



KITSAP COUNTY SHORELINE MASTER PROGRAM

PERIODIC REVIEW 2020-2021



Board of County Commissioners

January 25, 2021 | 2:30 – 4:00 P.M.

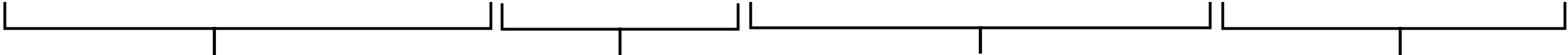
Zoom Webinar

Kirvie Mesebeluu-Yobech, DCD Planner

January public engagement efforts

- **January 4** – Suquamish Tribe, Port Gamble S’Klallam Tribe, Point No Point Treaty Council Coordination meeting and briefing - *Complete*
- **January 5** – Manchester Citizen Advisory Committee briefing - *Complete*
- **January 7** – Kitsap Building Association Developers Council briefing - *Complete*
- **January 7** – Suquamish Citizen Advisory Committee briefing - *Complete*
- **January 12** – Kitsap Building Association Builders Council briefing - *Complete*
- **January 13** – Kingston Citizen Advisory Committee briefing - *Complete*
- **January 19** – Kitsap County Planning Commission briefing - *Complete*
- **January 21** – January monthly project update - *Complete*

Periodic Review Timeline



Phase 1 - Project Development and Initiate Public Participation

- Develop Public Participation Plan
- Draft Consistency Analysis
- Develop scope of code amendments
- Board of County Commissioners review scope of code amendments
- Submit checklist and scope of code amendments to Ecology
- Begin monthly project updates
- Online Open House Kick-Off

Phase 2 - Develop Code Updates

- Draft code amendments
- Study session with Planning Commission and Board of County Commissioners
- Engage with key partners and interested parties
- Online open house refresh with draft code amendments

Phase 3 - Review and Analysis

- *Joint Kitsap County Planning Commission and State Department of Ecology public hearing and comment period*
- State Environmental Policy Act (SEPA) review
- Engage with key partners and interested parties
- Department responds to public comments

Phase 4 – Adoption

- Submit draft amendments and checklist to Ecology for review
- Revise documents as needed
- *Board of County Commissioners public hearing and comment period*
- Department responds to public comments
- Board of County Commissioners review and adoption
- Submit final draft and checklist to Ecology for final determination

**Joint Public Hearing and Comment Period:
Kitsap County Planning Commission and State Department of Ecology**

Public Comment Period (30 days): **February 2 – March 3**
Public Hearing: **March 2**

Date	Activity
February 2	Public Comment Period Opens First study session with Planning Commission
February 16	Second study session with Planning Commission
February 18	February Monthly Project Update and Virtual Open House Refresh
March 2	Joint Public Hearing
March 3	Public Comment Period Closes at 5:00 P.M.

Kitsap County
Shoreline Master Program Periodic Review
Scoping Matrix

SMP Periodic Review Scoping Matrix

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. The Periodic Review Scoping Matrix summarizes proposed code updates mandated and recommended by the State Department of Ecology and includes discretionary department recommendations to improve usability and predictability of the Shoreline Master Program.

#	Topic	Action	Department Recommendation
MANDATORY BY ECOLOGY			
1	Consistency with State law (required amendments)	<ul style="list-style-type: none"> 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). b. Revise language to cite updated substantial development cost threshold for shoreline exemptions. c. Add reference and list statutory exceptions from local review by the County in the SMP. d. Revise language to include shoreline permit exemption for retrofitting existing structures to comply with the ADA per WAC 173-27-040. e. Update all superseded critical area ordinance references to 2017 CAO f. List all lakes and streams in shoreline jurisdiction in SMP. 	<ul style="list-style-type: none"> 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. b. For exemption to Substantial Development Permit, update cost threshold from \$5,000 to \$7,047. 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. d. For exemption to Substantial Development Permit, update to include retrofitting existing structures to comply with ADA requirements. e. <u>Update KCC Tile 19 Critical Areas Ordinance</u> with 2018 Ecology guidance for wetland habitat rating, and reference updated CAO f. Include Appendix F. List of Shoreline Waterbodies based on 2010 Shoreline Inventory and Characterization Report

#	Topic	Action	Department Recommendation
RECOMMENDED BY ECOLOGY			
2	Consistency with State law (recommended amendments)	<ul style="list-style-type: none"> a. Revise the definition of “Development” to clarify that development does not include dismantling or removing structures using example language from Ecology. b. Revise language to clarify that forest practices that involve only timber cutting are not SMA “developments” and do not require an SDP. c. Clarify that the SMA does not apply to lands under exclusive federal jurisdiction. d. Define special procedures for WSDOT projects per WAC 173-27-125. e. Add Ecology recommended definition for ‘Floating Homes’. f. Revise existing ‘Floodway’ definition in Title 15 ‘Flood Hazard Zones.’ for consistency with FEMA regulations. 	<ul style="list-style-type: none"> a. Development does not include dismantling or removing structures if there is no other associated development or re-development. 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. c. SMP does not apply to projects on shorelands under exclusive federal jurisdiction such as military bases, national parks, and tribal trust lands d. Reference WAC 173-27-125 to target ninety-days permit review time and procedures for projects on a state highway. e. Add definition for Floating homes. f. Update definition of “Floodway” in <u>KCC Title 15 Flood Hazard Zones</u>, and add definition to SMP
3	Consistency with DOE Wetland Guidance	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> a. <u>Update KCC Chapter 19.200 Wetland Buffer requirements to reference 2018 Ecology guidance for wetland buffers</u>
DISCRETIONARY DEPARTMENT RECOMMENDATIONS			
4	Definitions	<ul style="list-style-type: none"> a. Clarify ‘View Blockage’ and ‘Building Line’ definitions in Section 22.150 	<ul style="list-style-type: none"> a. <u>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</u>
5	Miscellaneous	<ul style="list-style-type: none"> a. Fix spelling, grammar, and correct scrivener’s errors throughout SMP. 	

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6	Existing Development	<p>a. Increase the timeline to rebuild development after accidental destruction or damage from six-months to twelve-months for reasonable timing for permit preparation.</p>	<p>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.</p>
7	Vegetation Conservation Buffers	<p>a. Apply buffer reduction review criteria consistently across all designations</p> <p>b. Establish beach trams as a use in shoreline buffers and draft development regulations consistent with 'no net loss'.</p> <p>c. Establish standards for stair platforms and deck landings in vegetation conservation buffers.</p> <p>d. Clarify which multi-use trail materials are pervious and those that are not.</p> <p>e. Clearly indicate that allowed uses <i>may</i> require a shoreline exemption.</p> <p>f. Revise regulations on viewing decks and platforms normally 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.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>e. Clarify allowed uses still require shoreline exemption permit documentation.</p> <p>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.</p>

#	Topic	Action	Department Recommendation
8	Water Quality & Quantity	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	a. Evaluate KCC 22.400.135, clarify regulations for county staff and applicants; revise and/or remove diagrams representing limited situations.	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 accessory structures and make clear that ADUs shall not be used to determine view line.
10	Bulk and Dimensional Standards	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	Process & Enforcement	<p>a. Remove Hearing Examiner requirement for stand-alone shoreline substantial development permits to eliminate 'no value added' permit processes.</p> <p>b. Evaluate the 'Shoreline Application Flow Chart'.</p> <p>c. Update minimum permit application requirements in SMP.</p> <p>d. Include Title 21 'Land Use and Development Procedures' cross references where applicable to clarify shoreline permit review time requirements.</p>	<p>a. Update KCC Chapter 21.04 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.</p> <p>b. Shoreline Application Flow Chart removed from SMP and provided as a brochure or information sheet online or over the counter to permit applicants.</p> <p>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.</p> <p>d. Clarify all shoreline substantial development permits, variances, conditional use permit, and all activities exempt from SDP shall meet</p>

#	Topic	Action	Department Recommendation
			permit review time requirements and expiration consistent with Title 21.
12	Shoreline Use and Modifications Standards	<ul style="list-style-type: none"> a. Add language addressing commercial net pen provisions for non-native salmon operations pursuant to HB2957. b. Clarify replacement pilings to meet minimum spacing standards. c. Subdivisions near but outside shoreline jurisdiction in certain circumstances should not be subject to an SDP, rectify unclear regulations. d. Define soft shore stabilization measures in the SMP per Ecology guidance documents. 	<ul style="list-style-type: none"> 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. b. Clarify that replacement pilings must be spaced twenty feet apart lengthwise when installed to support a replacement structure. 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. d. Clarify permits for shoreline use and modification development standards for soft, hybrid, and hard shoreline stabilization alternatives.
13	Special Reports	<ul style="list-style-type: none"> a. 'Qualified professionals' as defined by the SMP shall prepare all shoreline mitigation plans. 	<ul style="list-style-type: none"> a. Clarify that a 'Qualified Professional' is required to prepare mitigation plans and no net loss reports.

3	Consistency with DOE Wetland Guidance	<ul style="list-style-type: none"> 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. 	State
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Table 19.200.220(C)
Width of Buffers for Category III Wetlands

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Moderate level of function for habitat (6.5 – 7 points)*	Low – 75 feet Moderate – 110 feet High – 150 feet	None
Score for habitat 3 – 4.5 points	Low – 40 feet Moderate – 60 feet High – 80 feet	None

*If wetland scores 8 – 9 habitat points, use Table 19.200.220(D) for Category II buffers.

Table 19.200.220(D)
Width of Buffers for Category II Wetlands

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use (most protective applies if more than one criterion met)	Other Measures Recommended for Protection
High level of function for habitat (score 8 – 9 points)	Low – 150 feet Moderate – 225 feet High – 300 feet	Maintain connections to other habitat areas
Moderate level of function for habitat (6.5 – 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet	None
High level of function for water quality improvement (8 – 9 points) and low for habitat (less than 6.5 points)	Low – 50 feet Moderate – 75 feet High – 100 feet	No additional surface discharges of untreated runoff
Estuarine	Low – 75 feet Moderate – 110 feet High – 150 feet	None
Interdunal	Low – 75 feet Moderate – 110 feet High – 150 feet	None

TABLE 19.200.220(E)
Width of Buffers for Category I Wetlands

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use (most protective applies if more than one criterion met)	Other Measures Recommended for Protection
Wetlands of high conservation value	Low – 125 feet Moderate – 190 feet High – 250 feet	No additional surface discharges to wetland or its tributaries No septic systems within 300 feet of wetland Restore degraded parts of buffer
Bogs	Low – 125 feet Moderate – 190 feet High – 250 feet	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
Forested	Buffer width to be based on score for habitat functions or water quality functions	If forested wetland scores high for habitat (8 – 9 points), need to maintain connections to other habitat areas Restore degraded parts of buffer
Estuarine	Low – 100 feet Moderate – 150 feet High – 200 feet	None
Wetlands in coastal lagoons	Low – 100 feet Moderate – 150 feet High – 200 feet	None
High level of function for habitat (8 – 9 points)	Low – 150 feet Moderate – 225 feet High – 300 feet	Maintain connections to other habitat areas Restore degraded parts of buffer
Interdunal wetland with high level of function for habitat (8 – 9 points)	Low – 150 feet Moderate – 225 feet High – 300 feet	Maintain connections to other habitat areas Restore degraded parts of buffer
Moderate level of function for habitat (6.5 – 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet	None
High level of function for water quality improvement (8 – 9 points) and low for habitat (less than 6.5 points)	Low – 50 feet Moderate – 75 feet High – 100 feet	None
Not meeting any of the above characteristics	Low – 50 feet Moderate – 75 feet High – 100 feet	None

DRAFT RECOMMENDATIONS FOR DISCUSSION PURPOSES ONLY

	Permit/Activity/Decision	Review Authority	Type I	Type II	Type III	Type IV
12	Shoreline Substantial Development Permits	DHE		<u>X</u>	X	
13	Shoreline Variance (> 25%)	HE			X	
<u>14</u>	<u>Shoreline Variance (< 25% or within any portion of the reduced buffer in shoreline residential designation)</u>	<u>D</u>		<u>X</u>		

15.08.140 Floodway.

“Floodway” means ~~the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~ area that has been established in effective federal emergency management flood insurance rate maps or floodway maps. The floodway does not include lands that can be reasonably expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state or a political subdivision of the state.



For more information:

Project Website: https://www.kitsapgov.com/dcd/Pages/SMP_review.aspx

Kitsap SMP Online Open House: <https://reviewsmpkitsap.participate.online/>

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