



**ISLAND COUNTY  
PLANNING & COMMUNITY DEVELOPMENT**

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522 ■ from S. Whidbey (360) 321-5111  
FAX: (360) 679-7306 ■ P. O. Box 5000, Coupeville, WA 98239-5000  
1 NE 6<sup>th</sup> Street, Coupeville, WA 98239-5000  
Internet Home Page: <http://www.islandcounty.net/planning/>

**STAFF REPORT & DECISION  
SHORELINE EXEMPTION PERMIT, SHE 183/16 – TYPE I  
REMOVAL OF BARGE AND FILL TO RESTORE NEARSHORE HABITAT**

**PROJECT SUMMARY**

Seahorse Siesta Club requests a Shoreline Exemption permit for a shoreline restoration project that includes removal of a grounded barge and associated fill that serves as a bulkhead and construct a protective rockery wall with beach stairs and small bank-stabilizing small groin landward of MHHW within the jurisdiction of Island County's Shoreline Master Program.

After thoroughly reviewing the materials submitted by the applicant, Island County has determined that the proposed barge removal and construction of beach access stairs and small groin will comply with all applicable shoreline, land use, and environmental regulations.

<b>Permit Type</b>	SHE (Shoreline Exemption) – Type I
<b>Permit Number</b>	SHE 183/16
<b>Date of Complete Application</b>	6/15/16
<b>Decision</b>	Approved with conditions
<b>Owner</b>	Seahorse Siesta Club
<b>Agent</b>	Lisa Kaufman
<b>Approval date</b>	7/18/2016

<b>Address</b>	4565 Strawberry Lane (address nearest to project site)
<b>Location</b>	Langley, WA 98260
<b>Parcel Number(s)</b>	R33033-215-4300
<b>Zone Designation</b>	Rural
<b>RAID</b>	N/A
<b>Allowable Density</b>	1DU/ 5 acres
<b>Critical Areas/Overlays</b>	Fish and Wildlife Habitat Conservation Area, Feeder Bluff, FEMA Flood Hazard Area, Steep Slope, Geologically Hazardous Area, Blue Heron, and Shoreline Jurisdiction.
<b>Shoreline Jurisdiction</b>	Rural Conservancy

**FINDINGS:** This project proposes removal of a grounded barge and associated fill that serves as a bulkhead and the construction of a protective rockery wall with beach stairs and small bank-stabilizing small groin landward of MHHW. This project qualifies as a watershed restoration project and is exempt from SEPA Environmental Review.

**SHE 183/16 is hereby APPROVED, subject to the following review and conditions:**

1. The work and construction authorized by this decision shall conform to and be limited to that shown on the Approved Plot Plan (see attached plot plan received 6/15/16), except that minor non-substantive changes may be made in order to accommodate any modification requested by the Island County Building Official during the building permit review process.
2. The applicant must adhere to the requirements noted in the attached memo dated June 27, 2016 from Kim Bedford, Island County Building Permit Technician. The development proposal will require a building permit.
3. The applicant must adhere to the requirements noted in the attached memo dated July 13, 2016 from Tess Cooper, Island County Critical Areas Planner.
4. The applicant must adhere to the requirements noted in the attached memo dated June 27, 2016 from John Bertrand, Island County Public Works.
5. No equipment or vehicles shall be parked or stored near the bluff or on the beach.
6. Prior to starting any work or construction activities, the applicant shall obtain all required flood development permits, building permits, and approvals. This project is required to comply with Washington State and Island County water quality standards, Washington State and Federal laws and regulations protecting archaeological sites and resources and all other pertinent laws, rules, regulations, codes, and ordinances.
7. Applicant bears the full responsibility of notifying site crews of all permit conditions and shall be held fully accountable for any activity which results in on or off-site violations, hazards, or damages.
8. This decision shall not be construed to authorize work, development, construction, or other site modifications in excess of that which is specifically authorized by this decision. Additional work to the above-mentioned parcel or modification of this decision will require a new and separate permitting process.
9. All shoreline activities shall be restricted to reasonable hours and/or days of operation when necessary to protect residents and properties from adverse impacts such as noise, light, and glare per ICC 17.05.090.B.11.
10. Excavation and site disturbing activities shall be strictly limited to the minimum necessary to accomplish the work authorized in this decision. Soil and materials shall be stockpiled landward of the OHWM and erosion and sedimentation control Best Management Practices shall be employed.
11. All construction and demolition debris shall be disposed of at a site approved by Island County Public Works Department. There shall be no dumping or disposing of debris on the beach or in the waters of the state.

12. No encroachment onto any legally existing easement or property line (or onto any required setback for such) is authorized by this decision beyond what is specifically shown and authorized herein. Island County Planning does not verify easements or property lines. The applicant is encouraged to verify all legally existing easements and property lines with the Island County Auditor's Office and with a licensed land surveyor if necessary, prior to the start of development or construction. Encroachment, whether knowing or unknowing, will not be considered by Island County to be grounds for the permitting of said encroachment.
13. The entirety of the attached document, Inadvertent Archaeological and Historic Resources Discovery Plan for Island County, is hereby adopted into this decision by reference. All terms of this adopted document constitute Conditions of Approval for this decision. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with the terms of this adopted attached document, Inadvertent Archaeological and Historic Resources Discovery Plan for Island County, could constitute a misdemeanor and possible civil penalties and/or constitute a Class C Felony.
14. No shoreline permit or rights under such permit shall be transferred by sale, lease, or other conveyance of any interest without prior County notification in order to determine if any new owner or operator can meet the terms and conditions of this permit.
15. The conditions of approval identified in this decision are subject to change if any information provided by the applicant or their authorized representative is found to be inaccurate.
16. The construction, use, work, or activity authorized by this permit shall be commenced within two years of the effective date of this permit. The effective date of this permit shall be the date of the last required permit and approval that authorize the development to proceed, including all administrative and legal actions that may ensue. Island County may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the department.

Approved By: Janet Wright Date: 7/18/16

Island County Code does not contain a provision for administrative appeal of Type I permits if approved. Any challenge to permit conditions sought by the applicant may be filed under Washington's Land Use Petition Act (LUPA), Chapter 36.70C RCW.

Attachments:

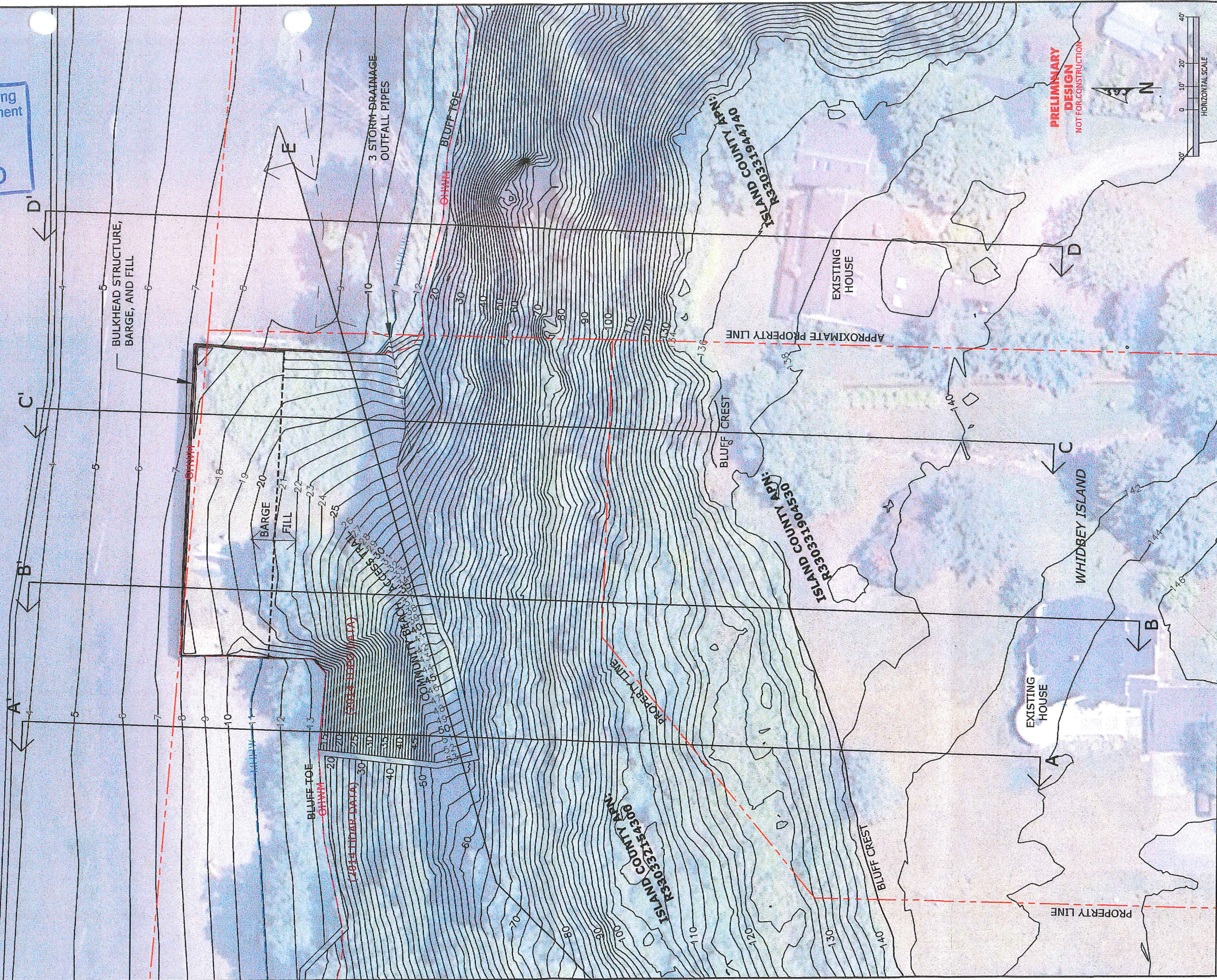
- Site Plan approved July 18, 2016
- Memo dated June 27, 2016 from Kim Bedford, Building Permit Technician
- Memo dated July 13, 2016 from Tess Cooper, Island County Critical Areas Planner
- Memo dated June 27, 2016 from John Bertrand, Island County Public Works
- *Inadvertent Archaeological and Historic Resources Discovery Plan for Island County*



Island County Planning  
& Community Development  
**APPROVED PLOT PLAN**  
to be kept on site with plans  
*Janet Wright* 7/18/16  
Signature Date

Island County Planning  
& Community Development  
JUN 15 2016  
**RECEIVED**

SARATOGA PASSAGE



**PRELIMINARY  
DESIGN**  
NOT FOR CONSTRUCTION

**DRAFT**



MLLW=0.00'  
MHHW=10.56'

SCALE: AS SHOWN

DATE: 2/23/2016

SHEET:

**1**

OF:5

**SEAHORSE SIESTA BULKHEAD REMOVAL  
EXISTING CONDITIONS**

SITE PLAN  
NORTHWEST STRAITS FOUNDATION

REVISIONS	DRAWN BY:
	ADT
	DESIGNED BY:
	JWJ
	CHECKED BY:
	JWJ
	DATE SURVEYED:
	12/5/2014
	SURVEYED BY:
	JFW/ADT



**COASTAL GEOLOGIC SERVICES**  
1711 Ellis St, Suite 103  
Bellingham, WA 98225  
360-647-1845 • coastalgeo.com





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June 27, 2016

TO: Janet Wright

FROM: Kim Bedford, Building Permit Technician

SUBJECT: 183/16 SHE I  
Contact: Tina Mirabile  
Remove barge & fill from shoreline & concrete bulkhead-Install rockery wall with  
stone steps  
Parcel #R33033-215-4300

The building department has reviewed the package information submitted and has no objections with the following comments:

1. A building permit will be required for the rockery wall and steps.
2. Per FEMA DFirm map #53029C0341E, this proposal will be in Flood Zone A and will require a Flood Development Permit (FDP). This can be submitted at the same time of the building permit submittal. The base flood elevation is 18.0 feet NAVD88.
3. A Habitat Impact Assessment is required per the FEMA Region 10 Floodplain Managements and the Endangered Species Act. This should include all aspects of these proposals. The review fee for this process is \$515.00. This can be submitted with the FDP. Additional information for this can be found on the FEMA website:  
<https://www.fema.gov/national-flood-insurance-program-endangered-species-act>

NOTE: This is general information for your use to aid in the planning of your building, not a complete plan review. Complete code requirements will be addressed during the Building Permit review process.

Please feel free to contact me at (360) 678-7801, or email [k.bedford@co.island.wa.us](mailto:k.bedford@co.island.wa.us), if you have any questions regarding these comments.



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To: Jante Wright, Current Use Planner  
From: Tess Cooper, Critical Area Planner  
Date: July 13, 2016

RE: SHE 183/16 Seahorse Siesta Beach Club  
Proposed Beach restoration  
R33033-215-4300

Island County Critical Areas Planner has reviewed the application information and has the following comments:

The applicant proposes to restore nearshore habitat processes and function through the removal of a barge, fill pad, and concrete bulkhead to restore natural feeder bluff processes. The applicant proposed to install a small rockery retaining wall and groin to accommodate community beach access.

The proposed project site is located within the Rural Conservancy Shoreline Environmental Designation and will impact the marine buffer and steep slope under 17.05A.

17.05A.110.A. describes the modification requirements for Restoration and Beach Enhancement projects.

A Biological Site Assessment by Advanced Environmental Solutions dated May 2016 was submitted with the application materials and determined that the project should not result in any adverse impacts. Based upon the above review, I have no objection subject to the following conditions of approval:

1. The work authorized by this decision is limited to the restoration work proposed in the approved plans.
2. Any revegetation that occurs within the steep slope or marine buffer shall be entirely comprised of native species.

Please feel free to contact me at 360-678-7821 regarding any of the above comments.



ISLAND COUNTY PUBLIC WORKS  
ROADS DIVISION

P.O. BOX 5000, COUPEVILLE, WA 98239  
(360) 679-7331

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William E. Oakes, P.E., Director/County Engineer  
Connie W. Bowers, P.E., Assistant County Engineer

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June 27, 2016

TO: Janet Wright

FROM: John Bertrand, Development Coordinator *JB*

SUBJECT: SHE 183/16 – Seahorse Siesta Beach Club  
Shoreline Exemption Permit application  
Parcel No. R33033-215-4300

Public Works has visited the site and reviewed the information submitted for the above referenced application, for consistency with our development standards, and has the following comments:

- The applicants' overall site consists of the Seahorse Siesta Club community's common area, which ranges all the way from an upland area down to its shoreline below, and this project's specific work area is on a relatively level and bulk-headed, no to low-bank shoreline day use area that was originally created there by installing a barge and backfilling it.
- Their overall site is partially within an area that's identified as being Unstable per the Washington State Department of Ecology Coastal Zone Atlas, and therefore, it's also partially to mostly within a zone that's identified as being a geologically hazardous area, too, per Island County Code.
- Per a preliminary design produced by Coastal Geologic Services, the applicants are now proposing to remove that barge, fill material and concrete bulkhead from their community shoreline area as part of a shoreline restoration project. That barge currently protrudes out into Saratoga Passage, and the project will also include about ¼-acre of near-shore habitat restoration as well.
- They will also install a new rockery wall with a small groin and a new stairway in its place to continue providing some beach access for their community, and the proposed grading for the project is estimated to be no more than about 4,000 accumulative cubic yards, with much of that material coming out from behind that barge upon its removal.
- No additional drainage impacts are anticipated from this barge, fill and bulkhead removal and shoreline restoration project as its net footprint will actually be shrinking considerably, so no additional drainage mitigation measures will be required for it, either.

With the above now stated, Public Works has no additional comments on this specific development proposal and No Objection to approval of Shoreline Exemption Permit application SHE 183/16, provided that the following conditions continue to be met:

- Any erosion & sedimentation control (ESC) Best Management Practices (BMPs) not yet proposed but still nonetheless needed must be employed, as applicable, to capture storm-water runoff, minimize soil erosion, and prevent sediment runoff. It is always and ultimately the applicants' own responsibility to make sure that they are and continue to remain in full compliance with all ESC BMP requirements. Therefore, any ESC BMPs needed shall be properly installed and continually maintained, as applicable, until all work is completed at this site, in addition to any other requirements contained within this permit.

June 27, 2016

- Additionally, all project-related construction debris shall be kept out of that adjacent Saratoga Passage saltwater body to the degree that it is possible to do so.

Please feel free to call me at extension 7812 or e-mail me at [johnb@co.island.wa.us](mailto:johnb@co.island.wa.us) if you have any questions regarding the above comments.





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### *Inadvertent Archaeological and Historic Resources Discovery Plan for Island County*

In the event that any ground-disturbing activities or other project activities related to this development or in any future development uncover protected cultural material (e.g., bones, shell, antler, horn or stone tools), the following actions will be taken:

1. When an unanticipated discovery of protected cultural material (see definitions below) occurs, the property owner or contractor will completely secure the location and contact:
  - a. The property owner and project manager;
  - b. A professional archaeologist;
  - c. The Department of Archaeology and Historic Preservation (DAHP) (Gretchen Kaehler, 360-586-3088, 360-628-2755 cell);
  - d. The Swinomish Indian Tribal Community (Larry Campbell, 360-840-4127);
  - e. The Tulalip Tribes (Richard Young, 360-716-4635); Scott Schuyler, Upper Skagit Tribe (360-854-7090, cell 360 630 3680),
  - f. Jackie Ferry, Samish Tribe (360-293-6404 x215), and Tara Duff, Stillaguamish Tribe (360-652-7362), Kerry Lyste, Stillaguamish Tribe (360-652-7362 ext. 226)
  - g. Island County Community Development Department (360-679-7339).
2. If the discovery is human remains, the property owner or contractor will stop work in and adjacent to the discovery, completely secure the work area by moving the land-altering equipment to a reasonable distance, and will immediately contact:
  - a. The property owner;
  - b. The Island County Sheriff's Department (360-629-4523 x7310) and;
  - c. The Island County Coroner, Robert Bishop (360-679-7358) to determine if the remains are forensic in nature;
  - d. If the remains are not forensic in nature the Department of Archaeology and Historic Preservation (DAHP) (Gretchen Kaehler 360-586-3088 and Guy Tasa 360-586-3534); will take the lead on determining the appropriate method of treatment for the remains and will consult with the affected tribes;
  - e. A professional archaeologist; and
  - f. Island County Planning and Community Development (360-679-7339).
3. Cultural material that may be protected by law could include but is not limited to:
  - a. Buried layers of black soil with layers of shell, charcoal, and fish and mammal bones (Figure 1).
  - b. Non-natural sediment or stone deposits that may be related to activity areas of people;



- c. Stone, bone, shell, horn, or antler tools that may include projectile points (arrowheads), scrapers, cutting tools, wood working wedges or axes, and grinding stones (Figures 2 and 3);
  - d. Stone tools or stone flakes (Figures 2 and 3);
  - e. Buried cobbles that may indicate a hearth feature (Figure 4);
  - f. Old ceramic pieces, metal pieces, tools and bottles (Figures 5 and 6); and
  - g. Perennially damp areas may have preservation conditions that allow for remnants of wood and other plant fibers; in these locations there may be remains including:
    - Fragments of basketry, weaving, wood tools, or carved pieces; and
    - Human remains.
- 4. COMPLIANCE WITH ALL APPLICABLE LAWS PERTAINING TO ARCHAEOLOGICAL RESOURCES (RCW 27.53, 27.44 and WAC 25-48) AND WITH HUMAN REMAINS (RCW 68.50) IS REQUIRED. FAILURE TO COMPLY WITH THESE REQUIREMENTS COULD RESULT IN A MISDEMEANOR AND POSSIBLE CIVIL PENALTIES AND/OR CONSTITUTE A CLASS C FELONY.**



**Figure 1: Shell midden**





Figure 2: Example of stone tool



Figure 3: Example of stone flake.





Figure 4: Example of hearth (oven) feature.



**Figure 5: Example of historic artifacts from debris scatter.**



**Figure 6: Example of bottle from historic debris dump.**



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PO BOX 5000  
COUPEVILLE, WA 98239-5000

### **AFFIDAVIT OF MAILING**

I, Janet Wright, holding the position of Senior Planner for the Island County Planning and Community Development, do hereby depose and swear I did on the 18th day of July 2016 delivered to the County mailroom for delivery to the U.S. Postal Service and e-mailed a copy of the staff decision, in the matter referenced as 183/16 SHE – Seahorse Siesta Beach Club to the persons listed below:

Lisa Kaufman, Northwest Straits Marine Conservation Foundation  
1155 North State Street, Suite 402  
Bellingham, WA 98225

Celia Michael, President  
Seahorse Siesta Beach Club  
P.O. Box 781  
Langley, WA 98260

  
Signature