



# Frequently Asked Questions

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## *Periodic Review of the Shoreline Master Program*

### **What is a Shoreline Master Program (SMP)?**

A Shoreline Master Program (SMP) is a set of policies and regulations required by state law that has three basic principles:

- Encourages reasonable and appropriate development of shorelines with an **emphasis on water dependent uses**, which when developed are consistent with the control of pollution and prevention of damage to the natural environment, such as docks, marinas, and recreational facilities, or industries and commercial uses that require a shoreline location and support economic development; and,
- **Protects the natural resources and character of the shorelines**, the land, vegetation, wildlife, water, and aquatic life within shoreline environment; and,
- **Promotes public access** and provides opportunities to enjoy the aesthetic qualities of natural shorelines and recreational activities in shoreline areas.

### **Where does the Shoreline Master Program (SMP) apply?**

“Shorelines of the state” are special waterbodies that meet certain size or flow criteria in the Washington state Shoreline Management Act (SMA), Chapter 90.58 RCW. These shorelines of the state include rivers and streams with mean annual flow of more than 20 cubic feet per second, lakes 20 acres or larger, and all marine shorelines. The shoreline jurisdiction extends 200 feet landward of the water’s edge and additionally includes associated wetlands, floodways, and up to 200 feet of floodplain contiguous to the floodway. Click [here](#) to see the shoreline maps for Kitsap County.

### **What is a periodic review of the Shoreline Master Program (SMP)?**

Kitsap County completed a comprehensive update to its Shoreline Master Program in 2014. Washington state law requires jurisdictions to review their SMPs every eight years in accordance with the Shoreline Management Act and its current guidelines and legislative rules to maintain state approval.

#### **This periodic update will focus on:**

- Reviewing relevant legislative updates since 2014 and incorporating any applicable amendments;
- Ensuring consistency with the Comprehensive Plan and development regulations, including critical areas; and
- Improving the overall functionality of the SMP for use by applicants and staff.

#### **This periodic update is not required to:**

- Re-evaluate the ecological baseline that was established as part of the 2014 comprehensive update;
- Extensively assess no net loss criteria other than to ensure that proposed amendments do not result in degradation of the baseline condition; or

- Change shoreline jurisdiction or environment designations, unless deemed appropriate and necessary by the County.
- Change the shoreline maps.

### **What type of activities and uses do shoreline regulations apply to?**

Shoreline regulations apply to any land use activity that occurs within the shoreline jurisdiction as defined in the SMP. Structures and uses regulated in the SMP include:

- New development, redevelopment, or expanded structures, such as houses, sheds, and decks;
- New development, redevelopment, or expanded in-water and over-water structures, such as docks, buoys, and boat launches;
- Land development and alteration, such as clearing, grading, dredging, or filling; and
- Other activities along the shorelines, including restoration (e.g., riparian planting, bank stabilization), trail construction, and public access.

### **What is a Shoreline Exemption and what is required to obtain approval?**

Certain land uses and development activities are exempt from the requirement to obtain a Shoreline Substantial Development Permit (SSDP) but are not exempt from compliance with the Shoreline Master Program.

Exemptions must be narrowly construed and all activities that are exempt from the requirement to obtain a SSDP are still required to comply with the SMP. Exemptions are issued in writing by the County after the submission of a complete application, including a site plan. Even though an activity is exempt from requiring a SSDP, a Shoreline Conditional Use Permit or variance permit may be required. Exemptions under the SMP are different than exemptions under the State Environmental Policy Act (SEPA).

### **How does the SMP affect existing uses and development?**

SMP regulations apply to *new* development and uses; they are not retroactive. SMP regulations also apply to expansion or alteration or redevelopment of existing uses and structures.

Structures and uses that were legally established in the past may be deemed nonconforming due to new shoreline rules that are adopted over time. Current SMP regulations allow these previously built structures and established uses to continue as they are presently operating, please see Kitsap County Code 17.570.050.

The County's SMP may allow redevelopment, expansion, or replacement of the residential structure if it is consistent with the current SMP. The County's SMP, once final legislative action is taken, must be approved by the Washington State Department of Ecology.

### **What is public access to shorelines? When is it required?**

Public access is a preferred use per the Shoreline Management Act. Public access can be physical access (e.g., trail) and/or visual access (e.g., view corridors). Public access standards apply to new development, but not existing development. Generally, new public access is only required for private uses of certain sizes (e.g., large subdivisions, resorts, etc.) and are required for public uses. Public access requirements do not allow for trespass on private property.

## **What is No Net Loss?**

The SMP, developed under State Department of Ecology guidelines, establish a standard of no net loss. [No net loss](#) means that over time, the cumulative existing condition of shoreline ecological functions should remain the same as when the SMP is implemented. The no net loss standard is designed to balance the introduction of new impacts to shoreline ecological functions resulting from new development through mitigation sequencing and restoration. The County must achieve this standard through both the SMP planning process and by appropriately applying development standards for development. Any amendments to the SMP that occur through the periodic update process would need to comply with the no net loss standard.

## **How can I get more information?**

Project Website: <http://kcowa.us/ReviewSMP>

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**This FAQ document will be updated periodically as we receive more questions. Check back for more, as the periodic review progresses!**