

SAN JUAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT

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ADMINISTRATIVE DECISION ON EXEMPTION FROM SHORELINE PERMIT

REPORT DATE: April 30, 2018
FILE #: PSJXMP 15-0028
PROJECT DESCRIPTION: After the fact shoreline exemption for a shoreline stabilization structure, stormwater outfall and associated mitigation.
Decision: The project is not exempt from the requirement to obtain a substantial development permit per WAC 173-26-040.

Project Data	
Island:	Blakely
Site Address/Location:	South end of Spencer Road on the south shore of Armitage Bay, off Thatcher Pass, Blakely Island
Parcel Numbers:	151024002 (beach house) and 151024003 (shoreline common area)
Site Size:	151024002 (10.9) and 151024003 (.8)
Owner:	Whaleback LLC, c/o H. Jon Runstad, 1201 Third Avenue, Suite 2700, Seattle, WA 98101
Agent:	Joe Brogan, Foster Pepper, 1111 Third Avenue, Suite 3400, Seattle, WA 98101
Land Use Designation:	Rural Farm Forest
Existing Land Use:	Residential
Surrounding Land Use:	<ul style="list-style-type: none"> • North: undeveloped • South: shoreline • East: residential • West: residential
Land Division Status:	Metes and bounds
Shoreline Designation:	Rural Residential
Critical Areas:	<ul style="list-style-type: none"> • Aquifer Recharge Areas: yes, whole county • Fish and Wildlife Habitat: Chinook salmon and Southern Resident Killer Whale (SRKW) in the water. • Geologically Hazardous Areas: erosion soils; slopes > 15%; slopes > 50%; bedrock upslope • Wetlands: none mapped • Floodplain: yes
Sewage Disposal:	On-site sewage disposal system upslope of "Beach House"
Other Permits :	<p>11SJ80: Construct three docks on South Bay Associates parcel, for future development/division. One dock was approved.</p> <p>07SJ85: ATF Shoreline permit for expansion of dock approved by 11SJ80.</p>

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	<p>07SJ85R: Revision to dock size and add davit.</p> <p>19SJ85: Marine railway and boathouse/guesthouse</p> <p>86XMP023: Shoreline exemption to <i>“rip-rap toe of bank per drawing where tidal action has undermined bank, leading to unsightly caving and loss of property”</i> on tax parcel 151050018 and what is now part of tax parcel 151024003. The 4’ tall proposal lay downslope of the tennis court, extending from the inner edge of the rock north of the railway northward, and ending at <i>“path to beach”</i> shown on its site plan. (Exhibit 22)</p> <p>BLGREV-10-0095: Foundation only for SFR <i>“Beach House”</i> (submitted 9/20/2010).</p> <p>BUILDG-10-0268: SFR <i>“Beach House”</i> (submitted 8/26/2010).</p> <p>PCI000-11-0002: Code investigation for construction of bulkhead without permits</p> <p>District Court Cases 13-04, 13-05, 13-06: Gross misdemeanor for construction of bulkhead (case on hold pending resolution of shoreline exemption/permit)</p> <p>PCI000-16-0029 – Code investigation of bulkhead constructed 2006-2008 (see Exhibit 20f)</p> <p>PSJ000-12-0019: ATF shoreline permit application for bulkhead, submitted 11/30/2012.</p> <p>PSJXMP – 15-0028: ATF shoreline exemption application for bulkhead (same as PSJ000-12-0019) submitted 6/9/2015.</p>
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This application is subject to the shoreline regulations in effect prior to the 10/30/2017 amendments. A copy of those regulations will be supplied to the Examiner. The online code is not usable with the “old code” citations in this report.

I. SUMMARY OF REQUEST:

The application requests a determination that the construction of an approximately 288 linear foot (lf) shoreline stabilization structure consisting of a 248 lf section and a 19 lf section on either side of 21 lf of natural bedrock is exempt from the requirement to obtain a shoreline substantial development permit.

The structure is a stacked boulder wall approximately 6 feet in height located in Reaches 3 and 4 of the WDFW reaches map, Exhibit 11b and 11e. The purpose of the wall is to protect a driveway and utilities serving a single family residence. The quantity of backfill for the after-the-fact bulkhead is unknown and cannot be verified from the record submitted for the Shoreline Exemption. The request includes:

- Removal of approximately 125 feet of “round rock” seaward of the beach house, illegally placed in Reach 6. See Exhibit 11b.
- Riparian enhancement in the form of plantings are proposed behind the wall in reaches 3, 4 and 6. Exhibits 9, 11b, 25.
- After the fact approval of stormwater outfall and swale for drainage system for single family residence in Reach 5. Exhibit 11b.

The original request was for 413 linear feet, however, that was subsequently altered to remove 125 feet of bulkhead in Reach 6 (“round rock” seaward of the beach house). The 2010 geotechnical report concluded the bank seaward of the beach house (Reach 6 “round rock”) was stable. During the 2010-2011 winter weather, erosion scarps appeared seaward of the driveway. There was no erosion directly seaward of the beach house. That Reach 6 portion of the bank had no instability or erosion and was

unrelated to the driveway location, making that portion of the bulkhead unnecessary. It was later proposed for removal.

The SEPA checklist and JARPA application for the shoreline permit (PSJ000-12-0019) describes the project as *“413 foot bank stabilization structure composed of 18” – 30” rock and gabion rock (cobble-gravel) along shoreline of Blakely Island. Existing stabilization measures involved placement of approximately 283.5 cubic yards of 18”-30” rock and 256.76 cubic yards of cobble-gravel particles. Restoration measures will include shoreline plantings and beach nourishment (import of sand/gravels) in quantities to be determined by permitting agencies, but not expected to exceed 5,000 cubic yards over the 25-year life of the project and 7,500 cubic yards over the 50-year life of the project.”*

II. PROJECT HISTORY:

2010: A building permit application for a single family residence on the west parcel (151024002) was submitted 8/26/2010 (BUILDG-10-0268, finalized 4/31/2011). A revision was submitted 9/21/2010 (BLGREV-10-0095) so the foundation work could start before plan review was complete. The foundation-only permit was issued 10/13/2010. The building permit for the rest of the home was issued 11/15/2010. The building permit for the home received final occupancy on 4/31/2011. The building permit site plan and stormwater plan for this permit showed a new driveway in the same approximate location of the driveway on site (Exhibits 23a-b). The stormwater plan (Exhibit 23a), which referred to and included the geotechnical report (Exhibit 10a), required construction of an upslope diversion channel with specific capacity, along the existing main access road “as part of the site preparation work”. The purpose was to prevent runoff in the “hillside tributaries” from damaging the proposed improvements and from causing erosion. The Supplemental Stormwater Plan (Exhibit 23b) discusses drainage improvements in January 2011. Improvements occurred after the erosion incidents, not as “part of the site preparation work”.

A geotechnical report submitted with the building permit application addressed the area underneath and directly seaward of the proposed residence, but did not address the area seaward of the driveway (Exhibit 10a). It included recommendations to manage stormwater on the site, and indicated that the home site itself was stable. The geotechnical report was written prior to the stormwater plan. The stormwater plan used the geotechnical report to support its recommendations for diverting drainage on the main access road.

2/22/2011: WDFW officers visited the site, arriving by boat. They witnessed grading on the beach and construction of shoreline armoring. They photographed bulkhead construction in progress and spoke with people on the site. The WDFW findings from their investigations are documented in incident report #WA-11-001018 (Exhibit 14). That report is in black and white, making the photos nearly useless. The color photos are a separate exhibit, Exhibit 14b.

3/7/2011: DCD Notice of Correction issued, stop work order for bulkhead. Notice was given that shoreline development had occurred without benefit of a substantial development permit for clearing and grading, for modification of the shoreline (removal of vegetation and placement of fill), construction of a bulkhead, construction of shoreline stabilization and placement of rocks and fill without state and federal permits. Correction required application for a shoreline substantial development permit. Alternatives were provided allowing for a shoreline restoration plan for removal of the bulkhead and re-vegetation/bank restoration. Opportunities for appeal were provided but not taken (Exhibit 15).

3/22/2011: Notice of Correction was re-issued with a few changes: the word *non-permitted* was inserted before the word *bulkhead* in the requirement to apply for a shoreline substantial development permit (within 30 days of the notice) as a corrective measure. The alternative was to apply for a shoreline

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substantial development permit for removal of the *non-permitted* bulkhead, and include a restoration plan providing for removal, re-vegetation and restoration. Opportunities for appeal were provided in both notices but not taken (Exhibit 15).

Community Development staff requested additional information related to compliance with critical area requirements between 5/13/2013 and 7/24/2015. Additional critical areas information was submitted on 12/17/2015. On 10/12/2016, the County notified the applicant that the submitted materials would be subject to third party geotechnical review. The applicant requested additional time to submit supplemental information. The supplemental information was submitted in March and April 2017.

The third party review (by GeoEngineers) of the geotechnical report was completed in August 15, 2017 and is attached as Exhibit 10d.

III. GENERAL INFORMATION:

A. Submittal:

The shoreline exemption application was submitted on June 10, 2015. A shoreline substantial development permit application for the same project was submitted two and half years earlier (PSJ000-12-0019). Additional materials for both applications were submitted in December 2015, April 2016 and April 2017. For the purposes of this review, county staff consider all of the materials submitted for both applications to be applicable to the proposal.

B. Site Description:

The bulkhead was built along the shore of 2 parcels (151024002 and 151024003). One of the two parcels is developed with a recent home ("Beach House" on 151024002). The other is a shoreline common area east of and adjacent to the recent home. In the immediate vicinity, there are 6 adjacent parcels owned by Whaleback LLC, with Runstad a member of the LLC. Runstad individually owns 2 more parcels west of the "beach house."

The subject shoreline is low to medium bank with a gravel beach. The lowest portion is seaward of the beach house. The other parcels in related ownership are developed with the applicants' family homes and associated improvements (tennis court, pond, a number of residences, railway, boathouse, guesthouse, dock, boat ramp.)

A rock bulkhead (86XMP023) exists on the easterly portion of adjacent property in the same ownership. That bulkhead does not match the site plan approved by the 1986 exemption. It appears that in addition to the 1986 bulkhead, additional bulkhead work occurred in the location between the 1986 bulkhead and the ATF bulkhead which is the subject of this report. No shoreline permit or exemption approvals were found for it. Exhibit 20f has further information on this section of shoreline. This exemption application does not include a request for after the fact approval of an extension of the bulkhead approved under 86XMP023. Any such unpermitted extension would be considered a non-conforming structure and could not be replaced, repaired or maintained.

The shoreline portion of the site is a relatively level area at the base of a rock incline rising from sea level to more than 800 feet, in a horizontal distance of about 1600 feet. The easterly lots within the cove are cleared and planted with lawn. The westerly lot with the newest residence ("Beach House" at the west

end of the subject bulkhead) is cleared in the area of the home and the access drive. This cove is visible from the Thatcher Pass ferry route.

The site is not mapped as a feeder bluff and is categorized as having “no appreciable drift” in terms of shoreline sediment movement patterns. The site does not contain a Class I Marine Beach. It does contain erosion hazard areas.

III. ENVIRONMENTAL DETERMINATION:

A Determination of Non-Significance (DNS) for PSJ000-12-0019 was issued on May 8, 2013. The DNS was for a 413 foot bank stabilization structure composed of 18” – 30” rock and gabion rock, beach nourishment and plantings as mitigation measures. On May 2, 2013, the DNS and SEPA checklist were circulated to: US Army Corps of Engineers, Department of Ecology (SEPA Unit, Wetlands section & Shorelines section), Department of Fish and Wildlife (Laura Abner and Ruth Milner), Department of Natural Resources SEPA unit, and University of Washington Friday Harbor Labs.

The DNS was not appealed. A SEPA comment was received from Paul Anderson, Washington Department of Ecology which is summarized below.

The bulkhead proposal was modified on 5/10/2016 (Exhibit 20b) after the DNS was issued to remove some of the “round rock” in WDFW Reach 6, thereby reducing the length of the bulkhead requested. Since the modified proposal was in the same location, smaller and less impact, a new SEPA determination was not required because the modified proposal was still within the scope of the previous determination.

IV. PUBLIC HEARING NOTICE:

A “Notice of Application” for the proposed application was published May 8, 2013 in the Journal of the San Juans and the Islands Sounder. Notice of application and hearing was mailed on May 31, 2013, posted on-site and mailed to all interested parties and property owners within 300 feet of the exterior boundaries of the site.

V. AGENCIES CONTACTED:

Request for review was sent to the following agencies: US Army Corps of Engineers, Department of Ecology (SEPA Unit, Wetlands section & Shorelines section), Department of Fish and Wildlife (Laura Arber and Ruth Milner), Department of Natural Resources SEPA unit, and the University of Washington Friday Harbor Labs.

VI. COMMENTS RECEIVED:

The following comments were received:

- Paul Anderson, Washington State Department of Ecology, dated May 13, 2013 (Exhibit 24b) commented that prior to making a decision on the application, the County should request the following additional information: 1) a detailed description of the methods and field indicators used to determine the OHWM for the Shoreline Management Act and Water Pollution Control Act; 2) a more detailed analysis of the rate of erosion and what structures or infrastructure are imminently threatened by bank failure; and 3) a more detailed analysis of potential soft

armorings options and alternatives with less overall environmental impact for both lots, while avoiding work below the OHWM.

- Kyle Loring, staff attorney for Friends of the San Juans, (FOSJ) submitted comments on April 6, 2016 (Exhibit 24a) with concerns related to the substance of the application and the circumstances under which it was constructed. FOSJ concerns include: necessity for the bulkhead; after the fact construction of the bulkhead; existence of an older unpermitted bulkhead on the site (see Exhibit 20f); erosion attributable to stormwater run-off not wave erosion; location of the OHWM; impact on salmon recovery; lack of analysis of non-structural alternatives; inconsistency with SMP environmental protections; and other concerns. A review of the geotechnical report was performed by Coastal Geologic Services, Inc and was included in the comment letter.

VII. ANALYSIS OF APPLICABLE REGULATIONS:

Staff analysis of the consistency of the application with the regulations is in bold italics.

A. SJCC 18.50.020 General applicability.

F. Exemptions from Substantial Development Permit Requirements.

1. Exemption from the substantial development permit requirements under subsection (G) of this section does not constitute an exemption from the policies of the Shoreline Management Act, the policies and regulations of this SMP, or other applicable local, state, or federal permit requirements. Exemption procedures are provided in SJCC 18.80.110(F). Exemptions shall be construed narrowly in accordance with WAC 173-27-040(1)(a). Statements of exemption are required for certain developments; see SJCC 18.80.110. A use classified as a conditional use or a use not named or contemplated in this chapter is allowed only as a conditional use and is ineligible for shoreline permit exemption.

2. The following, as defined in WAC 173-27-040(2)(c), is not considered to be a substantial development:

(c) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife;

A substantial development permit is required because the application lacks evidence that not more than one cubic yard of fill per foot of wall was used as backfill, and thus the bulkhead does not fit within the definition of “normal protective bulkhead common to single family residences” pursuant to WAC 173-26-040(2)(c).

Construction of a normal protective bulkhead common to single-family residences is exempt from the requirement to obtain a shoreline substantial development permit (RCW 90.58.030(ii) and WAC 173-26-040(2)(c)).

WAC 173-26-040(2)(c) further describes a “normal protective bulkhead” as:

- Located at or near, and parallel to the ordinary high water mark; and***
- Being for the purpose of protecting an existing single family residence and appurtenant structures from loss or damage by erosion; and***
- It is not exempt if constructed for the purpose of creating dry land; and***
- When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill.***

Due to its length the bulkhead is located at and or near the ordinary high water mark. Exhibit 8c. The Washington State Department of Fish and Wildlife (WDFW) has concurred with the OWHM determination Exhibit 25, pages 75-77.

The bulkhead protects the driveway and utilities serving a single family residence from erosion. A driveway and utilities are considered appurtenant structures for a single family residence. The bulkhead was constructed the first week in February, within three months of the mid-November start of foundation construction. It was built without a permit, prior to the final approval/inspection of a single family residence that was under construction at the time and for which San Juan County had issued a building permit.

The foundation footing inspection occurred on 12/30/2010. The foundation stemwall inspection occurred on 2/2/2011. The inspection for plumbing and mechanical components in the slab occurred 2/22/2011. At that inspection, the building inspector noted “Beach needs permit from appropriate authority. All work currently stopped at beach”, referring to the bulkhead work.

For reference purposes, WDFW first visited and discovered the bulkhead construction on this site on 2/4/2011.

The quantity of backfill for the after-the-fact bulkhead is unknown and cannot be verified because the permit is being issued after the fact. The application materials do not indicate total amount of backfill and there are no section drawings showing the volume of fill. The SEPA checklist identifies 256.76 cubic yards of cobble-gravel particles. The Riparian Enhancement Plan dated August 8, 2014 indicates that there is a band of disturbance 5-10 feet wide above the top of the new wall where the bank was excavated for the wall. Various photos, In Exhibit 12, show fill placed behind the bulkhead. Using this information, deductive reasoning leads us to conclude that the fill behind the bulkhead likely exceeds that allowed for an exempt bulkhead.

B. SJCC 18.80.110(F) Exemptions from Need for Shoreline Substantial Development Permit.

1. Developments which are exempt from the need to obtain a shoreline substantial development permit are set forth in WAC 173-27-040 and SJCC 18.50.020(F) and (G). In making this determination, the administrator shall consider the ultimate scope of a development and the extent to which the development is consistent with the policies and regulations of the SMA and master program. The administrator may request additional information from the applicant and may make site inspections, if necessary. A use classified as a conditional use or a use not named or contemplated in this chapter is allowed only as a conditional use and is ineligible for shoreline permit exemption.

This proposal is not a normal protective bulkhead common to single-family residences pursuant to WAC 173-27-040(2)(c).

2. If a proposal is exempt from the need to obtain a shoreline substantial development permit, the administrator shall so note in the development or project permit, if any, approved in conjunction with the proposal. If a development or project permit is not required for the proposal, the administrator may issue an administrative determination so stating.

3. The administrator may request additional information from the applicant and may make site inspections before determining if a proposal is exempt from the need to obtain a shoreline substantial development permit.

4. The burden of proving that a proposal is exempt from the need to obtain a shoreline substantial development permit shall be on the person seeking the exemption.

5. Any person proposing development within shorelines of the County may request an administrative determination from the administrator as to whether or not the proposal is exempt from the need for a shoreline substantial development permit.

This report constitutes an administrative determination (a decision on the exemption.)

6. A copy of any such administrative determination shall be mailed to the applicant and to the Washington Department of Ecology.

This report will be sent to the applicant and the Department of Ecology.

7. An administrative determination shall be prepared in the format described in WAC 173-27-050 for a proposal which is exempt from shoreline substantial development permit requirements under Chapter 18.50 SJCC whenever:

a. A U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899 is required for the project (see WAC 173-27-050(1)(a));

b. A section 404 permit is required under the Federal Water Pollution control Act of 1972 (see WAC 173-27-050(1)).

Due to the beach nourishment proposed as part of the mitigation, it is likely that a U.S. Army Corps of Engineers permit will be required and thus a written administrative determination is required for the proposal.

C. WAC 173-27-040 Developments exempt from substantial development permit requirement.

Developments exempt from substantial development permit requirement.

(1) Application and interpretation of exemptions.

(a) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.

(b) An exemption from the substantial development permit process is not an exemption from compliance with the act or the local master program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the applicable master program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to the local master program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance.

(c) The burden of proof that a development or use is exempt from the permit process is on the applicant.

(d) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

(e) Local government may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the act and the local master program.

(2) The following developments shall not require substantial development permits:

(a) Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

The bulkhead is proposed under (c) not (a) so fair market value is not relevant.

(b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal

repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

The proposal is not normal maintenance or repair of an existing structure or development because there was no permitted shoreline stabilization structure in place prior to the bulkhead construction.

(c) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife;

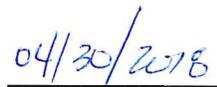
See analysis provided in A. above. The proposal is not a "normal protective" bulkhead common to a single family residence.

VIII. DECISION:

Due to the unverified amount of fill, and the fill likely exceeding 1 cubic yard of fill per linear foot of bulkhead, the project is not a "Normal Protective Bulkhead" common to single family residences as defined by WAC 173-27-040.

The project is not exempt from the requirement to obtain a substantial development permit.


Erika Shook, AICP, Director


Date

Exhibits: See Attached Exhibit List.

EXHIBIT LIST FOR RUNSTAD BULKHEAD (Whaleback LLC)
Shoreline Exemption PXMP15-0028
Shoreline Substantial Development Permit PSJ000-12-0019

EXHIBIT #	PARTY	DESCRIPTION	DATE	
1	Applicant	PSJ000-12-0019 Application materials		
		page:	11/29/2012	
		1 Cover sheet		
		2 Vicinity map		
		3-8 Narrative addressing compliance with county regulations		
		9 Parcel vicinity map, (also submitted for BUILDG-10-0268)	8/26/2010	
		10 Preliminary plan and profile, Runstad Estate, (also submitted for BUILDG-10-0268), John Thalacker Surveyor	8/15/2010	
		11 Topographic survey, San Juan Surveying	11/26/2012	
2	County	12-13 Summary of site reconnaissance, Runstad Residence, Blakely Island, Hart Crowser (Horvitz)	11/26/2012	
		14 SEPA DNS	5/8/2013	
		15-24 SEPA Checklist	11/26/2012	
		25-31 Runstad property shoreline erosion protection, Coast and Harbor Engineering	11/26/2012	
		Receipt, shoreline permit fee	11/30/2012	
3	County	McEnergy Brogan, "Runstad bulkhead", requesting site plan	12/26/2012	
4	Applicant	Brogan McEnergy, "Runstad", content of site plan	4/23/2013	
5	County	SJC DCD "Request for Review" (cover sheet and packet of application materials)	5/2/2013	
6 a - e	County	Legal Notice		
		6a Legal notice, 7/18/2013 hearing	5/3/2013	
		6b Correspondence about legal notice	5/13/2013	
		6c Revised Legal notice, 9/11/2013 hearing	5/22/2013	
	Applicant	6d Declaration of mailing legal notice, 2 pages	5/31/2013	

San Juan County Department of Community Development
 APPLICANT: Runstad, Whaleback LLC
 HEARING EXAMINER: Gary McLean

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EXHIBIT #	PARTY	DESCRIPTION	DATE	
		6e Declaration of posting legal notice, 2 pages	6/28/2013	
7	Applicant	JARPA, 14 pages	7/5/2013	
8 a-c	Applicant	Supplemental application information: 8a email cover sheet; 8b "Potential Effect of Removal of New Shoreline Protection on Runstad property on Blakely Island", Hart Crowser (Houghton); 8c "Ordinary High Water on Runstad Property on Blakely Island", Hart Crowser (Houghton) 12 pages including photos	12/15/2017 4/6/2016 11/8/2013	
9	Applicant	Potential Effects of Partial Removal of New Shoreline Protection on Runstad Property on Blakely Island", Hart Crowser (Houghton)	3/6/2017	
10 a - d	County	Additional Geotech reports 10a Geotechnical Engineering Evaluation, Proposed New Beach House Residence, Runstad Whaleback Estate, Blakely Island, Washington, (Geotest) (submitted with BUILDG-10-0268), 26 pages	8/17/2010	
	Applicant	10b Geotechnical Considerations Related to Removal of Bulkhead, Runstad Residence, Blakely Island, Washington, (Horvitz) 2 pages	4/6/2016	
	Applicant	10c Geotech Engineering Conclusions and Recommendations, Runstad Property, Blakely Island, Washington Hart Crowser (Horvitz) 18 pages	3/3/2017	
	County	10d Peer review of geotechnical and associated reports, (J. Gordon, GeoEngineers) 13 pages	8/15/2017	
11 a - e	Applicant	Additional Site plans and maps 11a Topographic site plan	3/9/2016	
	Applicant			

San Juan County Department of Community Development
 APPLICANT: Runstad, Whaleback LLC
 HEARING EXAMINER: Gary McLean

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EXHIBIT #	PARTY	DESCRIPTION	DATE	
	County	11b Topographic site plan, red marked WDFW reaches	3/9/2016	
	County	11c Cropped site plan from BUILDG-10-0268	9/20/2010	
	WDFW	11d Shoreline jurisdiction on aerial photo		
	County	11e WDFW Reach map, hand drawn on grid (from WDFW report)		
	County	11f Site plan and cross section from BUILDG-10-0268	8/26/2010	
	County	11g Cross section from BUILDG-10-0268	8/26/2010	
12 a - h	County	Photos		
	Applicant	12a 13 photos, residential pre-app, Fay Chaffee	6/27/2010	
		12b by applicant Pages: 1-9 (Some of these photos are referenced on page 137-9 of the WDFW report. Photos 1 and 2 on page 140 of the WDFW report are page one of this exhibit. Photos 7 and 8 mentioned on page 138 of the WDFW report, and shown on page 143 of the WDFW report and are on page 9 of this exhibit)	1/16/2011	
	County	11-12, by Lee McEnergy, mosaic	1/15/2013	
	Needham	12c 26 photos, Needham, building contractor	1/26 and 27/2011 2/1 and 3/2011	
	Runstad	12d 12 photos on 6 pages, Runstad, owner	1/16/2011,2/26/2012	
	County	12e 20 photos, by Chris Laws	2/22/2011	
	County	12f 40 photos, by Chris Laws	3/22/2011	
	County	12g 15 photos by Jason Hensel, Building Inspector	10/31/2012	
	County	12h 14 photos by Lee McEnergy, Planner	1/15/2013	

San Juan County Department of Community Development
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**EXHIBIT LIST FOR RUNSTAD BULKHEAD (Whaleback LLC)
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EXHIBIT #	PARTY	DESCRIPTION	DATE	
	County	12i Assessor and historic Ecology photos, 4 pages (more photos in Exhibit 14b, WDFW report color photos)		
13	Agency	WDFW HPA violation report , 6 pages	4/11/2011	
14	Agency	14a WDFW report , case # WA 11-001018, 148 pages (black and white) 14b WDFW color photos from report above		
15	County	2011 correspondence Laws Brogan, clarify stop work order, compliance with stormwater plan, timeline for SSDP submittal.	4/5/2011	
16	County	2012 correspondence Beliveau Gaylord, recommending denial if application for SSDP is submitted and that no administrative mechanism is available for approval	8/6/2012	
17 a - g	County	2013 correspondence 17a FEMA requirements	3/1/2013	
	County	17b FEMA, flood hazard boundary	5/16/2013	
	County	17c McEnery Brogan, grading seaward of house	7/2/2103	
	County	17d McEnery Brogan, drainage plan	7/2/2013	
	County	17e Brogan McEnery to Brogan, FEMA info, change hearing date	8/7/2013	
	County	17f DFW (Arber) Brogan, HPA submittal requirements	8/15/2013	
	County	17g McEnery DFW(Arber), beach gravel	8/14 and 15/2013	
18 a - d	County	2014 correspondence 18a McEnery Brogan, FEMA information	1/23/2014 2/4/2014	

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EXHIBIT #	PARTY	DESCRIPTION	DATE	
		18b McEney Brogan, updated FEMA requirements	8/4/2014	
		18c McEney Brogan, update of application status	8/4/2014	
		18d Laws WDFW, update of application status		

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EXHIBIT #	PARTY	DESCRIPTION	DATE	
19 a - b	County	2015 correspondence 19a McEnergy Brogan, Potala decision, vesting to new regulations	7/24/2015	
		19b McEnergy Brogan, Gaylord, timeline for submittal of additional information	11/24/2015	
20 a - h	County	2016 correspondence 20a McEnergy Brogan, request to show existing "round rock" bulkhead and drainage channel on site plan	2/9/2016	
	County	20b Brogan McEnergy, procedure for removal of "round rock" portion of bulkhead	5/10/2016	
	County	20c McEnergy Brogan, procedure for removal of "round rock"	5/11/2016	
	County	20d McEnergy Brogan, process to revise applications	6/20/2016	
	County	20e Staff, cover letter for 4/6/2016 Horvitz geotech memo	10/13/2016	
	Public	20f Friends of the San Juans (Loring) request for enforcement on previous unpermitted bulkhead to the east, 71 pages	11/16/2016	
	Public	20g Cover sheet, Friends of the San Juans request for enforcement	11/16/2016	
	County	20h Shook Brogan, timeline	12/23/2016	
21	County	2017 correspondence Gaylord, Burcar Loring, on 11/16/2016 FSJ request for enforcement	1/5/2017	
22	County	86-XMP-023 , 1986 shoreline exemption, 3 pages	7/31/1986	

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EXHIBIT #	PARTY	DESCRIPTION	DATE	
23 a -b	Applicant	Stormwater plans		
		23a Stormwater Plan for Runstad Beach House, Gossett Consulting (BUILDG-10-0268), 66 pages	8/26/2010	
		23b Revised stormwater plan, "Stormwater Site Plan Addendum", Gossett Consulting, 30 pages (BUILDG-10-0268)	11/5/2012	
24 a - b	Public	Comments		
		24a Friends of the San Juans, ATF bulkhead (Loring) 51 pages	4/6/2016	
	Agency	24b Department of Ecology, 3 pages	5/3/2013	
25	Applicant	PSJXMP-15-0028, Exemption application packet		
		Page:		
		1-3 Application cover sheets	6/9/2015	
		4-10 Runstad bank stabilization	-	
		11-13 Exhibit A, Topographic survey	6/3/2105	
		14-18 Exhibit B, 4 photos		
		19-32 Exhibit C, Riparian Enhancement Plan, Hart Crowser (Hennessey and Houghton)	8/8/2014	
		33-40 Exhibit D, Technical Memorandum Runstad property, Shoreline Erosion Protection, Coast and Harbor Engineering	11/26/2012	
41-49 Exhibit E, Technical Memorandum, Runstad Property Beach Nourishment	4/23/2015			
50-52 Exhibit F, Summary of Site Reconnaissance, Runstad Residence, Blakely Island, Hart Crowser, (bank stability)	11/30/2012			
53-65 Exhibit G, Ordinary High Water on Runstad Property on Blakely Island, Hart Crowser (Houghton)	11/8/2013			

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EXHIBIT #	PARTY	DESCRIPTION	DATE	
		66-72 Exhibit H, Forage Fish Spawning Survey, Runstad Residence Beach Repair, Hart Crowser,	5/14 & 12/11/2013 1/14 & 2/13/2014	
		73 Exhibit I, legal notice for PSJ000-12-0019	5/22/2013	
		74 Corps of Engineers email	8/19/2013	
		75-77 WDFW correspondence	1/2/2014	
		78-85 Exhibit J, Blakely Island Macro-vegetation Monitoring Plan, Hart Crowser	12/20/2013	
26	County	Exemption receipt	6/10/2015	
27	County	Exemption GIS Maps, 10 pages	6/29/2015	
28	Applicant	Exemption Supplemental information, 43 pages Page: 3-11, Exhibit L, Geotechnical Conclusions and Recommendations, Hart Crowser (Horvitz) Runstad Property, Blakely Island, Washington 12-13 Exhibit K, Topographic Survey 14-27 Exhibit M, Fish and Wildlife Habitat Conservation Area report, Runstad Property on Blakely Island, San Juan County, Washington, Hart Crowser (Houghton) 28-42 Exhibit N, Technical Memorandum, Runstad Property, Supplemental Coastal Geologic Analysis, Coast and Harbor Engineering, 43 Topographic survey, San Juan Surveying	12/17/2015 11/23/2015 12/17/2015 12/17/2015 11/23/2015	
29 a - e	County	2015 exemption correspondence 29a Brogan McEnergy, vesting and status of exemption 29b Kuller McEnergy, status of exemption 29c Submittal information 6 pages	8/26/2015 9/15/2015 9/18/2015	

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EXHIBIT #	PARTY	DESCRIPTION	DATE	
		29d Brogan, Gaylord, McEnergy email	11/24/2015	
		29e Brogan McEnergy, update on site plan	12/17//2015	
30 a - f		2016 exemption correspondence		
	Agency	30a DNR McEnergy, request for review	2/5/2016	
	County	30b McEnergy Brogan clarify site plan	2/9/2016	
	County	30c McEnergy Brogan Clarify site plan 2 nd request	3/3/2016	
	Applicant	30d Modify site plan, removal of round rock	5/10/2016	
	County	30e Response to modification, process for removal of round rock portion of bulkhead	5/11/2016	
		30f Acknowledgement of process, preparation of compliance agreement for removal of round rock	6/20/2016	