

## SMP Periodic Review Scoping Matrix and Amendment Guide

**The Shoreline Master Program (SMP) Periodic Review** is a limited consistency analysis of the county’s shoreline development regulations with legislative updates. The intent of this periodic review is to revise code as necessary to incorporate updates to the Shoreline Management Act as prescribed by the Washington State Department of Ecology, revise code to incorporate updates to local plans and development regulations and provide clarifications to improve the implementation of the Shoreline Master Program. This document is an accompanying ‘readers guide’ for draft amendments proposed in Kitsap County Code Titles 15, 19, 21 and 22. Visit <https://www.codepublishing.com/WA/KitsapCounty/> to review the existing regulations.

#	Topic	KCC	Action	Department Recommendation
MANDATORY BY ECOLOGY				
1	<b>Consistency with State law (required amendments)</b>	22.500.100.C.3.h	a. Revise language in the SMP to cite the updated cost thresholds for dock construction or to rely solely on reference to WAC 173-27-040 for exemptions to substantial development permits (SDP).	a. For exemption to Substantial Development Permit, freshwater dock fair market value does not exceed \$22,500 for replacing existing docks and \$11,200 for all other docks constructed.
		22.500.100.C.3.a	b. Revise language to cite updated substantial development cost threshold for shoreline exemptions.	b. For exemption to Substantial Development Permit, update cost threshold from \$5,000 to \$7,047.
		22.100.120.B	c. Add reference and list statutory exceptions from local review by the County in the SMP.	c. Include reference to statutory exceptions from local review such as Remedial Actions, Existing boatyard stormwater improvements, WSDOT facilities maintenance and safety improvements, Projects consistent with environmental excellence program, projects authorized through Energy Facility Site Evaluation Council process, and Projects on shorelands under exclusive federal jurisdiction.
		22.500.100.C.3.q	d. Revise language to include shoreline permit exemption for retrofitting existing structures to comply with the ADA per WAC 173-27-040.	d. For exemption to Substantial Development Permit, update to include retrofitting existing structures to comply with ADA requirements.

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	<b>Consistency with State law (required amendments)</b>	SMP App. E	e. Update all superseded critical area ordinance references to 2017 CAO.	e. <u>Update KCC Tile 19 Critical Areas Ordinance</u> with 2018 Ecology guidance for wetland habitat rating, and reference updated CAO.
		SMP App. F 22.100.125	f. List all lakes and streams in shoreline jurisdiction in SMP.	f. Include an Appendix F. List of Shoreline Waterbodies based on 2010 Shoreline Inventory and Characterization Report
<b>RECOMMENDED BY ECOLOGY</b>				
2	<b>Consistency with State law (recommended amendments)</b>	22.150.230	a. Revise the definition of “Development” to clarify that development does not include dismantling or removing structures using example language from Ecology.	a. Development does not include dismantling or removing structures if there is no other associated development or re-development.
		22.600.145.A	b. Revise language to clarify that forest practices that involve only timber cutting are not SMA “developments” and do not require an SDP.	b. Forest practice conducted under DNR permit is not regulated by SMP unless activity involves conversion to non-forest within shoreline jurisdiction. Forest practice that only involve timber harvest accompanied by replanting is not a development and does not require SDP or shoreline exemption. Forest practice that includes new or reopened right of ways, grading, culvert installations or stream crossings may be considered development.
		22.100.120.D	c. Clarify that the SMA does not apply to lands under exclusive federal jurisdiction.	c. SMP does not apply to projects on shorelands under exclusive federal jurisdiction such as military bases, national parks, and tribal trust lands.
		22.500.100.A.5	d. Define special procedures for WSDOT projects per WAC 173-27-125.	d. Reference WAC 173-27-125 to target ninety-days permit review time and procedures for projects on a state highway.
		22.150.321	e. Add Ecology recommended definition for ‘Floating Homes’.	e. Add definition for Floating homes.
		15.08.140	f. Revise the existing ‘Floodway’ definition in Title 15 ‘Flood Hazard Zones.’ to SMP for consistency with FEMA regulations.	f. Update definition of “Floodway” in <u>KCC Flood Hazard Zones</u> chapter and add the definition to the SMP.

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3	Consistency with DOE Wetland Guidance	19.200.220-Tables (C)-(E)	a. Update SMP to align with recent 2018 Ecology Wetland Guidance; calibrating wetlands with a habitat score of 5 as 'low functioning' rather than 'low/medium' functioning; reflected in many ongoing and adopted State SMP Periodic Updates.	a. Update KCC Chapter 19.200 Wetland Buffer requirements to reference 2018 Ecology guidance for wetland buffers
<b>DISCRETIONARY DEPARTMENT RECOMMENDATIONS</b>				
4	Definitions	22.150.100 22.150.190 22.150.485 22.400.135	a. Clarify 'View Blockage' and 'Building Line' definitions.	a. Remove definition of 'Accessory Structure-View Blockage' and include clarification in Section 22.400.135 'View Blockage Standards;' and clarify definition of 'Principal Building' to exclude boathouses, converted boathouses, and ADUs.
5	Miscellaneous	NA	a. Fix spelling, grammar, and correct scrivener's errors throughout SMP.	a. Fix spelling, grammar, and correct scrivener's errors throughout SMP.
6	Existing Development	22.400.100.B.1.d	a. Increase the timeline to rebuild development after accidental destruction or damage from six-months to twelve-months for reasonable timing for permit preparation.	a. Legally existing structures destroyed or damaged by fire, explosion, or other casualty may be reconstructed to existing configurations provided permit applications are submitted within twelve months of the date of damage and restoration is completed within two years of permit issuance.
7	Vegetation Conservation Buffers	22.400.120.B.2	a. Apply buffer reduction review criteria consistently across all designations.	a. Ensure consistent buffer reduction criteria across all designations; applicant must prove compliance with mitigation sequencing, variances, and administrative variances and provide adequate documentation demonstrating need.
		22.400.120.D.1.d 22.150.611	b. Establish beach trams as a use in shoreline buffers and draft development regulations consistent with 'no net loss'.	b. Define 'Tram' and establish development standards for trams as use in shoreline buffers. Landing maximum size of 100 sq. ft.; 15ft. maximum width for clearing corridor for development and operation; installation limited to geologically hazardous areas and subject to 'Special Studies;' and must follow mitigation sequencing requirements and compensate for any impacts; enhancement of shoreline buffer vegetation is required.

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		22.400.120.D	c. Establish standards for stair platforms and deck landings in vegetation conservation buffers.	c. Clarify stair landings in vegetation conservation buffer or below OHWM must be composed of grating material that allow 40% light transmittal; viewing platforms associated with beach stairs limited to 100 sq. ft.
		22.400.120-D.1.a	d. Clarify which multi-use trail materials are pervious and those that are not.	d. Clarify pervious surface materials used for constructing trails include mulch, organics, and raised boardwalk with untreated wood shall be used except where infeasible. Gravel trails are impervious.
		22.400.120.D.1.c	e. Clearly indicate that allowed uses <i>may</i> require a shoreline exemption.	e. Clarify allowed uses still require shoreline exemption permit documentation.
		22.400.120.D.1.b	f. Revise regulations on viewing decks and platforms <b>normally</b> appurtenant to a single-family residence; the current SMP language does not achieve the SMP's intent and local circumstances and the misconception of these provisions result in the construction of abnormally large platforms and viewing decks.	f. Clarify viewing decks and platforms normally appurtenant to single family residence shall be limited to 100 sq. ft. to provide opportunities for small viewing areas that will not result in a net loss of shoreline ecological function.
		22.400.120.C.2.c	g. Minor lateral expansions on existing single-family developments into the buffer, even if an existing lawn or developed areas, require a shoreline variance.	g. Establish reasonable review criteria for proposed lateral expansions in buffers over legally cleared areas and no closer to the water. All proposals shall be subject to a mitigation plan and demonstration of NNL. to ensure no net loss. Such an expansion could be reviewed administratively during the building permit review for compliance with the SMP.
8	Water Quality & Quantity	22.400.125.A	a. Match impervious surface limits in shoreline jurisdiction with KCC Title 12 'Stormwater Drainage' provisions.	a. Clarify and ensure consistency with KCC Title 12 'Stormwater Drainage' provisions for creation of impervious surfaces within shoreline jurisdiction.
9	View Blockage Chapter	22.400.135	a. Evaluate entire SMP chapter to clarify regulations for county staff and applicants.	a. Clarify establishment of structure setback line where there are adjacent principal buildings on both sides of property on a linear shoreline and along a cove or peninsula. Clarify setback line for additions, remodels or rebuilds. Clarify siting of

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				accessory structures and make clear that ADUs shall not be used to determine view line.
10	<b>Bulk &amp; Dimensional Standards</b>	22.400.140.A 22.600.105 - Note 2	a. Compare Title 17 'Zoning' with the SMP Development Standards' Chart. Resolve discrepancies between both standards tables.	a. Cross reference Title 17 for SMP Development Standards; clarify that docks and mooring facilities in the aquatic designation shall be consistent with underlying zoning, except no side yard will apply when a shared facility is located near a property boundary.
11	<b>Process &amp; Enforcement</b>	'Review Authority Table' 21.04	a. Remove Hearing Examiner requirement for stand-alone shoreline substantial development permits to eliminate 'no value added' permit processes.	a. <u>Update</u> Project Permit Application Procedures for Shoreline Substantial Development Permits. Change SSDP from Type III to Type II which removes Hearing Examiner decision requirement. Shoreline Variance greater than 25% remains a Type III with Hearing Examiner decision; Shoreline Variance less than 25% or within any portion of the reduced shoreline buffer shall be a Type II with Director decision.
		22.500.105.A.7	b. Evaluate the 'Shoreline Application Flow Chart'.	b. Shoreline Application Flow Chart removed from SMP and provided as a brochure or information sheet online or over the counter to permit applicants.
		22.500.100.C.11. c and d	c. Update minimum permit application requirements in SMP.	c. Update minimum requirements for site development plans to include location of shoreline buffer and setback upland from OHWM to determine extent of work proposed within the buffer; delineation of critical areas and critical area buffers for wetlands, streams, geologically hazardous areas, floodways, and flood hazard areas that will be altered.
		22.500.100.C.2.b	d. Include Title 21 'Land Use and Development Procedures' cross references where applicable to clarify shoreline permit review time requirements.	d. Clarify all SDPs, variances, conditional use permit, and all activities exempt from SDP shall meet permit review time requirements and expiration consistent with Title 21.
12	<b>Shoreline Use &amp; Modification Standards</b>	22.600.115	a. Add language addressing commercial net pen provisions for non-native salmon operations (HB2957).	a. New provision clarifying that all marine finfish aquaculture programs shall comply with RCW 77.125. New or expanded leases of nonnative finfish aquaculture are prohibited.
		22.600.160.C.3.b	b. Clarify replacement pilings to meet minimum spacing standards.	b. Clarify that replacement pilings must be spaced twenty feet apart lengthwise when installed to support a replacement structure.

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		22.600.170.A.3	c. Subdivisions near but outside shoreline jurisdiction in certain circumstances should not be subject to an SDP, rectify unclear regulations.	c. SDP required for subdivisions unless every new lot created by the subdivision is entirely outside the shoreline jurisdiction. Where development of the subdivision is within shoreline jurisdiction and does not meet SDP exemption criteria, SDP shall be required.
		22.600.175.A 22.150.570	d. Define soft shore stabilization measures in the SMP per Ecology guidance documents.	d. Clarify permits for shoreline use and modification development standards for soft, hybrid, and hard shoreline stabilization alternatives.
13	<b>Special Reports</b>	22.700.140	a. 'Qualified professionals' as defined by the SMP shall prepare all shoreline mitigation plans.	a. Clarify that a 'Qualified Professional' is required to prepare mitigation plans and net loss reports.