward of the original wall, upwards of 50 feet landward in some locations. This, combined with beach restoration, achieves no net loss of ecological function.

4. Shore Stabilization on Streams.

Staff Comment: Not applicable.

j. Access, Traffic and Roads
No impacts to traffic or roads anticipated.

k. Fire Safety
Fire safety is not analyzed for this permit.

l. Solid Waste
Solid waste is not analyzed for this permit.

m. Water/Sewer
Water/sewer is not analyzed for this permit.

n. Kitsap Public Health District
No comment at this time.

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.

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 22.500.100(B)3, the Department of Community Development recommends **approval** of the Shoreline Substantial Development Permit request for Russell – Bulkhead Replacement with an Upland Retaining Wall, subject to the following conditions:

a. Planning/Zoning

1. The placement of the upland retaining wall is for the protection of upland property and not for the indirect intent of creating uplands at the expense of tidelands. The placement of the upland retaining wall shall be subject to the approved site plan and shall follow the natural contours of the shoreline and shall be placed at or above Ordinary High Water.
2. Construction activities shall commence or, where no construction activities are

involved, the use or activity shall commence within two years of the effective date of a substantial development permit or shoreline exemption. A single extension for a period not to exceed one year may be authorized based on reasonable factors, if a written request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the Department of Ecology.

3. The applicants must obtain permits from all agencies with jurisdiction which may include, but are not limited to, US Army Corps of Engineers and the Washington State Departments of Ecology, Fish & Wildlife, and Natural Resources prior to construction. It shall be the sole responsibility of the applicants to secure all required permits.

b. Development Engineering

4. Building permits submitted for this development shall include construction plans and profiles for all roads, driveways, storm drainage facilities and appurtenances. No construction shall be started prior to said plan acceptance.
5. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12 and as such will require an Abbreviated Drainage Site Development Activity Permit (SDAP) from Development Engineering.
6. Stormwater quantity control, quality treatment, and erosion and sedimentation control, as required for the development, shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Building Permit is deemed fully complete. If development meets the thresholds for engineered drainage design, 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 Building Permit Application.
7. A Hydraulic Project Approval (HPA) permit may be required for work below the ordinary high water mark or associated with the outfall. Prior to SDAP approval, the applicant shall submit an approved HPA from the Washington Department of Fish and Wildlife (WDFW), or documentation from WDFW specifying that a HPA is not required. Information regarding HPA's can be found at http://www.wdfw.wa.gov/hab/hpapage.htm or by calling the Office of Regulatory Assistance at (360) 407-7037.
8. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.
9. 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.
10. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.

11. Erosion and sedimentation control best management practices shall be implemented and shall remain in place throughout the construction period.

c. Environmental

12. Subject to the conditions of the Geotechnical report, prepared by David P. Simpson (Licensed Geologist and Professional Engineer) dated April 9th, 2025, associated with this permit and on file at the Department of Community Development.
13. Subject to the conditions of the Habitat Management Plan and No Net Loss report, prepared by Ecological Land Services, dated April 9, 2025, associated with this permit and on file at the Department of Community Development.
14. 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.
15. Given the presence of potentially historic objects, the extent of proposed ground disturbance, and the proximity to documented precontact archaeological sites, the Suquamish Tribe requests that a professional archaeological monitor be present during all ground disturbing activities associated with the bulkhead removal. Suquamish Tribe Contact: Taylor Harriman, tharriman@suquamish.nsn.us

    In the event that any ground-disturbing or other project related activities associated with this development, or any future development of this site, uncover protected cultural materials (e.g., bones, shell, antler, horn or stone tools), developers and property owners must immediately stop work and notify Kitsap County, the Office of Archaeology & Historic Preservation and affected Indian tribes to comply with the Inadvertent Archaeological and Historic Resources Discovery Plan. (KCC 22.400.130).

d. Traffic and Roads

NA

e. Fire Safety

NA

f. Solid Waste

NA

g. Kitsap Public Health District

NA

Report prepared by:

October 6th, 2025
Name, Staff Planner / Project Lead — Date

Report approved by:

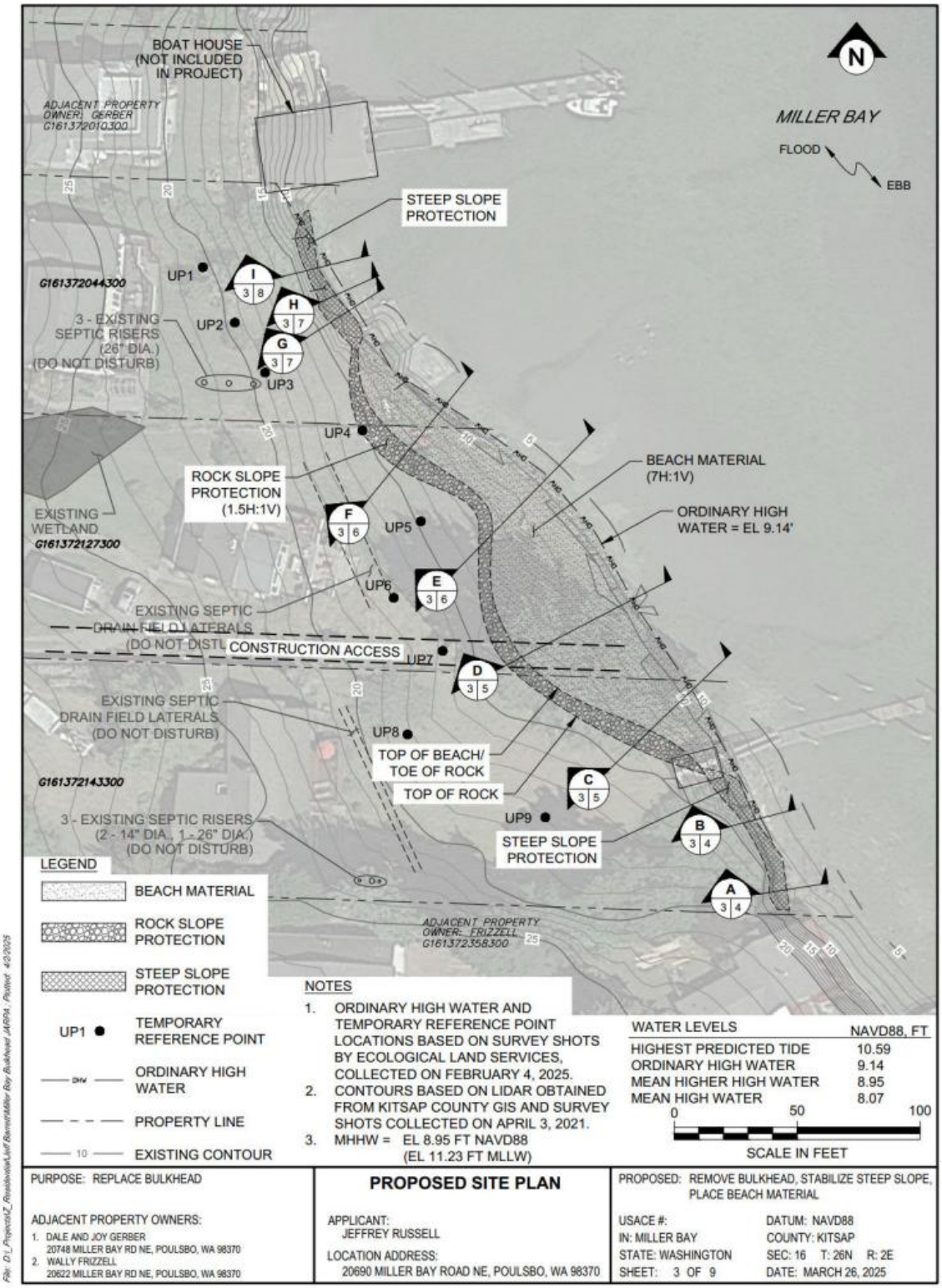
October 6th, 2025
Name, Department Manager / Supervisor — Date

Attachments:
Attachment A – Site Plan
Attachment B – Critical Areas Map
Attachment C – Zoning Map
Attachment D – 2017 Ecology Shoreline Photo

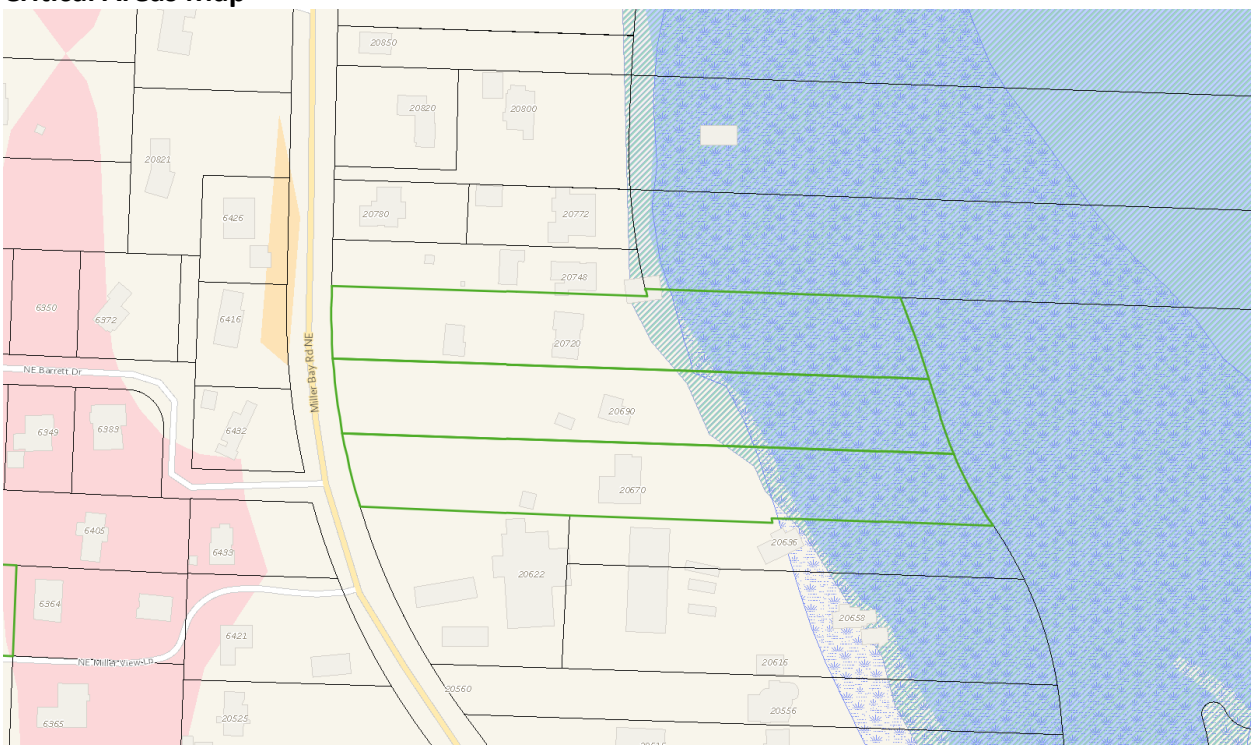
CC: Applicant/Owner Email: Jeffrey Russell & Wendy Luther, kjrussell4@comcast.net
Owner Email: John Barutt & Julie Wuesthoff, jb@johnbarutt.com
Lori Hayek Barrett Trustee, diomart@gmail.com
Authorized Agent Email: David Simpson, dsimpson007@centurytel.net
Interested Parties:
Taylor Harriman Suquamish Tribe Archaeologist, tharriman@suquamish.nsn.us
Dennis Wardlaw DAHP, Dennis.Wardlaw@dahp.wa.gov
Connie Reckord, connier@macleodreckord.com

Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Chelsea Nitsch

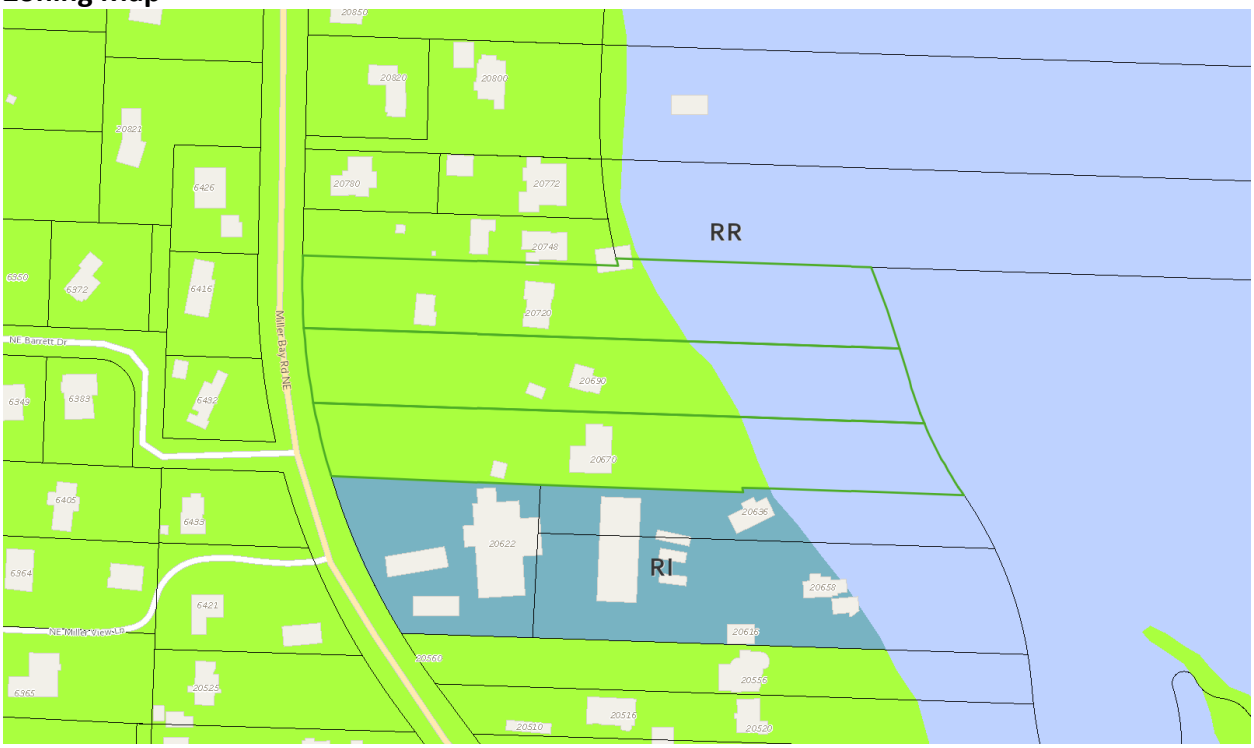
Site Plan


BOAT HOUSE (NOT INCLUDED IN PROJECT)
ADJACENT PROPERTY OWNER: GERBER G161372010300
MILLER BAY
FLOOD
EBB
N
STEEP SLOPE PROTECTION
UP1
G161372044300
UP2
3 - EXISTING SEPTIC RISERS (26" DIA.) (DO NOT DISTURB)
UP3
UP4
ROCK SLOPE PROTECTION (1.5H:1V)
BEACH MATERIAL (7H:1V)
ORDINARY HIGH WATER = EL 9.14'
EXISTING WETLAND
G161372127300
UP5
UP6
EXISTING SEPTIC DRAIN FIELD LATERALS (DO NOT DISTURB)
CONSTRUCTION ACCESS
UP7
EXISTING SEPTIC DRAIN FIELD LATERALS (DO NOT DISTURB)
UP8
TOP OF BEACH/ TOE OF ROCK
TOP OF ROCK
G161372143300
3 - EXISTING SEPTIC RISERS (2 - 14" DIA., 1 - 26" DIA.) (DO NOT DISTURB)
UP9
STEEP SLOPE PROTECTION
ADJACENT PROPERTY OWNER: FRIZZELL G161372358300
LEGEND
BEACH MATERIAL
ROCK SLOPE PROTECTION
STEEP SLOPE PROTECTION
UP1 TEMPORARY REFERENCE POINT
ORDINARY HIGH WATER
PROPERTY LINE
EXISTING CONTOUR
NOTES
1. ORDINARY HIGH WATER AND TEMPORARY REFERENCE POINT LOCATIONS BASED ON SURVEY SHOTS BY ECOLOGICAL LAND SERVICES, COLLECTED ON FEBRUARY 4, 2025.
2. CONTOURS BASED ON LIDAR OBTAINED FROM KITSAP COUNTY GIS AND SURVEY SHOTS COLLECTED ON APRIL 3, 2021.
3. MHHW = EL 8.95 FT NAVD88 (EL 11.23 FT MLLW)
WATER LEVELS NAVD88, FT
HIGHEST PREDICTED TIDE 10.59
ORDINARY HIGH WATER 9.14
MEAN HIGHER HIGH WATER 8.95
MEAN HIGH WATER 8.07
0 50 100
SCALE IN FEET
PURPOSE: REPLACE BULKHEAD
ADJACENT PROPERTY OWNERS:
1. DALE AND JOY GERBER 20748 MILLER BAY RD NE, POULSBO, WA 98370
2. WALLY FRIZZELL 20622 MILLER BAY RD NE, POULSBO, WA 98370
PROPOSED SITE PLAN
APPLICANT: JEFFREY RUSSELL
LOCATION ADDRESS: 20690 MILLER BAY ROAD NE, POULSBO, WA 98370
PROPOSED: REMOVE BULKHEAD, STABILIZE STEEP SLOPE, PLACE BEACH MATERIAL
USACE #:
IN: MILLER BAY
STATE: WASHINGTON
SHEET: 3 OF 9
DATUM: NAVD88
COUNTY: KITSAP
SEC: 16 T: 26N R: 2E
DATE: MARCH 26, 2025

Critical Areas Map



Zoning Map



Attachment D: 2017 Ecology Shoreline Photo